MARIA JUMAMIL BALANAY AND FLORENCIA JUMAMIL ILLARTA-GABIN, PETITIONERS, VS. ATTY. JORGE PADERANGA AND FELICISIMO KILAT, RESPONDENTS.

G.R. NO. 136963. August 28, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-136963/

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision[1] of the Court of Appeals dated August 14, 1998 in CA-G.R. CV No. 52074, entitled "Ma. Jumamil Balanay and Florencia Jumamil Villarta-Gabin, appellants, versus Atty. Jorge Paderanga and Felicisimo Kilat, appellees."

Braulio Jumamil, during his lifetime, was the registered owner of three (3) lots situated in Bacolod, Lanao del Norte. He died on January 3, 1989. Among his heirs are his sister Maria Jumamil Balanay and niece Florencia Jumamil Villarta-Gabin, herein petitioners.

On February 14, 1989, petitioners filed with the Regional Trial Court (RTC), Branch 3, Iligan City, a complaint for injunction and damages against Felicisimo Kilat, docketed as Civil Case No. 1327. The complaint alleged inter alia that they are the owners of the three (3) lots left by Braulio; and that Felicisimo, through stealth and strategy, occupied the lots and harvested coconuts therefrom. Petitioners then prayed that the trial court issue an order enjoining Felicisimo from committing the acts complained of and to pay them damages; and that they be declared co-owners pro-indiviso of the three (3) lots.

In his answer with counterclaim, Felicisimo specifically denied the allegations in the complaint, claiming that Braulio Jumamil donated the three (3) lots to him as shown by a "Donation Inter-Vivos with Right of Usufruct."

During the hearing, petitioners testified that the deed of donation is void; that Braulio was already sick and bed-ridden in March 1987 when he supposedly donated the lots to Felicisimo; that Braulio's signature on the deed of donation was procured through fraud and deceit; and that Atty. Jorge Paderanga, who notarized the document, misled Braulio, by making him believe that what he was signing were vouchers necessary for the sale of his coconuts.

On March 26, 1991, the trial court rendered a Decision in favor of Felicisimo, declaring that the deed of donation is valid.

On appeal, the Court of Appeals, in its Decision promulgated on February 21, 1994, affirmed the trial court's judgment with modification by awarding Felicisimo P10,000.00 as actual damages and another P10,000.00 as attorney's fees.

Petitioners then filed with this Court a Petition for Review on Certiorari, docketed as G.R. No. 114416. In its Resolution dated December 5, 1994, the Second Division denied the petition. Petitioners filed a motion for reconsideration, but it was denied with finality in a Resolution dated February 22, 1995.

It soon became apparent that this Court's Decision did not write finis to the controversy. On December 19, 1995, petitioners filed with the RTC, Branch 4, Iligan City, a complaint for declaration of nullity of the same deed of donation, docketed as Civil Case No. 3455. Impleaded again as defendant was Felicisimo Kilat. Also impleaded as defendant was Atty. Paderanga. Both are respondents herein. In this complaint, petitioners' allegations are similar to those in Civil Case No. 1327. They however, added these new allegations: that Felicisimo Kilat is a mere dummy of Atty. Paderanga; that during the barangay conciliation proceedings held on September 16, 1995, Felicisimo stated that he has no knowledge about the deed of donation; and that when Atty. Paderanga asked him to sign the said document, he was not aware of its contents. Petitioners then prayed that the trial court declare the deed of donation void and that Atty. Paderanga be ordered to turn over to them Braulio's land titles.

Forthwith, both respondents filed a Motion to Dismiss the complaint on the ground of res judicata.

In a Resolution dated March 6, 1996, the trial court granted the motion and dismissed petitioners' complaint, holding that the prior judgment in Civil Case No. 1327, affirmed by the Court of Appeals and the Supreme Court, barred the subsequent complaint in Civil Case No. 3455.

Petitioners timely filed a motion for reconsideration but it was denied by the trial court in an Order dated April 19, 1996.

Petitioners then interposed an appeal to the Court of Appeals, docketed as CA-G.R. CV No. 52074.

On August 14, 1998, the appellate court issued a Resolution affirming the Resolution of the trial court. It ruled that the complaint in the second case is dismissible under the principle of res judicata.

Hence, the instant Petition for Review on Certiorari.

The sole issue for our resolution is whether the Court of Appeals erred in affirming the trial court's Resolution dismissing petitioners' complaint in Civil Case No. 3455 by reason of res judicata.

Petitioners contend that the principle of res judicata does not apply to Civil Case No. 3455. First, there is no identity of parties between Civil Case No. 1327 and Civil Case No. 3455. In the first case, Atty. Paderanga was not impleaded as a defendant. Second, there is no identity of causes of action between the two cases. In the first case, petitioners' main cause of action is their right as owners of the lots which was violated by Felicisimo by taking possession thereof and harvesting coconuts in the area. In the second case, their cause of action is the nullity of the subject deed of donation, not Felicisimo's acts of occupying the lots and the harvesting of coconuts.

For their part, respondents maintain that the judgment in the first case constitutes res judicata on the second case.

A case is barred by prior judgment or res judicata when the following elements are present:

- The former judgment is final;

- It is rendered by a court having jurisdiction over the subject matter and the parties;

- It is a judgment or an order on the merits; and

- There is between the first and the second action identity of parties, identity of subject matter, and identity of causes of action. [2]

On petitioner's contention that there is no identity of parties between the two cases since Atty. Pederanga was impleaded as additional defendant in the second case, we agree with the Court of Appeals that absolute identity of parties is not required, a substantial identity of parties is sufficient.

Well settled is the rule that only substantial, and not absolute, identity of parties is required for res judicata to lie.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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. [3]

As admitted by the parties, respondent Atty. Paderanga was the one who notarized the deed of donation signed by Braulio Jumamil in favor of respondent Felicisiomo Kilat. Consequently, petitioners impleaded Atty. Paderanga as additional defendant in the second case. In both cases, petitioners are challenging the validity of the deed of donation notarized by Atty. Paderanga. Thus, the interest of petitioners are inextricably intertwined with that of Atty. Paderanga, such that if there is a finding that the deed of donation is void and the reason can be attributed to him, then petitioners' cause of action can be sustained. Otherwise, their complaint should be dismissed. Clearly, therefore, a community of interest, and corollarily, substantial identity of parties, exist between petitioners and Atty. Paderanga in both cases.

We now rule on petitioners' contention that the causes of action in both cases are not the same.

"Cause of action" is the act or omission by which a party violates a right of another.[4] It contains three elements: (1) a right existing in favor of the plaintiff; (2) a duty on the part of the defendant to respect the right of the plaintiff; and (3) a breach of the defendant's duty.

In the first case, Civil Case No. 1327, petitioners' cause of action is specified as follows: first, petitioners have a right as owners to apply for an injunction to enjoin respondent Felicisimo from taking possession of the lots and from gathering coconuts therefrom; second, respondent Felicisimo has the duty to recognize petitioners' right of ownership; and third, the alleged breach arose when said respondent occupied the lots and gathered coconuts, claiming he is the owner thereof as shown by the deed of donation signed by petitioners' predecessor.

The cause of action in the second case, Civil Case No. 3455, is as follows: first, petitioners have a right as owners to implore the trial court to annul the deed of donation executed by Braulio in favor of respondent Felicisimo; second, despite the nullity of the deed of donation, said respondent still claims to be the owner of the contested lots; and third, respondent Atty. Paderanga lured Braulio into signing the said document of which respondent Felicisimo is not even aware of.

The issue in both cases as shown by the allegations in the complaints, is the validity or nullity of the deed of donation. Thus, if the judgment in the first case declares that the document is valid, as what happened herein, then the second case should be dismissed under the principle of res judicata.

The principle of res judicata is dictated by public interest. Relitigation of issues already settled merely burdens the courts and the taxpayers, creates uneasiness and confusion, and wastes valuable time and energy that could be devoted to worthier cases.[5] Even at the risk of occasional errors, judgments of courts should become final at some definite time fixed by law and x x x parties should not be permitted to litigate the same issues over again.[6]

Verily, the Court of Appeals did not err in affirming the trial court's resolution dismissing the complaint in the second case, Civil Case No. 3455.

WHEREFORE, we DENY the petition and AFFIRM the challenged Decision of the Court of Appeals in CA-G.R. CV No. 52074. Costs against petitioners.
SO ORDERED.

Puno, (Chairperson), Azcuna, and Garcia, JJ., concur.Corona, J., on leave

---

[1] Rollo, pp. 64-67. Penned by Associate Justice Hector L. Hofileña (retired) and concurred in by then Associate Justice Minerva P. Gonzaga-Reyes (a former member of this Supreme Court, now retired) and Associate Justice

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Omar U. Amin (retired).

[2] Luzon Development Bank v. Conquilla, G.R. No. 163338, September 21, 2005, 470 SCRA 533, citing Allied Banking Corporation v. Court of Appeals, G.R. No. 108089, January 10, 1994, 229 SCRA 252 (1994).

[3] Sempio v. Court of Appeals, G.R. No. 124326, January 22, 1998, 284 SCRA 580, citing Santos v. Court of Appeals, 226 SCRA 630 (1993); Anticamara v. Ong, 82 SCRA 337 (1978); Suarez v. Municipality of Naujan, 18 SCRA 682 (1966).

[4] Luzon Development Bank v. Conquilla, supra., citing Section 2, Rule II of the 1997 Rules of Civil Procedure, as amended.

[5] Aguila v. J.M. Tuason and Co., Inc., 22 SCRA 690 (1968).

[6] Allied Bank Corporation v. Court of Appeals, supra.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.