**Digest – G.R. No. 242127**

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| G.R. Number | G.R. No. 242127 |
| Date of Trial | September 15, 2021 |
| Court Level | Court Of Appeals |
| Division | Second Division |
| Is En Banc | No |
| Petitioners | Evangeline Engao Asis, Heirs Of Felicitation Engao-Bautista, Namely: Fernando B. Bautista, Agueda Fe B. Barredo, Fernando E. Baustista, Jr., And Amado Rex E. Bautista, Heirs Of Erma Engao Trocino, Namely: Felipe E. Trocino And Pamela T. Dela Cruz, And Cesar A. Engao, Petitioners |
| Respondents | Heirs Of Rosello Calignawan, Namely: Erlinda A. Calignawan, Vincent A. Calignawan, Lindro A. Calignawan, Sherman A. Calignawan, Marvi A. Calignawan, Ian Loyd A. Calignawan, Gary Martin A. Calignawan, And Mary Rose A. Calignawan, Respondents. |
| Ponente | Hernando J. |

**FACTS**

Cesario and Romana Engao had two children, Felipe Engao and Angeles Engao-Calignawan.  
 Felipe Engao had four children: Evangeline, Erma Engao-Trocino, Felicitation Engao-Bautista, and Cesar.  
 Rosello Calignawan grew up with Vicente and Angeles Calignawan in Tacloban City.  
 Lot No. 581 and Lot No. 2064, located in Tacloban City, were registered under the names of Romana Engao and Angeles Calignawan, covered by TCT No. T-1084 and TCT No. T-1051, respectively.  
 Rosello Calignawan filed a Complaint for declaration of nullity of documents, partition, and damages against Evangeline, Felicitation, Erma, Cesar, and Felipe Engao.  
 Rosello Calignawan alleged that upon Romana Engao's death in 1975, Angeles Calignawan became owner of three-fourths of the subject properties, and Felipe Engao owned the remaining one-fourth.  
 Rosello Calignawan claimed Angeles Calignawan executed a Deed of Donation in his favor on May 25, 1984, entitling him to a share in the subject properties.  
 In 1988, Rosello Calignawan discovered that TCT T-1084 and TCT T-1051, and corresponding tax declarations had been cancelled.  
 New transfer certificates of title (TCT T-26416, TCT T-26418, TCT T-26419, TCT T-26415, and TCT T-26417) were issued in the names of Felicitation, Erma, Evangeline, Cesar, and Rosello.  
 A Deed of Adjudication and a Deed of Consolidation, both dated December 2, 1982, facilitated the transfer of the subject properties and the cancellation of the original certificates of title.  
 Rosello Calignawan claimed his signature on the Deed of Adjudication and Deed of Consolidation was forged.  
 Rosello Calignawan contended that Angeles Calignawan and Felipe Engao were alive when the Deeds were executed, so Evangeline, Erma, Felicitation, and Cesar had no right to inherit or adjudicate the subject properties.  
 Felipe Engao argued that Rosello Calignawan was not a natural or adoptive child of Vicente and Angeles Calignawan, and the Deed of Donation was spurious.  
 Felipe Engao asserted that the estate of Spouses Engao was settled in Special Proceeding No. 1425 on January 30, 1989.  
 The Felipe heirs agreed to partition the subject properties among themselves and Rosello Calignawan, and the Deed of Adjudication was superseded by an Extrajudicial Settlement in 1985.  
 The Felipe heirs alleged the Deed of Donation was a forgery or Angeles Calignawan's signature was obtained through undue influence and claimed notarization of the Deed of Donation was impossible due to Angeles Calignawan's frail condition and location.  
 The Regional Trial Court declared the Deed of Donation null and void.  
 The Regional Trial Court declared Rosello Calignawan not a son of Vicente and Angeles Calignawan, and thus not an heir of Angeles Calignawan.  
 The Regional Trial Court found the Deed of Donation was not valid because Angeles Calignawan was not physically fit to travel for notarization, the witnesses could not have witnessed the signing, the petitioners were informed of the existence of the Deed of Donation only after Angeles Calignawan's death and Angeles Calignawan's signatures appeared identical to a 1954 document.  
 The Regional Trial Court ruled the Order declaring Felipe Engao as the only heir could not bind the court and it had the duty to make its own independent determination.  
 The Regional Trial Court ruled the Deed of Adjudication and Deed of Consolidation were null and void as they had been superseded by the Extrajudicial Settlement and pertained to future inheritance.  
 The Regional Trial Court declared the Extrajudicial Settlement void because it was meant to correct the Deeds of Adjudication and Consolidation.  
 The Regional Trial Court ordered the certificates of title in the names of Romana Engao and Angeles Calignawan be reinstated.  
 The Regional Trial Court settled the shares of the parties, stating Felipe Engao inherited one-fourth of the subject properties upon Romana Engao's death and three-fourths pertained to Angeles Engao.  
 The Regional Trial Court directed the defendants to submit a project of partition of the subject properties.  
 Rosello Calignawan appealed the Regional Trial Court decision.  
 The Court of Appeals reversed the Regional Trial Court decision, holding the Deed of Adjudication, Deed of Consolidation, and Extrajudicial Settlement were null and void, but the Deed of Donation was valid.  
 The Court of Appeals anchored the nullity of the Deed of Adjudication, Deed of Consolidation, and Extrajudicial Settlement on the principle that contracts involving future inheritance are void.  
 The Court of Appeals held the Deed of Donation in favor of Rosello Calignawan to be valid based on the principle of res judicata, citing a previous case, Heirs of Felipe Engao vs. Rosello Calignawan.  
 The Court of Appeals declared Rosello Calignawan and the heirs of Felipe Engao as co-owners of certain lots, with Rosello Calignawan owning a three-fourths portion and the heirs of Felipe Engao owning the remaining one-fourth portion.  
 The Court of Appeals ordered the cancellation of certain transfer certificates of title and tax declarations, and the reinstatement of TCT No. T-1051, TCT No. 1084, Tax Declaration No. 26286, and Tax Declaration No. 26285.  
 The Court of Appeals remanded the case to the Regional Trial Court for the execution of a project of partition.  
 The petitioners filed a Petition for Review following the Court of Appeals decision.

**ISSUES**

The Court is to resolve four issues.  
 Rosello Calignawan, respondents' predecessor, split a cause of action.  
 Two separate complaints were filed before two different Regional Trial Courts.  
 Petitioners submit that respondents' predecessor committed willful forum-shopping.  
 The Court of Appeals allegedly committed a serious legal error in ruling otherwise.  
 Civil Case No. 89-01-005 was filed by Rosello Calignawan on January 10, 1989.  
 Civil Case No. 89-01-005 was filed before the Regional Trial Court, Branch 9, Tacloban City.  
 Civil Case No. 89-01-005 was decided on December 16, 2009.  
 Civil Case No. B-92-10-461 was filed by Rosello Calignawan on October 28, 1992.  
 Civil Case No. B-92-10-461 was filed before the Regional Trial Court, Branch 15, Burauen, Leyte.  
 Civil Case No. B-92-10-461 was decided on September 10, 1998.  
 Petitioners submit that each court was supreme in its own jurisdiction.  
 No decision took precedence over the other.  
 The Court of Appeals allegedly committed a serious legal error in subsuming the decision of the RTC Tacloban to that of the RTC Burauen.  
 Petitioners submit that respondents are estopped from challenging the exercise of jurisdiction by the Regional Trial Court, Branch 9, Tacloban City.  
 Respondents' predecessor filed two separate complaints based on the same cause.  
 Respondents cannot invoke their predecessor's violation of the rules for their benefit.  
 The Court of Appeals allegedly committed a serious legal error in exercising unwarranted liberality.  
 The Court of Appeals allegedly bent the rules of procedure when it admitted respondents' appellants' brief.  
 The time to file brief expired without respondents filing their brief.  
 Respondents did not file a motion for extension of time.

**RULINGS**

The petition lacks merit.  
 Rosello committed forum-shopping by filing separate complaints, but petitioners raised the issue too late on appeal.  
 The elements of forum-shopping are present: identity of parties, similarity of rights and reliefs, and res judicata.  
 Venue and jurisdiction are distinct; the location of properties does not preclude a single suit involving properties in different locations.  
 Petitioners waived their right to raise forum-shopping by actively participating in the RTC of Burauen proceedings.  
 The appellate court did not err in admitting the belatedly filed Appellant's Brief due to the previous counsel's gross negligence.  
 Section 12, Rule 44 of the Rules of Court dictates that motions for extension of time are not granted as a matter of right.  
 The RTC of Burauen's final decision constitutes res judicata.  
 Res judicata, specifically conclusiveness of judgment, applies because the RTC of Burauen's decision on the Deed of Donation's validity is final.  
 The elements of res judicata are present: final judgment, jurisdiction, judgment on the merits, and identity of parties, subject matter, and cause of action.  
 The Court recognizes the immutability of the RTC of Burauen's Decision and holds the Deed of Donation as valid.  
 Procedural rules should be followed, but courts may relax them in the interest of substantial justice.  
 The Court of Appeals' decision is affirmed in full.