

STASA INCORPORATED, PETITIONER, VS. HON. COURT OF APPEALS AND MARIA LOURDES R. LICUANAN, RESPONDENTS.

G.R. No. 79385. February 28, 1990

Ponente: PARAS, J.

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PARAS, J.:

In this petition for review on certiorari, petitioner corporation seeks the reversal of the decision dated April 14, 1987 of respondent Court of Appeals[*] which allowed private respondent's petition for certiorari and prohibition and reversed the Orders of September 16, 1985 and March 7, 1986 of the Regional Trial Court of Manila, Branch 42.

Petitioner filed the within petition on August 18, 1987.

On October 6, 1987, private respondent filed her Manifestation submitting the Entry of Judgment of respondent Court of Appeals which certifies that the assailed decision of April 14, 1987 became final and executory on August 8, 1987.

The facts as found by the Court of Appeals on the basis of the records and pleadings appear to be:

"On February 19, 1975, a complaint for ejectment, docketed as Civil Case No. 0239933, was filed by plaintiff Delfin San Jose, against defendant Mariano Aquino, alleging non-payment of rentals and conversion of the premises, located at No. 2684 Down, New Panaderos, Sta. Ana, Manila, from residential to commercial purposes (page 37, rollo). The City Court of Manila, Branch 13 in said case, rendered a decision, dated June 20, 1982, in favor of plaintiff and against defendant, ordering the latter and all persons claiming under him to vacate the subject leased premises and to pay plaintiff rentals for the occupation of the same.

"Subsequent to the filing of Civil Case No. 0239933 plaintiff Delfin San Jose assigned the leased premises to STASA, INC. The said leased premises were later transferred to and acquired by herein respondent STASA, INC. from Delfin San Jose.

"On January 26, 1981, plaintiff STASA, INC. (a family corporation, represented by Delfin San Jose, as President and General Manager), filed another ejectment suit, docketed as Civil Case No. 061208, over the same apartment house located at No. 2684 Down, New Panaderos, Sta. Ana, Manila, against defendant Mariano Aquino, but this time, joining therein as party-defendants Ricardo Licuanan, Jr. and one 'Fortuna.' The City Court of Manila, Branch 2, rendered a judgment, dated January 6, 1983, in favor of plaintiff STASA, INC. and against defendants Ricardo Licuanan and 'Fortuna,' excluding defendant Mariano Aquino who had already vacated the premises, and all persons claiming right under said defendants, ordering them to vacate the said premises and to pay the arrears in rentals and reasonable compensation for the use of the property.

"Thereafter, on October 12, 1983, plaintiff STASA, INC. filed a complaint for a sum of money with the Regional Trial Court of Manila, Branch 42, docketed as Civil Case No. 83-20734 against defendant Mariano Aquino and defendant Maria Lourdes Licuanan.

"An amended answer, dated September 11, 1984 was filed by defendant Mariano Aquino and defendant Maria

Lourdes Licuanan, contending that the complaint should be dismissed upon the ground of res judicata in view of the decisions of the RTC-Manila in the ejectment cases, Civil Cases Nos. 0239933 and 061208.

"On February 20, 1985, the parties in civil case for sum of money submitted a Joint Stipulation of Facts and Statement of Issues. Pertinent provisions thereof are as follows:

‘1. That Delfin M. San Jose, Sr. was the previous owner and lessor of the premises known as 2634-Down New Panaderos St., Sta. Ana, Manila;

‘2. That title thereto was later transferred to and acquired by Stasa, Inc., plaintiff in the instant case;

‘3. That plaintiff Stasa, Inc. is a family corporation and Delfin San Jose, Sr. is the President, General Manager and Chairman of the Board of Directors and his children are the Board Members;

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‘15. That defendant Maria Lourdes Licuanan was never made defendant and neither was she impleaded in Civil Case Nos. 239933 and 061208-IV, but she was the actual occupant of the said premises;

‘16. That in the two aforementioned cases, defendant Maria Licuanan testified in open court as the wife and/or common-law-wife of defendant Mariano Aquino;

‘17. That on 12 October 1983, the present action was filed with this Honorable Court, again by plaintiff Stasa, Incorporated, based on the same lease contract over the same premises, 2684 Down New Panaderos St., Sta. Ana, Manila, for the collection of the same unpaid rentals, twice litigated before the defunct City Court of Manila and both won by herein plaintiff but which had remained unexecuted up to date hereof.’

"On August 28, 1985, plaintiff STASA, INC. filed a Manifestation with the RTC-Manila praying that the execution or satisfaction of the decisions in Civil Cases Nos. 0239933 and 061208 against the defendant Maria Lourdes Licuanan, the wife of defendant Mariano Aquino, be allowed.

"On September 12, 1985, defendant Maria Lourdes Licuanan filed a motion to dismiss the complaint contending that the instant case is in fact an action to enforce collection of rentals per decision of the City Court of Manila, Branch 13, for ejectment, in Civil Case No. 0239933; that the instant ‘action for execution’ should have been filed before the City Court of Manila and not before the RTC; that the decision in Civil Case No. 0239933 cannot be enforced in this complaint for collection of sum of money (Civil Case No. 83-20734) against defendant Licuanan, not being a party in Civil Case No. 0239933; that Civil Case No. 83-20734 is barred by prior judgment under Sec. 1 (f) Rule 13 of the Rules of Court.

"On September 13, 1985, plaintiff STASA, INC. opposed the motion to dismiss, alleging that the questioned decisions of the defunct City Court of Manila in Civil Case No. 0239933 and 061208 are ejectment cases, separate and distinct from the present actions for collection of sum of money.

"On September 16, 1985, the RTC-Manila issued an order denying the motion to dismiss for lack of merit, it appearing that the same is not indubitable.

"On December 18, 1985, defendant Maria Lourdes Licuanan filed a motion for reconsideration of the order dated September 16, 1985 on the following grounds: lack of jurisdiction of the RTC over the nature of the case; lack of cause of action and res judicata.

"On January 21, 1986, plaintiff STASA, INC. filed its opposition to the motion for reconsideration, and, in the order of March 7, 1986, the RTC-Manila denied the motion for reconsideration, for lack of merit." (pp. 12-14, Rollo)

Private respondent (the petitioner) brought this case before respondent appellate court on a petition for certiorari and prohibition assailing the aforesaid Order of September 16, 1985 which denied her motion to dismiss the complaint for collection of sum of money for lack of merit and the Order of March 7, 1986 which denied the motion for reconsideration.

Respondent Court of Appeals handed down the questioned decision granting the petition and reversing and setting aside the aforesaid orders of the trial court.

Petitioner thus resorted to this petition.

Petitioner corporation anchors this petition on these averments:

1. The respondent Court of Appeals erred in reversing the orders of the trial court and in dismissing Civil Case No. 83-20734. Said civil action is separate from the two previous cases and private respondent was not impleaded as a party defendant in these cases because then defendant Mariano Aquino and herein private respondent misrepresented themselves before and during the occupancy of subject premises that they were legally married and for which reason, petitioner filed the ejectment cases against Aquino, the alleged head of the family, for arrears in rentals and for the illegal conversion of the residential apartment into a commercial one. It was only during the hearing of the two ejectment cases when private respondent revealed that they were merely common law husband and wife and, that when a decision was rendered in favor of petitioner and when a writ of execution was issued, the same could not be enforced against the alleged couple. Neither could the writ be enforced against their properties because they had been conveniently transferred in the name of private respondent.

2. Respondent appellate court also erred in concluding that Civil Case No. 83-20734 (for collection of sum of money) is barred by the prior judgment in Civil Cases Nos. 0239933 and 061208 for ejectment.

Petitioner also alleges that respondent court absolved private respondent from the payment of rental arrears alleged in the complaint for ejectment despite the fact that she was the lessee-occupant of the subject apartment, the administrator of Trading housed in the said apartment and that she was the only one who testified in the cases for ejectment.

Private respondent, on the other hand, contends that in the two ejectment cases, she was neither named a party defendant nor held liable for unpaid rentals; that not having been impleaded in the two ejectment cases she cannot be held liable in the third case for collection of rentals, and that under the principle of res judicata, issues and matters already raised, discussed and passed upon in the ejectment cases cannot again be raised and litigated in the third civil case for collection of money.

The sole issue for the Court's resolution is: Whether or not the judgment in the previous two ejectment cases would bar the third case of the collection of sum of money.

The answer is definitely and clearly in the negative.

For the principle of res judicata to apply in any given case, four requisites must be fully satisfied as enunciated in *Arguson v. Miclat*, 133 SCRA 678, and in other cases and these are: (1) the presence of a final former judgment; (2) the former judgment was rendered by a court having jurisdiction over the subject matter and the parties; (3) the former judgment is a judgment on the merits; and (4) there is, between the first and the second action identity of parties, of subject matter, and of cause of action. These four elements must be complied with; otherwise, res judicata would not be sustained.

The established facts clearly reveal that there has never been any identity of parties between the two ejectment cases and the case for collection of money. Private respondent herself has asserted that she was never impleaded

in the ejectment cases nor was she held responsible for the unpaid rentals. It should be noted that in the "Stipulation of Facts and Statement of Issues" submitted by both parties in the civil case for collection of sum of money, private respondent declared that she "was never made defendant and neither was the impleaded in Civil Case Nos. 0239933 and 061208-IV, but she was the actual occupant of the said premises." (No. 15 of Stipulation of Facts) It cannot even be assumed that she was impliedly impleaded as defendant in the ejectment cases because she and Mariano Aquino revealed their misrepresentation as lawful husband and wife. There never was a conjugal partnership against which the writ of execution could be enforced. Note that in the case of *G. Tractors, Inc. v. Court of Appeals*, 57402, 135 SCRA 192, this Court ruled that there is no need to include the name of the wife where husband is sued in order to bind the conjugal partnership. Conversely speaking, therefore, there is a need to include the name of the common-law wife, as in this case, in order to bind her property or make her answerable for any liability.

It should also be noted that in the case of *Martinez v. Court of Appeals*, 139 SCRA 558, this Court declared that the fact alone that the parties in both actions may be the same persons will not spell identity of parties, which presupposes that they are adversary parties in both first and second cases litigating in the same capacity. (*italics supplied*).

Evidently and indubitably, therefore, there is no identity of parties between the ejectment cases and the case for a sum of money filed against private respondent.

At this juncture, this Court cannot pass judgment in this case without making an observation on the manner with which private respondent and her common-law husband pursued the previous cases.

It appears that private respondent and her live-in partner indulged in an orchestrated and manipulative handling of the ejectment cases considering that initially, they posed as a legally married couple but during the litigation, sensing perhaps that they would lose in the cases, suddenly revealed that they were not legally married but were merely living together as husband and wife. They obviously planned and made use of such a scheme in order to avoid the adjudged liability resulting from losing in the cases. Their manipulation of the two cases is even confirmed by the consequent transfer of the properties in the name of private respondent against whom the writ of execution could never be enforced since she was never a party defendant. Then suddenly conveniently she now takes refuge in the principle of "identity of parties", a posture so inconsistent with her attempt to hide her true and real status when it served her deceitful intention.

WHEREFORE, the decision of the Court of Appeals is hereby REVERSED and SET ASIDE and the Orders dated September 16, 1985 and March 7, 1986 of Branch 42, Regional Trial Court of Manila are hereby REINSTATED. Let this case be remanded to the trial court for the implementation of the orders.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Justice Jaime M. Lantin and concurred in by Justices Carolina C. Griño-Aquino and Nathanael P. de Pano, Jr.

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