



Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

ST. FRANCIS SQUARE G.R. No. 238501
 REALTY CORPORATION
 (Formerly known as ASB Present:
 REALTY CORPORATION),

Petitioner, CAGUIOA, J., Chairperson,
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH, JJ.

- versus -

BSA TOWER CONDOMINIUM Promulgated:
 CORPORATION,

Respondent. August 3, 2022

X-----Miguel C. Baltazar-----X

R E S O L U T I O N

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ assailing the Decision² dated January 8, 2018 and the Resolution³ dated March 26, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 139672. The CA dismissed the petition filed by St. Francis Square Realty Corporation (petitioner SFSRC) to cite BSA Tower Condominium Corporation (respondent BSATCC) in contempt on the ground that the latter was not impleaded as a party to the complaint for injunction previously decided in favor of the former.⁴

¹ Rollo, pp. 9-31.

² Id. at 40-49. Penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Priscilla J. Baltazar-Padilla (a former Member of the Court) and Pedro B. Corales.

³ Id. at 51-52. Penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Priscilla J. Baltazar-Padilla (a former Member of the Court) and Pedro B. Corales.

⁴ Id. at 47-48.

The Antecedents

Petitioner SFSRC, then known as ASB Realty Corporation, was the developer of BSA Tower, a condominium building in Legaspi Village, Makati City. Meanwhile, respondent BSATCC is the condominium corporation at the BSA Tower.

On April 10, 1995, petitioner SFSRC executed a Master Deed with Declaration of Restrictions⁵ stating that, as the developer, it has the sole option to convert, make, or use the residential units or some of them as an apartelle or condotel. Sometime in 2001, petitioner SFSRC agreed to respondent BSATCC's request to allow another entity to operate the condotel at the BSA Tower.⁶ Respondent BSATCC then authorized Quantum Hotels & Resorts Inc. (Quantum) to commence its condotel operations at the BSA Tower.⁷

Years later, petitioner SFSRC sent a letter⁸ dated July 13, 2005 to respondent BSATCC stating the former's desire to operate the condotel at the BSA Tower starting January 2007. Petitioner also sent a letter to Quantum, but the latter did not stop its operations at the BSA Tower.⁹

The Complaint for Injunction

On April 25, 2007, petitioner SFSRC filed with the Regional Trial Court (RTC) of Mandaluyong City a complaint for injunction with damages against Quantum to enforce its right to exclusively operate a condotel at BSA Tower and to enjoin Quantum from conducting condotel operations at the said building. The case was docketed as Civil Case No. MC07-3251 and raffled to Branch 211 (the injunction court).¹⁰

In the Decision¹¹ dated July 11, 2011, the injunction court ruled in favor of petitioner SFSRC and declared it to have the exclusive right to operate condotel or apartelle services at the BSA Tower Condominium. The injunction court permanently enjoined Quantum from continuing its

⁵ Id. at 96-121.

⁶ Id. at 122.

⁷ Id. at 141.

⁸ Id. at 123.

⁹ Id. at 141-142.

¹⁰ Id. at 138, 142-143.

¹¹ Id. at 125-136. Penned by Presiding Judge Ofelia L. Calo.

operations thereat, among others, and to pay ₱100,000.00 as attorney's fees.¹²

The RTC Decision was affirmed by the CA in a Decision dated July 2, 2013 in CA-G.R. CV No. 97520¹³ and eventually by the Court in a Resolution¹⁴ dated January 29, 2014 issued in G.R. No. 208864.¹⁵ The Court also denied Quantum's subsequent motion for reconsideration with finality.¹⁶

Acting upon petitioner SFSRC's motion for the issuance of a writ of execution, the injunction court issued a Writ of Execution¹⁷ on May 19, 2014. Sheriff Nicanor A. De Ramos, served the writ and made the following Return¹⁸ on May 30, 2014, *viz.*:

x x x [T]he undersigned observed that there is a condotel operation in BSA Tower. The undersigned went to the office of the condotel management where I was able to talk with the manager who introduced himself as Juaquin Mercado. I explained to Mr. Mercado that based on the decision, only plaintiff has the right to conduct condotel operation in BSA Tower. I gave Mr. Mercado a copy of the writ which he read but refused to receive. He said that their company is *Vander Build RE Holding Corporation* and not defendant Quantum so he could not receive the writ. Mr. Mercado informed me that defendant Quantum is no longer the condotel operator. Instead, Vander Build is the new operator of the condotels in BSA Tower. The undersigned was left with no other option but to tender the writ to the said person. I also posted a copy of the writ in front of the office of the condotel operator.¹⁹

The Petition for Contempt

On June 4, 2014, petitioner SFSRC filed before the RTC a Petition [To Cite In Contempt]²⁰ Quantum, Vander Build RE Holdings Corporation (Vanderbuild), Juaquin Mercado (Mercado), and herein

¹² Id. at 135-136.

¹³ Entitled "St. Francis Square Realty Corporation, formerly known as ASB Realty Corporation v. Quantum Hotels & Resort, Inc. Id. at 138-153; penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Priscilla J. Baltazar-Padilla (a former Member of the Court).

¹⁴ Id. at 154-155.

¹⁵ Entitled "Quantum Hotels & Resorts, Inc. v. St. Francis Square Realty Corporation, formerly ASB Realty Corporation." id. At 154.

¹⁶ Id. at 156.

¹⁷ Id. at 157-158.

¹⁸ Id. at 159.

¹⁹ Id.

²⁰ Id. at 160-172.

respondent BSATCC for their alleged conspiracy with one another to violate the final and executory decision and the writ of execution issued by the injunction court.²¹ The case was docketed as MC14-9063 and raffled to Branch 211 (the contempt court).

Respondent BSATCC filed a Special Appearance with Motion to Dismiss²² the Petition [To Cite In Contempt] based on the following grounds: (1) the RTC Branch 211 has no jurisdiction over its person; (2) it cannot be bound by the decision rendered in the injunction case as it was not impleaded therein; (3) it did not commit any contemptuous act; (4) it is not covered by the commands contained in the writ of execution; and (5) it did not disobey or resist any lawful writ, process, order, or judgment of a court.²³

Petitioner SFSRC filed its Opposition²⁴ to respondent BSATCC's motion to dismiss.

The RTC Ruling

In the Order²⁵ dated December 17, 2014, the contempt court denied respondent BSATCC's motion to dismiss.

The contempt court ruled, among others, that for it to dismiss the case against respondent BSATCC on the mere ground that it was not impleaded as a party in the earlier final and executory injunction case and on the mere allegation that it has a personality distinct and separate from Quantum would be premature. Thus, the RTC decided to give the parties the chance to prove their respective allegations.²⁶

The contempt court denied respondent BSATCC's motion for reconsideration in its Order²⁷ dated January 28, 2015.

Aggrieved, respondent BSATCC filed with the CA a petition for *certiorari* with application for the issuance of a temporary restraining

²¹ Id. at 42-43.

²² Id. at 173-187.

²³ Id. at 43-44.

²⁴ Id. at 188-194.

²⁵ Id. at 195-198. Penned by Judge Ofelia L. Calo.

²⁶ Id. at 44.

²⁷ Id. at 199-201.

order (TRO) and a writ of preliminary injunction. It alleged that the RTC committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying its motion to dismiss.²⁸

The CA Ruling

On January 8, 2018, the CA rendered the assailed Decision disposing of the case as follows:

We SET ASIDE the Order dated 17 December 2014 issued by the Regional Trial Court, Branch 211, Mandaluyong City. Instead, we DISMISS the Petition [To Cite In Contempt], as against the named party defendant[,] the petitioner BSA Tower Condominium Corporation.²⁹

The CA found that petitioner SFSRC's contempt petition was premised on the alleged refusal of respondent BSATCC to obey the injunction court's Decision dated July 11, 2011 and the Writ of Execution dated May 19, 2014 issued pursuant thereto. However, the injunction case was filed by petitioner SFSRC against Quantum only without impleading respondent BSATCC. The CA explained that a suit for injunction partakes of the nature of an action *in personam* and the RTC's jurisdiction is limited to the parties in the suit. Consequently, any and all orders and writs of execution that the court may issue in that case can be enforced only against those parties named in the injunction suit.³⁰

The CA held that respondent BSATCC had no obligation to obey the decision and the writ of execution issued by the injunction court because it was not a party in the injunction case. It found no willful disregard of the RTC order in the injunction case as respondent BSATCC's conduct neither brought the authority of the injunction court and the administration of law into disrepute nor impeded the administration of justice. Thus, the CA found that respondent BSATCC was not guilty of indirect contempt.³¹

The CA denied petitioner SFSRC's Motion for Reconsideration³² in the Resolution³³ dated March 26, 2018.

²⁸ Id. at 45.

²⁹ Id. at 48.

³⁰ Id. at 47-48.

³¹ Id. at 48.

³² Id. at 81-88.

³³ Id. at 51-52.

Hence, the instant Petition for Review on *Certiorari*.³⁴

Petitioner SFSRC alleges that the CA erred in ruling that respondent BSATCC could not have been guilty of Indirect Contempt because it was not a party in the injunction case; and that even if it was not a party in the injunction case, it may have been guilty of Indirect Contempt for conspiring with Quantum and Vanderbuild in violating the writ of execution issued by the Injunction Court.³⁵

Respondent BSATCC filed its Comment³⁶ to which petitioner SFSRC filed a Reply.³⁷

Subsequently, respondent BSATCC filed a Motion to Dismiss³⁸ the present petition on the ground that petitioner SFSRC has engaged in forum shopping. It alleges that in the instant petition, petitioner SFSRC prays for the setting aside of the CA's dismissal of the petition to cite respondent BSATCC in contempt, which is the same relief that petitioner SFSRC prayed for in its appeal then pending with the CA, docketed as CA-G.R. CR No. 42808, assailing the RTC decision dismissing the contempt petition on the merits against all the respondents therein.³⁹

In its Comment/Opposition,⁴⁰ petitioner SFSRC denies engaging in forum shopping as the cases mentioned involve entirely different issues and reliefs prayed for. It points out that the relief prayed for in the instant petition merely involves the jurisdiction over the person of respondent BSATCC while the relief it prayed for in the case then pending before the CA involved the actual merits of the contempt case.⁴¹

Respondent BSATCC filed its Reply⁴² reiterating its arguments and stating that petitioner SFSRC's pending appeal filed in CA-G.R. CR No. 42808 had already been dismissed by the CA in its Decision⁴³ dated

³⁴ Id. at 9-31.

³⁵ Id. at 82-86.

³⁶ Id. at 227-245.

³⁷ Id. at 253-258.

³⁸ Id. at 267-273.

³⁹ Id. at 267-272.

⁴⁰ Id. at 335-340.

⁴¹ Id. at 336.

⁴² Id. at 347-352.

⁴³ Id. at 355-367. Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Rafael Antonio M. Santos and Walter S. Ong.

December 13, 2019. Petitioner SFRC filed a Rejoinder.⁴⁴

The Court's Ruling

The petition has no merit.

The instant petition originates from respondent BSATCC's motion to dismiss the contempt petition that petitioner SFSRC filed against it, Quantum, Vanderbuild, and Mercado for their alleged refusal to obey the final and executory Decision dated July 11, 2011 and the Writ of Execution issued on May 19, 2014 by the injunction court in Civil Case No. MC07-3251. Notably, during the pendency of the instant petition, the contempt court dismissed the contempt petition on the merits in its Order⁴⁵ dated November 28, 2018.

The contempt court found that Quantum had fully complied with the Decision dated July 11, 2011 and that Vanderbuild, Mercado, and herein respondent BSATCC, were not parties in the injunction case.⁴⁶

Petitioner SFSRC appealed the decision to the CA. The appeal was docketed as CA-G.R. CR No. 42808. In the CA Decision⁴⁷ dated December 13, 2019, the CA denied the appeal and affirmed the contempt court's decision.

The CA ruled that the contempt court correctly dismissed the contempt petition considering that Quantum had already complied with the injunction court's Decision dated July 11, 2011 and the Writ of Execution issued on May 19, 2014. It held that Vanderbuild, Mercado, and herein respondent BSATCC, were not made parties to the injunction case and thus were not bound by the injunction court's decision. It stressed that because an injunction case is an action *in personam*, it is binding only upon the parties properly impleaded therein and duly heard or given an opportunity to be heard. The CA also found that petitioner SFSRC failed to sufficiently establish its allegation of conspiracy or complicity against any of the parties in violating the injunction court's

⁴⁴ Id. at 373-377.

⁴⁵ Id. at 313-327. Penned by Judge Carlos A. Valenzuela

⁴⁶ Id. at 327.

⁴⁷ Id. at 355-367.

order in order to hold them liable for their refusal to obey the decision and writ of execution issued in the injunction case.⁴⁸

With the denial of its Motion for Reconsideration⁴⁹ of the CA Resolution dated August 19, 2020, petitioner SFSRC elevated the dismissal of their contempt petition to the Court. In the Resolution dated December 9, 2020 issued in G.R. No. 253198,⁵⁰ the Court affirmed the decision of the CA.⁵¹

Based on the foregoing, it is already settled that respondent BSATCC was not a party in the injunction case and is therefore not bound by the judgment rendered by the injunction court. Therefore, it could not have been guilty of indirect contempt when it refused to obey the injunction court's Decision dated July 11, 2011 and the Writ of Execution issued on May 19, 2014.

It is clear that the case is already barred by the law of the case. In view thereof, the Court denies the instant petition.

In *Sps. Sy v. Young*,⁵² the Court defined the law of the case as follows:

Law of the case has been defined as the opinion delivered on a former appeal. It means that whatever is once irrevocably established the controlling legal rule of decision between the same parties in the same case continues to be the law of the case whether correct on general principles or not, so long as the facts on which such decision was predicated continue to be the facts of the case before the court.

We point out in this respect that the law of the case does not have the finality of *res judicata*. Law of the case applies only to the same case, whereas *res judicata* forecloses parties or privies in one case by what has been done in another case. In law of the case, the rule made by an appellate court cannot be departed from in subsequent

⁴⁸ Id.

⁴⁹ Id. at 81-88.

⁵⁰ Entitled "*ASB Realty Corp. (now known as St. Francis Square Realty Corp.) v. Quantum Hotels & Resorts, Inc.*,"

⁵¹ The dispositive portion reads:

WHEREFORE, the petition is DENIED. The December 13, 2019 Decision of the Court of Appeals in CA-G.R. CR No. 42808, finding no reason to cite Quantum Hotels & Resorts, Inc., Vanderbuild Re Holdings Corp., Joaquin Mercado, and BSA Tower Condominium Corporation in contempt of court is hereby AFFIRMED.

⁵² 711 Phil. 444 (2013).

proceedings in the same case. Furthermore, law of the case relates entirely to questions of law while *res judicata* is applicable to the conclusive determination of issues of fact. Although *res judicata* may include questions of law, it is generally concerned with the effect of adjudication in a wholly independent proceeding.

The rationale behind this rule is to enable an appellate court to perform its duties satisfactorily and efficiently, which would be impossible if a question, once considered and decided by it, were to be litigated anew in the same case upon any and every subsequent appeal. Without it, there would be endless litigation. Litigants would be free to speculate on changes in the personnel of a court, or on the chance of our rewriting propositions once gravely ruled on solemn argument and handed down as the law of a given case.⁵³ (Citations omitted)

The issue presented in the instant petition, *i.e.*, whether the CA erred in granting respondent BSATCC's motion to dismiss the contempt petition, is now moot. In *Osmeña III v. Social Security System of the Philippines*,⁵⁴ the Court defined a moot case or issue as follows:

A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness—save when, among others, a compelling constitutional issue raised requires the formulation of controlling principles to guide the bench, the bar and the public; or when the case is capable of repetition yet evading judicial review.⁵⁵ (Citations omitted)

To stress, the contempt court had already dismissed the contempt petition on the merits against respondent BSATCC, among others, and such decision is already final and executory. “It is axiomatic in this jurisdiction that where a decision on the merits of a case is rendered and the same has become final and executory, the action on procedural matters or issues is thereby rendered moot and academic. Inarguably, an adjudication of the procedural issue presented for resolution would be a futile exercise.”⁵⁶

⁵³ Id. at 449-450.

⁵⁴ 559 Phil. 723 (2007).

⁵⁵ Id. at 735.

⁵⁶ *Lim Bio Hian v. Lim Eng Tian*, 823 Phil. 12, 18 (2018), citing *Go v. Tabanda*, 272-A Phil. 122, 126 (1991).

Considering the denial of the instant petition, the Court finds no need to rule on the issue of forum shopping raised by respondent BSATCC in its motion to dismiss.⁵⁷

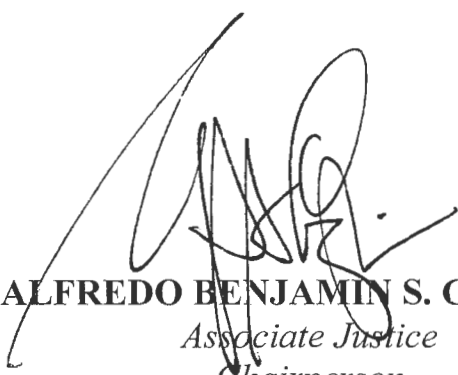
WHEREFORE, the instant Petition for Review on *Certiorari* is **DENIED**.

SO ORDERED.




HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

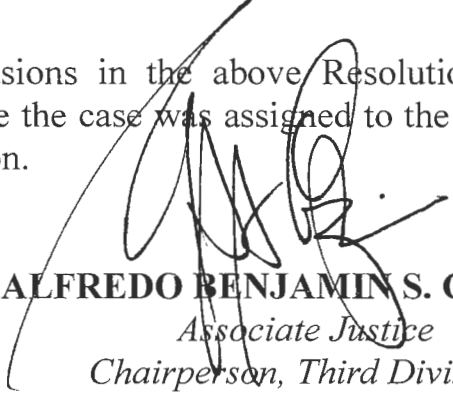


MARIA FILOMENA D. SINGH
Associate Justice

⁵⁷ *Rollo*, pp. 173-187.

ATTESTATION


I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

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



ALEXANDER G. GESMUNDO
Chief Justice

