

ANGELITO F. MAGLALANG, PETITIONER, VS. COURT OF APPEALS, 11TH DIV., REGIONAL TRIAL COURT, BR. 29, SAN PABLO CITY AND GIL C. MAGLALANG, RESPONDENTS.

G.R. No. 85692. July 31, 1989

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

The application of the principle of *res judicata* is the main issue in this case. The secondary issue is whether or not a case involving the civil status of a person should first be referred to the appropriate barangay officials for possible settlement in accordance with the barangay arbitration law.

Lourdes S. Flores is the natural mother of Angelito Maglalang who was born on July 6, 1966. On March 13, 1981, she filed a complaint for support against Gil C. Maglalang in the then Court of First Instance of San Pablo City, alleging, among others, that she once served as a domestic helper of Gil during which time they had sexual relations and that as a consequence thereof, she begot a son, Angelito; that the latter's birth was not recorded in the local civil registrar's office due to inadvertence; that for four years since the birth of the child, she was given a weekly allowance of P10.00 to cover expenses for milk; that she was given an allowance of P15.00 a month for her own maintenance until the child graduated from elementary school; that the said allowance was increased to P20.00 a month until September, 1980; that thereafter, she had to wash clothes for other people in order to survive so she became sickly; and that she needed a monthly allowance of P500.00 for the support and education of the child, and an additional sum of P200.00 monthly for support pendente lite, as well as attorney's fees.

However, the parties eventually filed a joint motion to dismiss alleging:

- 1) That plaintiff has decided to withdraw her complaint or to cause the dismissal of the same against the defendant, for the reason that after pondering about the matter for a considerable length of time, she now seriously doubts that the said defendant is the person with whom she had her child named Angelito;
- 2) That by reason, thereof, Article 283 of the New Civil Code is not applicable to the herein plaintiff and the defendant and to the above-named child of the plaintiff, hence, plaintiff is no longer interested to prosecute this case;
- 3) That the parties hereto waive and forego any and all their other claims and counter-claims under their complaint and answer, respectively.

The motion was granted in an order of the Regional Trial Court in San Pablo City dated August 11, 1983. The case was dismissed with prejudice.

On February 11, 1987, Lourdes filed a motion for leave of court in the same case for Angelito Maglalang to continue and revive the case for support inasmuch as he had already attained the age of majority. The said motion was denied on March 23, 1987. Two motions for the reconsideration of the order of denial were also denied.

Thus, on April 29, 1987, Angelito filed in the same court a complaint for support and declaration of his status as

natural child of Gil C. Maglalang with hereditary rights. A motion to dismiss the complaint on the ground of res judicata and for lack of cause of action was filed by Gil. The motion to dismiss was granted by the trial court in an order dated June 2, 1987. Angelito elevated the case to the Court of Appeals wherein in due course a decision was rendered on June 20, 1988 affirming the appealed order.[1] A motion for reconsideration filed by Angelito was denied on August 5, 1988.

Hence, the herein petition the primordial issue being is whether or not res judicata has set in.

We affirm. The original action for support for petitioner Angelito filed by his mother, Lourdes Flores, is predicated on the claim that Gil is the natural father of petitioner. However, in the joint motion to dismiss signed by Gil and Lourdes as well as their counsels, it is categorically stated that she seriously doubts that Angelito is the son of Gil, so that Article 283 of the Civil Code is not applicable; that she was no longer interested in prosecuting the case; and that they were waiving any claim or counterclaim against each other. As above-stated, the case was dismissed with prejudice.

Petitioner then filed the complaint for support and acknowledgment as a natural child against Gil. He alleges that the cause of action in his complaint is different from the one in the first complaint and that there is no identity of parties.

We disagree. While it may be true that in the first case the ostensible cause of action is for support while in the second suit it is for support and acknowledgement as a natural child, there can be no question that the causes of action in both cases are the same. As earlier observed, before petitioner may be afforded support, it must be established that the petitioner is the natural child of Gil. The same evidence is required in both cases.

By the same token, even considering that the plaintiff in the first case was Lourdes, she litigated not only in her own behalf but also in representation of her minor child, the petitioner. Obviously, there is identity of parties in the two cases.

Thus, the questioned order of dismissal with prejudice issued by the trial court, which order had already become final and executory, amounts to res judicata which bars the prosecution of any similar case.[2] By virtue of the said order, the issue of the alleged filiation of Angelito had been put to rest when Lourdes admitted that Gil is not the father of petitioner.[3]

No rule is more settled in this jurisdiction than that there is res judicata when the following requisites are present -

1. the judgment or order must be final;
2. the court rendering it must have jurisdiction over the subject matter and of the parties;
3. that it must be a judgment on the merits; and
4. that there must be identity of parties, identity of subject matter and identity of cause of action.[4]

The other issue relating to prior resort to barangay arbitration proceedings as a pre-condition to the filing of a complaint before the court can be resolved by a cursory examination of Section 6 of Presidential Decree No. 1508, the law on barangay arbitration, to wit:

"SECTION 6. Conciliation, pre-condition to filing of complaint.- No complaint, petition, action or proceeding involving any matter within the authority of the Lupon as provided in Section 2 hereof shall be filed or instituted in court or any other government office for adjudication unless there has been a confrontation of the parties before the Lupon Chairman or the Pangkat and no conciliation or settlement has been reached as certified by the Lupon Secretary or the Pangkat Secretary, attested by the Lupon or Pangkat Chairman or unless the settlement has been repudiated. However, the parties may go directly to court in the following cases:

- (1) Where the accused is under detention;
- (2) Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- (3) Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property, and support pendente lite; and
- 4) Where the action may otherwise be barred by the Statute of Limitations."

From the foregoing, it is clear that a case involving the civil status of a person i.e., the acknowledgment of a natural child is not among the cases where prior resort to barangay arbitration is not necessary. The reason is obvious. The possibility of settlement at this level is encouraged even in such cases before the issue is brought to the courts. More so when there is cogent basis for the civil status being sought to be established.

In the instant case, the requirement of prior resort to barangay arbitration was not satisfied. Thus, the dismissal of the case for lack of cause of action is called for.

WHEREFORE, the petition is DISMISSED for lack of merit. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Penned by Associate Justice Segundino G. Chua and concurred in by Justices Fidel P. Purisima and Nicolas P. Lapeña, Jr.

[2] *Malvar v. Pallangayan*, 18 SCRA 121 (1966).

[3] *Sangalang vs. Caparas*, 151 SCRA 53 (1987).

[4] *Viray vs. Mariñas*, 49 SCRA 44 (1973).

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