

IÑIGO F. CARLET, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF PABLO SEVILLO AND ANTONIA PALISOC, PETITIONER, VS. HON. COURT OF APPEALS, VIRGINIA C. ZARATE, JACOBO C. ZARATE, VICTOR...*G.R. No. 114275. July 07, 1997*

Ponente: ROMERO, J.

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The Rules of Court provide litigants with options on what course of action to take in obtaining judicial relief. Once such option is taken and a case is filed in court, the parties are compelled to ventilate all matters and relevant issues therein. The losing party who files another action regarding the same controversy will be needlessly squandering time, effort and financial resources because he is barred by law from litigating the same controversy all over again. Such is the situation in the case at bar: whether or not there is *res judicata* or bar by prior judgment. The present controversy is surrounded by the following facts:

Lot 981 of the Biñan Estate in Laguna, with an area of 864 square meters, was purchased by Jose Seville in 1910 on installment. In 1917, Transfer Certificate No. 1599 was issued in his name after payment of the full purchase price. Jose Seville's marriage to Severa Bayran produced four sons, Teodoro, Mariano, Vicente and Pablo. Pablo married Antonia Palisoc in 1920 and they begot four children, Consolacion, Alejandra (Andrea), Samero (Casimiro) and Marin (Martin or Maltin) Seville. In 1949, Pablo Seville declared Lot No. 981 for taxation purposes under Tax Declaration Nos. 6125 and 2586 even if the property was still in Jose Seville's name.

In 1955, Pablo, by then a widower, married Candida Baylo. The union produced no offspring. Candida's daughter, Cirila Baylo Carolasan, was sired by another man.

In 1965, Pablo Seville, with Candida Baylo, filed a petition before the Court of First Instance for reconstitution of title. Reconstitution was allowed and TCT No. RT-926 was issued in the name of Pablo Seville, married to Candida Baylo. Pablo Seville and his wife died in 1967 and in 1974, respectively.

In 1980, the heirs of Cirila Baylo Carolasan,[1] all surnamed Zarate and herein private respondents, filed a case for annulment of deed of sale over Lot 981 and for partition of property among the surviving heirs of Pablo Seville. The case was docketed as Civil Case No. B-1656 before the Court of First Instance of Biñan, Laguna. The Deed of Sale sought to be annulled was allegedly executed by Candida Baylo, grandmother to the Zarates, in favor of Gregorio, Samero, Martin and Andrea, surnamed Seville and Isidro Zamora. After trial on the merits, the court rendered its Decision on June 15, 1982 with the following dispositive portion:

“WHEREFORE, in view of the foregoing considerations, judgment is hereby rendered declaring the deed of sale entitled ‘Bilhang Patuluyan ng Bahagi ng Isang Lupang Panahanan’ purportedly executed by Candida Baylo on August 25, 1971, acknowledged before Notary Public Apolinario S. Escueta and entered in his notarial register as Doc. No. 124, Page No. 16, Book No. IV, Series of 1971, as null and void and of no force

and effect, and the representative of the estate of the plaintiff Cirila Baylo Carolasan and the defendants Gregorio Seville, Samero Seville, Maltin Seville, Andrea Seville and Isidro Zamora, as the surviving spouse of Consolacion Seville, are hereby ordered to partition Lot No. 981 of the Biñan Estate, situated in Tubigan, Biñan, Laguna if they are able to agree among themselves by proper instruments of conveyance, within 30 days from the finality of this decision, which shall be confirmed by this Court, otherwise, commissioners will be appointed to make the partition.

The defendants Gregorio Seville and Samero Seville are hereby jointly and severally ordered to pay plaintiffs substituted heirs of the late Cirila Baylo Carolasan, namely, Virginia C. Zarate, of Brgy. Real, Calamba, Laguna, Jacobo C. Zarate, Victoria C. Zarate, Nemesio C. Zarate, Dominador C. Zarate and Elvira C. Zarate, all of Brgy. Tubigan, Biñan, Laguna, the sum of P3,000.00 for attorney's fees and the sum of P2,000.00 for litigation expenses aside from costs of suit."

The decision having become final and executory, a writ of execution was issued on November 10, 1982. Lot 981 was surveyed and subdivided into six lots, one lot having an area of 452.04 square meters, four lots with 86.49 square meters each and one lot with 66 square meters as footpath or concession to a right of way.[2] By virtue of this adjudication, private respondents Zarate procured TCT Nos. T-163388 and T-163393 over their share in the property.

The losing parties in that case, the Sevillos, filed a case to annul the aforesaid decision of the trial court in Civil Case No. B-1656 before the then Intermediate Appellate Court (CA-G.R. SP No. 07657) alleging lack of jurisdiction based on service of summons on unauthorized counsel. On March 31, 1986, the appellate court granted the Zarates' motion to dismiss the case on the ground of *res judicata*. The Supreme Court denied the petition for review filed by the Sevillos for lack of merit on September 8, 1986 in G.R. No. 74505.[3]

On May 6, 1983, private respondents, the Zarates, filed Civil Case No. 2375, an ejectment suit against the Sevillos before the Municipal Trial Court of Biñan.[4] The municipal court ruled in favor of plaintiffs and ordered defendants below, to immediately vacate the subject property and remove their houses thereon and to pay rental in arrears, damages, attorney's fees and litigation expenses.[5] Writs of execution and demolition were issued by the court. Defendants filed a motion for reconsideration but before said motion could be heard, they filed a petition for certiorari with the Regional Trial Court of Laguna (Civil Case No. B-3106). The Sevillos alleged that the inferior court did not have jurisdiction over the case which was filed more than a year after the alleged unlawful entry. The Regional Trial Court held that the municipal court had no jurisdiction over the complaint for ejectment. On appeal, the Court of Appeals reversed the Regional Trial Court's decision on July 11, 1990 in CA-G.R. SP No. 18806. Affirming the appellate court's decision, the Supreme Court denied the Sevillos' petition for review in G.R. No. 94382 on April 10, 1991.[6]

On July 10, 1991, petitioner Iñigo F. Carlet, as special administrator of the estate of Pablo and Antonia Seville, filed the case at bar, an action for reconveyance of property, docketed as Civil Case No. B-3582, against the heirs of Cirila namely, Virginia, Jacobo, Victoria and Elvira, all surnamed Zarate. Plaintiff therein prayed for a declaration of ownership over the entire 864-square-meter lot in the name of the estate of Jose Seville and/ or the estate of Teodoro, Mariano, Vicente and Pablo Seville; that TCT Nos. T-163393 and T-163388 be annulled and a new one be issued in favor of said estate; and that defendants be ordered to pay P20,000.00, attorneys fees in the amount of P50,000.00 and expenses of litigation.[7]

Defendants Zarate moved to dismiss the case on the ground of *res judicata*, claiming that the facts alleged in the complaint had already been pleaded and passed upon by the lower court in Civil Case No. B-1656, the Court of Appeals in CA-G.R. SP No. 07657 and by the Supreme Court in G.R. No. 74505. They also opposed the motion for preliminary injunction saying it was meant to delay and that the grounds relied upon had previously been

passed upon by the lower court in Civil Case Nos. B-1656 and 2375, the Court of Appeals in CA-G.R. SP No. 18806 and the Supreme Court in G.R. No. 94382.

On October 8, 1991, the trial court issued an Order granting the motion to dismiss Civil Case No. B-3582, stating that the issue of ownership had been threshed out in the cases cited and that, as held by the Court of Appeals in CA-G.R. SP No. 07657, plaintiff below merely tried to obtain the same relief by way of a different action. The dispositive portion of said Order reads:

“WHEREFORE, finding merit in the motion to dismiss, the same is hereby granted and the above case is hereby ordered dismissed. As a consequence, the motion for preliminary injunction is hereby denied.

Pursuant to well-settled pronouncements of the Supreme Court, the plaintiff and her counsel are hereby ordered to explain within five (5) days from receipt hereof why they should not be cited in contempt of court for forum-shopping. Let a copy of this order be furnished the local IBP Chapter where Atty. Modesto Jimenez belongs so that he may be administratively dealt with in accordance with law.

SO ORDERED.”

Carlet’s appeal to respondent court (CA-G.R. CV No. 36129) was dismissed on January 11, 1994, with the Court of Appeals affirming the questioned Order of the trial court in toto and ordering appellants and counsel to pay treble costs.[8]

Hence, the instant petition for review where the issue to be resolved is whether or not the adjudication in Civil Case No. B-1656 (including CA-G.R. SP No. 07657 and SC-G.R. No. 74505) constitutes res judicata to the case at bar (Civil Case No. B-3582).

Petitioner in the main contends that respondent court erred, because there is no identity of cause of action between the case at bar (Civil Case No. B-3582) and the cases cited, particularly Civil Case No. B-1656. The former is an entirely different case which seeks the annulment of TCT No. 1599 and the derivative titles issued in the name of private respondents Zarate. There is likewise no identity of parties. According to petitioner, the plaintiff in Civil Case No. 3582 is the Special Administrator representing the estate of Jose Sevillejo and Severa Bayran, who does not represent any of the private respondents herein.[9]

We affirm the contested decision of the Court of Appeals.

When material facts or questions which were in issue in a former action and were admitted or judicially determined there are conclusively settled by a judgment rendered therein, such facts or questions become res judicata and may not again be litigated in a subsequent action between the same parties or their privies regardless of the form of the latter. This is the essence of res judicata or bar by prior judgment.[10]

There are four requisites to successfully invoke res judicata: (a) finality of the former judgment; (b) the court which rendered it had jurisdiction over the subject matter and the parties; (c) it must be a judgment on the merits; and (d) there must be between the first and second actions identity of parties, subject matter and cause of action.[11] A judgment on the merits rendered in the first case constitutes an absolute bar to the subsequent action when the three identities are present.[12]

The attendance of the first three elements for the application of res judicata is not disputed by petitioner. What needs to be determined is the existence of identity in parties, subject matter and cause of action between Civil Case Nos. B-1656 and B-3582.

Respondent court correctly concluded that there is identity of parties between the case at bar (Civil Case No.

B-3582), an action for reconveyance of Lot No. 981, and Civil Case No. B-1656 for annulment of deed of sale and partition involving the same Lot 981. Although Civil Case No. B-3582 was initiated by petitioner as administrator of the estate of Pablo and Antonia Seville, the fact remains that he represents the same heirs of Pablo Seville, namely Martin, Alejandra, Casimiro (or Samero) and Consolacion Seville who were defendants in Civil Case No. B-1656, as the latter or their heirs would eventually benefit should petitioner succeed in this case. Petitioner's allegation that he represents the heirs of Jose Seville and Severa Bayran Seville and, therefore, including Pablo Seville's three brothers, is belied by the very title of the instant petition that he is the special administrator of the estate of Pablo Seville and Antonia Palisoc, having been appointed as such on July 10, 1991.[13]

It should further be stressed that absolute identity of parties is not required for the principle of res judicata to be applicable.[14] A shared identity of interest is sufficient to invoke the coverage of this principle.[15] While it is true that the heirs of Pablo and Antonia Seville will still be judicially determined at the intestate proceedings in which petitioner was named estate special administrator, it is equally true that the defendants in Civil Case No. B-1656, namely Consolacion, Alejandra, Samero and Martin Seville, are the children and heirs of Pablo and Antonia Seville.

There is no dispute as regards the identity of subject matter since the center of controversy in the instant case and in Civil Case No. B-1656 is Lot No. 981 of the Biñan Estate.

As regards identity of causes of action, the test often used in determining whether causes of action are identical is to ascertain whether the same evidence which is necessary to sustain the second action would have been sufficient to authorize a recovery in the first, even if the forms or nature of the two actions be different. If the same facts or evidence would sustain both actions, the two actions are considered the same within the rule that the judgment in the former is a bar to the subsequent action; otherwise, it is not.[16]

The instant case (Civil Case No. B-3582), which is an action for the reconveyance of Lot No. 981, is premised on the claim that TCT Nos. T-163388 and T-163393, belonging to private respondents as heirs of Candida Baylo and Cirila Baylo Carolasan, are null and void.[17] To succeed entails presenting evidence that the title acquired by the Zarates, upon which they founded their complaint for partition in Civil Case No. B-1656, is in fact null and void.

In Civil Case No. B-1656, the Zarates' prayer for partition of Lot No. 981 was anchored on the authenticity of their title thereto. Consequently, the case provided the defendants, heirs of Pablo and Antonia Seville, the opportunity to prove otherwise, i.e. that the Zarates' title was null and void. However, they failed to contest the matter before the trial court, the Court of Appeals and the Supreme Court.[18] Inasmuch as the same evidence was needed in prosecuting Civil Case No. B-1656 and the case at bar, there is identity of causes of action. The additional "fact" alleged by petitioner - that Candida Baylo was not in fact married to Pablo Seville and the reconstituted title in their name reflects a misrepresentation is, under the circumstances, immaterial. Said allegation could have been presented and heard in Civil Case No. B-1656.[19] The parties are bound not only as regards every matter offered and received to sustain or defeat their claims or demand but as to any other admissible matter which might have been offered for that purpose and of all other matters that could have been adjudged in that case.[20]

Neither does the fact that Civil Case No. B-1656 was an action for annulment of deed of sale and partition while Civil Case No. B-3582 is for reconveyance of property alter the fact that both cases have an identical cause of action. A change in the form of the action or in the relief sought does not remove a proper case from the application of res judicata.[21]

Moreover, as early as March 31, 1986 in the original action for annulment of judgment case, the then Intermediate

Appellate Court immediately recognized that:

“Clearly, the relief sought in this action for annulment of judgment beyond nullity of the decision in Civil Case No. B-1656, is an adjudication that herein defendants are not entitled to Lot 981 of the Biñan Estate or any part thereof, on the stated grounds that said property in the name of Pablo Seville and Candida Baylo under T.C.T. No. RT-926 was in fact owned by Pablo Seville and Antonia Palisoc, and that in any event, Candida Baylo had ceded her interest therein to plaintiffs and/or their predecessors in interest on March 31, 1969.

The self-same issue of ownership of Lot 981 was squarely raised in Civil Case No. B-1656, herein defendants’ interest in said property having therein been traversed by invoking instead an alleged sale of Lot 981 to Gregorio Seville on August 25, 1971.

This amounts to employment of different forms of action to obtain identical relief, in violation of the principle that one and the same cause of action shall not twice be litigated (*Yusingco v. Ong Hian*, 42 SCRA 589).”[22]

It is to the interest of the public that there should be an end to litigation by the parties over a subject fully and fairly adjudicated - *republicae ut sit finis litium*. And an individual should not be vexed twice for the same cause - *nemo debet bis vexari pro eadem causa*. As this Court has had occasion to rule:

“The foundation principle upon which the doctrine of *res judicata* rests is that parties ought not to be permitted to litigate the same issue more than once; that, when a right or fact has been judicially tried and determined by a court of competent jurisdiction, or an opportunity for such trial has been given, the judgment of the court, so long as it remains unreversed, should be conclusive upon the parties and those in privity with them in law or estate.”[23]

With respect to the issue of forum-shopping for which the trial court ordered counsel for petitioners, Atty. Modesto Jimenez, to explain why he should not be cited in contempt,[24] this applies only when the two (or more) cases are still pending.[25]

Clearly, despite knowledge of final judgments in Civil Case No. B-1656, CA-G.R. CV No. 07657 and SC-G.R. No. 74505, as well as in G.R. No. 94382 (the ejectment case), counsel persisted in filing the case at bar for reconveyance. Since this case is barred by the judgment in Civil Case No. B-1656, there was no other pending case to speak of when it was filed in July 1991. Thus, the “non-forum-shopping rule” is not violated.

What counsel for petitioners did, however, in filing this present action to relitigate the title to and partition over Lot No. 981, violates Canon 10 of the Code of Professional Responsibility for lawyers which states that a lawyer owes candor, fairness and good faith to the court. Rule 10.01 of the same Canon states that “(a) lawyer shall not do any falsehood x x x nor shall he mislead or allow the court to be misled by any artifice.” Counsel’s act of filing a new case involving essentially the same cause of action is likewise abusive of the courts’ processes and may be viewed as “improper conduct tending to directly impede, obstruct and degrade the administration of justice.”[26]

WHEREFORE, the petition is hereby DENIED. The Decision of the Court of Appeals dated January 11, 1994 is hereby AFFIRMED. Treble costs against petitioner.

SO ORDERED.

Regalado, (Chairman), and Mendoza, JJ., concur.
Puno, and Torres, Jr., JJ., on leave.

[1] Cirila Baylo Carolasan died in 1981.

[2] Rollo of G.R. No. 74505, pp. 80-85.

[3] “Alejandra Seville Fulgencio, Martin Seville, Maximo Seville Zamora, Rosa Zamora Balingit, Herminia Seville Zamora and Isidro Zamora v. IAC and Virginia, Jacoba, Victoria, Dominador and Elvira Zarate;” Petitioners’ motion for reconsideration was denied with finality on October 29, 1986. Counsel for petitioners therein was Atty. Alexander M. del Prado.

[4] The case was filed against Alejandra Seville, Julio and Juliana Seville, Ernesto and Lolita Seville, and Agripina Seville before the Municipal Trial Court of Biñan, presided by Judge Arturo L. Juliano.

[5] Decision of the trial court dated February 3, 1989. See Resolution of this Court dated April 10, 1991 in G.R. No. 94382.

[6] “Alejandra Seville et. al. v. CA and Virginia Zarate et.al.” Counsel for petitioners therein was Atty. Liberato T. Cabaron of the Public Attorney’s Office.

[7] Counsel for petitioner is Atty. Modesto Jimenez.

[8] Penned by Justice Corona Ibay-Somera, with Justices Nathanael P. De Pano, Jr. and Asaali S. Isnani, concurring; Rollo, pp. 27-39.

[9] Rollo, pp. 18-22.

[10] Veloso v. CA, G.R. No. 116680, August 28, 1996.

[11] Mangoma v. CA, 241 SCRA 21 (February 1, 1995) citing Development Bank of the Philippines v. Pundogar, 218 SCRA 118 (January 29, 1993).

[12] Mendiola v. CA, 258 SCRA 499 (July 5, 1996).

[13] Petition, p. 3; Rollo, p. 10.

[14] Employees Compensation Commission v. CA, 257 SCRA 717 (June 28, 1996).

[15] Javier v. Veridiano II, 237 SCRA 565 (October 10, 1994).

[16] Nabus v. CA, 193 SCRA 732 (February 7, 1991).

[17] Specifically, petitioner argues that said certificates of title were obtained through the false testimony of Virginia Zarate that the lot was acquired during the marriage of Pablo Seville and Candida Baylo.

[18] CA-G.R. SP No. 07657 and Supreme Court G.R. No. 74505.

[19] The same allegation was stated in the Answer filed by the Sevillos in the ejectment case (Civil Case No. 2375) filed by the Zarates in 1983 and was not considered material in the trial court as well as in the appellate courts’ disposition of said case. Rollo of G.R. No. 94382, p. 133.

[20] Gabuya v. Layug, 250 SCRA 218 (November 23, 1995).

[21] Medija v. Patcho, 132 SCRA 540 (October 23, 1984).

[22] Rollo of G.R. No. 74505, p. 54.

[23] Nabus v. CA, *supra*. at pp. 738-739.

[24] Decision of the trial court dated October 8, 1991; cf. page 4.

[25] *Employees Compensation Commission v. CA*, 257 SCRA 723 (June 28, 1996) citing *First Philippine International Bank v. CA*, 252 SCRA 259 (January 24, 1996); Pertaining to the facts of that case, the Court in the ECC case held : “x x to be more accurate, private respondent should have alleged *res judicata*, and not forum-shopping, as defense because the decision in G.R. No. 115040 had already become final and executory.”

[26] Said improper conduct is considered as indirect contempt under Rule 71 of the Revised Rules of Court; *Heirs of Guballa, Sr. v. CA*, 168 SCRA 539 (December 19, 1988) citing *Gabriel v. CA*, 72 SCRA 275.

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