

SPOUSES ELIEZER PALACAY AND LETICIA RAMOS-PALACAY, AND ERLINDA C. PALACAY, PLAINTIFFS-APPELLANTS, VS. FLORIDA SUMAOANG-CORNIEL[] REPRESENTED BY HER ATTORNEY-IN-FACT, EFREN SUMAO...

Ponente: TOLENTINO, A.G., J.

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TOLENTINO, A.G., J.:

This is an appeal under Rule 41 in relation to Rule 44 of the Revised Rules of Court seeking to annul and set aside the decision[1] dated October 11, 2012 and the order[2] dated November 29, 2012 of the Regional Trial Court (RTC) of Bangui, Ilocos Norte, Branch 19.

The antecedents of this case are as follows:

Benjamin Palacay was in possession of a certain parcel of land located in Barangay No. 6, Dilavo, Pasuquin, Ilocos Norte with an area of 337.5 square meters since 1983, as evidenced by the Declaration of Real Property[3] covering the said land. When the cadastral survey was conducted, the subject lot was referred to as Lot No. 310016, with an area of 390 square meters, as evidenced by its Declaration of Real Property.[4] Plaintiffs-appellants Eliezer Palacay and Erlinda Palacay are children of spouses Benjamin Palacay and Rosalina Palacay. The plaintiffs-appellants and the defendant-appellee were longtime neighbors because their houses are adjacent to each other.

During his lifetime, Benjamin Palacay divided the subject lot into two (2) parts and partitioned the same in favor of his children. The plaintiffs-appellants constructed their houses on their respective share and secured the tax declaration over the same in 1993.

From the time the subject property was partitioned, the plaintiffs-appellants were in possession of the same until the defendant-appellee filed a complaint for ownership, docketed as Civil Case No. 865-19, against Benjamin Palacay over the subject lot with the Municipal Trial Court (MTC) of Pasuquin Burgos, Ilocos Norte which dismissed the complaint. However, on appeal, the Regional Trial Court (RTC) of Bangui, Ilocos Norte, Branch 19, reversed the MTC's decision, declaring the defendant-appellee as absolute owner of the subject lot. The decision of the RTC was affirmed by the Court of Appeals (CA) and the Supreme Court (SC), and it became final and executory.

In relation to the aforementioned decision, the defendant-appellee filed a petition for contempt against the plaintiffs-appellants because they were still in possession of the subject lot despite order to vacate the same. In effect thereof, the plaintiffs-appellants filed a complaint for ownership, quieting of title, and damages with application for preliminary prohibitory injunction relative to the writ of execution in Civil Case No. 865-19 against the defendant-appellee with the RTC of Bangui, Ilocos Norte, Branch 19, which rendered a decision[5] dated October 11, 2012 dismissing the complaint on the ground of res judicata. The dispositive portion of the decision reads:

“WHEREFORE, the case is hereby ordered (sic) DISMISSED on ground RES JUDICATA. The defendant is hereby declared the owner of the lots in suit.

SO ORDERED.”[6]

A motion for reconsideration was filed by the plaintiffs-appellants but the same was denied in an order[7] dated November 29, 2012. The decretal portion of the order reads:

“IN VIEW OF THE FOREGOING, the Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.”[8]

Hence, this appeal.

The following are the issues raised by the plaintiffs-appellants:

1. Whether or not the decision in Civil Case No. 865-19 affects the plaintiffs-appellants being the successors-in-interest of Benjamin Palacay, the only defendant therein, and possessors at present of the subject lot.
2. Whether or not the plaintiffs-appellants' possession of their specific landholdings can be considered open, continuous, exclusive, adverse, notorious possession and in the concept of owners considering that the plaintiffs-appellants and the defendant-appellee are adjacent neighbors.
3. Whether or not the plaintiffs-appellants can be considered as possessors and builders in good faith considering that they paid taxes over their respective lots with the knowledge of the defendant-appellee.
4. Whether or not the court a quo erred in dismissing the complaint on the ground of res judicata without giving the plaintiffs-appellants an opportunity to adduce evidence to prove their claim on the subject lot.

THE APPEAL MUST FAIL.

There is no question that the plaintiffs-appellants are the children of Benjamin Palacay who was in possession of the subject property from which the plaintiffs-appellants derived their right therefrom. It has been held that an identity of parties existed when some of the parties were successors-in-interest litigating for the same thing and under the same title and in the same capacity.[9] The term successor-in-interest is a person with a joint interest in the property, or his spouse or heirs.[10] Thus, it cannot be said that the plaintiffs-appellants have separate, distinct, and independent personalities from their predecessor-in-interest. In filing the instant case, the rights asserted and the reliefs prayed for which were founded on the same set of facts by the plaintiffs-appellants, is the same case involving their father. The case in which Benjamin Palacay was the defendant and the instant case also refer to the same subject matter. Thus, the judgment in the first case involving the subject property, which has already become final and executory, is applicable in the present case because of res judicata.

With regard to the plaintiffs-appellants' contentions that they are in possession of the subject property in open, continuous, exclusive, adverse, notorious possession, and in the concept of owners, this situation is already settled in Civil Case No. 865-19 in which Benjamin Palacay was a defendant. A judgment has been rendered in Civil Case No. 865-19[11] involving the same property in the instant case declaring the defendant-appellee the absolute owner thereof. The said decision already became final and executory. Once a judgment has attained finality, the petitioners can no longer question its correctness. The decision may no longer be reversed, altered, or modified. Thus, when the plaintiffs-appellants filed the instant case, the doctrine of res judicata applies.

Res judicata exists when as between the action sought to be dismissed and the other action these elements are

present, namely; (1) the former judgment must be final; (2) the former judgment must have been rendered by a court having jurisdiction of the subject matter and the parties; (3) the former judgment must be a judgment on the merits; and (4) there must be between the first and subsequent actions (i) identity of parties or at least such as representing the same interest in both actions; (ii) identity of subject matter, or of the rights asserted and relief prayed for, the relief being founded on the same facts; and, (iii) identity of causes of action in both actions such that any judgment that may be rendered in the other action will, regardless of which party is successful, amount to res judicata in the action under consideration.

In the two cases, an identity of parties exists because the plaintiffs-appellants are successors-in-interest litigating for the same thing and under the same title and in the same capacity. It has been held that an absolute identity of the parties was not necessary, because a shared identity of interest sufficed for res judicata to apply. Mere substantial identity of parties, or even community of interests between the parties in the prior and subsequent cases, even if the latter were not impleaded in the first case, would be sufficient.[12] Thus, the mere fact that a previous case was filed in the name of Benjamin Palacay only, was of no consequence.

On the contention that the plaintiffs-appellants are possessors and builders in good faith because they paid realty taxes on the disputed land with the knowledge of the defendant-appellee, this is of no moment because the issue of ownership on the subject lot was already settled. The plaintiffs-appellants can no longer reverse, alter, or modify a decision that has already become final and executory.

Considering the issues raised and tackled in a decision which has already attained finality and the issues raised in the present case, even if only Benjamin Palacay was impleaded as defendant in the first case, and being the successor-in-interest of the former, the said decision is applicable to the plaintiffs-appellants.

All told, the doctrine of res judicata is applicable in the present case. Hence, the court a quo did not err in dismissing the case at bar on the ground of res judicata.

WHEREFORE, premises considered, the appeal is DISMISSED. The decision dated October 11, 2012 and the order dated November 29, 2012 of the Regional Trial Court (RTC) of Bangui, Ilocos Norte, Branch 19, are AFFIRMED.

SO ORDERED.

Rosario and Dimagiba, JJ., concur.

[*] In some parts of the Rollo, the surname of the defendant-appellee is indicated as “Cornel” instead of “Corniel”

[1] Original Records, pp. 157-163.

[2] *ibid.*, p. 175.

[3] *ibid.*, p. 16.

[4] Original Records, pp. 9-13.

[5] Original Records, pp. 157-163.

[6] *ibid.*, p. 163.

[7] *ibid.*, p. 175.

[8] *ibid.*

[9] *Heirs of Sotto vs. Palicte*, G.R. No. 159691, June 13, 2013.

[10] *China Banking Corporation vs. Court of Appeals, et al.*, G.R. No. 129644, September 7, 2001.

[11] *Original Records*, pp. 100-108.

[12] *Heirs of Sotto vs. Palicte*, G.R. No. 159691, June 13, 2013.

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