



Republic of the Philippines  
Supreme Court  
Baguio City

THIRD DIVISION

RURAL BANK OF SAN MATEO  
ISABELA, INC., represented by  
KATRINA MARIE PILAPIL in  
her capacity as Chief Operating  
Officer,

G.R. No. 256021

Petitioner,

-versus-

MYRVIN A. RAMALES and  
JOSIE A. RAMALES,

Respondents.

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ALVAREZ-RAMALES SCHOOL  
FOUNDATION, INC., represented  
by MARJORIE DE GUZMAN,

G.R. No. 268716

Petitioner,

Present:

CAGUIOA, J.,  
Chairperson,

-versus-

INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH,\* JJ.

RURAL BANK OF SAN  
MATEO, (ISABELA) INC.,

Promulgated:

Respondent.

APR 02 2025  
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DECISION

GAERLAN, J.:

*The orderly administration of justice hinges on the strict compliance with the rules of procedure. The instant consolidated cases highlight a firm application of the Rules of Court regarding matters that may not be ap-*

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\* On leave.

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*pealed, the propriety of amending pleadings to correct mistaken or inadequate allegations therein, and the importance of establishing a clear legal right as a prerequisite for filing a motion to intervene or terciaria.*

This resolves two consolidated Petitions for Review on *Certiorari* filed before this Court.<sup>1</sup> In G.R. No. 256021, petitioner Rural Bank of San Mateo Isabela, Inc. (RBSMI) prays for the reversal of the February 10, 2020 Decision<sup>2</sup> and January 6, 2021 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 153530. The CA dismissed the Petition for *Certiorari*<sup>4</sup> filed by RBSMI against the June 2, 2017 and August 18, 2017 Resolutions<sup>5</sup> of Branch 35, Regional Trial Court (RTC), Santiago City, Isabela (RTC Branch 35) which denied RBSMI's motion to dismiss.

On the other hand, in G.R. No. 268716, petitioner Alvarez-Ramales School Foundation Inc. (ARSFI) seeks the reversal of the February 22, 2023 Decision<sup>6</sup> and July 26, 2023 Resolution<sup>7</sup> of the CA in CA-G.R. SP No. 166173. The CA denied the Petition for *Certiorari* filed by ARSFI seeking the nullification of the February 13, 2020<sup>8</sup> and July 24, 2020<sup>9</sup> Orders of Branch 21 of the Regional Trial Court (RTC), Santiago City, Isabela (RTC Branch 21) granting a writ of possession, and denying the Urgent Motion to Quash Writ of Possession, Urgent Motion to Intervene, and Motion to Enjoin Sheriff.

### **Facts Common to Both Petitions**

ARSFI is a nonstock, nonprofit educational institution incorporated on June 6, 2002. On October 30, 2008, spouses Myrvin A. Ramales (Myrvin) and Josie A. Ramales (Josie), (collectively, spouses Ramales), incorporators of ARSFI, executed a Donation *Inter Vivos*<sup>10</sup> involving Transfer Certificate of Title (TCT) Nos. T-335431 and TSC-14700<sup>11</sup> (Donated Properties).

<sup>1</sup> *Rollo*, G.R. No. 256021, pp. 27–45; *rollo*, G.R. No. 268716, pp. 3–34.

<sup>2</sup> *Rollo*, G.R. No. 256021, 50–59. Penned by Associate Justice Ricardo R. Rosario (now a Member of this Court) and concurred in by Associate Justices Jhosep Y. Lopez (now a Member of this Court) and Ruben Reynaldo G. Roxas of the Special Ninth Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 60–62. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Jhosep Y. Lopez (now a Member of this Court) and Louis P. Acosta of the Special Former Special Ninth Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 150–160.

<sup>5</sup> *Id.* at 140–141 & 149. Penned by Presiding Judge Efren M. Cacatian.

<sup>6</sup> *Rollo*, G.R. No. 268716, pp. 59–84. Penned by Associate Justice Jennifer Joy C. Ong, and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Geraldine C. Fiel-Macaraig of the Fifth Division, Court of Appeals, Manila.

<sup>7</sup> *Id.* at 85–88.

<sup>8</sup> *Id.* at 95–96. Penned by Presiding Judge Nicasio B. Bautista III.

<sup>9</sup> *Id.* at 97–101.

<sup>10</sup> *Id.* at 89–91.

<sup>11</sup> The Petition for Review on *Certiorari* indicates the following titles, namely, TCT Nos. 165-2017000671, 165-2017000672, 165-2017000673, 165-2017000674. *Id.* at 6.

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ARSFI constructed classrooms, libraries, and faculty rooms on the donated properties.<sup>12</sup>

Without ARSFI's knowledge, the spouses Rames executed a Real Estate Mortgage over their properties, including TCT No. TSC-14700, to secure the loan they obtained from RBSMI. The spouses Rames failed to pay the loan, hence, an auction sale was conducted, where RBSMI emerged as the highest bidder.<sup>13</sup>

### **G.R. No. 256021**

On September 30, 2016,<sup>14</sup> the spouses Rames filed a Petition for Annulment of Extra-Judicial Foreclosure Proceedings of the Real Estate Mortgage, Accounting and Damages with Availment of Mode of Discovery<sup>15</sup> (Petition for Annulment of Foreclosure Proceedings) against RBSMI. The spouses Rames claimed that they had fully paid their loan with RBSMI. Thus, they sought the annulment of two extrajudicial foreclosure sales with the Office of the Clerk of Court & *Ex-Officio* Sheriff of the RTC of Santiago City docketed as Extra-Judicial Foreclosure (EJF) No. 2029, involving properties under TCT Nos. T-19876, T-19875, and T-17880-A, and the donated property, TSC-14700,<sup>16</sup> and EJF No. 2298, involving TCT No. T-168477 ("collectively, "Foreclosed Properties"). However, the petition for annulment of foreclosure proceedings did not indicate the assessed value of the foreclosed properties.

On November 28, 2016, RBSMI filed an Answer (With Affirmative Defenses and/or Motion to Dismiss and Compulsory Counterclaim)<sup>17</sup> averring that the spouses Rames have not fully paid their loan.<sup>18</sup>

Subsequently, on March 9, 2017, RBSMI filed a Motion to Dismiss on the Ground of Lack of Jurisdiction (motion to dismiss),<sup>19</sup> questioning the jurisdiction of RTC Branch 35 to take cognizance of the case due to the spouses Rames' failure to indicate the assessed value of the foreclosed properties in their petition for annulment of foreclosure proceedings.

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<sup>12</sup> *Id.* at 60.

<sup>13</sup> *Id.* at 616.

<sup>14</sup> In the Petition for *Certiorari*, petitioner states that petition for annulment was filed on September 20, 2016. *Rollo*, G.R. No. 256021, p. 29].

<sup>15</sup> *Id.* at 74–96.

<sup>16</sup> Referred to as T-14700 in the Petition for Annulment of Foreclosure Proceedings. *Id.* at 51.

<sup>17</sup> *Id.* at 103–114.

<sup>18</sup> *Id.* at 104.

<sup>19</sup> *Id.* at 131–133.

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### **Ruling of RTC Branch 35**

On June 2, 2017, RTC Branch 35 issued a Resolution<sup>20</sup> denying RBSMI's motion to dismiss and ordering the spouses Ramales to amend their petition. RTC Branch 35 opined that there exists a confusion as to which foreclosure proceedings are subject of the petition for annulment. Thus, to resolve such quandary, it ordered the amendment of the petition. It declared that Rule 10, Section 1 of the Revised Rules of Court allows pleadings to be amended to correct a mistake or inadequate allegation or description so the actual merits of the controversy may be speedily determined without regard to technicalities. The dispositive portion of the Resolution reads:

WHEREFORE, premises considered, the affirmative defense is denied, as well as the motion to dismiss. Instead, petitioners are given fifteen (15) days from notice to amend their petition; otherwise, their petition may be dismissed.

SO ORDERED.<sup>21</sup>

Dissatisfied with the ruling, RBSMI sought reconsideration,<sup>22</sup> which RTC Branch 35 denied in its August 18, 2017 Resolution.<sup>23</sup>

Undeterred, RBSMI filed a Petition for *Certiorari*<sup>24</sup> under Rule 65 of the Rules of Court with the CA. RBSMI accused RTC Branch 35 of acting without jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction when it ordered the spouses Ramales to amend their petition instead of dismissing it for failure to allege the assessed value of the real properties subject of the petition for annulment of foreclosure proceedings.<sup>25</sup>

### **Ruling of the CA**

On February 10, 2020, the CA rendered a Decision<sup>26</sup> denying the Petition for *Certiorari*. The CA noted that the main issue in the case is the jurisdiction of RTC Branch 35 over the petition for annulment of foreclosure proceedings, which involves a question of law. It observed that both parties admitted that the petition for annulment of foreclosure proceedings does not

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<sup>20</sup> *Id.* at 140–141.

<sup>21</sup> *Id.* at 141.

<sup>22</sup> *Id.* at 142–148. Motion for Reconsideration dated July 18, 2017.

<sup>23</sup> *Id.* at 149.

<sup>24</sup> *Id.* at 150–160.

<sup>25</sup> *Id.* at 54.

<sup>26</sup> *Id.* at 50–59.

state the assessed value of the foreclosed properties, thereby leaving no other issue, save that of the jurisdiction of RTC Branch 35. Moreover, it pointed out that in *Republic v. Sunvar Realty Development Corporation*,<sup>27</sup> this Court declared that a petition for review on *certiorari* may be filed against an interlocutory order if it raises a question of law. Consequently, the CA held that RBSMI should have filed a petition for review on *certiorari* directly with this Court.<sup>28</sup> The decretal portion of the CA ruling reads:

**IN VIEW OF THE FOREGOING**, the petition is **DISMISSED**.

**SO ORDERED.**<sup>29</sup> (Emphasis in the original)

Aggrieved, RBSMI filed a motion for reconsideration, which the CA denied in its January 6, 2021 Resolution.<sup>30</sup>

Undaunted, RBSMI filed a Petition for Review on *Certiorari*.<sup>31</sup>

#### **G.R. No. 268716**

Meanwhile, as the new owner of the foreclosed properties, RBSMI filed an *Ex-Parte* Petition for Issuance of Writ of Possession before the RTC praying for full control and possession over said properties.<sup>32</sup>

On August 19, 2019, RTC Branch 21 set a hearing for RBSMI's *Ex-Parte* Petition. Subsequently, on September 3, 2019, RTC Branch 21 issued an Order granting the *Ex-Parte* Petition and consequently, ordering the issuance of a writ of possession in favor of RBSMI.<sup>33</sup>

Seeking to protect its interest over the donated properties, ARSFI filed an Urgent Motion to Intervene dated October 23, 2019. Immediately thereafter, ARSFI likewise filed an Opposition with Prayer for Issuance of Temporary Restraining Order and/or Preliminary Injunction dated October 24, 2019. ARSFI claimed that RBSMI's possession of the foreclosed properties would disrupt the ongoing classroom instruction and academic learning of the students, thereby causing grave and irreparable damages.<sup>34</sup>

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<sup>27</sup> 688 Phil. 616 (2012) [Per J. Sereno, Second Division].

<sup>28</sup> *Rollo*, G.R. No. 256021, p. 55.

<sup>29</sup> *Id.* at 59.

<sup>30</sup> *Id.* at 60–62.

<sup>31</sup> *Id.* at 27–45.

<sup>32</sup> *Rollo*, G.R. No. 268716, p. 61.

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

<sup>34</sup> *Id.* at 62.

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Then, on October 28, 2019, Marjorie De Guzman (De Guzman), Corporate Secretary of ARSFI, filed an Affidavit of Third-Party Claim.<sup>35</sup> Furthermore, ARSFI filed an Urgent Motion to Quash the Writ of Possession arguing that the issuance of the writ of possession is no longer ministerial considering that it is occupying the donated properties adverse to the spouses Ramales.<sup>36</sup>

### **Orders of RTC Branch 21**

On February 13, 2020, RTC Branch 21<sup>37</sup> denied ARSFIs' Urgent Motion to Intervene and Urgent Motion to Quash the Writ of Possession. RTC Branch 21 held that ARSFI may not be considered as a third party holding the donated properties adverse to the spouses Ramales since Josie is ARSFI's President. The decretal portion of the Order reads:

WHEREFORE, based on the foregoing the Motion to Intervene filed by ARSFI is hereby DENIED. The Motion to Quash Writ of Possession is likewise DENIED.

SO ORDERED.<sup>38</sup>

Displeased with the ruling, ARSFI filed a Motion for Reconsideration. Pending Resolution thereof, on June 2, 2020, Sheriff Mayo S. Dela Cruz implemented the writ of possession. ARSFI thus filed a Motion to Enjoin Sheriff arguing that their availment of the remedy of *terceria* should have stayed the execution of the writ of possession.<sup>39</sup>

On July 24, 2020, RTC Branch 21 issued an Order<sup>40</sup> denying ARSFI's Motion for Reconsideration and Motion to Enjoin Sheriff, for lack of merit. RTC Branch 21 reiterated that ARSFI is not a third party holding the donated properties by adverse title or right from the spouses Ramales. It further noted that ARSFI never claimed that it had titles to the donated properties. Moreover, RTC Branch 21 ratiocinated that the alleged donation made by the spouses Ramales to ARSFI even proves that the latter is a successor or transferee that does not hold the donated properties in its own right.

Dissatisfied with the February 13, 2020 and July 24, 2020 Orders, ARSFI sought recourse before the CA via a Petition for *Certiorari* under

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<sup>35</sup> *Id.* at 92–94

<sup>36</sup> *Id.* at 62.

<sup>37</sup> *Id.* at 95–96.

<sup>38</sup> *Id.* at 96.

<sup>39</sup> *Id.* at 9 & 64.

<sup>40</sup> *Id.* at 97–101.

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Rule 65 of the Rules of Court. It alleged that RTC Branch 21 committed grave abuse of discretion amounting to lack or excess of jurisdiction when it arbitrarily prevented ARSFI from intervening in the case. Likewise, ARSFI questioned the issuance of a writ of possession despite the fact that it owned and possessed the donated properties. Finally, it bewailed that its veil of corporate fiction was erroneously pierced sans due process and it was deprived of the benefits of *terceria*.<sup>41</sup>

### **Ruling of the CA**

On February 22, 2023, the CA rendered a Decision<sup>42</sup> denying ARSFI's Petition for *Certiorari*. The CA noted that RTC Branch 21 had a ministerial duty to issue the writ of possession in favor of ARSFI. Similarly, the CA declared that ARSFI failed to establish that it had a legal and material interest over the donated properties and was holding the same adversely to the spouses Ramales. Likewise, the CA clarified that although RTC Branch 21 may have overlooked the separate juridical personality of ARSFI and Josie, it still correctly denied the Motion to Enjoin Sheriff due to ARSFI's failure to prove that it possessed the properties adversely to the spouses Ramales. Thus, the CA disposed of the case as follows:

**WHEREFORE**, the *Petition for Certiorari* is **DISMISSED**.

**IT IS SO ORDERED.**<sup>43</sup> (Emphasis in the original)

ARSFI sought reconsideration, which the CA denied in its July 26, 2023 Resolution.<sup>44</sup>

Undeterred, ARSFI filed a Petition for Review on *Certiorari*<sup>45</sup> before this Court.

This Court issued a Resolution<sup>46</sup> ordering the consolidation of G.R. Nos. 256021 and 268716, considering that both petitions involve TSC-14700.<sup>47</sup>

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<sup>41</sup> *Id.* at 65–66.

<sup>42</sup> *Id.* at 59–84.

<sup>43</sup> *Id.* at 79.

<sup>44</sup> *Id.* at 85–88.

<sup>45</sup> *Id.* at 3–34.

<sup>46</sup> *Id.* at 121–126.

<sup>47</sup> *Id.* at 125.

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### Issues

The crux of the controversy in G.R. No. 256021 rests on whether the CA erred in dismissing the Petition for *Certiorari* filed by RBSMI for being the wrong mode to assail the Order of RTC Branch 35 denying its motion to dismiss.

RBSMI asserts that the petition for annulment of foreclosure proceedings is a real action, and thus, the spouses Ramales' failure to indicate the assessed value of the foreclosed properties divests RTC Branch 35 of jurisdiction over the said petition.<sup>48</sup> It bewails that RTC Branch 35 acted without jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction when it ordered the spouses Ramales to amend their petition instead of dismissing it outright.<sup>49</sup> It maintains that since the issue involves an error of jurisdiction rather than an error of judgment, it rightly filed a Rule 65 petition before the CA.<sup>50</sup> Moreover, it claims that the Order denying its motion to dismiss is an interlocutory order that is the proper subject of a Rule 65 Petition.<sup>51</sup>

On the other hand, the spouses Ramales aver that a Rule 65 petition is an extraordinary remedy and one of last recourse.<sup>52</sup> They claim that RBSMI failed to show that there is no appeal or any plain, speedy, or adequate remedy in the ordinary course of law before it directly resorted to a Rule 65 petition. They further contend that even assuming for the sake of argument that a Rule 65 petition is the proper remedy, RBSMI nonetheless failed to prove that RTC Branch 35 acted with grave abuse of discretion amounting to lack or excess of jurisdiction in denying the motion to dismiss.<sup>53</sup>

Furthermore, the spouses Ramales retort that the assessed value of the foreclosed properties may be easily determined from the Tax Declarations appended to the petition for annulment of foreclosure proceedings.<sup>54</sup> In this regard, the spouses Ramales point out that the total assessed value of the foreclosed properties as shown in the Tax Declarations exceeds PHP 20,000.00, and is thus, within the jurisdiction of RTC Branch 35.<sup>55</sup> Finally, the spouses Ramales counter that RBSMI is estopped from questioning the jurisdiction of RTC Branch 35 since it submitted itself to the jurisdiction of the said court when it filed an answer before the motion to dismiss.<sup>56</sup>

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<sup>48</sup> *Rollo*, G.R. No. 256021, p. 32.

<sup>49</sup> *Id.* at 43.

<sup>50</sup> *Id.* at 32.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at 175.

<sup>53</sup> *Id.* at 181.

<sup>54</sup> *Id.* at 184.

<sup>55</sup> *Id.* at 186–187.

<sup>56</sup> *Id.* at 187.

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Meanwhile, in G.R. No. 268716, the controversy revolves around whether the CA erred in holding that RTC Branch 21 did not act with grave abuse of discretion in issuing the writ of possession and in denying ARSFI's Urgent Motion to Intervene, Urgent Motion to Quash Writ of Possession, and Motion to Enjoin Sheriff.<sup>57</sup>

ARSFI argues that it is an unwitting third party who did not take part in the foreclosure proceedings. It claims that the *ex-parte* writ of possession is null and void and may not be enforced against it. It laments that it was deprived of the donated properties without due process of law. Likewise, it insists that it has a legal title over the donated properties and is holding them adversely to the spouses Ramales. It contends that it established its legal right over the properties through the Deed of Donation and Tax Declarations it submitted before RTC Branch 21. Furthermore, it points out that it has been in open, exclusive, and continuous possession of the donated properties. Also, it bewails that the CA condoned the failure of RTC Branch 21 to apply the doctrine of separate corporate personality between it and Josie.<sup>58</sup>

Alternatively, ARSFI argues that even assuming that it is not an adverse party as contemplated by law, nonetheless, it is entitled to the benefits provided under Rule 39, Section 16 of the Rules of Court. In this regard, ARSFI points out that it filed an Affidavit of Third-Party Claim stating that it is the absolute owner of the donated properties and faults RTC Branch 21 for ignoring its Third-Party Claim.<sup>59</sup>

Refuting ARSFI's arguments, RBSMI retorts that RTC Branch 21 has a ministerial duty to issue an *ex-parte* writ of possession in its favor after the spouses Ramales failed to redeem the foreclosed properties and after the titles thereto were consolidated in its name. Although RBSMI concedes that the issuance of the writ of possession ceases to be ministerial when a third party occupies the subject property adversely to the debtor-mortgagor, it points out that ARSFI does not hold the donated properties adversely to the spouses Ramales.<sup>60</sup> In the same vein, RBSMI argues that the denial of ARSFI's Urgent Motion to Intervene is due to its own failure to establish its legal and material interest in the case.<sup>61</sup>

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<sup>57</sup> *Rollo*, G.R. No. 268716, p. 112.

<sup>58</sup> *Id.* at 14–16 & 18.

<sup>59</sup> *Id.* at 26–29.

<sup>60</sup> *Id.* at 112.

<sup>61</sup> *Id.* at 114–115.

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### Ruling of the Court

*The Petitions are denied for lack of merit.*

*In G.R. No. 256021, RBSMI rightly filed a petition for certiorari under Rule 65 of the Rules of Court to question the June 2, 2017 Order of the RTC*

Procedural rules have their own wholesome rationale in the orderly administration of justice. Justice must be administered according to the Rules of Court to eliminate arbitrariness, caprice, or whimsicality.<sup>62</sup> Strict compliance with the Rules prevents needless delays and ensures the orderly and expeditious dispatch of judicial business.<sup>63</sup>

Essentially, the Rules of Court provides three remedies to question the decisions of the RTC by way of an appeal:

(1) by ordinary appeal or appeal by writ of error under Rule 41, whereby judgment was rendered in a civil or criminal action by the RTC in the exercise of its original jurisdiction; (2) by a petition for review under Rule 42, whereby judgment was rendered by the RTC in the exercise of its appellate jurisdiction; and (3) by a petition for review on certiorari before the Supreme Court under Rule 45. “The first mode of appeal is taken to the [Court of Appeals] on questions of fact or mixed questions of fact and law. The second mode of appeal is brought to the CA on questions of fact, of law, or mixed questions of fact and law. The third mode of appeal is elevated to the Supreme Court only on questions of law.”<sup>64</sup>

On the other side of the spectrum, a petition for *certiorari* under Rule 65 of the Rules of Court corrects errors of jurisdiction committed by the lower court, or those issued with grave abuse of discretion amounting to lack or excess of jurisdiction. *Certiorari* may only be availed of when there is no appeal or any plain, speedy, and adequate remedy in the ordinary course of law.<sup>65</sup> The remedies of appeal and *certiorari* are mutually exclusive, not alternative or successive. Thus, where an appeal is available, *certiorari* will not prosper even on the basis of grave abuse of discretion.<sup>66</sup>

<sup>62</sup> *Tible & Tible Co., Inc., et al. v. Royal Savings and Loan Ass’n., et al.*, 574 Phil. 20, 38 (2008) [Per J. Reyes, R.T., Third Division].

<sup>63</sup> *Rollo*, G.R. No. 256021, p. 37.

<sup>64</sup> *Republic of the Philippines, et al. v. Sunvar Realty Development Corporation*, 688 Phil. 616, 630 (2012) [Per J. Sereno, Second Division].

<sup>65</sup> *Cunanan v. Court of Appeals, et al.*, 793 Phil. 400, 409–410 (2016) [Per J. Mendoza, Second Division].

<sup>66</sup> *Heirs of Januaria Cabrera v. Heirs of Florentino Jurado, et al.*, G.R. No. 235308. May 12, 2021 [Per J. Delos Santos, Third Division].

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Equally important, *certiorari* will only lie upon proof that the court acted with grave abuse of discretion amounting to lack or excess of jurisdiction, or exercised its powers in an arbitrary or despotic manner by reason of passion or personal hostility so patent and gross as to amount to an evasion or virtual refusal to perform the duty enjoined or to act in contemplation of law.<sup>67</sup> Failure to muster these requisites results in the dismissal of the petition.

Relatedly, *Madrigal Transport, Inc. v. Lapanday, et al.*<sup>68</sup> distinguishes a petition for review on *certiorari* versus a special civil action for *certiorari* with respect to the subject matter of the petition:

**As to the Subject Matter.** Only judgments or final orders and those that the Rules of Court so declare are appealable. Since the issue is jurisdiction, an original action for *certiorari* may be directed against an interlocutory order of the lower court prior to an appeal from the judgment; or where there is no appeal or any plain, speedy or adequate remedy.<sup>69</sup> (Emphasis in the original; citations omitted)

At issue in G.R. No. 256021 is the propriety of a special civil action for *certiorari* to assail the RTC's denial of RBSMI's motion to dismiss the petition for annulment of foreclosure proceedings due to the RTC's purported lack of jurisdiction.

Notably, an order denying a motion to dismiss is an interlocutory order that is not appealable.<sup>70</sup> An interlocutory order is one "that does not finally dispose of the case, and does not end the Court's task of adjudicating the parties' contentions and determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the Court. . ."<sup>71</sup>

Remarkably, Rule 41, Section 1 of the Rules of Court removes interlocutory orders from the subject of an appeal:

**RULE 41**  
**Appeal From The Regional Trial Courts**

**Section 1. Subject of appeal.** — An appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable.

<sup>67</sup> *Cunanan v. Court of Appeals, et al.*, 793 Phil. 400, 409–410 (2016) [Per J. Mendoza, Second Division].

<sup>68</sup> 479 Phil. 768 (2004) [Per J. Panganiban, Third Division].

<sup>69</sup> *Id.* at 781.

<sup>70</sup> RULES OF COURT, Rule 41, sec. 1.

<sup>71</sup> JUSTICE LUCAS P. BERSAMIN, *APPEAL AND REVIEW IN THE PHILIPPINES*, 112–113 (2<sup>ND</sup> ED., 2000).

**No appeal may be taken from:**

- (a) An order denying a motion for new trial or reconsideration;
- (b) An order denying a petition for relief or any similar motion seeking relief from judgment;
- (c) An interlocutory order;**
- (d) An order disallowing or dismissing an appeal;
- (e) An order denying a motion to set aside a judgment by consent, confession or compromise on the ground of fraud, mistake or duress, or any other ground vitiating consent;
- (f) An order of execution;
- (g) A judgment or final order for or against one or more of several parties or in separate claims, counterclaims, cross-claims and third-party complaints, while the main case is pending, unless the court allows an appeal therefrom; and
- (h) An order dismissing an action without prejudice.

**In all the above instances where the judgment or final order is not appealable, the aggrieved party may file an appropriate special civil action under Rule 65.** (Emphasis supplied)

Since an interlocutory order may not be questioned by filing an appeal, the aggrieved party's recourse is to file a Petition for *Certiorari* under Rule 65 of the Rules of Court, subject to proof that said interlocutory order was issued with grave abuse of discretion amounting to lack or excess of jurisdiction.

Rule 41, Section 1(c) notwithstanding, the CA refused to give due course to the Petition for *Certiorari* holding that the issue raised before it ultimately pertained to the RTC's jurisdiction over the Petition for Annulment of Foreclosure Proceedings, which is a question of law that is the proper subject of a Petition for Review on *Certiorari* before this Court. The CA found support in the case of *Republic v. Sunvar*,<sup>72</sup> where this Court allowed direct recourse before it through a Rule 45 petition against an order dismissing the case for lack of jurisdiction.

As astutely pointed out during the deliberations by Associate Justice Alfredo Benjamin S. Caguioa and Associate Justice Henri Jean Paul B. Inting, the case of *Sunvar* does not fall squarely with the instant case.

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<sup>72</sup> 688 Phil. 616 (2012) [Per J. Sereno, Second Division].

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*Sunvar* stemmed from a complaint for unlawful detainer filed by therein petitioners Republic of the Philippines (Republic) and National Power Corporation (NAPOCOR) against therein respondent Sunvar Realty Development Corporation (SRDC) before the Metropolitan Trial Court (MeTC). SRDC moved to dismiss the action for unlawful detainer on the ground that the allegations in the complaint make out a case for *accion publiciana*, which falls within the jurisdiction of the RTC. The MeTC denied the motion to dismiss and directed SRDC to file an answer to the complaint. Unconvinced, SRDC filed a Rule 65 petition with the RTC to assail the MeTC's denial of its motion to dismiss. In turn, the Republic and NAPOCOR questioned the jurisdiction of the RTC over the Rule 65 petition in view of the express prohibition on filing petitions for *certiorari* under the Rules on Summary Procedure. The RTC denied the motion to dismiss, and after ruling on the merits, granted the Rule 65 petition and dismissed the complaint for unlawful detainer without prejudice. Aggrieved, the Republic and NAPOCOR directly filed a Rule 45 petition with this Court questioning the jurisdiction of the RTC to entertain the petition filed before it. Opposing the Rule 45 petition, SRDC claimed that the RTC Decision resulted in the dismissal of the complaint from which no appeal can be taken. It surmised that the proper recourse is a Rule 65 petition.

Rejecting SRDC's arguments, this Court declared that a Rule 45 petition may be filed against the RTC Order denying the motion to dismiss, since the petition raised a question of law regarding the jurisdiction of the court, to wit:

Respondent Sunvar argued that petitioners' resort to a Rule 45 Petition for Review on Certiorari before this Court is an improper mode of review of the assailed RTC Decision. Allegedly, petitioners should have availed themselves of a Rule 65 Petition instead, since the RTC Decision was an order of dismissal of the Complaint, from which no appeal can be taken except by a *certiorari* petition.

The Court is unconvinced of the arguments of respondent Sunvar and holds that the resort by petitioners to the present Rule 45 Petition is perfectly within the bounds of our procedural rules.

As respondent Sunvar explained, no appeal may be taken from an order of the RTC dismissing an action without prejudice, but the aggrieved party may file a certiorari petition under Rule 65. **Nevertheless, the Rules do not prohibit any of the parties from filing a Rule 45 Petition with this Court, in case only questions of law are raised or involved. This latter situation was one that petitioners found themselves in when they filed the instant Petition to raise only questions of law.**

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In the instant case, petitioners raise only questions of law with respect to the jurisdiction of the RTC to entertain a certiorari petition filed against the interlocutory order of the MeTC in an unlawful detainer suit. At issue in the present case is the correct application of the Rules on Summary Procedure; or, more specifically, whether the RTC violated the Rules when it took cognizance and granted the certiorari petition against the denial by the MeTC of the Motion to Dismiss filed by respondent Sunvar. This is clearly a question of law that involves the proper interpretation of the Rules on Summary Procedure. Therefore, the instant Rule 45 Petition has been properly lodged with this Court.<sup>73</sup> (Citations omitted)

As pointed out by Associate Justice Alfredo Benjamin S. Caguioa during the deliberation, a more circumspect reading of *Sunvar* reveals that the order of the RTC dismissing the case for unlawful detainer was not an interlocutory order, but a final order that actually “. . . ‘discussed the merits of the *certiorari* Petition . . . granted the *certiorari* Petition and directed the MeTC to dismiss the Complaint for unlawful detainer for lack of jurisdiction.’ In issuing the said order, the RTC finally disposed of the special civil action for *certiorari* and left nothing more to be done in respect thereto. It is this final order that the Republic appealed directly to the Court through a petition for review on *certiorari* under Rule 45 of the Rules.” Thus, the subject of the Republic’s Rule 45 petition was the **final order** of the RTC in resolving SRDC’s petition for *certiorari*—an order that is well within the bounds of a Rule 45 petition. In contrast, in the instant case, the subject of the appeal is the order denying RBSMI’s motion to dismiss, which is an interlocutory order. This stark difference regarding the nature of the assailed orders prevents the application of *Sunvar* to the instant case.

The same holds true with respect to the cases that echoed the pronouncement in *Sunvar*.

In *Padilla v. Globe Asiatique Realty Holdings Corp., et al.*,<sup>74</sup> this Court, adopting the ruling in *Sunvar*, affirmed the propriety of a Rule 45 petition to assail the RTC’s order dismissing the counterclaims without prejudice, since the petition raised a question of law. Following suit, in *Chuan v. Uy*,<sup>75</sup> this Court allowed direct recourse via Rule 45 petition to question the order of the RTC dismissing the counterclaim upon the dismissal of the complaint.

A circumspect reading of *Padilla* and *Chuan* shows that they involved an appeal of the trial court orders that dismissed the counterclaims and crossclaims without prejudice following the dismissal of the main action—

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<sup>73</sup> *Id.* at 629–630.

<sup>74</sup> 740 Phil. 754 (2014) [Per J. Villarama, Jr., First Division].

<sup>75</sup> 755 Phil. 370 (2015) [Per J. Reyes, Third Division].

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orders that are not interlocutory in nature. Hence, neither may such precedents apply to the case at bar.

Associate Justice Henri Jean Paul B. Inting points to this Court's ruling in *Almazan v. Bacolod, et al.*<sup>76</sup> for guidance.

*Almazan* originated from a Complaint for Quieting of Title, *Accion Reivindicatoria*, and Damages, filed before the RTC by therein petitioner-landowner against therein respondents, who claimed to be agricultural tenants of the disputed property. Respondents filed a motion to dismiss arguing that the RTC was bereft of jurisdiction over the subject matter since the case is cognizable by the DARAB. The RTC issued an Order denying the motion to dismiss. Aggrieved, respondents filed a Petition for *Certiorari* before the CA assailing the denial of the motion to dismiss. This Court found that the order denying the motion to dismiss is interlocutory and non-appealable. Consequently, such order may be questioned via a petition for *certiorari* under Rule 65 of the Rules of Court:

Proper Remedy Against an Interlocutory Order.

The denial of the respondents' motion to dismiss as contained in their Answer is an interlocutory order, or one that is rendered in between the commencement and end of the suit that decides some point or matter but does not finally resolve the entire controversy. Section 1 of Rule 41 of the Rules of Court stringently states that an appeal cannot be filed against an interlocutory order. Rather, the aggrieved party's recourse is to file an answer, with the option to include the grounds stated in the motion to dismiss, and proceed to trial. In the event that an adverse judgment is rendered, the party can file an appeal and raise the interlocutory order as an error.

However, the general rule is subject to a narrow exception. The party may file a special civil action for *certiorari* under Rule 65 and prove that the interlocutory order was issued with grave abuse of discretion amounting to lack or excess of jurisdiction. For the petition to prosper, it must be shown that the abuse of discretion was so grave, such that the power was exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and was so patent and so gross that it amounted to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law. Only under these circumstances may the court nullify or modify the challenged action and undo the damage done.<sup>77</sup> (Citations omitted)

<sup>76</sup> 904 Phil. 355 (2021) [Per J. Gaerlan, First Division].

<sup>77</sup> *Id.* at 372-373.

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Based on the foregoing, it is clear that interlocutory orders, such as the denial of a motion to dismiss, are not the proper subject of an appeal by *certiorari*. Hence, RBSMI's only recourse is to file a Rule 65 petition.

*RBSMI failed to prove that RTC Branch 35 acted with grave abuse of discretion amounting to lack or excess of jurisdiction*

For a Rule 65 petition to prosper, there must be proof that the tribunal, board or officer acted without jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction.<sup>78</sup> *Madrigal Transport, Inc.* provides the criteria for determining whether the court or tribunal acted with grave abuse of discretion amounting to lack or excess of jurisdiction:

“Without jurisdiction” means that the court acted with absolute lack of authority. There is “excess of jurisdiction” when the court transcends its power or acts without any statutory authority. “Grave abuse of discretion” implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction; in other words, power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.<sup>79</sup> (Citations omitted)

No such acts may be attributed against RTC Branch 35.

In denying RBSMI's motion to dismiss and directing the Spouses Ramales to amend their petition to clarify which foreclosure proceedings were subject of the petition for annulment, RTC Branch 35 acted within the dictates of the Rules of Court. Particularly, Rule 10, Section 1 of the Rules of Court allows pleadings to be amended to correct a mistaken or inadequate allegation or description in any other respect so that the actual merits of the controversy may speedily be determined, without regard to technicalities and in the most expeditious and inexpensive manner. Evidently, RTC Branch 35 acted pursuant to the Rules of Court in ordering the amendment to correct the inadequate allegations as to which foreclosure proceedings the spouses Ramales sought to annul. Such directive will allow a proper determination of the case.

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<sup>78</sup> *Idul v. Alster International Shipping Services, Inc., et al.*, 905 Phil. 203 (2021) [Per J. Hernando, Third Division].

<sup>79</sup> *Madrigal Transport, Inc. v. Lapanday Holdings Corporation*, 479 Phil. 768, 779 (2004) [Per J. Panganiban, Third Division].



Besides, the spouses Ramales' failure to allege the assessed value of the foreclosed properties is not fatal to their petition for annulment of foreclosure proceedings.

In *Tumpag v. Tumpag*,<sup>80</sup> this Court adopted a liberal stance and ruled that the failure to allege the assessed value of the properties in a real action will not automatically divest the trial court of jurisdiction if the assessed value may be determined from other documents appended to the complaint or petition:

Generally, the court should only look into the facts alleged in the complaint to determine whether a suit is within its jurisdiction. **There may be instances, however, when a rigid application of this rule may result in defeating substantial justice or in prejudice to a party's substantial right.** In *Marcopper Mining Corp. v. Garcia*, we allowed the RTC to consider, in addition to the complaint, other pleadings submitted by the parties in deciding whether or not the complaint should be dismissed for lack of cause of action. In *Guaranteed Homes, Inc. v. Heirs of Valdez, et al.*, we held that the factual allegations in a complaint should be considered in tandem with the statements and inscriptions on the documents attached to it as annexes or integral parts.

In the present case, we find reason not to strictly apply the abovementioned general rule, **and to consider the facts contained in the Declaration of Real Property attached to the complaint in determining whether the RTC had jurisdiction over the petitioner's case.** A mere reference to the attached document could facially resolve the question on jurisdiction and would have rendered lengthy litigation on this point unnecessary.<sup>81</sup> (Emphasis supplied; citations omitted)

Following suit, this Court in *Crystal v. Son*<sup>82</sup> underscored that the assessed value of real property may likewise be determined through a facial examination of the documents attached to the complaint:

A reading of the quoted cases would reveal a pattern which would invariably guide both the bench and the bar in similar situations. Based on the foregoing, the rule on determining the assessed value of a real property, insofar as the identification of the jurisdiction of the first and second level courts is concerned, would be two-tiered:

First, the general rule is that jurisdiction is determined by the assessed value of the real property as alleged in the complaint; and

**Second, the rule would be liberally applied if the assessed value of the property, while not alleged in the complaint, could still be**

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<sup>80</sup> 744 Phil. 423 (2014) [Per J. Brion, Second Division].

<sup>81</sup> *Id.* at 430-431.

<sup>82</sup> 821 Phil. 1033 (2017) [Per J. Reyes, Jr., Second Division]

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**identified through a facial examination of the documents already attached to the complaint.**

Indeed, it is by adopting this two-tiered rule that the Court could dispense with a catena of cases specifically dealing with issues concerning jurisdiction over real properties.<sup>83</sup> (Emphasis supplied)

The Tax Declarations of the foreclosed properties attached to the petition for annulment of foreclosure proceedings show that the total assessed value of the foreclosed properties subject of the petition for annulment of foreclosure proceedings amounts to PHP 92,840.00. A tax declaration indicating the assessed value of the property enjoys the presumption of regularity as it has been issued by the proper government agency.<sup>84</sup>

It further bears noting that the petition for annulment of foreclosure proceedings was filed on September 30, 2016,<sup>85</sup> prior to the amendment of Batas Pambansa Blg. 129, when the jurisdictional threshold of the RTCs outside Metro Manila for real actions was set at PHP 20,000.00. Clearly, the petition for annulment of foreclosure proceedings was well-within the jurisdiction of RTC Branch 35.

*In G.R. No. 268716, RTC Branch 21 did not commit grave abuse of discretion in issuing the writ of possession and in denying ARSFI's Urgent Motion to Intervene, Motion to Enjoin Sheriff, and Urgent Motion to Quash Writ of Possession*

Notably, in an extrajudicial foreclosure of real property, the purchaser becomes the absolute owner thereof if no redemption is made within one year from the registration of the certificate of sale by those entitled to redeem.<sup>86</sup> As the confirmed owner, the purchaser's right to possession is absolute.<sup>87</sup> Consequently, the court issues a writ of possession to command the sheriff to enter the land to give possession to the purchaser.<sup>88</sup>

As a general rule, the issuance of the writ of possession is ministerial.<sup>89</sup> As such, a pending action for annulment of mortgage or

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<sup>83</sup> *Id.* at 1046.

<sup>84</sup> *Gabrillo v. Heirs of Olimpio Pastor*, 864 Phil. 261, 269 (2019) [Per J. Reyes, J., Jr., Second Division].

<sup>85</sup> *Rollo*, G.R. No. 256021, p. 51.

<sup>86</sup> *Jayag and Jayag v. BDO Unibank, Inc., et al.*, 910 Phil. 236, 246 (2021) [Per C.J. Gesmundo, First Division].

<sup>87</sup> *Id.* at 244.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

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foreclosure sale will not stay the issuance of the writ of possession. In fact, the trial court need not look into the validity of the mortgage or the manner of its foreclosure. Questions on the regularity and the validity of the mortgage and foreclosure shall not stay issuance of a writ of possession in favor of the new owner. The purchaser is entitled to a writ of possession without prejudice to the outcome of the pending annulment case.<sup>90</sup>

However, the issuance of a writ of possession ceases to be ministerial if any of the following circumstances are proven to exist, namely, (i) gross inadequacy of the purchase price; (ii) the existence of a third party claiming a right adverse to the debtor-mortgagor; or (iii) failure of the purchaser to pay the surplus proceeds of the sale to the mortgagor.<sup>91</sup>

ARSFI harps on the second exception in claiming that RTC Branch 21 acted with grave abuse of discretion in issuing the writ of possession in favor of RBSMI.

Essentially, the power of the court to execute judgments extends only to properties unquestionably belonging to the judgment debtor. An execution cannot be issued against one who did not have their day in court. Thus, when a third party holds the foreclosed property adversely to the defaulting debtor-mortgagor, the issuance by the court of a writ of possession in favor of the purchaser ceases to be ministerial and may no longer be done *ex-parte*. In such instances, the court must conduct a hearing to determine the nature of the adverse possession. However, for the exception to apply, it must be proven that the third party possesses the property adversely to the debtor-mortgagor.<sup>92</sup> For possession to be regarded as adverse, the third party must hold the property in their own right and not merely as a successor or transferee of the debtor-mortgagor.<sup>93</sup>

Relatedly, Rule 39, Section 16 of the Rules of Court provides further protection to the third party adversely occupying the property through the remedy known as *terceria*.<sup>94</sup>

**Section 16. Proceedings where property claimed by third person.** - If the property levied on is claimed by any person other than the judgment obligor or his agent, and such person makes an affidavit of his title thereto or right to the possession thereof, stating the grounds of such right or title,

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<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 244–245.

<sup>92</sup> *Spouses George A. Gallent, Sr. and Mercedes M. Gallent v. Velasquez*, 784 Phil. 44, 62 (2016) [Per J. Reyes, Third Division].

<sup>93</sup> *Id.* at 63–64.

<sup>94</sup> *Power Sector Assets and Liabilities Management Corporation v. Maunlad Homes, Inc.*, 805 Phil. 544 (2017) [Per J. Peralta, Second Division].

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and serves the same upon the officer making the levy and a copy thereof upon the judgment obligee, the officer shall not be bound to keep the property, unless such judgment obligee, on demand of the officer, files a bond approved by the court to indemnify the third-party claimant in a sum not less than the value of the property levied on. In case of disagreement as to such value, the same shall be determined by the court issuing the writ of execution. No claim for damages for the taking or keeping of the property may be enforced against the bond unless the action therefor is filed within one hundred twenty (120) days from the date of the filing of the bond.

The officer shall not be liable for damages for the taking or keeping of the property, to any third-party claimant if such bond is filed. Nothing herein contained shall prevent such claimant or any third person from vindicating his claim to the property in a separate action, or prevent the judgment obligee from claiming damages in the same or a separate action against a third-party claimant who filed a frivolous or plainly spurious claim.

When the writ of execution is issued in favor of the Republic of the Philippines, or any officer duly representing it, the filing of such bond shall not be required, and in case the sheriff or levying officer is sued for damages as a result of the levy, he shall be represented by the Solicitor General and if held liable therefor, the actual damages adjudged by the court shall be paid by the National Treasurer out of such funds as may be appropriated for the purpose.<sup>95</sup>

For the remedy of *terceria* to prosper, the claim of ownership or right of possession to the levied property by the third-party claimant must first be unmistakably established. Otherwise, the claim shall be denied.<sup>96</sup>

To prove its ownership and legal title over the donated properties, ARSFI submitted before RTC Branch 21, the Judicial Affidavits of De Guzman and Rodrigo Rigos (Rigos), with attached Deed of Donation and Tax Declarations. Likewise, ARSFI filed an Affidavit of Third-Party Claim,<sup>97</sup> harping on the same Deed of Donation and Tax Declarations as proof of its ownership of the donated properties.<sup>98</sup>

Unfortunately, De Guzman and Rigos were never presented in court to affirm the contents of their Judicial Affidavits.<sup>99</sup> It bears stressing that Section 10(b) of the Judicial Affidavit Rule<sup>100</sup> stringently ordains that “the

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<sup>95</sup> *Id.* at 554.

<sup>96</sup> *Id.*

<sup>97</sup> *Rollo*, G.R. No. 268716, pp. 92-94.

<sup>98</sup> *Id.* at 93.

<sup>99</sup> *Id.* at 75.

<sup>100</sup> A.M. No. 12-8-8-SC, sec. 10.

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court shall not consider the affidavit of any witness who fails to appear at the scheduled hearing of the case as required.”<sup>101</sup>

Besides, even if RTC Branch 21 admitted the Deed of Donation, it will only prove that ARSFI is a successor or transferee of the spouses Rameles, and thus, does not occupy the donated properties adversely to the latter.

In the same vein, even if the Tax Declarations were admitted, they would not hold sway. It is settled that tax declarations by themselves are not conclusive evidence of ownership of real property.<sup>102</sup>

Based on the foregoing, the issuance of the writ of possession was ministerial on the part of RTC Branch 21. Thus, it did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in granting the writ of possession, and in denying ARSFI’s Urgent Motion to Quash Writ of Possession and Motion to Enjoin Sheriff.

*RTC Branch 21 correctly denied ARSFI’s  
Urgent Motion to Intervene*

Rule 19, Section 1 of the Rules of Court allows a third party, not originally impleaded in the proceedings, but has a legal interest in the matter of litigation, to intervene in the proceedings to protect or preserve their right or interest:

**Section 1. Who may intervene.** — A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof may, with leave of court, be allowed to intervene in the action. The court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intervenor’s rights may be fully protected in a separate proceeding.

The right to intervene is not an absolute right but rests on the sound discretion of the court.<sup>103</sup> The intervenor must establish that they have (i) a legal interest either in the matter in controversy, or in the success of either of the parties, or against both parties or that they are so situated as to be

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<sup>101</sup> Judicial Affidavit Rule, sec. 10 (b).

<sup>102</sup> *Belmonte v. Magas, et al.*, 902 Phil. 167, 177 (2021) [Per J. Delos Santos, Third Division].

<sup>103</sup> *Rep. of the Phils., represented by the Philippine Reclamation Authority v. Rubin*, 887 Phil. 600, 608 (2020) [Per J. Lazaro-Javier, First Division].

adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof; (ii) intervention will not unduly delay or prejudice the adjudication of rights of the original parties; and (iii) the intervenor's rights may not be fully protected in a separate proceeding.<sup>104</sup>

The primordial requirement for intervention is that the intervenor has a legal interest that is of a direct and immediate character so that they will either gain or lose by the direct legal operation of the judgment. The interest must be actual and material—a concern which is more than mere curiosity, or academic or sentimental desire. However, despite the intervenor's legal interest, ultimately, permission to intervene rests on the sound discretion of the court, who in turn, determines whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties and whether the intervenor's rights may be fully protected in a separate proceeding.<sup>105</sup>

It cannot be gainsaid that ARSFI's right to intervene is premised on its right of ownership over the donated properties. However, as earlier discussed, ARSFI failed to prove its legal interest over said properties. Worse, ARSFI was given numerous opportunities to establish its claim over the donated properties, which it disregarded. The July 24, 2020 Order of RTC Branch 21 chronicles ARSFI's failure to appear in the proceedings to prove its title:

The court set for hearing ARSFI's motion to intervene on 09 December 2019 but only [RBSMI] appeared. The hearing was then reset to 13 January 2020 but Atty. Simangan of ARSFI again failed to appear. The court then directed ARSFI to just submit evidence that they are holding the subject property adversely to the Oppositors [spouses Ramales]. ARSFI then filed a Manifestation/ Motion and Compliance dated 20 January 2020. The court also received the Judicial-Affidavits of Marjorie De Guzman and Rodrigo Rigos where a purported Deed of Donation between Oppositors [spouses Ramales] and ARSFI regarding certain properties and Tax Declarations of Property were attached thereto. During the hearing on 03 February 2020, ARSFI, however, did not present any evidence...<sup>106</sup>

Plainly, ARSFI has only itself to blame for the denial of its Motion to Intervene.

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<sup>104</sup> *Asia's Emerging Dragon Corporation v. Department of Transportation and Communication, Secretary Leandro R. Mendoza, and Manila International Airport Authority*, 572 Phil. 523, 527–528 (2008) [Per J. Carpio, *En Banc*].

<sup>105</sup> *Rep. of the Phils., represented by the Philippine Reclamation Authority v. Rubin*, 887 Phil. 600, 608 (2020) [Per J. Lazaro-Javier, First Division].

<sup>106</sup> *Rollo*, G.R. No. 268716, p. 98.

Finally, anent ARSFI's contention that the CA erred in affirming the ruling of RTC Branch 21 that Josie and ARSFI have the same personality, it must be clarified that the CA never affirmed such pronouncement. On the contrary, the CA acknowledged that RTC Branch 21 may have erred in not taking into account the separate personalities of ARSFI and Josie. However, the CA explained that said reasoning was not the only basis of RTC Branch 21 in denying ARSFI's plea to intervene, *viz*:

Indeed, the RTC should have taken into consideration the general doctrine of separate juridical personality. This provides that a corporation has a legal personality separate and distinct from that of people comprising it. Thus, Josie, being an officer of ARSFI, does not mean that her property is also the property of ARSFI, and vice-versa.

Nonetheless, it cannot be denied that this is not the only basis used by the RTC to deny ARSFI's Urgent Motion for Intervention. In the Second Assailed Order, the RTC clearly discussed that ARSFI was not able to present evidence that it had titles over the Subject Properties and was holding the same adversely to spouses Ramales ...<sup>107</sup>

Verily, sans evidence of ARSFI's right over the donated properties, RTC Branch 21 correctly denied its motion to intervene, *terceria*, and opposition to the writ of possession.

All told, the Petitions for Review on *Certiorari* in G.R. Nos. 256021 and 268716, filed by RBSMI and ARSFI, respectively, are denied for lack of merit. In both petitions, the CA correctly denied the petitions for *certiorari* filed before it for failure to establish that the respective trial courts acted with grave abuse of discretion amounting to lack or excess of jurisdiction. Lest it be forgotten, grave abuse of discretion equates to a capricious and whimsical exercise of judgment or an arbitrary or despotic exercise of power that is so patent and gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.<sup>108</sup> No such acts may be attributed against RTC Branches 35 and 21.

**ACCORDINGLY**, the Petitions for Review on *Certiorari* are **DENIED for lack of merit**. The February 10, 2020 Decision and January 6, 2021 Resolution of the Court of Appeals in CA-G.R. SP No. 153530, as assailed in G.R. No. 256021, as well as the February 22, 2023 Decision and the July 26, 2023 Resolution of the Court of Appeals in CA-G.R. SP No. 166173, questioned in G.R. No. 268716, are **AFFIRMED**.

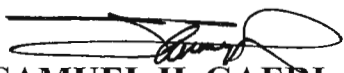
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<sup>107</sup> *Id.* at 74–75.

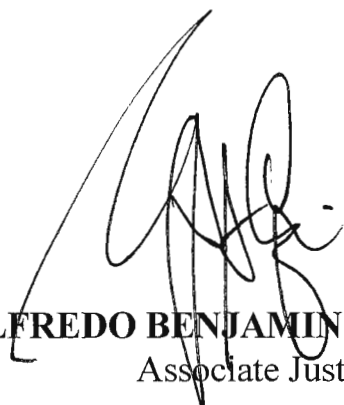
<sup>108</sup> *Jurabelo v. Household Goods Patrons, Inc. and Dulalia*, 891 Phil. 233, 239 (2020) [Per J. Caguioa, First Division].

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**SO ORDERED.**

  
**SAMUEL H. GAERLAN**  
Associate Justice

WE CONCUR:

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice


  
**JAPAR B. DIMAAMPAO**  
Associate Justice

*(On leave)*  
**MARIA FILOMENA D. SINGH**  
Associate Justice



## ATTESTATION

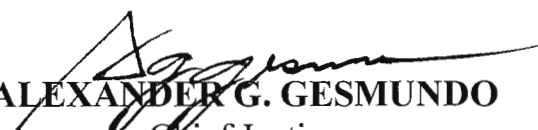
I attest that the conclusions in the above Decision had been reached in consultation before these cases were assigned to the writer of the opinion of the Court's Division.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Chairperson, Third Division

## CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before these cases were assigned to the writer of the opinion of the Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice