

Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

METRO RAIL  
DEVELOPMENT  
CORPORATION,

TRANSIT

G.R. No. 204452

Petitioner,

Present:  
LEONEN, J.,  
*Chairperson,*  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
LOPEZ, J. Y., JJ.

- versus -

TRACKWORKS RAIL TRANSIT  
ADVERTISING, VENDING AND  
PROMOTIONS, INC.,

*Respondent.*

Promulgated:

June 28, 2021

*Mis-PCB-11*

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DECISION

HERNANDO, J.:

Challenged in this Petition<sup>1</sup> are the July 30, 2012 Decision<sup>2</sup> and November 9, 2012 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 118447 which dismissed the Petition for *Certiorari* filed by Metro Rail Transit Development Corporation (MRTDC) assailing the validity of the October 22, 2010 Omnibus Order<sup>4</sup> and December 20, 2010 Order<sup>5</sup> of the Regional Trial Court (RTC), Branch 65 of Makati City.

<sup>1</sup> *Rollo*, Vol. I, pp. 39-70.

<sup>2</sup> *CA rollo*, pp. 718-734, penned by Associate Justice Jane Aurora C. Lantion and concurred in by Associate Justices Vicente S.E. Veloso and Edwin D. Sorongon.

<sup>3</sup> *Id.* at 816-824.

<sup>4</sup> *Rollo*, Vol. I, pp. 298-304.

<sup>5</sup> *Id.* at 305-307.

**The Antecedents:**

On August 8, 1997, the Department of Transportation and Communication (DOTC) entered into a Build-Lease-and-Transfer (BLT) Agreement with Metro Rail Transit Corporation Limited (MRT) regarding the Phase 1 of MRT-3 Light Rail System along Epifanio Delos Santos Avenue (EDSA). In line with the said BLT Agreement, the DOTC, MRT, and MRTDC executed another contract which granted MRTDC the right to: (a) develop commercial premises in the depot and airspace above the EDSA MRT-3 stations; (b) lease, sublease, or assign interests in the said depot and airspace; and (c) obtain income therefrom and exercise advertising rights.<sup>6</sup>

Thereafter, on October 27, 1998, MRTDC engaged the services of Trackworks Rail Transit Advertising, Vending and Promotions, Inc. (Trackworks) and executed a Contract for Advertising Services,<sup>7</sup> wherein for a period of five years, Trackworks shall undertake the conceptualization, design, development, construction, installation, maintenance, repair, replacement, promotion, packaging and/or sale of advertising space/media, promotional events and activities, and research projects authorized by MRTDC in writing associated with Phase 1 of MRT-3 during construction and upon any partial or full operation of the same. In addition, Trackworks obligated itself to pay MRTDC a percentage share of its gross revenues or the minimum guaranty of: a) ₱32,000,000 per *annum* for year 1; b) ₱34,000,000 per *annum* for year 2; c) ₱35,000,000 per *annum* for year 3; c) ₱37,000,000 per *annum* for year 4; and ₱39,000,000 per *annum* for year 5, whichever is higher.<sup>8</sup>

On March 11, 2005, MRTDC and Trackworks executed an Agreement to Renew Contract for Advertising Services<sup>9</sup> to extend the effectivity of the original contract to 10 years or until December 31, 2015. The parties agreed to a substantial increase in the percentage share and minimum guaranty to be paid by Trackworks for years 6 to 15 of the contract.

However, Trackworks defaulted in the payment of its obligation. Hence, on April 1, 2009, MRTDC demanded in writing for Trackworks to immediately pay its outstanding obligation of ₱276,978,072.42<sup>10</sup> as of February 28, 2009. As stated in their agreement, in case of default of either party, the other party may send a written notice specifying the nature of default and demanding that it be cured within 30 calendar days from receipt of the notice. Thereafter, the non-defaulting party may terminate the contract upon service of a notice of termination to the defaulting party, *viz.*:

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<sup>6</sup> Id. at 21.

<sup>7</sup> Id. at 100-122.

<sup>8</sup> Id. at 103-104.

<sup>9</sup> Id. at 123-132.

<sup>10</sup> Id. at 22.

SECTION XIII  
PRE-TERMINATION

Upon default of either party, the other party shall deliver a written notice, specifying the nature of the default and demanding that it be cured, if curable. Should the party at fault not cure the default within thirty (30) calendar days after receipt of the notice, the non-defaulting party may terminate this Contract by giving written notice thereof in addition to such other remedies available to it under this Contract and under law. Upon service of the non-defaulting party of its notice of termination, this Contract shall automatically terminate.

x x x x.<sup>11</sup>

MRTDC reiterated its demands on Trackworks but the latter failed to fully pay its obligations under the contract. Hence, on September 1, 2009, MRTDC sent a Notice of Termination to Trackworks.<sup>12</sup>

On November 23, 2009, Trackworks filed a Complaint with Application for Temporary Restraining Order and/or Writ of Preliminary Injunction<sup>13</sup> against MRTDC with the RTC of Pasig City which was docketed as Civil Case No. 77291-PSG. It prayed that the lower court order the parties to submit to arbitration and to restrain MRTDC from terminating their contract, committing any act that would render the case moot, and dealing, negotiating, or awarding the advertising rights to a third party pending arbitration.

On January 4, 2010, the RTC of Pasig City denied Trackworks' application for the issuance of preliminary injunction and ordered the parties to submit to arbitration. It also ruled that pending the rendition of the arbitration award, the proceedings before it are "stayed."<sup>14</sup>

However, on January 20, 2010, MRTDC sent a letter to Trackworks demanding the latter to comply with its post-termination obligations, such as the turn-over of all documents relating to the conduct of advertising activities within the EDSA MRT-3.<sup>15</sup> Hence, Trackworks filed the following: (a) Urgent Motion for the Issuance of Show Cause Order dated January 25, 2010;<sup>16</sup> (b) Urgent Motion for Issuance of Status Quo and/or Cease and Desist Order dated March 4, 2010;<sup>17</sup> and (c) Addendum Re: Plaintiff's Urgent Motion for Issuance of Status Quo and/or Cease and Desist Order dated March 8, 2010.<sup>18</sup> Thereafter, on March 8, 2010, Trackworks filed a Notice of Arbitration against MRTDC with the Philippine Dispute Resolution Center, Inc. (PDRCI).<sup>19</sup>

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<sup>11</sup> Id. at 110.

<sup>12</sup> Id. at 140-141.

<sup>13</sup> Id. at 142-163.

<sup>14</sup> Id. at 164-170.

<sup>15</sup> Id. at 171.

<sup>16</sup> Id. at 172-175.

<sup>17</sup> Id. at 176-182.

<sup>18</sup> Id. at 182-186.

<sup>19</sup> Id. at 187-207.

On March 15, 2010, the RTC of Pasig City resolved the above three motions filed by Trackworks.<sup>20</sup> It denied the injunctive relief and/or status *quo* order prayed for by Trackworks. However, it clarified that the proceedings before it are stayed or suspended until such time that the parties conclude their arbitration and an arbitral award is rendered. On April 12, 2010, Trackworks filed a Motion for Reconsideration *Ad Cautelam* of the said March 15, 2010 Omnibus Order issued by RTC of Pasig City.<sup>21</sup>

Thereafter, on April 28, 2010, Trackworks filed a Petition for *Certiorari*, Prohibition and *Mandamus*<sup>22</sup> under Rule 65 before the RTC of Makati City which was docketed as Civil Case No. 10-414. It prayed for the issuance of a temporary restraining order (TRO) and/or writ of preliminary injunction to (a) restrain MRTDC and Media Puzzle Inc. (MPI) from circulating any documents regarding the termination of the advertising contract and the appointment of an agent to manage the advertising activities along EDSA MRT-3; and (b) prohibit the Secretary and Assistant Secretary of DOTC from issuing any kind of permit to MRTDC and MPI with respect to advertising rights. The RTC of Makati City, Branch 138 granted Trackworks' application for the issuance of a TRO and thereafter, heard its application for the issuance of a writ of preliminary injunction.<sup>23</sup>

On May 24, 2010, MRTDC filed a Motion to Dismiss Civil Case No. 10-414 pending before the Makati RTC.<sup>24</sup> Meanwhile, the RTC of Pasig City issued an Order dated May 28, 2010<sup>25</sup> denying Trackworks' Motion for Reconsideration *Ad Cautelam* of its March 15, 2010 Omnibus Order. Subsequently, the RTC of Makati City, Branch 138, issued its June 29, 2010 Order<sup>26</sup> which denied Trackworks' Application for the Issuance of a Writ of Preliminary Injunction. A Motion for Reconsideration of the June 29, 2010 Order was filed by Trackworks. However, the Presiding Judge of RTC of Makati City, Branch 138 inhibited himself from hearing Civil Case No. 10-414. Hence, the case was transferred to RTC of Makati City, Branch 65.<sup>27</sup>

### **Ruling of the Regional Trial Court:**

On October 22, 2010, the RTC of Makati City, Branch 65 issued an Omnibus Order<sup>28</sup> denying MRTDC's Motion to Dismiss. A Motion for Reconsideration was filed by MRTDC which was denied by the RTC of Makati City, Branch 65 in its December 20, 2010 Order.<sup>29</sup> In effect, the RTC

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<sup>20</sup> Id. at 211-218.

<sup>21</sup> Id. at 23-24.

<sup>22</sup> Id. at 231-281.

<sup>23</sup> Id. at 24.

<sup>24</sup> Id.

<sup>25</sup> Id. at 283-287.

<sup>26</sup> Id. at 288-292.

<sup>27</sup> Id. at 24-25.

<sup>28</sup> *Supra* note 4.

<sup>29</sup> *Supra* note 5.

of Makati City, Branch 65 granted Trackworks' Application for the Issuance of a Writ of Preliminary Injunction.

**Ruling of the Court of Appeals:**

Hence, MRTDC filed a Petition for *Certiorari*<sup>30</sup> before the CA assailing the validity of the RTC of Makati City, Branch 65's October 22, 2010 Omnibus Order and December 20, 2010 Order.

On July 30, 2012, the appellate court rendered its Decision<sup>31</sup> granting MRTDC's petition which annulled and set aside the October 22, 2010 Omnibus Order and December 20, 2010 Order issued by RTC of Makati City, Branch 65. It further dismissed Civil Case No. 10-414 pending before the RTC of Makati City, Branch 65.

The appellate court ruled that the RTC of Makati City, Branch 65 violated the doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court when it issued its assailed October 22, 2010 Omnibus Order and December 20, 2010 Order which completely reversed the January 4, 2010 Order of the RTC of Pasig City denying Trackworks' application for the issuance of preliminary injunction.

Moreover, Trackworks' Petition for *Certiorari*, Prohibition and *Mandamus* under Rule 65 filed before RTC of Makati City is dismissible on the ground of *litis pendentia*. First, both parties are involved in Civil Case No. 77291-PSG pending before the RTC of Pasig City and in Civil Case No. 10-414 filed before the RTC of Makati City. Second, the allegations of the parties' respective pleadings in both cases asserted the same rights and founded on the same facts which gave rise to the issue of whether or not a writ of preliminary injunction be issued against MRTDC and any and all persons claiming rights under it to enjoin the latter from terminating their advertising contracts. Finally, the judgment to be rendered in Civil Case No. 77291-PSG would constitute *res judicata* on Civil Case No. 10-414 and *vice versa*.

In choosing which between Civil Case No. 77291-PSG and Civil Case No. 10-414 should be retained, the appellate court applied the general rule, that is, priority in time rule. Hence, Civil Case No. 77291-PSG should subsist as it was the first action filed and the more appropriate action for resolving the issues in controversy.

However, upon Motion for Reconsideration of Trackworks, the appellate court issued its assailed November 9, 2012 Resolution<sup>32</sup> reversing and setting aside its July 30, 2012 Decision. Based on Trackworks' Supplemental Motion for Reconsideration, the RTC of Makati City, Branch 65 had already rendered

<sup>30</sup> *Rollo*, Vol. 1, pp. 308-343.

<sup>31</sup> *Supra* note 2.

<sup>32</sup> *Supra* note 3.

its Decision on Civil Case No. 10-414 on June 14, 2012<sup>33</sup> making the writ of preliminary injunction against MRTDC permanent. The Makati RTC's Decision was promulgated prior to the appellate court's July 30, 2012 Decision.

Applying the doctrine of finality of judgments and supervening events, the CA deemed the *certiorari* case filed by MRTDC as moot as there now lies a more adequate remedy to question the actions of the lower court which is by way of ordinary appeal. Hence, the appellate court granted Trackworks' Motion for Reconsideration and dismissed the Petition for *Certiorari*.

Aggrieved, MRTDC filed this Petition for Review on *Certiorari*<sup>34</sup> under Rule 45.

Meanwhile, the Philippine Dispute Resolution Center, Inc. (PDRCI) issued its Final Arbitral Award<sup>35</sup> on January 15, 2013 in favor of MRTDC which was confirmed by the RTC of Pasig City in its March 14, 2013 and June 7, 2013 Resolutions in Civil Case No. 72291. Thereafter, a writ of execution was issued on June 13, 2013 directing the sheriff to enforce the final award against Trackworks.<sup>36</sup>

### Issue

The sole issue to be resolved in this case is whether the Petition for *Certiorari* filed by MRTDC before the CA has been rendered moot by reason of the June 14, 2012 Decision of the RTC of Makati City, Branch 65.

### **Arguments of MRTDC:**

MRTDC argues that the June 14, 2012 Decision of the RTC Makati in Civil Case No. 10-414 is not yet final and executory. Under Section 2, Rule 36 of the Rules of Court, a decision or judgment becomes final and executory only if the aggrieved party does not file an appeal or motion for new trial or reconsideration of the said decision within the time provided by the Rules of Court. MRTDC contends that the said June 14, 2012 Decision of the RTC Makati did not yet produce any legal effect as it timely filed a Motion for Reconsideration, which has not yet been resolved when the CA rendered its July 30, 2012 Decision. However, the appellate court issued its assailed Resolution which dismissed outright the petition for *certiorari* and allowed the RTC to encroach upon its jurisdiction instead of standing its ground as a superior court.

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<sup>33</sup> *Rollo*, Vol. I, pp. 476-487.

<sup>34</sup> *Supra* note 1.

<sup>35</sup> *Rollo*, Vol. III, pp. 1108-1164.

<sup>36</sup> See Writ of Execution, *id.* at 1165-1168.

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Moreover, MRTDC opines that at the time it filed the Petition for *Certiorari* before the CA, the remedy of ordinary appeal was not yet available. It availed of the *certiorari* under Rule 65 in order to question errors of jurisdiction of the RTC Makati City, Branch 65 in issuing the October 22, 2010 Omnibus Order and December 20, 2010 Order in Civil Case No. 10-414. It insists that the RTC of Makati City, Branch 65 had no authority or jurisdiction to interfere with another case pending with the RTC of Pasig City. Thus, having been issued without jurisdiction, the October 22, 2010 Omnibus Order and the December 20, 2010 Order are null and void and conferred no right or imposed any duty. They could not create a valid and legally enforceable right. The appellate court in issuing its July 30, 2012 Decision, did not commit any grave abuse of discretion and may have ordered the dismissal of the case before the RTC of Makati City, Branch 65 regardless of the prior promulgation of the lower court's June 14, 2012 Decision.

### **Arguments of Trackworks:**

On the other hand, Trackworks<sup>37</sup> argues that the June 14, 2012 Decision of the RTC of Makati City, Branch 65 has rendered the appellate court's July 30, 2012 Decision *functus officio*. It opines that the appellate court rightly dismissed MRTDC's Petition for *Certiorari* under Rule 65 as it presupposes that there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law. The subsequent June 14, 2012 Decision rendered by the RTC of Makati City barred the remedy of *certiorari* under Rule 65 filed by MRTDC before the CA. MRTDC's remedy therefore is to appeal the June 14, 2012 Decision of the RTC of Makati City.

Moreover, Trackworks contends that the RTC of Makati City in its June 14, 2012 Decision directed the DOTC to issue the necessary permits to Trackworks and barred DOTC from issuing permits to MRTDC and MPI, which reliefs are outside the scope of the *certiorari* case filed by MRTDC before the appellate court. The issue raised by MRTDC in its Petition for *Certiorari* was whether the complaint or petition filed before the RTC of Makati City be dismissed based on *res judicata*, *litis pendentia* and/or forum shopping. To allow the dismissal of Trackworks' complaint or petition would render nugatory the reliefs awarded by the RTC of Makati City, Branch 65 to Trackworks in its June 14, 2012 Decision. Hence, Trackworks prayed for the dismissal of the Petition for *Certiorari* without prejudice to the appellate court's review of the RTC's June 14, 2012 Decision through ordinary appeal.

### **Our Ruling**

The Petition is meritorious.

Sec. 1, Rule 65 of the Rules of Court provides:

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<sup>37</sup> *Rollo*, Vol. I, pp. 895-919.

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Section 1. *Petition for certiorari*. — When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require x x x.

For certiorari to prosper, the petitioner must establish the concurrence of the following requisites, namely:

1. The writ is directed against a tribunal, board, or officer exercising judicial or quasi-judicial functions;
2. Such tribunal, board, or officer has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; and
3. There is no appeal or any plain speedy, and adequate remedy in the ordinary course of law.<sup>38</sup>

A review of the records show that the appellate court rendered its assailed July 30, 2012 Decision granting the Petition for *Certiorari* filed by MRTDC. However, on motion for reconsideration filed by Trackworks, the CA reversed its July 30, 2012 Decision and issued its assailed November 9, 2012 Resolution dismissing MRTDC's Petition for *Certiorari* on account of the earlier Decision rendered by the RTC of Makati City on June 14, 2012. The appellate court reasoned that when the RTC of Makati City rendered its June 14, 2012 Decision, MRTDC had an adequate remedy in the ordinary course of law which is appeal. Hence, its subsequent July 30, 2012 Decision is rendered moot.

Indeed, the remedies of appeal and *certiorari* are mutually exclusive and not alternative or successive.<sup>39</sup> Thus, the subsequent promulgation of the RTC's June 14, 2012 Decision renders the Petition for *Certiorari* superfluous and warrants its dismissal. However, this rule admits of certain exceptions as held in *Enriquez v. Rivera*,<sup>40</sup> to wit:

The general rule is that *certiorari* will not lie as a substitute for an appeal, for relief through a special action like *certiorari* may only be established when no remedy by appeal lies. **The exception to this rule is conceded only "where public welfare and the advancement of public policy so dictate, and the broader interests of justice so require, or where the orders complained of were found to be completely null and void, or that appeal was not considered the appropriate remedy, such as in appeals from orders of preliminary attachment or appointments of receiver."** (*Fernando v.*

<sup>38</sup> *Aquino v. Municipality of Malay, Aklan*, 744 Phil. 497, 510-511 (2014) citing *Yusay v. Court of Appeals*, 662 Phil. 634 (2011).

<sup>39</sup> *Magestrado v. People*, 554 Phil. 25 (2007) citing *Fajardo v. Bautista*, 302 Phil. 324 (1994).

<sup>40</sup> 179 Phil. 482 (1979).



*Vasquez*, L-26417, 30 January 1970; 31 SCRA 288). For example, *certiorari* maybe available where appeal is inadequate and ineffectual (*Romero Sr. v. Court of Appeals*, L-29659, 30 July 1971; 40 SCRA 172).<sup>41</sup> (Emphasis supplied)

As culled from the records, Trackworks filed a complaint before the RTC of Pasig City and applied for an injunctive relief to restrain MRTDC from terminating their contract, committing any act that would render the case moot, and dealing, negotiating, or awarding the advertising rights to a third party pending arbitration which was however denied by the RTC of Pasig City. Instead, it ordered the parties to submit to arbitration. In addition, the RTC of Pasig City ordered that the proceedings before it are stayed pending the rendition of the arbitral award. The subsequent motions for reconsideration filed by Trackworks before the RTC of Pasig City with respect to its injunctive relief were all denied.

Aggrieved, Trackworks filed a Petition for *Certiorari*, Prohibition and *Mandamus* under Rule 65 before the RTC of Makati City and prayed for an injunctive relief to (a) restrain MRTDC and MPI from circulating any document regarding the termination of the advertising contract and the appointment of an agent to manage the advertising activities along EDSA MRT-3; and (b) prohibit the DOTC from issuing any kind of permit to MRTDC and MPI with respect to advertising rights. The RTC of Makati City granted the: (a) injunctive relief through its October 22, 2010 Omnibus Order and December 20, 2010 Order and; (b) Trackworks' petition in its June 14, 2012 Decision which, in effect, nullified the orders issued by the RTC of Pasig City denying the injunctive relief sought by Trackworks against MRTDC.

It is true that the promulgation of the Makati RTC's June 14, 2012 Decision rendered the *certiorari* case filed by MRTDC before the CA moot as no practical relief could be granted when a decision on the main case had already been rendered. However, the rule admits of certain exceptions as when the orders complained of were completely null and void as in the case at bar.

The assailed October 22, 2010 Omnibus Order and December 20, 2010 Order issued by the RTC of Makati City as well as its June 14, 2012 Decision, completely reversed and set aside the January 4, 2010 Order issued by the RTC of Pasig City which ultimately denied the injunctive relief sought by Trackworks. The RTC of Makati City obviously violated the doctrine of judicial stability when it took cognizance of Trackworks' Petition for *Certiorari*, Prohibition and *Mandamus* despite the fact that the said case involved the same parties and the subject matter fell within the jurisdiction of the RTC of Pasig City from which the case originally emanated. Verily, Trackworks' Petition for *Certiorari*, Prohibition and *Mandamus* ought to have been dismissed at the outset for lack of jurisdiction as the RTC of Makati City

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<sup>41</sup> Id. at 486-487,

is bereft of any authority to nullify the orders of the RTC of Pasig City, a coordinate and co-equal court. In *Barroso v. Omelio*,<sup>42</sup> this Court explained the doctrine of judicial stability as follows:

The doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court is an elementary principle in the administration of justice: **no court can interfere by injunction with the judgments or orders of another court of concurrent jurisdiction having the power to grant the relief sought by the injunction. The rationale for the rule is founded on the concept of jurisdiction: a court that acquires jurisdiction over the case and renders judgment therein has jurisdiction over its judgment, to the exclusion of all other coordinate courts, for its execution and over all its incidents, and to control, in furtherance of justice, the conduct of ministerial officers acting in connection with this judgment.**<sup>43</sup> (Emphasis supplied)

Thus, Trackworks' Petition for *Certiorari*, Prohibition and *Mandamus* filed before the RTC of Makati City was improper and in glaring violation of the doctrine of judicial stability. The RTC of Pasig City's denial of the injunctive relief sought by Trackworks in its Orders dated January 4, 2010, March 15, 2010 and May 28, 2010 and all other incidents arising therefrom, may not be interfered with by the RTC of Makati City, a court of concurrent jurisdiction, for the power to open, modify, or vacate the said orders is not only possessed but is restricted to the court in which the order is issued.<sup>44</sup> Consequently, the RTC of Makati City has no jurisdiction over Trackworks' petition, rendering all the proceedings therein, as well as the June 14, 2012 Decision and other orders issued thereon, void for lack of jurisdiction.

Settled is the rule that a judgment rendered by a court without jurisdiction is null and void and may be attacked anytime. It creates no rights and produces no effect. It remains a basic fact in law that the choice of the proper forum is crucial, as the decision of a court or tribunal without jurisdiction is a total nullity. A void judgment for want of jurisdiction is no judgment at all. All acts performed pursuant to it and all claims emanating from it have no legal effect.<sup>45</sup>

This, notwithstanding the fact that Trackworks' Petition for *Certiorari*, Prohibition and *Mandamus* filed before the RTC of Makati City was directed not against the MRTDC, the original party in Civil Case No. 72291 filed before the RTC of Pasig City but against the Secretary and Assistant Secretary of DOTC. We agree with the appellate court in its July 30, 2012 Decision that at the time Trackworks filed its petition before the RTC of Makati City, there exists *litis pendentia* wherein another action is pending between the same parties for the same cause of action, such that the second action, that is

<sup>42</sup> 771 Phil. 199 (2015), citing *Cabili v. Balindong*, 672 Phil. 398, 406-409 (2011).

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

<sup>44</sup> *Tan v. Cinco*, 787 Phil. 441 (2016) citing *Philippine Commercial International Bank v. Court of Appeals*, 454 Phil. 338, 369 (2003).

<sup>45</sup> *Id.*, citing *Tiu v. First Plywood Corporation*, 629 Phil. 120, 133 (2010).

Trackworks' petition before the RTC of Makati City, becomes unnecessary and vexatious.

First, there is identity of parties, or at least they represent the same interest in both actions. The appellate court correctly ruled that the fact that there is no absolute identity of parties in both cases will not preclude the application of the rule of *litis pendentia* since only substantial and not absolute identity of parties is required for *litis pendentia* to lie. Indeed, the Secretary and Assistant Secretary of DOTC, who were impleaded by Trackworks in its petition before the RTC of Makati City, shared a community of interest with MRTDC, the original party in Civil Case No. 72291 before the RTC of Pasig City.

Second, identity of rights asserted and reliefs prayed for, the reliefs being founded on the same facts is likewise present in this case. The main relief sought by Trackworks in the cases filed in the RTC of Makati City and Pasig City was to enjoin MRTDC from terminating its advertising contract pending the outcome of the arbitration before PDRCI. Although Trackworks argued that the petition filed before the RTC of Makati City sought not to enjoin MRTDC, the original party in Civil Case No. 72291, but to restrain the Secretary and Assistant Secretary of DOTC from issuing permits to MRTDC and MPI, the same would entail the same result, that is, to prohibit MRTDC from terminating the advertising contract, which relief was already denied by the RTC of Pasig City in its various orders issued in Civil Case No. 72291.

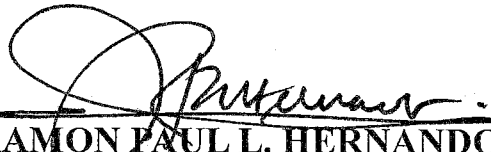
Lastly, the identity of the two cases should be such that the judgment that may be rendered in one would, regardless of which party is successful, amount to *res judicata* in the other. In fact, *litis pendentia* ripened to *res judicata* when the PDRCI's arbitral award, as confirmed by the RTC of Pasig City in its March 14, 2013 Resolution, became final and executory and a writ of execution was issued against Trackworks on June 13, 2013.

Hence, the writ preliminary injunction and the writ of *mandamus* issued against the Secretary and Assistant Secretary of DOTC which were granted by the RTC of Makati City in Civil Case No. 10-414 in favor of Trackworks are considered null and void. Corollary, the June 14, 2012 Decision rendered by the RTC of Makati City in Civil Case No. 10-414 as well as the October 22, 2010 Omnibus Order and December 20, 2010 Order are considered null and void.


**WHEREFORE**, the Petition is hereby **GRANTED**. The November 9, 2012 Resolution of the Court of Appeals (CA) in CA-G.R. SP No. 118447 which dismissed the Petition for *Certiorari* filed by Metro Rail Transit Development Corporation is **REVERSED** and **SET ASIDE**. The Decision dated June 14, 2012 rendered by the Regional Trial Court of Makati City, Branch 65 in Civil Case No. 10-414, the proceedings therein and all orders issued, are hereby declared **NULL** and **VOID** for lack of jurisdiction.


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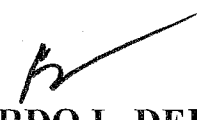
**SO ORDERED.**

  
**RAMON PAUL L. HERNANDO**  
Associate Justice

WE CONCUR:

  
**MARVIC M. V. F. LEONEN**  
Associate Justice  
Chairperson


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

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

**ATTESTATION**

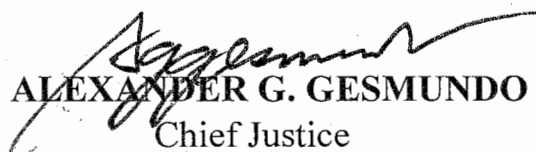
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M. V. F. LEONEN**  
Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



**ALEXANDER G. GESMUNDO**  
Chief Justice