

AIDA LUGAYAN, RONA LUGAYAN AND ARTURO LUGAYAN, PETITIONERS, VS. SPOUSES CORAZON AND ANTONIO TIZON, RESPONDENTS.

G.R. NO. 147958. March 31, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For resolution is the petition for review on certiorari assailing the Decision[1] of the Court of Appeals in CA-G.R. SP No. 61474, entitled “AIDA LUGAYAN, RONA LUGAYAN and ARTURO LUGAYAN versus SPOUSES ANTONIO and CORAZON TIZON.”

The facts are:

The instant case stemmed from Civil Case No. 146786-CV for sum of money filed by Travel 2000 International against petitioner Aida Lugayan with the Metropolitan Trial Court (MeTC), Branch 19, Manila.

For her failure to file an answer, Aida was declared in default and Travel 2000 International was allowed to present its evidence ex parte.

On March 8, 1995, the MeTC rendered its Decision holding Aida liable to Travel 2000 International in the amount of US\$8,430.00. Upon finality of this Decision, a writ of execution was issued.

The Sheriff then levied upon Aida’s house and lot located at 17 Yakal St., Manuela IV, Las Piñas City. During the auction sale, spouses Tizon, herein respondents, were declared the highest bidders and eventually became the registered owners of the property.

Thereupon, Aida filed with the Regional Trial Court (RTC), Branch 15, Manila a complaint for annulment of the MeTC Decision in Civil Case No. 146786-CV for sum of money. This suit was docketed as Civil Case No. 96-79181.

Meanwhile, Aida failed to redeem her house and lot within one year. This prompted spouses Tizon to file a complaint for illegal detainer with the MeTC, Branch 79, Las Piñas City, docketed as Civil Case No. 5081. Impleaded as defendants were the occupants of the premises, Rona and Arturo Lugayan, Aida’s siblings, and all persons claiming rights under them.

During the course of the proceedings, Aida Lugayan and Diosdado Lugayan, her other sibling, presented themselves as “volunteer defendants.” They alleged that they are the real parties in interest; that Aida owns the property; that according to Diosdado, it was constituted as a family home in accordance with the Family Code; that spouses Tizon have no cause of action against them due to the pendency of Civil Case No. 96-79181 for annulment of judgment in Civil Case No. 146786-CV for sum of money pending in the RTC, Branch 19 of Manila; and that *litis pendentia* and forum shopping barred the institution of Civil Case No. 5081.

On October 28, 1998, the MeTC of Las Piñas, Branch 79, rendered judgment in Civil Case No. 5081 for illegal

detainer in favor of spouses Tizon, thus:

“WHEREFORE, judgment is hereby rendered ordering the defendants including the volunteer defendants and all persons claiming rights under them to vacate the premises subject of the complaint and to surrender possession thereof to the plaintiffs; Ordering the defendants to pay plaintiffs jointly and severally the sum of P3,000.00 a month as reasonable compensation for the use and occupation of the premises in question from February 8, 1997 until finally they vacate the premises, plus the sum of P10,000.00 as reasonable attorney’s fees, plus costs of suit.

SO ORDERED.”[2]

On appeal, the RTC, Branch 253 of Las Piñas City affirmed in toto the MeTC Decision.

Dissatisfied, the Lugayans filed with the Court of Appeals a petition for review, docketed as CA-G.R. SP No. 61474.

On May 9, 2001, the Appellate Court denied the petition for lack of merit.[3]

Hence, the instant petition alleging that the Court of Appeals erred in not dismissing the complaint of unlawful detainer on the ground of res judicata and forum shopping.

We sustain the challenged Decision of the Court of Appeals.

The elements of res judicata, also known as “bar by prior judgment,” are: (1) the former judgment must be final; (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 causes of action.[4]

Here, the fourth element is not present.

First, there is no identity of parties. In Civil Case No. 146786 for sum of money, the parties are Travel 2000 International, as plaintiff, and Aida Lugayan, as defendant. In Civil Case No. 5081, for illegal detainer, the parties are spouses Antonio and Corazon Tizon, as plaintiffs, and Rona Lugayan and Arturo Lugayan, and all persons claiming rights under them, as defendants.

Second, the subject matter in Civil Case No. 146786 is non-payment of debt, while in Civil Case No. 5081, it is unlawful possession of the property.

Third, there is no identity in the causes of action. Civil Case No. 146786 is for sum of money, while Civil Case No. 5081 is for illegal detainer.

Accordingly, we find that the Court of Appeals committed no reversible error of law in holding that since there is no identity of parties, subject matter and causes of action, it follows that the judgment in Civil Case No. 146786 for sum of money would not amount to res judicata to Civil Case No. 5081 for illegal detainer.

On the issue of forum shopping, suffice it to say that it may only exist where the elements of *litis pendencia* are present or where a final judgment in one case will amount to res judicata in the other,[5] which are not obtaining here.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals in CA-G.R. SP No. 61474 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio-Morales, and Garcia, JJ., concur.

[1] Penned by Justice Buenaventura J. Guerrero and concurred in by Justices Eriberto U. Rosario, Jr., and Alicia L. Santos (all retired).

[2] Id. at 36.

[3] Id. at 39.

[4] Section 1(f), Rule 16 of the 1997 Rules of Civil Procedure, as amended; Tolentino v. Natanauan, G.R. No. 135441, November 20, 2003, 416 SCRA 273, citing Sta. Lucia Realty and Development Corp, v. Cabrigas, 358 SCRA 715 (2001).

[5] Development Bank of the Philippines v. Pingol Land Transport System Company, Inc., G.R. No. 145908, January 22, 2004, 420 SCRA 652, 658 citing Spouses Hanopol v. Shoemart, Inc. 390 SCRA 439 (2002).

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