



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 30, 2021**, which reads as follows:*

**“G.R. No. 239715 (Rosita San Jose Ferrer Bautista v. Heirs of Loreto San Jose Ferrer, Sheriff Mario Villanueva, Register of Deeds, Pasay City).** — Assailed in this petition for review on *certiorari*<sup>1</sup> are the Resolutions dated February 27, 2018<sup>2</sup> and May 30, 2018<sup>3</sup> rendered by the Court of Appeals (CA) in CA-G.R. CV No. 109840, which dismissed the appeal filed by Rosita San Jose Ferrer Bautista (Rosita), for being a wrong remedy. The subject of the appeal brought by Rosita before the CA was the dismissal of her complaint for Annulment of Sheriff’s Sale, Reconveyance and Damages filed against Heirs of Loreto San Jose Ferrer, Sheriff Mario Villanueva, and the Register of Deeds, Pasay City, in Civil Case No. R-PSY-1520060-CV rendered by the Regional Trial Court, Branch 119, Pasay City (RTC Pasay City), in its Order dated May 30, 2017.<sup>4</sup>

**Facts**

The facts of the case are as follows:

On June 30, 2015, petitioner filed a Complaint before the RTC Pasay City, for the Annulment of Sheriff’s Sale dated February 27, 2013 in favor of Loreto San Jose Ferrer, Reconveyance and Damages against Loreto San Jose Ferrer (Loreto), which was docketed as Civil Case No. R-PSY-1520060-CV.<sup>5</sup>

According to petitioner, she is the owner of the 1/8 portion of a property covered by TCT No. 003-2011000100 of the Pasay City Register of Deeds. She inherited this portion of property when her father died, while her mother, Enrica San Jose de Ferrer (Enrica), received 5/8 of the subject

<sup>1</sup> Rollo, pp. 13-25.

<sup>2</sup> *Id.* at 30-37. Penned by Associate Justice Magdangal M. De Leon, with Associate Justices Rodil V. Zalameda (now a member of this Court), and Renato C. Francisco, concurring.

<sup>3</sup> *Id.* at 44-46.

<sup>4</sup> Rollo, p. 18. Penned by Acting Presiding Judge Bibiano G. Colasito.

<sup>5</sup> Rollo, p. 31.

property.<sup>6</sup>

During Enrica's lifetime, she executed a Deed of Conveyance for three (3) of her properties in favor of Rosita, as she took care of Enrica until the latter's death. Thus, Enrica's other forced heirs, which include Loreto, and the unwilling plaintiffs Cristina, Alfredo, Fernando, Alegria and Filipinas, filed before the Regional Trial Court, Branch 26, Manila (*RTC Manila*), an action for Annulment of Sale, Accounting, Partition and Damages against petitioner and Enrica, which was docketed as Civil Case No. 97-85291.<sup>7</sup>

On February 14, 2006, Civil Case No. 97-85291 was decided by the RTC Manila in favor of Loreto and the unwilling plaintiffs, with the dispositive portion of the decision providing as follows:

WHEREFORE, PREMISES CONSIDERED, judgment is hereby rendered in favor of plaintiff and unwilling co-plaintiffs and against the defendants, to wit:

- a) Defendant Rosita San Jose Ferrer is hereby ordered to render a complete accounting of all income, fruits and benefits, disbursements or expenses on the said real properties, including the improvements thereon from 1983 to the present;
- b) To deliver to the plaintiff Loreto San Jose Ferrer and to the heirs of Alfredo San Jose Ferrer their due shares from all the income, fruits and benefits from the subject real properties;
- c) The three (3) Deeds of Conveyance executed by [Enrica] San Jose Ferrer are hereby declared null and void;
- d) Consequently, Transfer Certificate of Title No. 168142, Book 839, Page 142 of the Registry of Deeds of Makati City; Transfer Certificate of Title No. 130709, Book 625, Page 9 of the Registry of Deeds, Pasay City; and Transfer Certificate of Title No. 224957-ind., Book 1391, Page 157 and Transfer Certificate of Title No. 224958, Book 1391, Page 138 of the Registry of Deeds, Manila are hereby cancelled;
- e) The Register of Deeds of Makati City, Pasay City and Manila is hereby ordered to cancel the titles above-mentioned and reinstate it to their prior titles;
- f) The restored properties of defendant Enrica San Jose Vda. De Ferrer be partitioned among her legal heirs, namely Loreto San Jose Ferrer, Rosita San Jose Ferrer and the heirs of the late Alfredo San Jose Ferrer in accordance to Intestate Succession Law or by agreement of the parties;
- g) Defendant Rosita San Jose Ferrer is hereby ordered to pay plaintiff Loreto San Jose Ferrer the amount of P1,000,000.00 for actual compensatory damages, the amount of P150,000.00 for moral damages,

<sup>6</sup> *Id.*  
<sup>7</sup> *Id.*

the amount of P200,000.00 for exemplary damages; the amount of P100,000.00 for attorney's fees;

- h) Defendant Rosita San Jose Ferrer is hereby ordered to pay unwilling co-plaintiffs the amount of P250,000.00 for moral damages and the amount of P100,000.00 for attorney's fees.<sup>8</sup>

Petitioner filed a motion for reconsideration of the decision, but the RTC Manila denied the motion in a Resolution dated May 15, 2006. The case was, thereafter, appealed to the CA. After due proceedings, the CA rendered a Decision dated August 13, 2009, which affirmed with modification, the RTC Manila's ruling.<sup>9</sup> The dispositive portion of the CA Decision reads:

WHEREFORE, the instant appeal is hereby DISMISSED. Accordingly, the Decision dated February 14, 2006 and the Order dated May 15, 2006 of the Regional Trial Court of Manila, Branch 26, are hereby AFFIRMED with MODIFICATION reducing the awards [sic] to Twenty Thousand Pesos (P20,000.00) as moral damages for each plaintiff-appellee and P20,000.00 as attorney's fees.

SO ORDERED.<sup>10</sup>

Petitioner did not file a motion for reconsideration of the CA Decision. Thus, on November 8, 2009, the CA Decision became final and executory.

Despite the final order of the CA, Sheriff Villanueva conducted an Auction Sale of petitioner's 1/8 portion of the property.<sup>11</sup> This was not on the basis of the modified Decision of the CA, but based on the original decision of the RTC Manila.<sup>12</sup>

Thereafter, petitioner challenged the auction sale through the filing of a Complaint for Annulment of sheriff's Sale, Reconveyance and Damages, against Loreto San Jose Ferrer before the RTC Pasay City, which was docketed as Civil Case No. R-PSY-1520060-CV. She averred that the conduct of the auction sale does not conform with the law because the judgment debt's final amount, based on the CA Decision is only P40,000.00, while the sheriff's final Deed of Sale states that the bid price of P1,240,000.00 was credited to the full satisfaction of the outstanding obligation of the writ of Execution, which is over and above the final award.<sup>13</sup>

<sup>8</sup> *Id.* at 69-70.

<sup>9</sup> *Rollo*, p. 70.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 32.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

Loreto filed his Answer with Compulsary Counterclaim and raised as an affirmative and special defense, the authority of the RTC Pasay City to interfere with the judgment of a co-equal court. He claimed that the complaint filed by petitioner is anchored on the premise that the writ of execution issued by the RTC Manila, which was the basis of the sheriff's sale, is null and void. Thus, Rosita should have filed the proper action before the RTC Manila, instead of the RTC Pasay City.<sup>14</sup>

In an Order dated September 13, 2017, the RTC Pasay City denied Loreto's affirmative and special defenses, and granted the Heirs of Loreto's Motion to Substitute Loreto, who died on May 23, 2016.<sup>15</sup>

The Heirs of Loreto filed their Motion to reconsider said Order, which the RTC Pasay City granted. Consequently, the Annulment of the Sheriff's Sale was ordered dismissed. The motion for reconsideration of the said case was also denied.<sup>16</sup>

On October 6, 2017, Rosita filed her Notice of Appeal before the RTC Pasay City, and appealed the case before the CA.<sup>17</sup>

In their Motion to Dismiss Appeal, the Heirs of Loreto contend that the dismissal of the case is not appealable, because it is prohibited under Section 1(a), Rule 41, of the Rules of Court, which purportedly prohibits an appeal from an order denying a motion for new trial or motion for reconsideration. The Heirs of Loreto assert that the order dismissing the case was not timely appealed and had attained finality on October 11, 2017, which is 15 days from Rosita's receipt, on September 26, 2017, of the Order dated September 12, 2017, denying her motion for reconsideration.<sup>18</sup>

The Heirs of Loreto also alleged that the issue interposed by Rosita is purely a question of law and should have been filed before the Supreme Court by way of a petition for review on *certiorari* under Rule 45 of the Rules of Court.<sup>19</sup>

### ***Ruling of the CA***

The CA ruled that an appeal from an order denying a motion for reconsideration of an order of dismissal of a complaint, is an appeal of the

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 32-33.

<sup>17</sup> *Id.* at 33.

<sup>18</sup> *Id.* at 33-34.

<sup>19</sup> *Id.* at 34.

order of dismissal itself.<sup>20</sup> Rosita received the denial of her motion for reconsideration on the dismissal of the complaint, on September 26, 2017. Applying the fresh-period rule enunciated in jurisprudence, petitioner had until October 11, 2017 to file her appeal. As she filed her appeal on October 5, 2017, the same was filed well within the reglementary period provided by the Rules.<sup>21</sup>

However, the CA dismissed the case because Rosita availed of the wrong remedy. The issue raised is purely a question of law. As found by the CA, a perusal of the records of the case, with particular attention to the assailed orders, as well as appellant's motion for reconsideration of the dismissal of her complaint would reveal that the issue is whether the RTC Pasay City has jurisdiction to take cognizance of the Annulment of Sale, Accounting, Partition, and Damages previously decided by the RTC Manila. Thus, the CA held that since a court's jurisdiction over the subject matter of a case is a question of law, the case should have been filed before the Supreme Court, under Rule 45 of the Rules of Court.<sup>22</sup>

Hence, this Petition for Review on *Certiorari*.

### *Issues*

Whether the CA erred in law when it dismissed the petitioner's appeal; and

Whether the CA erred in law when it did not afford due process to petitioner when her proprietary right was taken due to the unlawful acts of the sheriff and the defendant/appellee.

### *Our Ruling*

The petition is unmeritorious.

Under the doctrine of judicial stability or non-interference of orders or judgments of a co-equal court, the various trial courts of a province or city, having the same equal authority are prohibited from interfering with their respective cases, orders and judgments.<sup>23</sup>

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<sup>20</sup>

*Id.*

<sup>21</sup>

*Id.* at 35.

<sup>22</sup>

*Id.* at 36.

<sup>23</sup>

*Eldefonso G. Del Rosario and Josefino R. Ortiz v. Cristina Ocampo-Ferrer*, 787 Phil. 631, 635-636 (2016).

In the case of *Dy Chiao v. Bolivar*,<sup>24</sup> the Court explained the doctrine of judicial stability or non-interference, to wit:

[T]o allow the petitioner's action in the RTC (Branch 23) would disregard the doctrine of judicial stability or non-interference, under which no court has the power to interfere by injunction with the judgments or decrees of a court of concurrent or coordinate jurisdiction. Courts and tribunals with the same or equal authority – even those exercising concurrent and coordinate jurisdiction – are not permitted to interfere with each other's respective cases, much less their orders or judgments therein. This is an elementary principle of the highest importance essential to the orderly administration of justice. Its observance is not required on the grounds of judicial comity and courtesy alone; it is enforced to prevent unseemly, expensive, and dangerous conflicts of jurisdiction and of processes. A contrary rule would dangerously lead to confusion and seriously hamper the administration of justice.

x x x x

[T]he respondent was under the direct control and supervision of the RTC (Branch 19) as the court that had issued the writ of execution enforcing the final decision of the CA against the petitioner. The determination of whether x x x x the notice of levy was valid and proper rightfully fell within the exclusive prerogative of the RTC (Branch 19) to ascertain and pronounce. **If she doubted the authority of the respondent to issue the notice of levy, she should have sought clarification of the matter from the RTC (Branch 19), and should the outcome be adverse to her, she could then have sought fitting redress from a superior court vested with authority to review and reverse the action of the respondent instead of resorting to her action before the RTC (Branch 23).**

In the case at bar, the Court notes that in performing the auction sale of petitioner's 1/8 portion, Sheriff Villanueva was merely enforcing the writ of execution issued by the RTC Manila, pursuant to the ruling in Civil Case No. 97-85201. Petitioner cannot validly claim that the present action is against Sheriff Villanueva's illegal acts in implementing the writ, and not that of the RTC Manila's Decision.

Since it was the RTC Manila that issued the writ of execution, its enforcement cannot be assailed in a co-equal court such as the RTC Pasay City. This would violate the doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court. Petitioner should have assailed the implementation of the writ before the RTC Manila, in whose behalf Sheriff Villanueva acts, and if her petition is denied, for her to seek redress through a higher judicial body.

The CA, likewise, correctly found that the RTC Pasay's dismissal of

<sup>24</sup> *Mary Jane G. Dy Chiao v. Sebastian Bolivar, Sheriff IV, Regional Trial Court, Branch 19, in Naga City*, 793 Phil. 321, 331-332 (2016). (Emphases ours).

petitioner's case is purely a question of law. An appeal from a decision of the RTC upon a question of law must be through a petition for review on *certiorari* before this Court.<sup>25</sup>

However, although a petition for review on *certiorari* before this Court is the proper remedy to address the issue with respect to the implementation of the writ of execution, the petition will nevertheless be dismissed, in deference to the doctrine of judicial stability or non-interference of courts as previously discussed.

Respondents correctly pointed out, at the earliest opportunity in their Answer with Compulsory Counterclaim<sup>26</sup> filed before the RTC Pasay City, and their Comment/Opposition<sup>27</sup> filed before this Court, that the enforcement of the RTC Manila's writ of execution cannot be assailed in a co-equal court such as the RTC Pasay City. When the RTC Manila took cognizance of the Civil Case No. 97-85201, it acquired full jurisdiction over the matters at hand, to the exclusion of all other coordinate courts. The proper remedy is, *first*, to assail the implementation of the writ of execution before the RTC Manila, and *second*, if there is a failure to seek redress before the RTC Manila, then petitioner may file an action elevating the matter to a higher judicial body. For having availed of the wrong remedy from the time that the subject action was filed before the RTC Pasay City, this Petition shall be dismissed on the ground of lack of jurisdiction, without prejudice to its refiling in the appropriate court.

**WHEREFORE**, the instant Petition is **DENIED** and the assailed May 30, 2018 and February 27, 2018 Resolutions of the Court of Appeals in CA-G.R. CV No. 109840 are **AFFIRMED**.

**SO ORDERED.**" (Rosario, J., additional Member per Special Order No. 2833)

By authority of the Court:

*Misael Domingo*  
**MISAEAL DOMINGO C. BATTUNG III**  
Division Clerk of Court

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<sup>25</sup> *Antonio Escoto v. Philippine Amusement and Gaming Corporation*, 797 Phil. 320, 327 (2016).  
<sup>26</sup> *Rollo*, p. 32.  
<sup>27</sup> *Id.* at 68-79.

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