



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

ALVIN F. SAMONTE,
 Petitioner,

G.R. No. 237720

Present:

- versus -

PERLAS-BERNABE, J.,
 Chairperson,
 REYES, A., JR.,
 HERNANDO,*
 LAZARO-JAVIER,** and
 DELOS SANTOS, JJ.

DEMETRIA N. DOMINGO, married
 to DANIEL SB. DOMINGO,
 Respondent.

Promulgated:
 05 FEB 2020

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DECISION

REYES, A., JR., J.:

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the 1997 Rules of Court filed by Alvin F. Samonte (Samonte), assailing the Decision² of the Court of Appeals (CA) 12th Division dated August 17, 2017 and the CA Special Former 12th Division Resolution³ dated February 13, 2018 in CA-G.R. SP No. 144022. The CA affirmed the Decision⁴ of the Regional Trial Court (RTC) of Manila, Branch 24, which in turn, reversed and set aside the ruling of the Metropolitan Trial Court (MeTC) of Manila, Branch 3.

* On official leave.
 ** Per Raffle dated November 25, 2019.
¹ *Rollo*, pp.12-26.
² Penned by Associate Justice Henri Jean Paul B. Inting (now a Member of this Court), with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Leoncia R. Dimagiba; id. at 33-42.
³ Id. at 44-45.
⁴ Penned by Presiding Judge Maria Victoria A. Soriano-Villadolid; id. at 61-66.

Reyes

THE FACTS

The subject of the present controversy is a residential house made of light materials with an area of 58.5 square meters, located in New Antipolo Street, District of Tondo II-B, Manila (subject property).

Demetria N. Domingo (Domingo) filed a Complaint for Unlawful Detainer⁵ against Samonte before the MeTC, docketed as Civil Case No. 188910-CV. Domingo alleged that she bought the subject property from Samonte by virtue of a Deed of Sale of Residential House⁶ executed on July 8, 2011. However, despite her demands, Samonte refused to vacate the subject property and even had some portions rented out to tenants.⁷

In his Answer,⁸ Samonte denied Domingo's allegations and averred that no sale of the subject property took place. According to Samonte, he obtained a loan from Domingo amounting to ₱59,000.00. Since he was in dire need of money, he acceded to Domingo's request to sign a document, which he believed to be a contract of mortgage. He claimed that Domingo defrauded him and took advantage of his situation as he badly needed the money.⁹

THE RULING OF THE MeTC

In a Judgment¹⁰ dated May 15, 2013, the MeTC dismissed Domingo's complaint for failure to prove that: a.) a contract of lease existed between the parties; and b.) a demand letter was actually sent to and received by Samonte.¹¹ The case was disposed of as follows:

WHEREFORE, premises considered and for failure of plaintiff Demetria N. Domingo to substantiate her claim by preponderance of evidence against defendant Alvin F. Samonte, the complaint herein is hereby **DISMISSED** for lack of cause of action.

SO ORDERED.¹²

⁵ Id. at 81-85.

⁶ Id. at 86.

⁷ Id. at 82.

⁸ Id. at 93-97.

⁹ Id. at 94.

¹⁰ Penned by Presiding Judge Juan O. Bermejo, Jr.; id. at 118-122.

¹¹ Id. at 120.

¹² Id. at 121-122.

Meyer

THE RULING OF THE RTC

On appeal, the RTC Branch 24 overturned the MeTC ruling. It held that the MeTC erred in dismissing the complaint since an action for unlawful detainer may be filed not only by a lessor, but also by any other person, against whom possession is withheld upon the termination of the right to hold possession by virtue of any contract. Also, there was an allegation in the Complaint that a demand to vacate was sent to Samonte, which the RTC Branch 24 found to be a sufficient compliance with the jurisdictional requirement of previous demand. The decretal portion of the Decision¹³ dated August 5, 2015 reads:

WHEREFORE, premises considered, the assailed Judgment dated 15 May 2013 of the Metropolitan Trial Court of Manila, Branch 3, is hereby REVERSED and SET ASIDE and judgment is hereby rendered ordering [Samonte] and all persons claiming rights under him to vacate the subject property and to restore possession thereof to [Domingo].

SO ORDERED.¹⁴

Samonte's motion for reconsideration¹⁵ was denied by the RTC Branch 24 in a Resolution¹⁶ dated January 12, 2016.

Aggrieved, Samonte filed a petition for review¹⁷ with the CA. During the pendency thereof, Samonte manifested that he instituted a case for annulment of deed of sale and damages, docketed as Civil Case No. 12-128721 with the RTC of Manila, Branch 32 (RTC Branch 32).¹⁸

On May 25, 2016, the RTC Branch 32 rendered a Decision¹⁹ declaring the Deed of Sale of Residential House null and void. The RTC Branch 32 ratiocinated that the transaction between the parties was merely an equitable mortgage to secure Samonte's debt to Domingo. These debts were paid when, through Samonte's instructions, the tenants residing on the subject property remitted their rental fees to Domingo instead.²⁰ This ruling was affirmed by

¹³ Id. at 61-66.

¹⁴ Id. at 66.

¹⁵ Id. at 159-164.

¹⁶ Id. at 76-80.

¹⁷ Id. at 46-59.

¹⁸ Id. at 16, 136-158.

¹⁹ Penned by Presiding Judge Thelma Bunyi-Medina; id. at 136-158.

²⁰ Id. at 158.

Meyer

the CA in a Decision²¹ dated August 10, 2017 in CA-G.R. CV No. 107254, which Decision became final and executory on September 15, 2017.²²

**THE RULING OF THE CA
in CA-G.R. SP No. 144022**

Resolving Samonte's appeal on the unlawful detainer case, the CA rendered the assailed Decision²³ dated August 17, 2017. The dispositive portion of the Decision states:

WHEREFORE, the petition is DENIED.

The [August 5, 2015 Decision] and [January 12, 2016] Resolution of the Regional Trial Court (RTC) of Manila, Branch 24 in Civil Case No. 13-130138 are AFFIRMED *in toto*.

SO ORDERED.²⁴

The CA found no cogent reason to depart from the findings of the RTC Branch 24 that Domingo was able to prove her right of possession over the subject property on the basis of the execution of the Deed.²⁵ The CA made it clear, however, that the determination of ownership in the case is provisional for the sole purpose of settling the issue of possession.²⁶

Samonte filed a motion for reconsideration,²⁷ contending that the Decision of the RTC Manila Branch 32 declaring the Deed of Sale of Residential House void and which the CA 10th Division affirmed, is a supervening event that warrants a reconsideration of the assailed CA Division.²⁸

In a Resolution²⁹ dated February 13, 2018, the CA denied the motion.

²¹ Penned by Associate Justice Jhosep Y. Lopez, with Associate Justices Ramon M. Bato, Jr. and Samuel H. Gaerlan (now a Member of this Court), concurring; *id.* at 179-190.

²² *Id.* at 192.

²³ *Id.* at 33-42.

²⁴ *Id.* at 41.

²⁵ *Id.* at 39.

²⁶ *Id.* at 41.

²⁷ *Id.* at 159-164.

²⁸ *Id.* at 160.

²⁹ *Id.* at 44-45.

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Hence, this petition for review on *certiorari* lodged by Samonte Domingo manifested through her Compliance³⁰ that she has decided not to interpose a comment to the petition.

ISSUE

Whether Domingo has the right to possess the subject property, considering that the Deed she relied upon in filing her complaint was declared null and void in a separate case.

RULING OF THE COURT

The Petition is meritorious.

In the present case for unlawful detainer, the RTC Branch 24 ruled that Domingo has the better right of possession as the buyer of the subject property based on the Deed of Sale of Residential House. This was affirmed by the CA in its Decision dated August 17, 2017 in CA-G.R. SP No. 144022. However, in a separate action for the annulment of the deed of sale, the RTC Branch 32 declared the Deed of Sale of Residential House null and void. This ruling was sustained by the CA in CA-G.R. CV No. 107254. Ordinarily, suits for annulment of sale, or title, or document affecting property do not operate to abate ejectment actions respecting the same property.³¹ However, it must be underscored that the Decision of the CA affirming the nullity of the deed of sale has become final and executory on September 15, 2017, as evidenced by the Entry of Judgment issued on January 15, 2018.³²

In view of the foregoing, *res judicata* has set in this case to the effect that the Deed of Sale of Residential House, upon which Domingo anchored her right to possess the subject property, is nullified. “*Res judicata* (meaning, a “matter adjudged”) is a fundamental principle of law that precludes parties from re-litigating issues actually litigated and determined by a prior and final judgment.”³³ In *Degayo v. Magbanua-Dinglasan*,³⁴ the Court explained the effect of *res judicata*:

³⁰ Id. at 195-196.

³¹ *Arambulo and Arambulo III v. Gungab*, 508 Phil. 612, 623 (2005).

³² *Rollo*, p. 192.

³³ *Puerto Azul Land, Inc. v. Pacific Wide Realty Dev't. Corp.*, 743 Phil. 222, 231 (2014).

³⁴ 757 Phil. 376 (2015).

Reyes

It rests on the principle that parties should not to be permitted to litigate the same issue more than once; that, when a right or fact has been judicially tried and determined by a court of competent jurisdiction, or an opportunity for such trial has been given, the judgment of the court, so long as it remains unreversed, should be conclusive upon the parties and those in privity with them in law or estate.³⁵ (Citation omitted)

The doctrine of *res judicata* is set forth in Section 47 of Rule 39 of the Rules of Court, which reads:

Section 47. Effect of judgments or 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:

x x x x

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been missed in relation thereto, conclusive between the parties and their successors in interest, by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

There are two (2) concepts of *res judicata*: 1) bar by prior judgment, which is found in Section 47(b) of Rule 39; and 2) conclusiveness of judgment, which is referred to in paragraph c of the same rule and section.³⁶ In *Puerto Azul Land, Inc. v. Pacific Wide Realty Dev't. Corp.*,³⁷ the Court discussed the difference between the two:

There is a bar by prior judgment where there is identity of parties, subject matter, and causes of action between the first case where the judgment was rendered and the second case that is sought to be barred. There is conclusiveness of judgment, on the other hand, where there is identity of parties in the first and second cases, but no identity of causes of action.³⁸ (Emphasis and citations omitted)

³⁵ Id. at 382.

³⁶ *Spouses Noceda v. Arbizu-Directo*, 639 Phil. 483 (2010).

³⁷ *Supra* note 33.

³⁸ Id. at 232.

Verily, *res judicata* in the concept of conclusiveness of judgment applies in this case. It is not disputed that both the present case and Civil Case No. 12-128721 involve the same parties and subject matter; only the cause of action is different. *Res judicata* in the concept of conclusiveness of judgment “precludes the relitigation only of a particular fact or issue necessary to the outcome of a prior action between the same parties on a different claim or cause of action.”³⁹

To be clear, the issue in Civil Case No. 12-128721 is the validity of the deed of sale, whereas the controversy in this case pertains to the physical possession of the subject property. “In an unlawful detainer case, the sole issue for resolution is physical or material possession of the property involved, independent of any claim of ownership by any of the parties.”⁴⁰ Thus, “courts may pass upon the issue of ownership only for purposes of ascertaining who has the better right of possession. Any ruling on ownership is merely provisional and does not bar an action between the same parties regarding title to the property.”⁴¹

Since the Deed of Sale of Residential House was declared null and void in Civil Case No. 12-128721 and affirmed in CA-G.R. CV No. 107254, which decision has attained finality during the pendency of this case, Domingo can no longer claim any right to possess the subject property based on the said deed of sale. This issue has already been settled and can no longer be disturbed in this case. It is a general rule that “judgments by a court of competent jurisdiction, which have attained finality, are not subject to reversal, modification or alteration and are, thus, immutable.” This doctrine was extensively discussed in *Vios v. Pantango, Jr.*,⁴² thus:

It is a hornbook rule that once a judgment has become final and executory, it may no longer be modified in any respect, even if the modification is meant to correct an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land, as what remains to be done is the purely ministerial enforcement or execution of the judgment.⁴³

In view of the foregoing, the petition is **GRANTED**. The Decision dated August 17, 2017 and the Resolution dated February 13, 2018 in CA-G.R. SP No. 144022 are **REVERSED** and **SET ASIDE**. The Complaint for Unlawful Detainer is **DISMISSED**.

³⁹ *Ching v. San Pedro College of Business Administration*, 772 Phil. 204, 228 (2015).

⁴⁰ *Spouses Barias v. Heirs of Boeno, et al.*, 623 Phil. 82, 88 (2009).

⁴¹ *Province of Camarines Sur v. Bodega Glassware*, 807 Phil. 865 (2017).
⁴² 597 Phil. 705 (2009).

⁴³ *Id.* at 719.

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SO ORDERED.

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ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:

M. Bernabe
ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

(On official leave)
RAMON PAUL L. HERNANDO
Associate Justice

A. Lazaro-Javier
AMY C. LAZARO-JAVIER
Associate Justice

E. Santos
EDGARDO L. DELOS SANTOS
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

M. Bernabe
ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice

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