HEIRS OF THE LATE FAUSTINA ADALID ALSO KNOWN AS CRISTINA ADALID NAMELY ELENA JAMITO, ELENO JAMITO, ANECITA JAMITO, PETRINIO JAMITO, LABORA JAMITO, ELISA JAMITO, ESTELITA JAMITO,...

G.R. NO. 122202. May 26, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a petition for review on certiorari which seeks to set aside the Decision[1] and Resolution[2] of the Court of Appeals dated 28 April 1995 and 29 September 1995, respectively. The said Decision and Resolution affirmed the Order of the Regional Trial Court, Branch 45, Bais City dated 22 January 1992[3] dismissing the original complaint docketed as Civil Case No. 136-B for Annulment of Titles and Damages filed by herein petitioners against the respondents, on the ground of res judicata.

THE FACTS

A complaint for Annulment of Titles and Damages[4] was filed before the Regional Trial Court, Branch 45, Bais City, docketed as Civil Case No. 136-B, entitled "Heirs of the Late Faustina Adalid also known as Cristina Adalid, namely: Elena Jamito, Eleno Jamito, Anecita Jamito, Petrinio Jamito, Labora Jamito, Elisa Jamito, Estelita Jamito, Lucia Jamito, Responcito Jamito, Gliceria Jamito, Teresita Las Piñas and Constancia Las Piñas, Plaintiffs, versus, German Gregorio and Spouse Cornelia Montesa Gregorio, Atty. Jaime Muñoz, in his capacity as Register of Deeds of Bais City, Alicia Jamito, Ana Jamito, Marissa Jamito, Cherryl Jamito and Donna Jamito, Defendants" dated 25 October 1990. Being unwilling co-plaintiffs, Alicia, Ana, Marissa, Cherryl and Donna, all surnamed Jamito, were included as party defendants.

As summed up by the Court of Appeals, the complaint alleged:

> . . . [T]hat plaintiff-appellants and their ascendants and predecessors-in-interest had been in continuous, uninterrupted, peaceful, exclusive and public possession and occupation of Lot No. 211 situated along Burgos St., Bais City, in the concept of owner, even prior to the year 1900, and that the property had passed on through generations to herein plaintiff-appellants who are the surviving descendants or heirs of Faustina, also known as Cristina Adalid. These heirs claimed that the property had been declared for taxation purposes in the name of said Faustina beginning 1906, then declared in the name of Juan Jamito and brothers, grandsons of Faustina, from 1925 up to the present. They further alleged that they had introduced improvements thereon; that Lot No. 211 had been surveyed on November 15 and 16, 1916 for the plaintiffs-appellants; that in Cadastral Case No. 7, LRC Cadastral Records No. 161, Lot No. 211, Bais Cadastre, they were included in the list of claimants for said Lot No. 211; that in said Cadastral Case No. 7, Cadastral Decree No. 260144 was issued on June 6, 1927 in favor of the conjugal partnership of Gorgonio Montesa and Manuela Teves of Bais City, despite the fact that they had never been the actual occupants of Lot No. 211; that Decree No. 260144 was issued based on the fraudulent declaration of ownership made by Maria Zerna and Gorgonio Montesa in the answers they filed in Cadastral Case No. 7, LRC Cadastral Records No. 161; that plaintiff-appellants discovered said fraudulent

> declarations only recently; that pursuant to Decree No. 260144, Original Certificate of Title No. 5367 was issued on July 29, 1927 in favor of Gorgonio Montesa and Manuela Teves; that Original Certificate of Title No. 5367 had been cancelled and Transfer Certificate of Title No. T-4344 had been issued to defendant-appellees Gregorio spouses, who allegedly knew about the nullity and invalidity of the Original Certificate of Title No. 5367; that defendant-appellees, as well as their predecessor-in-interest had never been in possession of the land in question. . .[5]

The private respondent Gregorio spouses denied the material allegations of the complaint. They alleged, among other things, that spouses Gorgonio Montesa and Manuela Teves, in whose favor Decree No. 260144 had been issued, were the owners and actual occupants of the subject property even before the issuance of said decree. They also averred that the fact of possession and ownership of Lot No. 211 had long been settled in Civil Case No. 4049 per decision of the Court of First Instance, Branch 1, Negros Oriental, dated 22 February 1974, which was later affirmed by the Court of Appeals. By way of affirmative and special defense, the Gregorio spouses maintained that the petitioners herein had no cause of action against them. They appended in their Answer a Motion to Dismiss the complaint on the ground of prescription, laches, operation of the Torrens system, and res judicata.

The respondent Register of Deeds of Bais City, in his Answer, likewise denied the allegations in the complaint, and further asserted that the issuance of Cadastral Decree No. 260144 in favor of spouses Gorgonio Montesa and Manuela Teves and the corresponding issuance of the certificate of title covering Lot No. 211 were done after due notice and hearing by the cadastral court. As his affirmative and special defense, he contended that the action was already barred by res judicata. He eventually adopted the motion to dismiss filed by the Gregorio spouses.

The petitioners filed their reply and opposition to the motion to dismiss on 26 November 1990. They insisted that they never recognized the Gregorio spouses as the rightful owners and possessors of the subject property, and the latter are not innocent purchasers for value. The prior judgment in Civil Case No. 4049, according to them, was not a bar to the filing of their complaint. They pointed out that the issue in Civil Case No. 4049 was the validity or nullity of Cadastral Decree No. 260177 issued in Cadastral Case No. 7, Cadastral Record No. 161 of the Bais Cadastre, while at issue in Civil Case 136-B is the validity or nullity of Cadastral Decree No. 260144. They manifested that the subject matters of the two cases are different, they having different cadastral decree numbers.

On 19 November 1990, the trial court ordered the transmission to it of the entire records of Civil Case No. 4049 for the proper disposition of the motion to dismiss and the opposition thereto. On 22 January 1992, the trial court, after due hearing, issued the assailed order, the pertinent portions of which are quoted hereunder:

> Clearly, Lot No. 211 of the Bais Cadastre originally titled under Cadastral Case No. 26(0)144 was the subject matter in Civil Case No. 4049, wherein the plaintiffs or their successors-in-interest in the case at bar were the defendants in said case (Civil Case No. 4049)... Although the prefatory portion of the aforesaid decision cited Cadastral Decree No. 260177, the said number should be considered a typographical error, as the complaint in that case specifically mentioned of Cadastral Decree No. 260144. Understandably, a similar error is contained in the latter portion of the decision wherein it stated of another Decree No. 260977. However, except for errors in the number of cadastral decree, the records are consistent in referring to Lot No. 211 of the Bais Cadastre, and G.L.R.O. Cadastral Record No. 161.
>
> The mis-stated Decree No. 260177 clearly covers Lot No. 303 of the Cadastral survey of Bais, an entirely different land to Lot No. 211. (Exhibit "3")
>
> . . .
>
> Admittedly, the judgment in Civil Case No. 4049 has become final.

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> From the foregoing, it is clear that the requisites of res judicata to bar this case are present. . .
>
> Premises considered, finding the motion to dismiss by defendants being impressed with merit, this case is hereby ordered dismissed.[6]

The petitioners moved for the reconsideration of the above-quoted order, which the trial court denied.

The petitioners interposed an appeal[7] with the Court of Appeals, docketed as CA-G.R. CV Case No. 37369. They contended that the trial court had no authority or power in holding that the mentioned Cadastral Decree No. 260177 in Civil Case No. 4049 should be considered a typographical error; that the trial court gravely erred in holding that the judgment in Civil Case No. 4049 is a bar to Civil Case No. 136-B which was an action to declare Original Certificate of Title (OCT) No. 5367 and Transfer Certificate of Title (TCT) No. T-4344 a nullity; and that the trial court gravely erred in dismissing the complaint.

On 28 April 1995, the Court of Appeals promulgated its Decision affirming in toto the Order of the trial court. The Court of Appeals held in part:

> The appellants erroneously assumed that the lower court amended or modified the final judgment in Civil Case No. 4049. The lower court committed no such thing. It merely made a finding that the mention of Cadastral Decree No. 260177 was a typographical error in answer to appellants' contention that the subject matter of the prior case, Civil Case No. 4049, and this present case, are not the same piece of property. The lower court merely considered the decision in said prior case as evidence that the subject matters in these two cases were identical, and did not make any new pronouncements as regards the issues litigated in the earlier case.
>
> . . .
>
> The cadastral decree number is not the only basis for identifying the property being contested in Civil Case No. 4049... Such detailed description of the land involved in Civil Case No. 4049 shows that the property is the same one involved here in the present case. Furthermore, appellants' own complaint shows that the property they are contesting is that which is covered by Transfer Certificate of Title No. T-4344, and the decision in Civil Case 4049 shows that the subject matter of that case is also the lot covered by Transfer Certificate of Title No. T-4344. Most convincing is the fact that the dispositive portion of the decision in Civil Case No. 4049 specifically mentions Lot No. 211 and not Lot 303. All these circumstances point to the fact that indeed, the subject matter of Civil Case No. 4049 and the present case, are one and the same property.[8]

On the application of the principle of res judicata, the Court of Appeals held that the lower court committed no error in finding that the requisites of res judicata exist in this case.

The petitioners moved for the reconsideration of the decision, which was however denied by the Court of Appeals in its Resolution dated 29 September 1995.

Unfazed, the petitioners filed a petition for review on certiorari[9] before this Court dated 20 November 1995. In the instant petition, Alicia, Ana, Marissa, Cherryl and Donna, all surnamed Jamito, who were formerly impleaded party defendants as they were unwilling co-plaintiffs, are now included as petitioners. Also, per Manifestation of the counsel for the private respondents dated 25 March 1996[10], the Court was informed that private respondent Herman Gregorio died on 07 February 1992, as evidenced by a certified true copy of the Death Certificate.[11] Private respondent Herman Gregorio was substituted by his heirs, namely: his spouse Cornelia M. Gregorio, and surviving children Herman M. Gregorio, Jr., Gloria Fe G. Escaño, Rizal M. Gregorio and Corman M. Gregorio.[12]

ASSIGNMENT OF ERRORS

The petitioners assign as errors the following:

I

THE FINDINGS AND CONCLUSION OF THE HONORABLE COURT OF APPEALS THAT THE MENTION BY PRIVATE RESPONDENT OF CADASTRAL DECREE NO. 260177 IS MERELY A TYPOGRAPHICAL ERROR IS CONTRADICTED BY THE EVIDENCE ON RECORD.

II

THE CONCLUSION OF THE COURT OF APPEALS THAT CADASTRAL DECREE NO. 260177 IS MIS-STATED IS AN AMENDMENT OR MODIFICATION OF A FINAL JUDGMENT WHICH IS PROHIBITED BY THE RULES.

III

THE DECISION IN CIVIL CASE NO. 4049 (CA 59842-R) DOES NOT CONSTITUTE A BAR TO THE INSTITUTION OF C.C. NO. 136-B WHICH IS AN ACTION TO ANNUL OCT [NO.] 5367 AND TCT NO. 4344.

IV

THE PRINCIPLE OF RES JUDICATA SHOULD BE DISREGARDED IF ITS APPLICATION WOULD INVOLVE THE SACRIFICE OF JUSTICE TO TECHNICALITY.

V

THE FACTS AND EVIDENCE SET FORTH BY APPELLANTS IN THEIR BRIEF [WERE] NOT DISPUTED BY PRIVATE RESPONDENTS.

VI

THE ACTION FOR THE ANNULMENT OF OCT NO. 5367 AND TCT NO. 4344 IS THE REMEDY PROVIDED FOR BY LAW FOR OWNERS WHOSE LAND WAS ERRONEOUSLY TITLED BY ANOTHER.

VII

DEFENDANTS IN CIVIL CASE NO. 4049 WHO ARE PREDECESSORS-IN-INTEREST OF HEREIN PETITIONER WERE DENIED THEIR CONSTITUTIONAL RIGHTS TO DUE PROCESS AND FREE ACCESS TO THE COURTS BY REASON OF POVERTY.

VIII

PRIVATE RESPONDENTS WERE NEVER IN POSSESSION OF LOT 211.

IX

THE DOCUMENTARY EVIDENCE RELIED UPON BY PRIVATE RESPONDENTS DO NOT SHOW THAT LOT 211 WAS SOLD BY CRISTINA ADALID, ORIGINAL OWNER-CLAIMANT, TO THEIR PREDECESSOR-IN-INTEREST.[13]

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ISSUES

From the foregoing assignment of errors, it is apparent that the issues for immediate attention by this Court are: First, WHETHER OR NOT THE TRIAL COURT WAS CORRECT IN HOLDING THAT THE MENTIONED CADASTRAL DECREE NO. 260177 IN CIVIL CASE NO. 4049 WAS A TYPOGRAPHICAL ERROR, and Second, WHETHER OR NOT THE FINALITY OF THE DECISION IN CIVIL CASE NO. 4049 CONSTITUTES A BAR TO THE RELITIGATION OF THE PRESENT CASE.

Resolution of these two threshold issues will render unnecessary the consideration of the other errors assigned.

THE COURT'S RULINGS

On the first issue, the petitioners contend that the conclusion of the Court of Appeals in Civil Case No. 136-B that No. 260177 is misstated, is in effect, an amendment or modification of the final judgment dated 22 February 1974 in Civil Case No. 4049 of the then Court of First Instance, Branch 1, Negros Oriental. They further aver that the rule in this jurisdiction is that once a decision becomes final and executory, no further amendment or correction can be made by the court which rendered it, except to order the execution and to correct clerical errors or mistakes.[14]

These contentions of the petitioners proceed from a false premise that the trial court, in Civil Case No. 136-B, ordered the amendment or modification of the final judgment in Civil Case No. 4049. Indeed, nothing of the sort was done by the trial court. It never issued any order which tried to modify or amend the final decision in Civil Case No. 4049. What it did, after reviewing all the records of Civil Case No. 4049, was just to make a finding that there was a typographical error when Cadastral Decree No. 260177 was mentioned in the decision. Thus:

> After analyzing the allegations in their responsive pleadings, records in Civil Case No. 4049, and the evidence presented by defendants on the hearing of the incident, after due notice, with the plaintiffs having decided not to present evidence, the following facts are established:
>
> Lot No. 211 of the Bais Cadastre was subject to cadastral Case No. 260144 issued in Cadastral Case No. 7, G.L.R.O. Cadastral Record No. 161 on June 6, 1927, and consequently, Original Certificate of Title No. 5367 was issued on July 29, 1927. On August 5, 1954, said lot was transferred to defendants Gregorio, and consequently, Transfer Certificate of Title No. T-4344 was issued in their favor.
>
> Clearly, Lot No. 211 of the Bais Cadastre originally titled under Cadastral Case No. 26[0]144 was the subject matter in Civil Case No. 4049, wherein the plaintiffs or their successors-in-interest in the case at bar were the defendants in said case (Civil Case No. 4049). The cause of action in that case is recovery of property with damages, and the defunct Court of First Instance of Negros Oriental, rendered a decision dated February 22, 1974 after trial on the merits in favor of the plaintiffs. Although the prefatory portion of the aforesaid decision cited Cadastral Decree No. 260177, the said number should be considered a typographical error, as the complaint in that case specifically mentioned of Cadastral Decree No. 260144. Understandably, a similar error is contained in the latter portion of the decision wherein it stated of another Decree No. 260977. However, except for errors in the number of cadastral decree, the records are consistent in referring to Lot No. 211 of the Bais Cadastre, and G.L.R.O. Cadastral Record No. 161.
>
> The mis-stated Decree No. 260177 clearly covers Lot No. 303 of the Cadastral survey of Bais, an entirely different land to Lot No. 211.[15]

The Court of Appeals viewed such findings in this wise:

> . . . The lower court merely considered the decision in said prior case as evidence that the subject matters in these two cases were identical, and did not make any new pronouncements as regards the issues litigated in the

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> earlier case.[16]

In any event, there are other ways to correctly identify the property, aside from the Cadastral Decree number. As punctiliously pointed out by the Court of Appeals, and borne out by the records, the property subject of the earlier case, Civil Case No. 4049, is covered by TCT No. T-4344. The property subject of the present case is, by the petitioners' own complaint, that covered by TCT No. T-4344.[17] The description of the land subject of Civil Case No. 4049 refers to the same land involved in the present case. The dispositive portion of the decision in Civil Case No. 4049 specifically mentions Lot No. 211. There can be, thus, no other conclusion as to the identity of the subject matters involved.

Coming now to the second issue, whether or not the finality of the decision in Civil Case No. 4049 constitutes a bar to the relitigation of the present case, we rule in the affirmative. The principle of res judicata is controlling.

The requisites of res judicata are: (1) there must be a former final judgment rendered on the merits; (2) the court must have had jurisdiction over the subject matter and the parties; and (3) there must be identity of parties, subject matter and cause of action between the first and second actions.[18]

In the instant case, there is no uncertainty that Civil Case No. 4049 has attained finality. In fact, this was admitted by the petitioners.[19] The judgment in this case was rendered on the merits after due hearing. The now defunct Court of First Instance, Negros Oriental, Twelfth Judicial Region, Branch 1, which heard and rendered the decision in Civil Case No. 4049, had jurisdiction over the subject matter and the parties.

The petitioners advance the theory that petitioner Francisca Jamito, a legal heir of Faustina Adalid, and the respondent Register of Deeds of Bais City were not parties to the earlier case, therefore, there was no identity of parties between the first case and the second case. We do not agree. The principle of res judicata may not be evaded by the mere expedient of including an additional party to the first and second action.[20] Only substantial identity is necessary to warrant the application of res judicata. The addition or elimination of some parties does not alter the situation.[21] There is substantial identity of parties when there is a community of interest between a party in the first case and a party in the second case albeit the latter was not impleaded in the first case.[22] As fittingly held by the Court of Appeals:

> The appellants' pleadings both here and in the lower court admit that they are the descendants, and hence, the representatives of their predecessors-in-interest who were the defendants in Civil Case No. 4049. As such, the decision in the earlier case is binding on them and they are substantially the same persons who were parties in the earlier case. The addition of the Register of Deeds as a party in this case is of no moment as he is a mere nominal party.[23]

As we discussed earlier, there is likewise identity of subject matter between Civil Case No. 4049 and Civil Case No. 136-B. The complaints in both cases adverted to a real property covered by TCT No. T-4344.

As a last ditch effort to defeat the application of the rule on res judicata, the petitioners contend that the two cases have different causes of action. According to them, Civil Case No. 4049 was an action for recovery of property with damages. It was grounded more on the issue of possession and that the title to the property (i.e., TCT No. T-4344) was presented only to prove their constructive possession. They further argue that Civil Case No. 136-B is a direct attack on the validity of OCT No. 5367 and TCT No. T-4344, which could not have been resolved in Civil Case No. 4049, pursuant to the rule that a Certificate of Title cannot be subject to collateral attack and can be altered, modified or cancelled only in a direct proceeding in accordance with law.

To determine the presence of identity of cause of action, the ultimate test is to consider whether the same evidence would sustain the cause of action in both the first and the second cases.[24]

A cause of action, broadly defined, is an act or omission of one party in violation of the legal right of the other. Its elements are the following: (1) the legal right of plaintiff; (2) the correlative obligation of the defendant, and (3) the act or omission of the defendant in violation of said legal right. Causes of action are identical when there is an identity in the facts essential to the maintenance of the two actions, or where the same evidence will sustain both actions. If the same facts or evidence can sustain either, the two actions are considered the same, so that the judgment in one is a bar to the other.[25]

Such is the situation here.

The first case was for Recovery of Property with Damages which was filed by the private respondents herein against the petitioners. The second case is for Annulment of Titles and Damages. The two cases are different only in the form of action but a close scrutiny of the allegations in the second case would reveal, that they are exactly seeking the same reliefs and that the issues they are presenting had been thoroughly ventilated in the first case. The proceedings in the second case, if permitted to continue, would require the petitioners herein to produce anew the evidence that had been thoroughly weighed and studied by the defunct Court of First Instance, Negros Oriental, Twelfth Judicial Region, Branch 1, in its decision in the first case on 22 February 1974. As aptly observed by the Court of Appeals:

> The appellants' allegations and annexes to their complaint show that the main fact they were trying to establish is that they, instead of appellees, had been in possession of the property in question. The decision in Civil Case No. 4049, however, discloses that this issue had been thoroughly threshed out in that prior case. . .[26]

The doctrine of res judicata is a rule which pervades every well-regulated system of jurisprudence and is founded upon two grounds embodied in various maxims of the common law, namely: (1) public policy and necessity, which makes it to the interest of the State that there should be an end to litigation - republicae ut sit litium, and (2) the hardship on the individual that he should be vexed twice for the same cause - nemo debet bis vexari et eadem causa. A contrary doctrine would subject the public peace and quiet to the will and neglect of individuals and prefer the gratification of the litigious disposition on the part of suitors to the preservation of the public tranquility and happiness.[27]

WHEREFORE, in view of all the foregoing, the petition is DISMISSED. The Decision and Resolution of the Court of Appeals dated 28 April 1995 and 29 September 1995, respectively, are AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Puno, Acting C.J., (Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Tinga, J., out of the country.

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[1] Rollo, pp. 173-182; Penned by Associate Justice Jesus M. Elbinias, with Associate Justices Lourdes K. Tayao-Jaguros and B.A. Adefuin-De La Cruz concurring.

[2] Rollo, pp. 184-185.

[3] Rollo, pp. 121-122.

[4] Rollo, pp. 96-101.

[5] Rollo, p. 174.

[6] Rollo, pp. 121-122.

[7] Rollo, pp. 124-147.

[8] Rollo, pp. 178-179.

[9] Rollo, pp. 9-57.

[10] Rollo, pp. 187-188; The counsel manifested that it was only recently that the fact of Gregorio's death was relayed to him.

[11] Rollo, p. 204.

[12] Rollo, pp. 195-196.

[13] Rollo, pp. 9-11.

[14] Rollo, p. 31.

[15] Rollo, pp. 121-122.

[16] Rollo, p. 178.

[17] See Rollo, pp. 64-66. In the Answer in Civil Case No. 4049, the petitioners herein never denied that the lot in question is Lot 211 as referred in plaintiffs' complaint; See also Rollo, p. 97 which is the second page of the Complaint in Civil Case No. 136-B likewise identifying Lot No. 211, and Rollo, pp. 106, 114-118, the Answer and Reply in Civil Case No. 136-B, singling out also Lot No. 211.

[18] Cayana v. Court of Appeals, G.R. No. 125607, 18 March 2004, 426 SCRA 10.

[19] Rollo, p. 16.

[20] Martillano v. Court of Appeals, G.R. No. 148277, 29 June 2004, 433 SCRA 195.

[21] Barbacina v. Court of Appeals, G.R. No. 135365, 31 August 2004, 437 SCRA 300, citing Dela Rama v. Mendiola, G.R. No. 135394, 29 April 2003, 401 SCRA 704, 710-711.

[22] Sempio v. Court of Appeals, G.R. No. 124326, 22 January 1998, 284 SCRA 580, citing Anticamara v. Ong, G.R. No. L-29689, 14 April 1978, 82 SCRA 337.

[23] Rollo, p. 179.

[24] Development Bank of the Philippines v. Court of Appeals, G.R. No. 110203, 09 May 2001, 357 SCRA 626, citing Esperas v. Court of Appeals, G.R. No. 121182, 02 October 2000, 341 SCRA 583; and Bachrach Corporation v. Court of Appeals, G.R. No. 128349, 25 September 1998, 296 SCRA 487, 494.

[25] Dela Rama v. Mendiola, G.R. No. 135394, 29 April 2003, 401 SCRA 704, citing Bachrach Corporation v. Court of Appeals, 357 Phil. 483 (1998); Avisado v. Rumbaua, G.R. No. 137306, 12 March 2001, 354 SCRA 245, 256; and Stilianopulos v. City of Legaspi, G.R. No. 133913, 12 October 1999, 316 SCRA 523, 541.

[26] Rollo, p. 180.

[27] Linzag v. Court of Appeals, G.R. No. 122181, 26 June 1998, 291 SCRA 305, citing De Ramos v. Court of Appeals, G.R. No. 86844, 01 September 1992, 213 SCRA 207, 214; Baguioro v. Basa, Jr., G.R. No. 83369, 02 October 1992, 214 SCRA 437, 444.

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