



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

GOODLAND COMPANY, INC.,
Petitioner,

G.R. No. 208543

Present:

- versus -

BERSAMIN, C.J.,
DEL CASTILLO,
JARDELEZA,
REYES, JR., A.,* and
GESMUNDO, JJ.

BANCO DE ORO-UNIBANK, INC.,
AND GOODGOLD REALTY AND
DEVELOPMENT CORPORATION,
Respondents.

Promulgated:
FEB 11 2019

[Signature]

X-----

DECISION

DEL CASTILLO, J.:

“[P]ursuant to the policy of judicial stability, a division of the appellate court should not interfere with the decision of the other divisions of the court, otherwise confusion will ensue and may seriously hinder the administration of justice.”¹

Before the Court is a Petition for Review on *Certiorari*² filed under Rule 45 of the Rules of Court assailing the February 22, 2013 Decision³ and the July 30, 2013 Resolution⁴ of the Court of Appeals (CA) in CA-G.R. SP No. 119327. *[Signature]*

Hon. Carlos A. Villanueva, in his capacity as Presiding Judge, Regional Trial Court, Branch 213, Mandaluyong City, is deleted as party-defendant pursuant to Section 4, Rule 45 of the Rules of Court.

* Per Raffle dated February 4, 2019.

¹ *Magalang v. Court of Appeals (Former 4th Div.)*, 570 Phil. 236, 241 (2008).

² *Rollo*, Volume I, pp. 15-50.

³ *Id.* at 51-60; penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justices Rosmari D. Carandang (now a Member of this Court) and Leoncia Real-Dimagiba.

⁴ *Id.* at 68.

Factual Antecedents

Petitioner Goodland Company, Inc. (Goodland), a duly registered domestic corporation, is the registered owner of a property in Makati City, covered by Transfer Certificate of Title (TCT) No. S-97436 (451440).⁵

Sometime in 1999, Gilbert Guy (Guy), on behalf of petitioner Goodland, Richgold Realty Corporation (Richgold), Smartnet Philippines, Inc. (Smartnet), and respondent Goodgold Realty Development Corporation (Goodgold), secured loans and credit facilities from Equitable PCI Bank, Inc. (EPCI).⁶ The debtor corporations, however, failed to pay the monthly interest on the loan obligation.⁷ Thus, they offered to pay their loan through a *dacion en pago*.⁸ Accordingly, on July 30, 2004, EPCI wrote a letter agreement confirming that the property in Makati City, covered by TCT No. 218470, registered under the name of respondent Goodgold, shall be applied as full payment of the loan obligation of the debtor corporations at a *dacion* price of ₱245 million.⁹ A Deed of Cession of Property in Payment of Debt (*Dacion En Pago*) was thereafter executed.¹⁰ However, despite the execution of the *Dacion En Pago*, EPCI was not able to cause the transfer of the title under its name due to the alleged fraudulent refusal of respondent Goodgold to turn over the transfer documents.¹¹

Meanwhile, on May 25, 2007, EPCI merged with respondent Banco De Oro Universal Bank to form Banco De Oro Unibank, Inc. (BDO).¹²

On January 16, 2009, respondent BDO filed before the Regional Trial Court (RTC) of Mandaluyong City, Branch 213, a Complaint for a Sum of Money with Application for Preliminary Attachment,¹³ docketed as Civil Case No. MC09-3902, against Guy, petitioner Goodland, and the other debtor corporations. Respondent BDO alleged that petitioner Goodland and the other debtor corporations, through Guy, obtained loans from EPCI; that they are guilty of fraud in the performance of their obligation to EPCI, now respondent BDO; that Guy, who was the controlling stockholder of the debtor corporations, conspired with the debtor corporations to cause the commencement of negotiations with EPCI regarding the *dacion* of the property owned by respondent Goodgold only for the purpose of fraudulently delaying and ultimately evading the settlement or collection of their loan

⁵ Id. at 51.

⁶ Id. at 52.

⁷ Id. at 52-53.

⁸ Id. at 53.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 53-54.

¹² *Rollo*, Volume III, p. 1943.

¹³ *Rollo*, Volume I, pp. 69-99.

obligations; that because of their misrepresentation, the maturity dates of their loan obligations were extended; that despite the execution of the *Dacion En Pago*, they refused to submit the required transfer documents; that as of August 31, 2008, they were liable to pay the total amount of ₱409,927,978.78;¹⁴ that there was no sufficient security for the loan obligations; and that respondent BDO was willing to post a bond in the amount to be fixed by the court.¹⁵

The Ruling of the Regional Trial Court

On February 2, 2009, the RTC issued an Order¹⁶ granting respondent BDO's application for a writ of preliminary attachment, and accordingly, caused the attachment of the following properties:

[Certificate of] Title:	Regist[ry] of Deeds:	Issued to:
TCT No. S-97436 (451440)	Makati City	Goodland
TCT No. 316187	Quezon City	Guy
TCT No. 335664 (RT-463)	Quezon City	Guy
TCT No. 335665 (RT-464)	Quezon City	Guy
TCT No. 43837	Quezon City	Goodgold
TCT No. 43838	Quezon City	Goodgold
TCT No. 218470	Makati City	Goodgold
CCT No. 1794	Mandaluyong City	Goodgold ¹⁷

As expected, petitioner Goodland and Richgold filed an Urgent Omnibus Motion [a] to lift attachment and/or partial discharge of attachment and [b] to stop implementation thereof on account of excessive attachment.¹⁸ Guy, on the other hand, filed a Motion to Lift/Discharge Attachment and to stop further implementation thereof;¹⁹ while respondent Goodgold filed an *Ad Cautelam* Motion to Discharge Attachment.²⁰

On March 3, 2010, the RTC issued an Order²¹ discharging the properties of Guy and petitioner Goodland with respect to TCT No. S-97436 (451440) on the ground that the properties of respondent Goodgold covered by TCT Nos. 43837, 43838, and 218470 were sufficient to cover the claims of respondent BDO.

¹⁴ Id. at 87. [Note: Total Obligation in Japanese Yen - JPY972,545,619.89, broken down as follows: Smartnet – JPY529,844,423.99; Petitioner Goodland – JPY156,455,704.71; Respondent Goodgold – JPY165,650,540.38; and Richgold – JPY120,594,950.81 (Id. at 464-465).]

¹⁵ Id. at 69-99.

¹⁶ Id. at 104-105; penned Judge Carlos A. Valenzuela.

¹⁷ Id. at 54.

¹⁸ Id. at 54-55.

¹⁹ Id. at 55.

²⁰ Id.

²¹ Id. at 198-205.

Respondents Goodgold and BDO both moved for reconsideration.

On October 4, 2010, the RTC issued an Order²² denying respondent BDO's motion but partly granting respondent Goodgold's motion in so far as it ordered the discharge of TCT No. 43838 and the reinstatement of the attachment of petitioner Goodland's property covered by TCT No. S-97436 (451440).

Respondent BDO elevated the matter to the CA *via* a Petition for *Certiorari*, docketed as CA-G.R. SP No. 117223.


Petitioner Goodland, on the other hand, moved for reconsideration.

On January 24, 2011, the RTC issued an Order²³ denying petitioner Goodland's motion. Thus, on April 25, 2011, petitioner Goodland also filed before the CA a Petition for *Certiorari* under Rule 65 of the Rules of Court, docketed as CA-G.R. SP No. 119327.

CA-G.R. SP No. 117223

On June 6, 2011, the CA, in CA-G.R. SP No. 117223, rendered a Decision²⁴ granting the Petition for *Certiorari* of respondent BDO. The CA, finding that the legal requisites for the attachment of Guy's properties were duly proven, reinstated the attachment on the said properties. However, as to the properties of respondent Goodgold, the CA ruled that there was no sufficient basis to include the same in the writ, except for the property covered by TCT No. 218470 subject of the *Dacion En Pago* but only to the extent of ₱69,821,702.77.

Guy moved for reconsideration while respondent Goodgold moved to correct the clerical error in the dispositive portion of the June 6, 2011 Decision as the property covered by TCT No. S-97436 (451440) was not registered under the name of Guy but under the name of petitioner Goodland.

On November 29, 2012, the CA issued a Resolution²⁵ denying Guy's motion for lack of merit. In order to rectify the error, the CA corrected the dispositive portion of its June 6, 2011 Decision to read as follows: 

²² Id. at 206-207.

²³ Id. at 218-219.

²⁴ *Rollo*, Volume II, pp. 1546-1561 penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Bienvenido L. Reyes (retired Supreme Court Associate Justice) and Estela M. Perlas-Bernabe (now Supreme Court Associate Justice).

²⁵ Id. at 1563-1565.

WHEREFORE, premises considered, the petition is GRANTED and the assailed Orders dated March 3, 2010 and October 4, 2010 are hereby REVERSED and SET ASIDE and We ORDER the court a quo to REINSTATE the attachment on the property of **respondent Goodland covered by TCT No. S-97436 (451440)**, and the properties of respondent Gilbert Guy covered by TCT Nos. 316187, 335664 and 335665, as well as, retain the attachment on the property covered by TCT No. 218470 but only to the extent of ₱69,821,702.77.

However, the court a quo is hereby directed to cause the complete discharge of the properties covered by TCT Nos. 43837, 43838 and CCT No. 1794.

SO ORDERED. (Emphasis supplied)

Guy appealed the case to this Court but the same was unavailing.²⁶ Thus, an Entry of Judgment was issued on July 31, 2013.²⁷

Ruling of the Court of Appeals

On February 22, 2013, the CA, in CA-G.R. SP No. 119327, dismissed petitioner Goodland's Petition for *Certiorari* in view of the June 6, 2011 Decision in the CA-G.R. SP No. 117223. The CA found that there was an identity of parties and issues between the two petitions for *certiorari*, and thus, a judgment in one would result in *res judicata* in the other.

Petitioner Goodland moved for reconsideration but the CA denied the same in its July 30, 2013 Resolution.

Hence, petitioner Goodland filed the instant Petition for Review on *Certiorari* interposing the following assignment of errors:

(1) THE WRIT OF PRELIMINARY ATTACHMENT ON PETITIONER [GOODLAND'S] PROPERTY IS NULL AND VOID BECAUSE OF THE FAILURE TO SHOW FRAUDULENT INTENT ON THE PART OF DEFENDANTS AND THAT THE REINSTATEMENT OF THE ATTACHMENT VIOLATES THE RULE AGAINST EXCESSIVE ATTACHMENT AS THE REMAINING ATTACHED PROPERTY (TCT 43837) OF CO-DEFENDANT GOODGOLD IS MORE THAN SUFFICIENT TO SATISFY [RESPONDENT] BDO'S CLAIM IN THE EVENT OF AN ADVERSE JUDGMENT.

(2) THE HONORABLE PUBLIC RESPONDENT GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT WHIMSICALLY ORDERED THE

²⁶ *Rollo*, Volume I, p. 380.

²⁷ *Id.* at 382.

REINSTATEMENT OF THE ATTACHMENT OF PETITIONER [GOODLAND'S] PROPERTY COVERED BY TCT NO. 97436 (451440) ON THE BASIS OF THE PERCEPTION THAT THE DISCHARGE OF THE SAME MIGHT BE PRESUMED AS HAVING ABSOLVED PETITIONER [GOODLAND] OF ANY LIABILITY.

(3) THE COURT A QUO ERRED IN FAILING TO CONSIDER THAT THE RULES ON PRELIMINARY ATTACHMENT MUST BE STRICTLY CONSTRUED IN FAVOR OF HEREIN PETITIONER [GOODLAND], AS DEFENDANT IN THE CASE BELOW, AND AGAINST X X X RESPONDENT BDO.²⁸

Petitioner Goodland's Arguments

Petitioner Goodland contends that the writ of preliminary attachment on its property was null and void as respondent BDO failed to show any evidence of fraud or bad faith on the part of petitioner Goodland in contracting its obligations arising from the promissory notes, surety agreements, and the *Dacion En Pago*.²⁹ In addition, the justification of the RTC in reinstating the attachment on petitioner Goodland's property was not in accordance with the rules as it was based on mere presumption and speculation.³⁰ Petitioner Goodland further claims that the attachment was excessive as the property covered by TCT No. 218470 ceded to respondent BDO by virtue of the *Dacion En Pago* as well as the remaining attachment on TCT No. 43837 were sufficient to cover the amount sought to be collected by respondent BDO.³¹

Respondent BDO's Arguments

Respondent BDO, on the other hand, argues that the instant Petition should be summarily dismissed due to the failure of petitioner Goodland to assign as an error in the instant Petition the dismissal of its Petition for *Certiorari* by the CA.³² Respondent BDO posits the such failure rendered the dismissal by the CA final and conclusive; and thus, there is no reason for the Court to resolve the other issues raised by petitioner Goodland.³³ Respondent BDO likewise points out that under the principle of *res judicata*, the issue on the propriety of the reinstatement of the attachment of the property of petitioner Goodland may no longer be disturbed in view of the finality of the June 6, 2011 Decision in CA-G.R. SP No. 117223, which already upheld the validity and propriety of the attachment made on petitioner Goodland's property.³⁴ In any case, even if there is no *res judicata*,

²⁸ Id. at 31-32.

²⁹ *Rollo*, Volume III, pp. 1640-1646.

³⁰ Id. at 1645.

³¹ Id. at 1646-1652.

³² Id. at 1837-1840.

³³ Id.

³⁴ Id. at 1840-1844.

respondent BDO maintains that the instant Petition should still be dismissed for lack of merit as the writ of attachment was validly issued. Respondent BDO insists that Guy, together with his conduit corporations, which includes petitioner Goodland, committed fraud in the performance of their obligations to respondent BDO by making it appear that Guy still had controlling interest in respondent Goodgold and by employing schemes to conceal its liabilities from respondent BDO.³⁵ Also, contrary to the claim of petitioner Goodland, the attachment on its property was not excessive as the *Dacion En Pago* did not extinguish its obligation to respondent BDO.³⁶ Respondent BDO likewise highlights the fact that on July 8, 2014, the RTC of Mandaluyong City, Branch 211, already rendered a Summary Judgment³⁷ finding, among others, petitioner Goodland liable to respondent BDO in the amount of ₱65,946,079.54 with legal interest from date of filing of the Complaint.³⁸ In the said Summary Judgment, the RTC likewise ruled that the liability of the debtor corporations was joint and not solidary, and that only Guy was held to be solidarily liable.³⁹

Respondent Goodgold's Arguments

Echoing the arguments of respondent BDO, respondent Goodgold argues that the instant Petition is dismissible on the ground of *res judicata* as the June 6, 2011 Decision in CA-G.R. SP No. 117223 already made a final definitive ruling on the matter.⁴⁰ Moreover, even on the merits, respondent Goodgold asserts that the Petition is likewise dismissible as the attachment on the property was not excessive and that there was evidence of fraud on the part of Guy, petitioner Goodland, and Richgold.⁴¹

³⁵ Id. at 1852-1867.

³⁶ Id. at 1867-1885.

³⁷ Id. at 1940-1958; penned by Presiding Judge Ofelia L. Calo.

³⁸ Id. at 1885-1888.

³⁹ Id. at 1958. [Note: the dispositive portion reads:

WHEREFORE, premises considered, a Summary Judgment is hereby rendered as follows:

- 1) the Complaint filed by [respondent BDO] as against [respondent Goodgold] is hereby DISMISSED on the ground [of] extinguishment of the latter's obligation by virtue of the 2010 Deed of Dacion;
- 2) defendant [Smartnet] is hereby ordered to pay [respondent BDO] the amount of ₱223,329,424.71 with legal interest from the date of filing of the Complaint;
- 3) [petitioner Goodland] is hereby ordered to pay [respondent BDO] the amount of ₱65,946,079.54 with legal interest from the date of filing of the Complaint;
- 4) defendant [Richgold] is hereby ordered to pay [respondent BDO] the amount of ₱50,830,771.76 with legal interest from date of filing of the Complaint;
- 5) defendant [Guy] is hereby held solidarily liable with co-defendants [Smartnet], [Goodgold], [petitioner Goodland] and [Richgold] to [respondent BDO] for the respective liabilities of the aforesaid co-defendants;
- 6) the pleadings filed by other law firms other than the law firm of Zamora Poblador Vazquez & Bretafia Law are hereby expunged for being filed without authority.

SO ORDERED.]

⁴⁰ Id. at 1969-1972.

⁴¹ Id. at 1972-1976.

The Court's Ruling

The Petition lacks merit.

Failure to include the dismissal of the Petition for Certiorari as an assigned error may be excused in order for the Court to arrive at a just and complete resolution of the case.

Apparent in the pleadings filed by petitioner Goodland is its failure to include as an assigned error the CA's dismissal of its Petition. Instead, petitioner Goodland raised errors allegedly committed by the RTC in issuing the writ of attachment, some of which were not even raised as an issue before the CA. And despite the opportunity, petitioner Goodland did not offer any argument to dispute the contention of respondents BDO and Goodgold that the Petition for *Certiorari* was properly dismissed on the grounds of *litis pendentia* and/or *res judicata*. This blatant failure of petitioner Goodland to dispute the CA's dismissal, respondent BDO posits, is sufficient reason for the Court to dismiss the instant Petition.

Indeed, Rule 51, Section 8⁴² of the Rules of Court, which applies to petitions for review on *certiorari* under Rule 45 of the same rules, provides that as a rule, only matters assigned as errors may be resolved by the Court.⁴³ There are, however, exceptions to this rule. In *Catholic Bishop of Balanga v. Court of Appeals*,⁴⁴ the Court laid down several exceptions –

Guided by the foregoing precepts, we have ruled in a number of cases that the appellate court is accorded a broad discretionary power to waive the lack of proper assignment of errors and to consider errors not assigned. It is clothed with ample authority to review rulings even if they are not assigned as errors in the appeal. Inasmuch as the Court of Appeals may consider grounds other than those touched upon in the decision of the trial court and uphold the same on the basis of such other grounds, the Court of Appeals may, with no less authority, reverse the decision of the trial court on the basis of grounds other than those raised as errors on appeal. We have applied this rule, as a matter of exception, in the following instances:

⁴² SECTION 8. *Questions that May Be Decided.* — No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

⁴³ *Heirs of Teodora Loyola v. Court of Appeals*, 803 Phil. 143, 154 (2017).

⁴⁴ 332 Phil. 206, 216-218 (1996).

(1) Grounds not assigned as errors but affecting jurisdiction over the subject matter;

(2) Matters not assigned as errors on appeal but are evidently plain or clerical errors within contemplation of law;

(3) Matters not assigned as errors on appeal but consideration of which is necessary in arriving at a just decision and complete resolution of the case or to serve the interest of justice or to avoid dispensing piecemeal justice;

(4) Matters not specifically assigned as errors on appeal but raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored;

(5) Matters not assigned as errors on appeal but closely related to an error assigned; and

(6) Matters not assigned as errors on appeal but upon which the determination of a question properly assigned, is dependent.

Taking into consideration the foregoing, the Court finds that, though not raised as an issue, it is more prudent to resolve the propriety of the dismissal of the Petition for *Certiorari* on the grounds of *litis pendentia* and/or *res judicata* as the resolution of said issue is necessary in order for the Court to arrive at a just and complete resolution of the instant case.

But before discussing the propriety of the dismissal of the Petition for *Certiorari*, it is *apropos* to discuss the importance of consolidating related cases.

Failure to consolidate a case with a related case does not necessarily result in the dismissal of the case, unless there is litis pendentia or res judicata.

Consolidation is “a procedural device granted to the court as an aid in deciding how cases in its docket are to be tried so that the business of the court may be dispatched expeditiously and with economy while providing justice to the parties.”⁴⁵ Though there is no hard and fast rule requiring the

⁴⁵ *Producers Bank of the Philippines v. Excelsa Industries, Inc.*, 685 Phil. 694, 700 (2012).

consolidation of related cases, Section 1,⁴⁶ Rule 31 of the Rules of Court allows the courts to order the consolidation of cases involving a common question of law or fact that are pending before it in order to avoid unnecessary costs or delay.

Worth mentioning at this point is the case of *Magalang v. Court of Appeals*,⁴⁷ where the Court emphasized the importance of consolidating petitions involving the same parties and issues. The Court said:

We note at the outset that the Ninth Division of the appellate court, in CA-G.R. SP No. 75185, already affirmed the September 5, 2002 Decision of the NLRC that petitioner was illegally dismissed but modified the ruling and awarded backwages to the petitioner. Later, the Fourth Division of the CA, in CA-G.R. SP No. 79408, rendered another decision inconsistent with the earlier ruling of its coordinate division. The Fourth Division merely affirmed the NLRC September 5, 2002 Decision, and did not award backwages to the petitioner.

This conflict in the decisions of the different divisions of the appellate court would have been avoided had the two *certiorari* petitions been consolidated or had the Fourth Division, when apprised of the earlier ruling, remained consistent with the Ninth Division's pronouncements. The various divisions of the CA are, in a sense, coordinate courts, and, pursuant to the policy of judicial stability, a division of the appellate court should not interfere with the decision of the other divisions of the court, otherwise confusion will ensue and may seriously hinder the administration of justice.

The Court notes further that no appeal was interposed to challenge the CA's decision in CA-G.R. SP No. 75185. The said decision declaring petitioner as illegally dismissed and entitled to backwages, therefore, already attained finality. Established is the rule that when a decision becomes final and executory, the court loses jurisdiction over the case and not even an appellate court will have the power to review the said judgment. Otherwise, there will be no end to litigation and will set to naught the main role of courts of justice which is to assist in the enforcement of the rule of law and the maintenance of peace and order by settling justiciable controversies with finality. We have further stressed in prior cases that just as the losing party has the privilege to file an appeal within the prescribed period, so does the winner have the correlative right to enjoy the finality of the decision.

To be clear, the failure to consolidate a case with a related case does not necessarily result in the dismissal of the former, unless there is *litis pendentia* or *res judicata*. Thus, it is incumbent upon the parties to be on the

⁴⁶ SECTION 1. *Consolidation*. – When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

⁴⁷ *Supra* note 1 at 241-242.

lookout and to immediately inform the courts of cases pending with other courts, and if needed, to move for the consolidation of related cases in order to avoid the dismissal of a case on the grounds of *litis pendentia* and/or *res judicata*, or the issuance of conflicting decisions. This petitioner Goodland failed to do.

The Petition for Certiorari was correctly dismissed.

Litis pendentia is a ground for the dismissal of an action when there is another action pending between the same parties involving the same cause of action, thus, rendering the second action unnecessary and vexatious.⁴⁸ It exists when the following requisites concur:

1. Identity of parties or of representation in both cases,
2. Identity of rights asserted and relief prayed for,
3. The relief must be founded on the same facts and the same basis, and
4. Identity in the two preceding particulars should be such that any judgment which may be rendered in the other action, will, regardless of which party is successful, amount to *res judicata* on the action under consideration.⁴⁹

Res judicata, on the other hand, exists if the following requisites concur: “(1) the former judgment or order must be final; (2) the judgment or order must be on the merits; (3) it must have been rendered by a court having jurisdiction over the subject matter and the parties; (4) there must be, between the first and the second action, identity of parties, of subject matter and cause of action.”⁵⁰

In this case, the Court finds that the CA correctly dismissed the Petition for *Certiorari*, docketed as CA-G.R. SP No. 119327, on the ground of *litis pendentia*. As aptly found by the CA, the parties and issues raised in the said case were identical to that of CA-G.R. SP No. 117223. In CA-G.R. SP No. 117223, respondent BDO sought to reinstate the attachment of the properties of Guy on the ground that the remaining attached properties were insufficient to secure its claim. In CA-G.R. SP No. 119327, petitioner Goodland claimed that its attached property should be discharged as the total current market value of the attached properties of its co-defendants were more than enough

⁴⁸ *Times Transportation Co., Inc. v. Sotelo*, 491 Phil. 756, 765-766 (2005).

⁴⁹ *Tourist Duty Free Shops, Inc. v. Sandiganbayan*, 380 Phil. 328, 339 (2000).


⁵⁰ *Taganas v. Hon. Emuslan*, 457 Phil. 305, 311-312 (2003).

to cover the amount claimed by respondent BDO. Clearly, both petitions for *certiorari* raised as an issue the sufficiency or insufficiency of the attached properties. The resolution of the said issue in CA-G.R. SP No. 117223 thus prevented the CA in CA G.R. SP No. 119327 from resolving the same issue.

In fact, the dismissal was inevitable as the argument of petitioner Goodland, that the attached properties of respondent Goodgold were sufficient to cover the amount sought to be collected by respondent BDO, no longer holds water because of the issuance of the June 6, 2011 Decision in CA-G.R. SP No. 117223 discharging the properties of respondent Goodgold, except for TCT No. 218470. The failure of petitioner Goodland to move for a reconsideration or to file an appeal likewise sealed its fate as it is now bound by the June 6, 2011 Decision. Though petitioner timely availed of petition for *certiorari* to assail the Orders of the RTC, the CA still had no choice but to dismiss the said petition for *certiorari* on the ground of *litis pendentia*, now *res judicata* in view of the finality of the June 6, 2011 Decision.

This could have been avoided had the two petitions for *certiorari* been consolidated. Petitioner Goodland, however, has no one to blame but itself as it failed to inform the CA of the pendency of CA-G.R. SP No. 117223 at the time it filed its Petition for *Certiorari*. It is significant to note that when Guy, on behalf of petitioner Goodland, signed the Verification and Certification of Non-Forum Shopping⁵¹ of CA-G.R. SP No. 119327, he failed to inform the CA there was a pending petition for *certiorari* involving the same parties and the same issues, docketed as CA-G.R. SP No. 117223. Petitioner Goodland and Guy cannot feign ignorance of the pendency of CA-G.R. SP No. 117223 considering that they were respondents in the said case. Knowing that there was a pending petition for *certiorari* involving the same parties and the same issues, petitioner Goodland should have moved to consolidate its petition for *certiorari*, docketed as CA-G.R. SP No. 119327, with that of CA-G.R. SP No. 117223. Unfortunately, it did not. And although respondent BDO later moved to consolidate the same on July 27, 2011, it was too late because by then, the CA, in CA-G.R. SP No. 117223, had already rendered a decision.

All told, the Court finds that the CA correctly dismissed the Petition for *Certiorari* filed by petitioner Goodland.

WHEREFORE, the Petition is hereby **DENIED**. The February 22, 2013 Decision and the July 30, 2013 Resolution of the Court of Appeals in CA-G.R. SP No.119327 are hereby **AFFIRMED**. 

⁵¹ CA *rollo*, Volume I, p. 32.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
Chief Justice


FRANCIS H. JARDELEZA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


LUCAS P. BERSAMIN
Chief Justice