

**AMANTE O. SAN PEDRO, PETITIONER, VS. MARCIANA M. BINALAY,
ASSISTED BY HER HUSBAND ROBERTO BULURAN AND WILSON M.
BINALAY, RESPONDENTS.**

G.R. NO. 126207. August 25, 2005

Ponente: GARCIA, J.

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GARCIA, J.:

Before the Court is this petition for review on certiorari seeking the reversal of the decision[1] dated June 28, 1996 of the Court of Appeals (CA) in CA G.R. No. CV-40209 and its resolution[2] dated August 13, 1996, denying petitioner's motion for reconsideration.

The assailed decision affirmed the September 16, 1992 order of the Regional Trial Court at Tuguegarao, Cagayan dismissing petitioner's complaint in Civil Case No. 4404 on ground of *res judicata*.

Reviewed, the records reveal the following factual antecedents:

On May 22, 1985, in the Regional Trial Court at Tuguegarao, Cagayan, petitioner Amante D. San Pedro instituted an action for "Specific Performance with Damages" against the respondents. In his complaint, docketed as Civil Case No. 3467 and raffled to Branch II of the court, petitioner alleged that on December 18, 1981, the respondents executed in his favor a deed of absolute sale over a parcel of land with an area of two-hundred nineteen (219) square meters and covered by Transfer Certificate of Title (TCT) No. T-55830 of the Registry of Deeds of Cagayan. Petitioner further averred that respondents have failed to cause the registration of the deed of sale. He thus prayed for the declaration of his ownership over the subject piece of land, the registration of the deed and the issuance of the corresponding certificate of title in his name.

In their verified "Answer" with counterclaim, respondents denied having executed the deed of sale relied upon by the petitioner, alleging that they never sold the parcel of land to anybody, let alone to petitioner. They also contend that such deed is fictitious and a falsification.

After pre-trial but before the presentation of his evidence, petitioner, as plaintiff filed a Motion to Withdraw Complaint, in which he stated:

COMES NOW, the undersigned plaintiff and unto this Honorable Court, respectfully prays (sic) that:

- That the complaint has been filed, way back in May 23, 1985, and that the undersigned plaintiff is no longer interested to further prosecute the above-entitled case, provided the defendants herein will also dismissed (sic) their counterclaims;
- That in order not to clog the docket of this court the undersigned prays for the dismissal of the above-entitled case.

P R A Y E R

WHEREFORE, he prays that the Honorable Court orders the dismissal of the above-entitled case and orders

also the counterclaims be dismissed.[3]

To the foregoing motion, respondents interposed a Manifestation and Counter-Motion wherein they expressed conformity to the desired dismissal of petitioner's complaint and their counterclaim, provided such dismissal is with prejudice. [4]

In the hearing on the motion to withdraw and counter-motion, petitioner and respondents mutually agreed to the dismissal with prejudice of their complaint and counterclaim, respectively. Thus, on August 27, 1990, the trial court issued the following order:

Acting on the Motion to Withdraw complaint by the plaintiff as well as the Motion of his counsel and the Motion of counsel for the defendants, and finding the former to be well-taken, let this case be dismissed with prejudice. xxx.

The Counterclaim of the defendants is ordered dismissed.

SO ORDERED.[5]

A little over a year later, or on February 11, 1992, petitioner again filed suit against respondents with the same Regional Trial Court, this time for "Recovery of Possession and Ownership with Damages". In his second complaint, docketed as Civil Case No. 4404 and raffled to Branch I of the court, petitioner sought to recover possession and ownership of the same land covered by TCT No. T-55380. To this new complaint, respondents filed a motion to dismiss on ground of res judicata, arguing that a similar case (Civil Case No. 3467) earlier instituted by the petitioner against them had already been dismissed with prejudice.

As to be expected, petitioner opposed respondents' motion to dismiss.

In its order dated September 16, 1992, the trial court granted respondents' motion to dismiss and accordingly dismissed Civil Case No. 4404 on ground of res judicata.

Therefrom, petitioner appealed to the Court of Appeals.

As stated at the outset hereof, the appellate court, in its decision dated June 28, 1996,[6] affirmed the trial court's order of dismissal on the following ratiocination:

The puerile reasoning proffered by plaintiff-appellant [herein petitioner] is taxing to one's credulity. Apparently at a loss of what argument to advance to support his contention, he randomly invoked a provision of law which is not obviously apt in this case The records are crystal clear that it was at the instance of plaintiff-appellant, through a motion filed to that effect, that his complaint was dismissed with prejudice. Said motion with the corresponding manifestation filed thereto by defendants-appellees [respondents herein] was not perfunctorily granted but was in fact set for hearing and in the said hearing, both parties agreed to the dismissal of the complaint with prejudice. And in accordance with the agreement of both parties, the trial court issued the Order dated August 27, 1990 dismissing the case with prejudice. Thus, as aptly stated by Vicente Francisco in his book "The Revised Rules of Court in the Phils.", Vol. 1, Annotated, Second Edition, 1973, p. 986,

A plaintiff's dismissal of a suit with prejudice is as conclusive of the rights of the parties as an adverse judgment after trial, being res judicata of all questions which might have been litigated in the suit.[7]

In time, petitioner moved for a reconsideration but his motion was denied by the appellate court in its resolution[8] of August 13, 1996.

Hence, petitioner's present recourse anchored on the following grounds:

I

THE HONORABLE COURT OF APPEALS ERRED IN APPLYING THE DOCTRINE OF RES JUDICATA CONSIDERING THAT THERE IS NO IDENTITY OF THE CAUSES OF ACTION BETWEEN CIVIL CASE NO. 4404 AND CIVIL CASE NO. 3467.

II

ASSUMING ARGUENDO THAT THERE IS AN IDENTITY OF CAUSES OF ACTION, THE HONORABLE COURT OF APPEALS ERRED IN APPLYING THE DOCTRINE OF RES JUDICATA BECAUSE IT WOULD RESULT IN INJUSTICE.[9]

WE DENY.

Petitioner contends that the cause of action in Civil Case No. 3467 and in Civil Case No. 4404 differs, the former being a suit for specific performance to compel the respondents to register the deed of sale over the of land they sold to him, while Civil Case No. 4404 is an accion reivindicatoria to recover possession and ownership of the same land. This dissimilarity, according to petitioner, argues against the applicability of the res judicata principle.

While the appellate court did not state so explicitly, the provision upon which it predicated its ruling is Section 47, Rule 39 of the Rules of Court, which pertinently reads:

SEC. 47. Effect of judgments or final orders. - The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce judgment or final order, may be as follows:

xxx xxx xxx

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

The aforequoted provision enunciates the principle of res judicata to the end that controversies once decided on the merits by a court of sufficient jurisdiction shall remain in repose. The principle has two (2) aspects: a) as a bar to the prosecution of a subsequent action based on the same claim or cause of action; and b) as preclusion to the relitigation of particular issues or facts in another action between the same parties on a different demand or cause of action. The first aspect corresponds to the aforequoted par. (b) of Section 39 of Rule 47, while the second is embodied in paragraph (c) of the same Section.[10] This Court has explained the distinction between the two concepts embraced in the res judicata principle in the following wise:

There is no question that where as between the first case where the judgment is rendered and the second case where such judgment is invoked, there is identify of parties, subject matter and cause of action, the judgment on the merits in the first case constitutes an absolute bar to the subsequent action not only as to every matter which was offered and received to sustain or defeat the claim or demand, but also as to any other admissible matter which might have been offered for that purpose and to all matters that could have been adjudged in that case. This is designated as "bar by former judgment".

But where the second action between the same parties is upon a different claim or demand, the judgment in the prior action operates as an estoppel only as to those matter in issue or points controverted, upon the determination of which the finding or judgment was rendered. In fine, the previous judgment is conclusive in the second case only as those matters actually and directly controverted and determined and not as to matters

merely involved therein. This is the rule on "conclusiveness of judgment" . . . [11] (Emphasis added)

By force of res judicata, a final judgment is conclusive not only on the issues actually determined by the decision but on all issues that could have been raised or litigated in the anterior suit.[12] In fine, when material facts or questions which were in issue in a former action and were there admitted or judicially determined 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.[13] This is, as it should be, for a judgment is an adjudication on all matters which are essential to support it and that every proposition assumed or decided by the court leading up to the final conclusion and upon which such conclusion is reached is as effectually passed upon as the ultimate question which is finally solved.[14]

For res judicata to serve as an absolute bar to a subsequent action, the following requisites must concur: (1) there must be a final judgment or order; (2) the court rendering it must have jurisdiction over the subject matter and the parties; (3) it must be a judgment or order on the merits; and (4) there must be between the two cases identity of parties, subject matter and causes of action.[15]

There can be no quibbling that the first three (3) requisites adverted to above obtain in this case. So too are the elements of identity of parties and subject matter mentioned in the fourth requisite. There is thus no need to belabor the point, as even petitioner himself concedes the presence of all the requisites adverted to, his only challenge against the applicability of the res judicata principle being limited to the absence of "identity of the causes of action between Civil Case No. 4404 and Civil Case No. 3467".

Contrary to petitioner's submission, there is identity of causes of action in the two (2) civil cases. We shall explain.

Rule 2, Section 2 of the Rules of Court defines "cause of action" as the act or omission by which a party violates the right of another. Its elements are: (1) the existence of a legal right in the plaintiff; (2) a correlative obligation on the part of the defendant; and (3) an act or omission of the defendant in violation of said legal right for which the plaintiff may maintain an action for recovery of damages or other appropriate reliefs.[16]

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.[17]

Here, the act alleged to be in violation of petitioner's legal right consists of respondents' failure or refusal to transfer to him the possession and ownership of the lot in question. Upon the other hand, petitioner in his complaint for specific performance in Civil Case No. 3467, alleged:

xxx xxx xxx

- The Defendants were the owners, by right of succession, of the parcel of land described as follows:
- x x x the defendants sold absolutely the above-described parcel of land to the plaintiff for the sum of SIXTY THOUSAND PESOS xxx.
- It was agreed between the Plaintiff and the Defendants that the latter would shoulder all expenses of the sale, . . . , and would deliver the certificate of title already in the name of the Plaintiff, and it was for this reason that the Defendants pleaded to the Plaintiff that the amount to be stated in the deed of sale would only be FIVE THOUSAND PESOS (P5, 000.00) instead of SIXTY THOUSAND PESOS (P60, 000.00) which was actually paid to and received by the Defendants.

xxx xxx xxx

- Up to the present, the Defendants refused and failed, and still refuse and fail, to cause the registration of the deed of sale (Annex "A") and the issuance of the certificate of title in the name of the Plaintiff despite repeated demands made by the latter upon the former.

xxx xxx xxx

WHEREFORE, the Plaintiff respectfully prays that the Honorable Court render judgment:

- Declaring him (Plaintiff) the lawful owner of the parcel of land described in the Complaint;
- Ordering the Defendants to register the deed of sale in the Office of the Register of Deeds of Cagayan, and to cause the issuance of the corresponding transfer certificate of title to and in the name of the Plaintiff.

xxx xxx xxx

As may readily be deduced from the averments in the complaint in Civil Case No. 3467, the ownership of the land in question is tendered as an issue and what petitioner is asking thereat is for the trial court to order the respondents to deliver to him the title and necessarily ownership of the same parcel of land he allegedly purchased from them. At the other end, Civil Case No. 4404 is a suit for recovery of possession and ownership of the same land sought to be recovered in Civil Case No. 3467. In net effect, petitioner's ultimate objective in instituting the two actions is to peremptorily secure title, possession and ownership of the same piece of land.

In the first (Civil Case No. 3467), as in the second case (Civil Case No. 4404), the controversy turns on petitioner's right of dominion over a piece of real estate pursuant to a deed of sale purportedly executed by the respondents in his favor. In fine, petitioner's cause in either case could plausibly prosper only upon proof of the fact of a valid sale covering the land in dispute. And such fact can in turn be established by evidence showing that the deed of absolute sale appended to the complaint in the first case is authentic.

As it were, however, respondents denied having sold the subject land to petitioner and specifically denied the genuineness and due execution of the conveying deed. Instead, however, of demonstrating by competent preponderating evidence the superiority of his case and, in the process, demolishing respondents' denial of the fact of sale, petitioner made a deliberate retreat and took the first step which eventually led to the dismissal with prejudice of his first complaint. By himself no less moving for such dismissal after going to all the trouble and expense of initiating a lawsuit, petitioner virtually conceded that he had no case against respondents; that his claim of ownership is a sham; and that the very document supportive of such claim is, as asserted by respondents, spurious.

Prescinding from the foregoing premises, it is indubitable that there is, as between the two actions, an identity of rights asserted and reliefs prayed for, as well as of the facts from which the reliefs are founded. Moreover, the evidence to support petitioner's cause of action in the specific performance case (Civil Case No. 3467) is included and forms part of the evidence he needed to support his cause of action in the case for recovery of possession and ownership (Civil Case No. 4404). There cannot, therefore, be a serious dispute as to the identity of causes of action in Civil Case No. 3467 and Civil Case No. 4404. The difference in form of the two actions or, however petitioner styled each, is of no moment. A party cannot evade the preclusive effect of *res judicata* by the simple expedient of varying the form of the action or by adopting a different mode of presenting his case.[18] The doctrine of *res judicata* will apply as long as the parties are litigating for the same thing and more importantly, the same contentions. As can be gleaned from the records, petitioner's arguments in Civil Case No. 3467 bear extreme resemblance with those raised in Civil Case No. 4404.

But even if we were to assume purely *ex hypothesi* that the cause of action in Civil Case No. 3467 is not identical to that in Civil Case No. 4404, petitioner could still not escape from the clutches of *res judicata*. For, consistent

with the principle of conclusiveness of judgment, all relevant issues actually or deemed adjudged and settled finally in the first case, i.e., the absence of the sale transaction covering the disputed land and the fictitious nature of the deed of sale allegedly executed by and between petitioner and respondents over the same land, are deemed conclusive between the parties in the second case.

Res judicata aims to accord stability to judgments. Without it, multiplicity of action would be the order of the day.[19] Do away with the principle and there shall be no end to litigation.[20]

Given the foregoing perspectives, petitioner's plea to relax the rule on res judicata since its application in this case would, to him, result in injustice is utterly devoid of merit and, ergo, need not detain us long. Lest it be overlooked, it was petitioner himself who moved for the dismissal of his own complaint in Civil Case No. 3467, doubtless after realizing the untenability of his case, anchored as it were on a fictitious deed of sale. Accordingly, petitioner cannot now be permitted to benefit from his own undoing. Once a litigant's rights had been adjudicated in a valid final judgment of a competent court, he should not be granted an unbridled license to come back for another try.[21]

It has been said that he who comes to equity must do so with clean hands; that one who would have himself excepted from the provisions of the Rules of Court must present the most persuasive of reasons.[22] With the view we take of this case, petitioner is undeserving of the helping hand of equity, having, at bottom, latched his fortune in both Civil Cases No. 3467 and 4404 on a supposed deed of sale, the authenticity of which is suspect, to say the least. What is more, accommodating petitioner in his bid to evade the bar of res judicata would be most prejudicial to the respondents who would then have to undergo all over again the rigors and expense of a trial. This Court, as a matter of simple justice and good conscience, would not allow itself to be a party to such iniquitous situation.

WHEREFORE, the petition is DENIED and the assailed decision and resolution of the Court of Appeals AFFIRMED.

Costs against petitioner.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, and Corona, JJ., concur.
Carpio Morales, J., no part.

[1] Penned by Associate Justice Quirino D. Abad Santos, Jr., (ret.) with Associate Justice Conchita Carpio-Morales (now a member of this Court) and Associate Justice Artemio S. Tuquero (resigned), concurring; Rollo, pp. 25 et seq..

[2] Ibid, p. 33.

[3] Id., p. 26.

[4] Id., pp. 142-143

[5] Id., p.144.

[6] See Note #1, supra.

[7] Rollo, p. 30.

- [8] See Note #2, *supra*
- [9] Rollo, p. 13.
- [10] *Vda. De Cruz vs. Carriaga, Jr.*, 174 SCRA 330 [1989].
- [11] *Tiongson vs. Court of Appeals*, 49 SCRA 429 [1973], citing cases.
- [12] *Allied Banking Corp. vs. CA*, 229 SCRA 252 [1994].
- [13] *Carlet vs. CA*, 275 SCRA 97 [1997].
- [14] *Lopez vs. Reyes*, 76 SCRA 179 [1977], citing 46 Am. Jur. 2d 591-593
- [15] *Serrano vs. Court of Appeals*, 376 SCRA 172 [2002].
- [16] *Abrin vs. Campos*, 203 SCRA 420 [1991]; *Avisado vs. Rumbaua*, 354 SCRA 245 [2001].
- [17] *Stilianopulos vs. City of Legaspi*, 316 SCRA 523 [1999].
- [18] *Quezon Province vs. Marte*, 368 SCRA 145 [2001].
- [19] *Kidpalos vs. Baguio Gold Mining*, 14 SCRA 913 [1965]
- [20] *Dela Rama vs. Mendiola*, 401 SCRA 704 [2003].
- [21] *Teodoro vs. Carague*, 296 SCRA 429 [1992].
- [22] *Sea Power Shipping Enterprises, Inc. vs. Court of Appeals*, 360 SCRA 173, [2001].

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