ROSA BARICUATRO, CELSO BARICUATRO AND ANITA BARICUATRO-OSMEÑA, PETITIONERS, VS. ROMEO CABALLERO, TASIANA CABALLERO, RUFO C. VERANO, PAULINA C. VERANO, CARMEN C. VERANO, PASCUAL ...

G.R. NO. 158643. June 19, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before this Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court seeking the reversal of the Decision[1] of the Court of

Appeals (CA) dated September 27, 2002 and its Resolution[2] dated May 21, 2003, denying petitioners' Motion for Reconsideration.

The facts are as follows:

On November 15, 1998, herein respondents Romeo Caballero, Tasiana Caballero, Rufo C. Verano, Paulina C. Verano, Carmen C. Verano, Pascual C. Verano, Eddie C. Verano, Pedro Caballero, Delio Caballero, Victorino Caballero, Lauro Caballero and Cristobal Caballero (Caballero, et al.) filed a complaint for Quieting of Title, Cancellation of Free Patents/OCT and Damages against herein petitioners Rosa, Celso, and Anita Baricuatro (Baricuatros) over two parcels of land located in Naga, Metro Cebu. The case was assigned to Branch 16 of the Regional Trial Court (RTC), Metro Cebu, and docketed as Civil Case No. CEB-23101.[3]

Upon motion of Caballero, et al., RTC Branch 16 issued an Order on February 23, 1999 allowing them to withdraw their complaint, thus:

> The plaintiffs having filed through counsel a Motion for leave to withdraw the complaint, the improper filing of which was due to oversight, the Motion to Dismiss filed by the defendants through counsel is rendered moot and academic.
>
> WHEREFORE, the plaintiffs' motion is granted and they are allowed to withdraw the complaint for re-filing with the proper court.[4]

On February 26, 1999, Caballero, et al. filed the same complaint with the Municipal Trial Court (MTC) of Naga, Metro Cebu, docketed as Civil Case No. R-414, which the MTC dismissed in an Order dated March 1, 1999, on the ground of lack of jurisdiction over the subject matter, to wit:

> IN VIEW of the foregoing, this Court is of the position that it has no jurisdiction over the subject matter or matters of this case. This court finds it proper, therefore, to order for the dismissal of the above-entitled case for lack of jurisdiction.
>
> SO ORDERED.[5]

On April 20, 1999, Caballero, et al. filed before the RTC Branch 16 a Motion to Reinstate Case[6] which the said Branch denied in an Order dated May 26, 2000, which reads:

> The issue of whether or not the Municipal Trial Court has jurisdiction on the case was resolved by the Municipal Trial Court of Naga, Metro Cebu, thru Presiding Judge Gerardo Gestopa, Jr.
>
> The Order of said court dated March 1, 1999, is a final order because it disposed of the case. (Denso (Phil) v. Intermediate Appellate Court, 148 SCRA 280)
>
> Under Section 1, Rule 40 of the Rules of Civil Procedure, an appeal from a judgment for final order of a Municipal Trial Court may be taken to the Regional Trial Court exercising jurisdiction over the area to which the former pertains.
>
> WHEREFORE, premises considered, the motion to reinstate case is DENIED for lack of merit.[7]

Caballero, et al. thereafter re-filed the complaint with RTC Cebu City and the case was raffled to Branch 13.[8] The Baricuatros filed a Motion to Dismiss claiming that Caballero, et al. are guilty of forum shopping.[9] In an Order dated December 7, 2000, RTC Branch 13 denied Baricuatros' Motion to Dismiss "for lack of factual and legal basis."[10]

The Baricuatros filed with the RTC Branch 13 their Answer with Affirmative Defense and Counterclaim dated December 26, 2000,[11] after which, said court issued an Order dated March 2, 2001, setting the case for pre-trial conference.[12]

On March 13, 2001, the Baricuatros filed a Manifestation with Motion to Dismiss[13] which was denied by the RTC Branch 13 in its Order dated April 2, 2001, again, "for lack of factual and legal basis."[14]

Dissatisfied, the Baricuatros went to the CA on a Petition for Certiorari alleging that the RTC had already lost jurisdiction over the subject matter.[15]

The CA in its Decision dated September 27, 2002, denied the petition, ratiocinating that an action for quieting of title to real property and cancellation of free patents, such as this case, was within the exclusive original jurisdiction of the RTC; the Order of Branch 16 denying the reinstatement of the present case did not bar Branch 13 from assuming jurisdiction to hear and decide the present controversy; the act of Branch 13 of assuming jurisdiction over the present case was corrective of the decision rendered earlier by Branch 16 and had cured whatever error was committed by the latter; Caballero, et al. were not guilty of forum shopping since the elements of litis pendencia or res judicata were not present in this case; there was no litis pendencia, since the case filed before the MTC (Civil Case No. R-414) and the Motion to Reinstate Case filed by Caballero, et al. before RTC Branch 16 had been denied with finality; there was also no res judicata, as the Order denying the motion for reinstatement issued by Branch 16 was not a judgment on the merits.[16]

The Baricuatros filed a Motion for Reconsideration which the CA denied in its Resolution dated May 21, 2003.[17]

Hence, the present petition whereby the Baricuatros (hereinafter referred to as petitioners) claim that Caballero, et al. (hereinafter referred to as respondents) erred in not appealing the denial by RTC Branch 16 of their Motion to Reinstate Case; that said denial was a final disposition of the case, the remedy of which was to file an appeal and not to re-file the complaint with the RTC; and that when the order of denial became final and executory, the RTC lost jurisdiction over the case and RTC Branch 13 could not be construed as having acquired jurisdiction.[18]

In their Comment and Memorandum, respondents averred that RTC Branch 13 and the CA already settled the matter subject of the present petition and that petitioners were merely pursuing frivolous matters to delay

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proceedings.[19]

Petitioners in their Memorandum raised a sole issue, thus:

> WHETHER OR NOT THE ORDER OF DISMISSAL OF THE COMPLAINT BY RTC BRANCH 16, CEBU CITY, BECAME FINAL AND EXECUTORY, THEREBY CAUSING LOSS OF JURISDICTION ON THE CASE ON THE PART OF THE REGIONAL TRIAL COURT, CEBU CITY.[20]

Petitioners argue that with the failure of respondents to appeal within the reglementary period the Order of Branch 16 dismissing their Motion to Reinstate Case, such order has already become final and executory and can no longer be disturbed no matter how erroneous it may be.[21]

The petition lacks merit.

Petitioners, while not explicitly using the term res judicata, manifestly invoke the principle in arguing that respondents are already barred from filing for the second time, with the RTC, the complaint for Quieting of Title, Cancellation of Free Patents/OCT and Damages.

The doctrine of res judicata provides that the judgment in a first case is final as to the claim or demand in controversy, between the parties and those privy with them, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which must have been offered for that purpose and all matters that could have been adjudged in that case.[22]

The rationale for this principle is that a party should not be vexed twice concerning the same cause. Indeed, res judicata is a fundamental concept in the organization of every jural society, for not only does it ward off endless litigation, it ensures the stability of judgment and guards against inconsistent decisions on the same set of facts.[23]

Res judicata applies when four essential requisites are present: (1) the former judgment or order must be final; (2) it must be a judgment or order on the merits, that is, it was rendered after a consideration of the evidence or stipulations submitted by the parties at the trial of the case; (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 causes of action.[24]

The present case lacks the second requisite. While the Order of Branch 16 denying respondents' Motion to Reinstate Case had already become final, the same does not have the effect of barring the filing of the complaint anew, for the same is not a judgment on the merits.

A judgment or order is said to be on the merits of the case when it determines the rights and liabilities of the parties based on the ultimate facts as disclosed by the pleadings or issues presented for trial. It is not required that a trial, actual hearing, or argument on the facts of the case ensued, for as long as the parties had the full legal opportunity to be heard on their respective claims and contentions.[25]

In this case, the rights and liabilities of the parties were not settled by the Order of RTC Branch 16 denying respondents' Motion to Reinstate Case for lack of merit. The said Order merely stated that the issue of whether the MTC had jurisdiction over the case was resolved by MTC Naga, Metro Cebu; that the Order of the MTC dated March 1, 1999 is a final order; and an appeal from a judgment for final order of the MTC may be taken to the RTC exercising jurisdiction over the area to which the former pertains.[26]

Nowhere in the said Order or in any other order issued by RTC Branch 16 have the issues pertaining to quieting of title, cancellation of free patents/OCT and damages been taken up and resolved. It is clear therefore that the Order of RTC Branch 16 being invoked by petitioners cannot be deemed a judgment on the merits.

Moreover, the act of respondents in seeking to reinstate the Complaint they filed with RTC Branch 16 is a clear manifestation that they were abiding with the Order of the MTC that the latter had no jurisdiction and they were no longer appealing the said MTC Order. Thus, RTC Branch 16 could not insist that respondents should have appealed the MTC Order.

The Order of RTC Branch 16 denying respondents' Motion to Reinstate Case, not being a judgment or an order on the merits, no res judicata applies in this case. The re-filing by respondents of their complaint with the RTC is therefore not barred; neither has the RTC lost jurisdiction to hear and try the case.

As correctly pointed out by the CA,

> The acts of the two branches of the Regional Trial Courts, though diagonally opposed to each other, have not affected its jurisdiction over the case. If at all, the act of one Branch, i.e., Branch 13, of rightfully assuming jurisdiction over the instant case is merely corrective of the decision rendered earlier by Branch 16 which appears to be tainted with impropriety.
>
> Public respondent's act of assuming jurisdiction over the instant case has cured whatever incipient defect committed by the other branch. After all, the rule is settled that "branches of the trial court are not distinct and separate tribunals from each other; Jurisdiction does not attach to the judge but to the court." x x x[27]

Finding no error in the Decision rendered by the CA, the same is hereby AFFIRMED.

WHEREFORE, the petition is DENIED for lack of merit.

Costs against petitioners.

SO ORDERED.
Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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* Referred to as "Anita Baricuatro" in other parts of the records.

** Spelled as "Victorio" in other parts of the records.

[1] Penned by CA Associate Justice Andres B. Reyes, Jr. and concurred in by Associate Justices Ruben T. Reyes (now Presiding Justice of the CA) and Danilo B. Pine, rollo, pp. 16-25.

[2] Id. at 29.

[3] See CA rollo, pp. 19, 35, 37.

[4] Id. at 37.

[5] Id. at 39.

[6] Id. at 35-36.

[7] Id. at 18.

[8] Id. at 11-14.

[9] Id. at 15-16.

[10] Id. at 20

[11] Id. at 43-49.

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[12] Id. at 50.

[13] Id. at 22-23.

[14] Id. at 24.

[15] Rollo, p. 20.

[16] Id. at 20-25.

[17] Id. at 29.

[18] Id. at 12.

[19] Id. at 61-62, 68-70.

[20] Id. at 74.

[21] Id.

[22] Escareal v. Philippine Airlines, Inc., G.R. No. 151922, April 7, 2005, 455 SCRA 119, 130.

[23] Id. at 134.

[24] Id. at 130; Perez v. Court of Appeals, G.R. No. 157616, July 22, 2005, 464 SCRA 89, 106-107.

[25] Id. at 107.

[26] CA rollo, p. 18.

[27] Rollo, p. 22.

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