

LUCRECIA DELA ROSA, PETITIONER, VS. ROSARIO M. MERCADO, THE HONORABLE CIVIL SERVICE COMMISSION, AND THE MERIT SYSTEMS BOARD, RESPONDENTS.

G.R. No. 101703. July 03, 1992

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-101703/>

PARAS, J.:

This is a petition for certiorari, with prayer for preliminary injunction, seeking to annul Resolution No. 91-1001, promulgated August 22, 1991 of public respondent Civil Service Commission (CSC) upholding the Order of the Merit Systems Protection Board (MSPB) dismissing petitioner's Motion to Dismiss, for lack of merit. In the said questioned resolution, the case against petitioner was ordered remanded to the MSPB for continuance of proceeding.

It appears that in a complaint dated September 12, 1985 filed before the MSPB, Rosario Mercado charged Lucrecia Dela Rosa, an employee of the National Housing Authority (NHA) with Disgraceful and Immoral Conduct, Falsification of Official Document and Dishonesty.

On September 24, 1985, pursuant to Sec. 37 (b) of P.D. 807 (Civil Service Decree), the MSPB forwarded said complaint to the NHA for appropriate action.

On December 3, 1985 NHA dismissed the aforesaid complaint on the ground that no prima facie case exists against said Lucrecia Dela Rosa. Despite the said NHA decision, the MSPB, in its Order dated May 28, 1986 assumed jurisdiction to investigate the case. In the same Order, Dela Rosa was required to answer in writing the charges against her.

In her Answer dated July 9, 1986, Dela Rosa prayed for the dismissal of the case. She likewise pleaded, inter alia; thus: "notwithstanding the fact that the instant case had already become 'res judicata', respondent hereby adopts the finding and recommendation contained in the aforesaid letter to your Board dated December 23, 1985, as her Answer to the instant complaint x x x." (p. 10, Rollo) Consequently in its Order dated March 27, 1987, the MSPB ruled: "This (Answer dated July 9, 1986) is equivalent to the waiver of the grounds raised for the dismissal of the case at bar, the same not being seasonably filed." (p. 11, Rollo)

On July 11, 1987, Dela Rosa filed a motion to dismiss the case against her in the interest of justice, the same having been already dismissed with finality. On August 17, 1987, the MSPB dismissed the motion for lack of merit. Likewise, her motion to reconsider the same was denied. Dela Rosa appealed to public respondent CSC.

On August 22, 1991, the CSC dismissed for lack of merit Dela Rosa's appeal. The pertinent portion of the said resolution reads -

"The pivotal question/issue to be resolved in the instant case, is whether or not res judicata exists in the case at bar.

"For a judgment to be a bar to a subsequent case, (RES JUDICATA), the following requisites must concur: (1) it must be a final judgment; (2) the court which rendered it had jurisdiction over the subject matter and the parties; (3) it must be a judgment on the merits; and (4) there must be identity between the two cases, as to parties, subject matter and cause of action. (Martinez v. Court of Appeals, 39 SCRA 559)

"Admittedly, there is identity between the case filed before the NHA and the case filed before MSPB as to parties, subject matter and cause of action. It should be noted that government agencies and the Board exercise original and concurrent jurisdiction over administrative cases. However, while it may be true, that cognizance of the instant case by NHA would have excluded the Board from assuming original jurisdiction thereof, on the ground, that the legal theory of res judicata may be properly invoked, nonetheless, it has been observed that there was no judgment on the merits of the instant case, an essential requisite of res judicata.

"Be it stressed that no formal investigation has been conducted by NHA. As stated earlier, the complaint against respondent Dela Rosa was dismissed for lack of a prima facie finding of guilt.

"Worthy of note at this juncture, is Trino C. Tormon v. Hon. E. Domingo (G.R. 88198, 1 Philajur, 2ds, 906) January 18, 1990 whereby Trino assailed the revival of the administrative charges against him.

"The Honorable Supreme Court, in said case held, thus:

'xxx Before the supposed 'revival' of the administrative case, no formal charges were filed against petitioner. A careful examination of the antecedent facts indicates that the previous actions taken after the filing of the initial complaint of Flores were in the nature of preliminary fact-finding investigations for the purpose of determining whether or not formal charges against petitioner should be filed.

'Evidently, before any formal charge was filed, petitioner was never in danger of being found to have committed the acts complained of nor could there be a final decision or disposition on the merits of any supposed case upon which a motion for reconsideration may be based or which would constitute a bar to a subsequent case on the same grounds. (RES JUDICATA)

'xxx xxx xxx

'Where no formal charges were filed and no regular administrative proceedings conducted, the defense of res judicata or improper motion for reconsideration is not available.' (Underscoring supplied)

"The aforecited applies squarely to the case at bar. To reiterate, no formal charge was filed against Dela Rosa, nor regular administrative proceedings conducted in said case.

"In sum, res judicata has been improperly impleaded in this case.

"WHEREFORE, foregoing premises considered, this Commission dismisses as it hereby dismisses the instant appeal for lack of merit. Accordingly, the case is hereby remanded to the Merit Systems Protection Board (MSPB) for continuance of proceedings." (pp. 11-12, Rollo)

Hence, this petition.

The Office of the Solicitor General filed its Comment praying that the petition be given due course because all the elements of res judicata are present in the case at bar. Firstly, there was a judgment rendered by the NHA dismissing the complaint against petitioner which became final upon failure of complainant-private respondent to interpose a timely appeal or motion for reconsideration despite receipt of said order. Secondly, the administrative body - NHA - which rendered the decision had jurisdiction over the subject matter and the parties pursuant to P.D. 807. Thirdly, as admitted even by public respondent Civil Service Commission, there is identity between the two cases before the NHA and the MSPB (CSC Resolution No. 91 - 1001, Records, p. 11). Finally, the decision

rendered by the NHA dismissing the complaint was a judgment on the merits (p. 13, Coment).

The petition was given due course in Our Resolution dated January 28, 1992.

We find the petition meritorious.

A prior decision is conclusive in a second suit where the elements of res judicata are present. For a prior judgment to constitute a bar to a subsequent case, the following requisites must concur:

- a. it must be a final judgment or order;
- b. the court rendering the same must have jurisdiction over the subject matter and over parties;
- c. there must be between the two cases identity of parties, identity of subject matter and identity of causes of action; and
- d. it must be a judgment or order on the merits.

As correctly pointed out by the Office of the Solicitor General, all the foregoing requisites are present in the case at bar.

The contention of public respondent CSC that there was "no judgment on the merits of the instant case." (Resolution 91-1001, Records, p. 11) is belied by the very decision of the NHA which clearly shows that this was an adjudication on the merits of the case. (Records, pp. 16-18)

The other contention of public respondent CSC - that no formal charge was filed against petitioner - is likewise belied by the records which show that on September 21, 1985, a formal charge was filed by private respondent in the form of a complaint - affidavit. (Records, pp. 13-14).

WHEREFORE, the petition is GRANTED and the questioned Resolution of the Civil Service Commission is SET ASIDE. The case against petitioner pending before the Merit Systems Protection Board (MSPB) is ordered DISMISSED.

SO ORDERED.

Narvasa, C.J., Gutierrez, Jr., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Medialdea, Regalado, Davide, Jr., Romero, Nocon, and Bellosillo, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.