

THE HEIRS OF SEVERINA ABELLANA, NAMELY: HRS. OF REGINO ABELLANA: HRS. OF VICENTE ABELLANA, HRS. OF CORNELIO ABELLANA, HRS. OF ANGELO ABELLANA, JAIME ABELLANA, ANGELITO ABELLANA,...

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

The present appeal seeks to nullify the November 10, 2006 Order^[1] issued by the Regional Trial Court, Branch 19, Cebu City (RTC) in CEB-27975 for Declaration of Nullity of Transfer Certificate of Title Nos. 177 & T-92626 and Recovery of Ownership.

THE ANTECEDENTS

Appellants alleged that they are the heirs of the late Severina Abellana who died single and without issue on November 4, 1926. Severina owned Lot 3282 located in Tabunok, Talisay City with an area of 1,982 square meters. She was survived by her only brother, the late Regino Abellana, who succeed in owning Lot 3282. Appellants, who are the heirs of Regino became the owner of Lot 3282, through succession. However, appellants were surprised when they discovered that TCT 177 covering Lot 3282 was issued in favor of Mateo Caballero, appellees' predecessor-in-interest.

On July 29, 2002, plaintiffs-appellants filed the instant case against appellees praying that TCT 177 and its derivatives be annulled and that they be declared owners of Lot 3282.^[2]

Appellees filed their Answer^[3] and Answer-in-intervention,^[4] raising the defense of res judicata. They alleged that sometime in 1977, Gregoria Abellana claiming to be the daughter of Severina and her sole heir, filed a case against them for recovery of Lot 3282 and nullity of deeds and patent, before the Regional Trial Court, Branch 12, Cebu City (RTC-Branch 12). The case was docketed as Civil Case R-15957 entitled "Heirs of Gregoria Abellana v. Heirs of Mateo Caballero and Quintina Gaviola". On October 28, 1986, the RTC-Branch 12 rendered a judgment declaring appellees as lawful owners of Lot 3282. The said judgment was affirmed by this Court in CA GR CV-15294.

On November 10, 2006, acting on appellees' affirmative defense, the RTC rendered the assailed Order, the dispositive portion of which reads:

WHEREFORE, foregoing premises considered, this case is hereby ordered dismissed under the principle of res judicata.

SO ORDERED.

Hence, this appeal.^[5]

ISSUE

WHETHER THE INSTANT CASE IS BARRED BY RES JUDICATA.

THE ARGUMENTS

Plaintiffs-appellants argue that res judicata is not present in the instant case because there is no identity of parties. The plaintiffs in the two cases are different. Plaintiffs in Civil Case R-15957 alleged that they are the heirs of Severina being the heirs of her daughter, Gregoria, but the truth of the matter is that Severina died single and without issue. Her only heir is her brother, Regino, appellees' predecessor-in-interest. Plaintiffs-appellants claim that they have no relation to the plaintiffs in Civil Case R-15957.

THE COURT'S RULING

The appeal is WITHOUT MERIT.

Res judicata literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." Res judicata lays the rule that an existing final judgment or decree rendered on the merits, and without fraud or collusion, by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit.[6]

Res judicata is, in fine, a rule of preclusion to the end that facts or issues settled by final judgment should not be tried anew.[7] It exists when as between the action sought to be dismissed and the other action, these elements are present:(1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, subject matter, and causes of action.[8]

Appellants argue that the res judicata is absent in the instant case because there is no identity of parties between Civil Case R-15957 and the instant case.

We do not agree.

There is identity of parties when the parties in both actions are the same, or there is privity between them, or they are successors-in-interest by title subsequent to the commencement of the action litigating for the same thing and under the same title and in the same capacity.[9] The requirement of the identity of parties was fully met, because plaintiffs in Civil Case R-15957 and plaintiffs-appellants in this case sued appellees, as successors-in-interest of Severina. The fact that the plaintiffs in Civil Case R-15957 are not parties in the instant case is inconsequential. It is axiomatic that to invoke res judicata, absolute identity of parties is not required. A substantial identity of parties is sufficient. There is substantial identity of parties when there is a community of interest between a party in the first case and that in the second one, even if the latter party was not impleaded in the first case.[10]

Plaintiffs-appellants and plaintiffs in Civil Case R-15957 have a community of interest. They both claim ownership over Lot 3282, predicated upon their perceived right as heirs of Severina. From such common interest flowed an identity of relief sought, which is to annul TCT 177, already named in favor of appellees, and be declared as true owners of Lot 3282. Such identity of interest is sufficient to make them privy-in-law, thereby satisfying the requisite of substantial identity of parties.[11]

It is worthy to note that in Civil Case R-15957, the RTC-Branch 12, rendered a Decision, a relevant portion of which reads:

x x x While it may be true that Severina Abellana was the original purchaser of Lot 3282 from the Bureau of Lands, yet as early as July 17, 1911, Severina Abellana sold, assigned and transferred all her rights of Lot 3282 to Santos Caballero, father of original defendant Mateo Caballero.[12]

x x x

WHEREFORE, judgment is hereby rendered DISMISSING the plaintiffs' complaint and declaring the defendants heirs of Mateo Caballero as the lawful owner of Lot 3282 of the Talisay-Minglanilla Friar Lands Estate situated at Tabunok, Talisay, Cebu, covered by TCT No. 177 of the Register of Deeds of the province of Cebu, in the name of Mateo Caballero married to Quinina Gaviola. Costs against plaintiffs.

The said decision was affirmed[13] by this Court, and has long since attained finality.[14] To Us, the said ruling effectively bars parties who claim their right to Lot 3282 from Severina and still insist that they are its owners. To borrow the words of the ponente in *Solid Builders, Inc., et al. v. China Banking Corporation*: [15]

“That was how the Court of Appeals decided. That is how it should be.”

WHEREFORE, the appeal is DENIED The assailed November 10, 2006 Order is AFFIRMED in toto.

SO ORDERED.

Delos Santos, and Lopez, JJ., concur.

[*] See Records, p. 71.

[1] Records, p. 303.

[2] Records, p. 1.

[3] Records, p. 25.

[4] Records, p. 71.

[5] Records, p. 47.

[6] *Spouses Torres v. Medina, et al.*, G.R. No. 166730, March 10, 2010.

[7] *Garcia v. Philippine Airlines, et al.*, G.R. No. 162868, July 14, 2008.

[8] *Spouses Villanueva v. The Court Of Appeals, et al.*, G.R. No. 163433, August 22, 2011.

[9] *Chu, et al. v. Spouses Cunanan, et al.*, G.R. No. 156185, September 12, 2011.

[10] *Luzon Development Bank v. Conquilla, et al.*, G.R. No. 163338, September 21, 2005.

[11] See *Firestone Ceramics, Inc., et al. v. Court Of Appeals, et al.*, G.R. No. 127022, September 02, 1999; See also *Sendon, et al. v. Ruiz*, G.R. No. 136834, August 15, 2001.

[12] Records, p. 34.

[13] Records, p. 154.

[14] Records, p. 162.

[15] G.R. No. 179665, April 03, 2013.

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