

**THE ESTATE OF DON FILEMON Y. SOTTO, REPRESENTED BY ITS
DULY DESIGNATED ADMINISTRATOR, SIXTO SOTTO PAHANG, JR.,
PETITIONER, VS. MATILDE S. PALICTE, SUBSTITUTED BY HER HEIRS,
VIDY...**

G.R. No. 158642. September 22, 2008

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review^[1] of the Orders dated 20 December 2002 and 2 June 2003 issued by the Regional Trial Court of Cebu City, Branch 16, in SP. PROC. No. 2706-R.

The Facts

The late Filemon Y. Sotto (Filemon) had four children, namely, Marcelo Sotto (Marcelo), Pascuala Sotto Pahang (Pascuala), Miguel Barcelona (Miguel), and Matilde S. Palicte (Matilde). Marcelo was the administrator of the estate of Filemon (estate).

In June 1967, Pilar Teves and the other heirs of Carmen Rallos, the wife of Filemon, filed with the Regional Trial Court of Cebu City, Branch 16, a complaint against the estate for the recovery of properties which Filemon inherited from his wife. The complaint also prayed for payment of damages. The case was docketed as Civil Case No. R-10027. Judgment was rendered in favor of Pilar Teves and the other heirs of Carmen Rallos. The judgment included an award for damages in the amount of P233,963.65. To satisfy the judgment on damages, six parcels of land and two residential houses from the estate were levied upon and eventually sold at a public auction on 5 July 1979. Within the period for redemption, Matilde, as one of the heirs of Filemon, redeemed four lots, namely, Lot Nos. 1049, 1051, 1052, and 2179-C (subject properties). On 9 July 1980, the Deputy Provincial Sheriff executed a Deed of Redemption, which was approved by the Clerk of Court. Meanwhile, Pascuala redeemed one of the two residential houses which was located in Lahug, Cebu City.

On 24 July 1980, Matilde filed with the trial court a motion to transfer to her name the titles to the subject properties. However, the trial court denied the motion and declared the Deed of Redemption null and void. The trial court held that although Matilde is one of the declared heirs in SP. PROC. No. 2706-R, she does not qualify as a successor-in-interest who may redeem the subject properties. Matilde filed a petition for review with this Court. On 21 September 1987, this Court in *Palicte v. Ramolete and Sotto*^[2] granted the petition and reversed the trial court's order declaring the Deed of Redemption null and void. This Court gave the other heirs a period of six months to join as co-redemptioners in the redemption made by Matilde before the motion to transfer titles to Matilde's name may be granted.

The other heirs failed to join as co-redemptioners within the six-month period granted. Thus, on 5 October 1989, the Regional Trial Court of Cebu City, Branch 16, issued an Order in Civil Case No. R-10027 granting Matilde's

motion and directing the Register of Deeds to register the Deed of Redemption and issue new certificates of title for the subject properties in the name of Matilde.[3]

On 25 November 1992, Pascuala signed a document, renouncing her rights over the subject properties covered by the Deed of Redemption. However, on 23 September 1996, Pascuala filed a Complaint for Nullification of Waiver of Rights before the Regional Trial Court of Cebu City, Branch 8, which was docketed as Civil Case No. CEB-19338. The trial court dismissed the complaint on the ground of laches. Pascuala filed a Petition for Certiorari with the Court of Appeals, docketed as CA-G.R. SP No. 44660, which was dismissed on 21 November 1997. Pascuala filed a petition for review with this Court, docketed as G.R. No. 131722, which was denied on 4 February 1998 for failure to pay docket fees and because the certification against forum shopping was merely signed by Pascuala's counsel.[4]

In November 1998, the heirs of Miguel filed with the Regional Trial Court of Cebu City, Branch 16, a Motion for Reconsideration of the Order dated 5 October 1989 in Civil Case No. R-10027, praying that the order be set aside in order to include them as co-redemptioners of the subject properties redeemed by Matilde. The trial court denied the motion in an Order dated 25 April 2000 on the grounds of laches and *res judicata*. The heirs of Miguel then filed a petition for certiorari and prohibition with the Court of Appeals, which was docketed as CA-G.R. SP No. 60225. On 10 January 2002, the Court of Appeals dismissed the petition and affirmed the trial court's order. The heirs of Miguel filed a petition for certiorari with this Court, docketed as G.R. No. 154585, which was dismissed on 23 September 2002 for failure to file petition within the period fixed and to show that the appellate court's judgment was tainted with grave abuse of discretion.

Meanwhile, on 10 September 1999, the heirs of Marcelo and the heirs of Miguel filed against Matilde an action for partition of the subject properties docketed as Civil Case No. CEB-24293, before the Regional Trial Court of Cebu City, Branch 20. The heirs of Pascuala did not join the complaint. On 15 November 1999, the trial court dismissed the case. On appeal, the Court of Appeals in CA-G.R. CV No. 68239 dismissed the appeal on 29 November 2002, holding that the case was barred by prior judgment.[5]

This case originated from the motion filed by the estate, represented by the estate's administrator in SP. PROC. No. 2706-R, entitled Intestate Estate of the Deceased Don Filemon Sotto, to require Matilde to turn over and account for the subject properties in her possession which were allegedly owned by the estate. On 23 July 2002, the probate court, Regional Trial Court of Cebu City, Branch 16, issued an Order[6] granting the estate's motion to require Matilde to turn over the subject properties to the estate. The probate court ruled that while the redemption of the subject properties was made under the name of Matilde, it was the estate which provided the funds to redeem the properties. The probate court held that Matilde redeemed the subject properties in behalf of all the heirs of Filemon. Citing Article 1455[7] of the Civil Code, the probate court held that as trustee of the subject properties, Matilde should return and account for the subject properties to the estate. Matilde filed a motion for reconsideration, which the probate court granted in its 20 December 2002 Order.[8] The estate moved for reconsideration, which the probate court denied in its 2 June 2003 Order.[9] The estate then filed with this Court a petition for review, seeking to set aside the orders dated 20 December 2002 and 2 June 2003 issued by the probate court.

The Probate Court's Ruling

In setting aside its Order dated 23 July 2002, the probate court explained:

The Court takes judicial notice of the Decision of the Court of Appeals in CA-G.R. CV No. 68239 promulgated on November 29, 2002 and which involves the same four (4) parcels of land subject matter of the questioned Order of July 23, 2002. The said CA decision favored Matilde G. Palicte.

x x x

According to the Court of Appeals, any action contesting the rights of Matilde Palicte to the subject properties is barred by prior judgment namely: the judgment of the Supreme Court in CA-G.R. No. 55076 which is an offshoot of Civil Case No. R-10027 as well as the judgment in CA-G.R. No. 44660 and G.R. No. 131722. All these judgments have affirmed the rights of Matilde Palicte to the subject properties.

x x x

This Court agrees with the observation that one and the same cause of action shall not be twice litigated. Moreover, the trial court should respect the orders or decisions of the Appellate Court.

WHEREFORE, premises considered, the order dated July 23, 2002 is hereby RECONSIDERED and SET ASIDE. Consequently, the motion to require Matilde S. Palicte to turn over subject properties to the estate of Filemon Sotto filed by the estate, thru counsel, is hereby DENIED for lack of merit.[10]

The Issues

The estate raises the following issues:

- Whether the decision of this Court, in G.R. No. 55076 is res judicata to the issues raised in the motion for accounting or surrender of properties filed by petitioner in the probate court; and
- Whether the decision of the Court of Appeals, in the case docketed as CA-G.R. CV No. 68239, where petitioner is not a party, and which decision is still the subject of a pending motion for reconsideration by the losing party, constitutes res judicata to the issues raised in the motion for accounting or surrender of properties filed by petitioner in the probate court.[11]

The Ruling of the Court

We find the petition without merit. We hold that the present case is barred by prior judgments. The principle of res judicata in the concept of bar by prior judgment is provided under Section 47(a), Rule 39 of the Rules of Court, thus:

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

(a) In case of a judgment or a final order against a specific thing, or in respect to the probate of a will, or the administration of the estate of a deceased person, or in respect to the personal, political, or legal condition or status of a particular person or his relationship to another, the judgment or final order is conclusive upon the title to the thing, the will or administration, or the condition, status or relationship of the person; however, the probate of a will or granting of letters of administration shall only be prima facie evidence of the death of the testator or intestate; x x x (Emphasis supplied)

Res judicata or bar by prior judgment means that when a right or fact had already been judicially tried on the merits and determined by a court of competent jurisdiction, the final judgment or order shall be conclusive upon the parties and those in privity with them and constitutes an absolute bar to subsequent actions involving the same claim, demand or cause of action.[12] Res judicata promotes the public policy and sound practice that stability should be accorded to final judgments and orders; otherwise, there will be no end to litigation.[13] Thus, even at the risk of occasional errors, judgments of courts should become final at some definite time fixed by law and that parties should not be allowed to litigate the same issues over again.[14]

The requisites[15] for res judicata or bar by prior judgment are:

- (1) The former judgment or order must be final;

- (2) It must be a judgment on the merits;
- (3) It must have been rendered by a court having jurisdiction over the subject matter and the parties; and
- (4) There must be between the first and second actions, identity of parties, subject matter, and cause of action.

All the elements of *res judicata* are present in this case. The estate's motion in the probate court, to require Matilde to turn over to the estate the subject properties, involved the same properties which were the subject matter of previous judgments and final order.

In G.R. No. L-55076, where Matilde was the petitioner and Marcelo, the administrator of the estate, was one of the respondents, this Court upheld the validity of Matilde's redemption of the subject properties and gave the other heirs a period of six months to join as co-redemptioners. After the period lapsed and the other heirs failed to join as co-redemptioners, the trial court in Civil Case No. R-10027 issued an Order directing the Register of Deeds to issue new certificates of title for the subject properties in Matilde's name.

In Civil Case No. CEB-19338 for Nullification of Waiver of Rights, filed by Pascuala against Matilde, the trial court dismissed the complaint involving the subject properties, holding that Pascuala was guilty of laches and could no longer claim her right as co-redemptioner. The decision was affirmed by the Court of Appeals in CA-G.R. SP No. 44660 and by this Court in G.R. No. 131722.

In Civil Case No. R-10027, the trial court denied the motion of the heirs of Miguel to include them as co-redemptioners of the subject properties on the grounds of laches and *res judicata*. The decision was affirmed by the Court of Appeals in CA-G.R. SP No. 60225 and by this Court in G.R. No. 154585.

In Civil Case No. CEB-24293, the trial court dismissed the action for partition over the subject properties filed by the heirs of Marcelo and Miguel against Matilde on the ground of *res judicata*. The decision was affirmed by the Court of Appeals in CA-G.R. CV No. 68239 and is pending appeal in this Court.

All these judgments and order upholding Matilde's exclusive ownership of the subject properties became final and executory except the action for partition which is still pending in this Court. The judgments were on the merits and rendered by courts having jurisdiction over the subject matter and the parties.

There is substantial identity of parties considering that the present case and the previous cases involve the heirs of Filemon. There is identity of parties not only when the parties in the cases are the same, but also between those in privity with them, such as between their successors-in-interest.[16] Absolute identity of parties is not required, and where a shared identity of interest is shown by the identity of relief sought by one person in a prior case and the second person in a subsequent case, such was deemed sufficient.[17]

There is identity of causes of action since the issues raised in all the cases essentially involve the claim of ownership over the subject properties. Even if the forms or natures of the actions are different, there is still identity of causes of action when the same facts or evidence support and establish the causes of action in the case at bar and in the previous cases.[18]

Hence, the probate court was correct in setting aside the motion to require Matilde to turn over the subject properties to the estate considering that Matilde's title and ownership over the subject properties have already been upheld in previous final decisions and order. This Court will not countenance the estate's ploy to countermand the previous decisions sustaining Matilde's right over the subject properties. A party cannot evade the application of the principle of *res judicata* by the mere expediency of varying the form of action or the relief sought, or adopting a different method of presenting the issue, or by pleading justifiable circumstances.[19]

WHEREFORE, we DENY the petition. We AFFIRM the Orders dated 20 December 2002 and 2 June 2003 issued

by the Regional Trial Court of Cebu City, Branch 16, in SP. PROC. No. 2706-R. Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Leonardo-De Castro, JJ., concur.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] G.R. No. L-55076, 21 September 1987, 154 SCRA 132; rollo, pp. 55-65.

[3] Rollo, pp. 192-193.

[4] Id. at 194-195.

[5] Id. at 15-28.

[6] Id. at 77-90. The dispositive portion of the 23 July 2002 Order reads:

WHEREFORE, Oppositor [Matilde], is hereby directed as follows:

(a) To turn over the possession of Lot Nos. 1049, 1051, and 1052 as described in the motion, to the estate, through its administrator;

(b) To execute a Deed of Conveyance with respect to Lot Nos. 1049 and 1052, whose titles were already transferred to the name of Oppositor, in favor of the estate;

(c) To account all the rentals collected or received from the tenants or occupants of Lot Nos. 1049, 1051, and 1052;

(d) To account the proceeds of the sale over Lot No. 2179-C.

SO ORDERED.

[7] Article 1455 of the Civil Code reads:

Art. 1455. When any trustee, guardian or other person holding a fiduciary relationship uses trust funds for the purchase of property and causes the conveyance to be made to him or to a third person, a trust is established by operation of law in favor of the person to whom the funds belong.

[8] Rollo, pp. 51-52.

[9] Id. at 54.

[10] Id. at 51-52.

[11] Id. at 41-42.

[12] Heirs of Panfilo F. Abalos v. Bucal, G.R. No. 156224, 19 February 2008, 546 SCRA 252; Anillo v. Commission on the Settlement of Land Problems, G.R. No. 157856, 27 September 2007, 534 SCRA 228; Presidential Commission on Good Government v. Sandiganbayan, G.R. No. 124772, 14 August 2007, 530 SCRA 13.

[13] Heirs of Maura So v. Obliosca, G.R. No. 147082, 28 January 2008, 542 SCRA 406.

[14] Crucillo v. Office of the Ombudsman, G.R. No. 159876, 26 June 2007, 525 SCRA 636.

[15] Heirs of Marcelino Doronio v. Heirs of Fortunato Doronio, G.R. No. 169454, 27 December 2007, 541 SCRA 479; Estate of the Late Jesus Yujuico v. Republic, G.R. No. 168661, 26 October 2007, 537 SCRA 513; Estate of

the Late Encarnacion Vda. de Panlilio v. Dizon, G.R. No. 148777, 18 October 2007, 536 SCRA 565; PCI Leasing & Finance, Inc. v. Dai, G.R. No. 148980, 21 September 2007, 533 SCRA 611.

[16] Crucillo v. Office of the Ombudsman, *supra* note 14.

[17] Valencia v. RTC of Quezon City, Br. 90, G.R. No. 82112, 3 April 1990, 184 SCRA 80.

[18] Khemani v. Heirs of Anastacio Trinidad, G.R. No. 147340, 13 December 2007, 540 SCRA 83; Heirs of Igmedio Maglaque and Sabina Payawal v. Court of Appeals, G.R. No. 163360, 8 June 2007, 524 SCRA 234.

[19] Del Rosario v. Far East Bank & Trust Company, G.R. No. 150134, 31 October 2007, 537 SCRA 571.

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