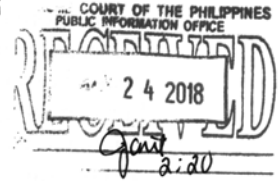




Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION



ANGELICA G. CRUZ, ANNA
MARIE KUDO, ALBERT G.
CRUZ and ARTURO G. CRUZ,
Petitioners,

G.R. No. 210446

Present:

SERENO,* *CJ.*
LEONARDO-DE CASTRO,**
Acting Chairperson,
DEL CASTILLO,
JARDELEZA, and
MARTIRES,** *JJ.*

- versus -

MARYLOU TOLENTINO and
the Office of the Register of
Deeds of Mandaluyong City,
Respondents.

Promulgated:

APR 18 2018

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DECISION

LEONARDO-DE CASTRO, *J.*:

This is a petition for review on *certiorari*¹ of the Decision² dated December 17, 2013 of the Court of Appeals in CA-G.R. CV No. 100370, which affirmed the Decision³ dated December 27, 2012 of the Regional Trial Court (RTC) of Mandaluyong City, Branch 213 in Civil Case No. MC00-1300. The trial court dismissed the case on the ground of *litis pendentia*.

The Facts

Alfredo S. Cruz (Alfredo) is the registered owner of two parcels of land located in Barrio Baranca, then Municipality of Mandaluyong, Rizal. The first lot consisted of 77 square meters (sq. m.), more or less, and was covered by **Transfer Certificate of Title (TCT) No. 461194**⁴ of the Register of Deeds of the Province of Rizal. The second lot consisted of 516

* On leave.
** Per Special Order No. 2540 dated February 28, 2018.
... Per Raffle dated January 22, 2018.
¹ *Rollo*, pp. 8-37.
² *Id.* at 41-55; penned by Associate Justice Priscilla J. Baltazar-Padilla with Associate Justices Noel G. Tijam (now a member of this Court) and Agnes Reyes Carpio concurring.
³ *CA rollo*, pp. 22-44; penned by Judge Carlos A. Valenzuela.
⁴ *Records*, Vol. II, pp. 629-630.

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sq. m., more or less, and was covered by **TCT No. 461195**⁵ of the Register of Deeds of the Province of Rizal. On July 10, 1985, Alfredo executed a special power of attorney⁶ (SPA) in favor of his wife, Purificacion G. Cruz (Purificacion), authorizing her to sell, transfer, convey, and/or mortgage the aforementioned properties. Thereafter, on November 14, 1985, Alfredo passed away.⁷

According to the records of the case, the aforesaid properties figured in two transactions involving herein private respondent Marylou Tolentino (Tolentino). The first transaction was contained in a **Deed of Absolute Sale**⁸ dated **July 9, 1992** purportedly executed and signed by Alfredo and Tolentino. In this instrument, the two properties were sold to Tolentino for ₱1,350,000.00. The instrument was not notarized. The second transaction, on the other hand, was embodied in a **Deed of Absolute Sale**⁹ dated **December 1, 1992** ostensibly executed between Alfredo – as represented by Purificacion – and Tolentino. Here, the two properties were sold to Tolentino for ₱1,400,000.00. The latter instrument was notarized and it specifically mentioned the SPA in favor of Purificacion.

On December 2, 1992, TCT Nos. 461194 and 461195 were cancelled and TCT Nos. 6724 and 6725 were issued in Tolentino's name.¹⁰

On **October 16, 2000**, herein petitioners Angelica G. Cruz, Auralita C. Matsuura,¹¹ Anna Marie Kudo, Albert G. Cruz, and Arturo G. Cruz (petitioners) filed a **complaint**¹² for Annulment of Sale & Title, Damages & Injunction. Docketed as **Civil Case No. MC00-1300** in the RTC of Mandaluyong City, Branch 214 (RTC-Br. 214), the case was filed against Tolentino, Purificacion, and the Register of Deeds of Mandaluyong City.

Petitioners alleged, among others, that they are the children of Alfredo and Purificacion. Upon their discovery of the Deed of Absolute Sale dated December 1, 2002, they orally demanded the cancellation thereof and the reinstatement of TCT No. 461194. The demands, however, went unheeded. Petitioner Angelica Cruz (Angelica) then caused the annotation of an affidavit of adverse claim¹³ in Tolentino's title. Petitioners prayed that the Deed of Absolute Sale dated December 1, 1992 be annulled as the SPA of Alfredo was rendered ineffectual by his death. They claimed that the sale was also fraudulent as petitioners were denied of their rights to the subject property. They further sought the cancellation of TCT No. 6724 and the payment of moral damages, attorney's fees, and costs of suit.

⁵ Records, Vol. I, pp. 216-217.

⁶ Records, Vol. II, pp. 633-635.

⁷ Records, Vol. I, p. 16.

⁸ Records, Vol. II, pp. 540-542.

⁹ Id. at 534-535.

¹⁰ Id. at 631-632; records, Vol. I, pp. 226-227.

¹¹ Auralita C. Matsuura was later substituted by her two minor children who were then represented by their guardian *ad litem*, Angelica G. Cruz.

¹² Records, Vol. I, pp. 2-8.

¹³ Records, Vol. II, pp. 538-539.

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Respondent Tolentino initially filed a motion to dismiss,¹⁴ alleging that no earnest efforts toward a compromise had been made prior to the filing of the complaint and petitioners were not the real parties in interest as they already sold the subject property to Elsa Moya, as evidenced by an Extrajudicial Settlement of the Estate with Absolute Sale.¹⁵

Thereafter, Civil Case No. MC00-1300 was re-raffled to the RTC-Br. 210.¹⁶

Purificacion filed her **Answer with Compulsory Counterclaim**,¹⁷ alleging that in 1992 when the subject property was about to be foreclosed by Paquito Lazaro (Lazaro), she was introduced to Reynaldo Tolentino (Reynaldo). In July 1992, Lazaro and Reynaldo talked to each other and the latter got hold of the title to the subject property at the Land Bank of the Philippines on Shaw Boulevard. Reynaldo then asked Purificacion to sign a document. Lazaro informed Purificacion that her debt had been transferred to Reynaldo, who took the title of the subject property as collateral. Purificacion later found out that Reynaldo is Tolentino's father. Reynaldo, Lazaro, and Tolentino allegedly knew that Alfredo was already dead.

Purificacion added that she did not voluntarily sign the Deed of Absolute Sale dated December 1, 1992. The same was allegedly void as the property belonged to Alfredo and she had no right to dispose of it. She prayed that the Deed of Absolute Sale be declared void and Tolentino be ordered to pay her moral and exemplary damages and attorney's fees.

Atty. Federico M. Cas, the Registrar of Deeds of Mandaluyong City, filed an **Answer**¹⁸ to the complaint. He averred that he only assumed office in October 1996. He admitted the existence of TCT No. 461194 and the cancellation thereof by his predecessor, Cesar S. Gutierrez. In lieu of said title, TCT No. 6724 was issued in Tolentino's name. He stated that petitioner Angelica caused the annotation of an Affidavit of Adverse Claim on TCT No. 6724 and he signed the annotation under Entry No. 69306.

In an Order¹⁹ dated June 19, 2001, the trial court denied Tolentino's motion to dismiss, ruling that the lack of earnest efforts to reach a compromise was not a prerequisite to the filing of the complaint since Tolentino was not a member of petitioners' family. Petitioners also had an interest in the subject property as they stood to be benefitted or injured by the judgment in the suit. Tolentino filed a motion for reconsideration²⁰ of

¹⁴ Records, Vol. I, pp. 34-39.

¹⁵ Id. at 40-43.

¹⁶ Id. at 55, 82.

¹⁷ Id. at 72-73.

¹⁸ Id. at 167-170.

¹⁹ Id. at 105.

²⁰ Id. at 148-152.

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this denial, but the same was also denied.²¹

Tolentino then filed her **Answer**²² where she specifically denied the averments in the complaint relating to the SPA and the death of Alfredo. She claimed that the truth of the matter relative to the subject property is narrated in the complaint²³ she filed on **August 26, 1999** for Registration of Deed of Sale Covered by TCT Nos. 461194 and 461195, Mandamus and Damages. This case was docketed as **Civil Case No. MC 99-843** in the RTC-Br. 209.²⁴ Tolentino's causes of action were: (a) to validate the Deed of Absolute Sale in so far as the 50% and one share of Purificacion over the property covered by TCT Nos. 461194 and 461195; and (b) to charge and/or collect from Purificacion the amount representing the value of the property also covered by TCT Nos. 461194 and 461195 belonging to the heirs of Alfredo including the 5% monthly interest thereon until the amount is paid and/or collected.²⁵ In the aforesaid case, Tolentino also caused the annotation of a Notice of *Lis Pendens*²⁶ in TCT Nos. 6724 and 461195.

Tolentino pointed out that the Deed of Absolute Sale subject matter of the aforesaid case is the same Deed of Absolute Sale involved in the present case. Moreover, the parties are the same, *i.e.*, Tolentino is the plaintiff in Civil Case No. MC 99-843, while Purificacion is the defendant in Civil Case No. MC 99-843. Petitioners, who are the plaintiffs in the present case, are the heirs of Alfredo. Tolentino argued that the complaint in Civil Case No. MC00-1300 was dismissible on the grounds of *res judicata*, forum shopping, and lack of jurisdiction. She added that the sale of a property by a surviving spouse cannot be voided insofar as his/her share is concerned. Also, the share of the heirs is liable to pay for the loan of the deceased especially if the proceeds of the loan inured to their benefit.

In petitioners' Reply,²⁷ they alleged that Tolentino knew about the SPA in favor of Purificacion and the death of Alfredo. They also argued that Civil Case No. MC 99-843 was barred by Civil Case No. SCA No. 247, which was filed by Sonia Uykipang against Purificacion and Tolentino for the recovery of the property covered by TCT No. 461195. In a decision dated June 20, 1994 in said case, the RTC of Pasig ordered the cancellation of Tolentino's TCT No. 6725 and the reinstatement of TCT No. 461195. The decision became final and executory when the Court of Appeals affirmed the same and Tolentino no longer filed a petition before the Supreme Court to assail the ruling.²⁸ Furthermore, as petitioners were not parties to Civil Case No. MC 99-843, said case cannot affect Civil Case No. MC00-1300.

²¹ Id. at 183.

²² Id. at 196-200.

²³ Id. at 201-212.

²⁴ Civil Case No. MC 99-843 was eventually re-raffled to the RTC-Br. 213.

²⁵ Records, Vol. I, p. 207.

²⁶ Id. at 232.

²⁷ Id. at 295-297.

²⁸ Id. at 301.

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On April 3, 2002, petitioners filed a motion for consolidation²⁹ of Civil Case No. MC00-1300 with Civil Case No. MC 99-843 that was pending before the RTC-Br. 209. Petitioners alleged that the two cases involved the same question of fact and of law, the same subject matter – at least insofar as the property covered by TCT No. 461194 was concerned – and the parties were more or less the same.

In an Order³⁰ dated April 12, 2002, the judge in the RTC-Br. 210 granted the request for consolidation provided that the judge in Civil Case No. MC 99-843 in the RTC-Br. 209 had no objection thereto. However, the judge in the RTC-Br. 209 rejected the consolidation. In an Order³¹ dated July 28, 2003, the RTC-Br. 209 ordered the return of the records of Civil Case No. MC00-1300 to the RTC-Br. 210 as petitioners' motion for intervention in Civil Case No. MC 99-843 was denied.

On December 2, 2003, petitioners again filed a motion for consolidation³² as Civil Case No. MC 99-843 in the RTC-Br. 209 had been raffled to the RTC-Br. 210. The motion was denied in an Order³³ dated February 20, 2004.

Shortly thereafter, Civil Case No. MC00-1300 was re-raffled to the RTC-Br. 213.

In the trial of the case, Angelica testified for the petitioners. She admitted that Purificacion is her mother and the latter was made a defendant because she mortgaged the properties that petitioners inherited from their father.³⁴ Angelica testified, among others, that they talked to Purificacion when they discovered the sale of the subject property to Tolentino. Purificacion said that she sold the property through Alfredo's SPA in order to cover for the expenses and debts that she incurred.³⁵

Angelica also presented in court a Deed of Absolute Sale dated July 9, 1992,³⁶ which she claimed was only a mortgage document. Petitioners first came to know about the deed in 1999 after they learned of the case filed by Sonia Uykipang against Purificacion. The latter told them that Tolentino gave her ₱1,350,000.00 and the two properties registered in Alfredo's name were the collateral for the amount. Angelica said that she did not recognize the signature that appeared on the typewritten name of Alfredo in the deed.³⁷

²⁹ Id. at 342-344.

³⁰ Id. at 346.

³¹ Id. at 356-357.

³² Id. at 388-390.

³³ Id. at 394.

³⁴ TSN, April 23, 2007, pp. 6-7.

³⁵ Id. at 15-16.

³⁶ Records, Vol. II, pp. 540-542.

³⁷ TSN, June 8, 2007, pp. 5-12.

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After said confrontation, Purificacion showed to petitioners a copy of Tolentino's complaint in Civil Case No. MC 99-843. Angelica first got a copy of Tolentino's complaint in 1999 when petitioners filed an adverse claim with the Register of Deeds as they wanted to know what the real agreement was between Purificacion and Tolentino regarding the subject property. Purificacion never discussed the mortgage with the petitioners.³⁸

On cross-examination, Angelica testified that the subject property was already sold to Elsa Moya. At first, she denied that she knew anything about this sale, but when she was shown the document entitled Extrajudicial Settlement of Estate with Sale, she stated that she remembered the same and she admitted her signature therein.³⁹ She stated that the loan contracted by Purificacion from Tolentino was not yet paid.⁴⁰

Prior to the rendition of the judgment in Civil Case No. MC00-1300, Purificacion died on January 2, 2011.⁴¹

The Decision of the RTC

In a **Decision dated December 27, 2012**, the RTC-Br. 213 dismissed Civil Case No. MC00-1300 as the case was related to Civil Case No. MC 99-843 since they referred to the same parties, the same evidence presented, and the same subject matter, *i.e.*, TCT No. 461194, now TCT No. 6724.

According to the trial court, it had already issued a **Decision dated December 7, 2012** in Civil Case No. MC 99-843, finding that the Deed of Absolute Sale dated December 1, 1992 and the SPA executed by Alfredo in favor of Purificacion were valid and effective. In view of the aforesaid decision, the trial court ruled that Civil Case No. MC00-1300 was already dismissible on the ground of *res judicata* or, at best, *litis pendentia*.

The RTC added that in petitioners' motion for consolidation filed on April 3, 2002, they admitted that the questions of fact and law in both cases involved TCT No. 461194. Also, in Civil Case No. MC 99-843, petitioners offered in evidence the SPA in favor of Purificacion, TCT No. 461194, TCT No. 6724, and the Deed of Absolute Sale dated December 1, 1992.

The Decision of the Court of Appeals

Petitioners appealed⁴² the judgment of the RTC, but the appeal was denied in the assailed Court of Appeals Decision dated December 17, 2013. The appellate court found that *res judicata* was not applicable to the case as the trial court decision in Civil Case No. MC 99-843 did not state that the

³⁸ Id. at 8-14.

³⁹ TSN, October 15, 2007, pp. 4-7.

⁴⁰ Id. at 24.

⁴¹ See *CA rollo*, p. 134.

⁴² Id. at 19-20.

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same was already final and executory. The appellate court ruled, however, that the elements of *litis pendentia* were extant in the case.

As to the identity of parties, the Court of Appeals similarly observed that Tolentino – a defendant in Civil Case No. MC00-1300 – is the plaintiff in Civil Case No. MC 99-843, while Purificacion – a defendant in Civil Case No. MC00-1300 – is also a defendant in Civil Case No. MC 99-843. That petitioners were not parties in Civil Case No. MC 99-843 was found to be immaterial as mere substantial identity of parties was sufficient.

As to the subject matter, the Court of Appeals found that notwithstanding the difference in the issues and reliefs prayed for in Civil Case Nos. MC00-1300 and MC 99-843, both actions pertain to the same issue, which is the validity of the deed of absolute sale entered into between Tolentino and Purificacion involving the subject property. Moreover, some of the pieces of evidence offered in Civil Case No. MC 99-843 were also presented in Civil Case No. MC00-1300.

The Court of Appeals, thus, opined that the trial court did not err in dismissing Civil Case No. MC00-1300 on the ground of *litis pendentia*. This holds true even if the decision in Civil Case No. 99-843 was not offered in evidence by the parties as, according to the appellate court, *litis pendentia* like *res judicata* cannot be waived by any party.

The Court of Appeals adjudged that Civil Case No. MC 99-843 should subsist since it was filed ahead and the case was an appropriate vehicle for litigating all the issues invoked by the parties. The appellate court found no more need to rule on the other issues raised by the petitioners.

The Arguments of Petitioners

Without moving for a reconsideration of the assailed decision, petitioners filed the instant petition that raised the following issues:

1. Can *lis pendens* be validly applied to favor the pendency of [C]ivil [C]ase [N]o. MC 99-843 over that of Civil Case No. MC00-1300?
2. Was there a valid sale of the property covered by TCT No. 461194 to Marylou Tolentino or was the contract entered into by the parties one of loan secured by a real estate mortgage?
3. Was the Court of Appeals correct in ruling that there is no necessity to discuss and pass upon the issue to determine whether the contract between Purificacion Cruz and Marylou Tolentino is one of a real estate mortgage loan or one of sale?⁴³

⁴³ Rollo, p. 161.

Petitioners argue that even if Civil Case No. MC 99-843 was filed ahead of Civil Case No. MC00-1300, *lis pendens* cannot be invoked to dismiss the latter case since the earlier case did not have a genuine issue for resolution. According to petitioners, Tolentino's admitted purpose in filing Civil Case No. MC 99-843 was to compel the registration of the two properties previously owned by Alfredo in her name.

Petitioners stress that the property covered by Alfredo's TCT No. 461195 was already registered in Tolentino's name under TCT No. 6725, but the title was cancelled by the RTC of Pasig in SCA Case No. 247 – the case filed by Sonia Uykimpong against Purificacion. Tolentino appealed the judgment before the Court of Appeals in CA-G.R. CV No. 47976, but the same was dismissed with finality. On the other hand, the subject property remained registered in Tolentino's name under TCT No. 6724 and she need not register it again through Civil Case No. MC 99-843. Petitioners conclude that the filing of Civil Case No. MC 99-843 was a sham and, therefore, the same should be dismissed, not Civil Case No. MC00-1300.

Petitioners also faulted the Court of Appeals for failing to rule on the true nature of the contract between Purificacion and Tolentino as a contract of loan with an exorbitant interest of 5% per month. Petitioners prayed for a judgment reversing of the assailed Court of Appeals decision, declaring the Deed of Absolute Sale dated December 1, 1992 null and void, and reducing the allegedly usurious interest rate of the loan to the legal rate.

The Arguments of Respondent Tolentino

Tolentino argues that the Court of Appeals did not err when it upheld the ruling of the trial court. She avers that absent any clear showing of abuse, arbitrariness or capriciousness on the part of the trial court, its findings of fact are binding and conclusive upon the Court especially when affirmed by the Court of Appeals. Tolentino maintains that there is nothing in the Deed of Absolute Sale dated December 1, 1992 that would justify the petitioners' claim that the same was actually a loan contract.

The Ruling of the Court

The petition lacks merit.

Litis pendentia is a Latin term that literally means "a pending suit" and is variously referred to as *lis pendens* and *auter action pendant*. As a ground for dismissing a civil action, it refers to the situation where two actions are pending between the same parties for the same cause of action, so that one of them becomes unnecessary and vexatious. It is based on the policy against multiplicity of suits.⁴⁴

⁴⁴ Benavidez v. Salvador, 723 Phil. 332, 342 (2013).

As held in *City of Makati v. Municipality (now City) of Taguig*,⁴⁵ the following requirements must concur before *litis pendentia* may be invoked:

(a) identity of parties or at least such as represent the same interest in both actions;

(b) identity of rights asserted and reliefs prayed for, the reliefs being founded on the same facts; and

(c) the identity in the two cases should be such that the judgment that may be rendered in one would, regardless of which party is successful, amount to *res judicata* in the other. (Citation omitted.)

In this case, it is indubitably clear that *litis pendentia* exists.

As to the first requisite of identity of parties, the Court agrees with the ruling of the Court of Appeals that the same is present as only substantial identity of parties is required for *litis pendentia* to apply. Tolentino and Purificacion – the defendants in Civil Case No. MC00-1300 – are the plaintiff and defendant, respectively, in Civil Case No. MC 99-843. On the other hand, petitioners – the plaintiffs in Civil Case No. MC00-1300 – were originally not parties to Case No. MC 99-843, but they later substituted Purificacion in said case after she died.⁴⁶ More importantly, petitioners had a community of interest with Purificacion since they were one in disputing the validity of the Deed of Absolute Sale dated December 1, 1992 in both cases.

Anent the second requisite of identity of rights asserted and reliefs prayed for, the same is likewise extant in the case. A reading of Tolentino's complaint for Registration of Deed of Sale Covered by TCT Nos. 461194 and 461195, Mandamus with Damages in Civil Case No. MC 99-843 readily reveals that the principal relief prayed for therein is for judgment to be rendered (1) declaring the validity of the Deed of Absolute Sale dated December 1, 1992, insofar as the share of Purificacion over the properties covered by TCT Nos. 461194 and 461195 is concerned, and (2) ordering the Register of Deeds of Mandaluyong City to register in Tolentino's name the aforesaid share of Purificacion over the properties covered by TCT Nos. 461194 and 461195. On the other hand, in petitioners' complaint for Annulment of Sale & Title, Damages & Injunction in Civil Case No. MC00-1300, they primarily seek the nullification of the Deed of Absolute Sale dated December 1, 1992 due to its allegedly fraudulent execution in favor of Tolentino.

The records of the case also reveal that the following pieces of documentary evidence were offered by the parties in both cases: (1) the complaint in Civil Case No. MC 99-843; (2) the SPA in favor of Purificacion; (3) the Deed of Absolute Sale dated July 9, 1992; (4) the Deed

⁴⁵ 578 Phil. 773, 783 (2008).

⁴⁶ CA rollo, pp. 131-133.

of Absolute Sale dated December 1, 1992; (5) TCT No. 461194; (6) TCT No. 461195; and (7) TCT No. 6724.

Obviously, the resolution of both Civil Case No. MC 99-843 and Civil Case No. MC00-1300 hinge on the determination of the issue of whether or not the Deed of Absolute Sale dated December 1, 1992 in favor of Tolentino was valid and legal. As such, the judgment that may be rendered in either case regarding the validity of said deed would amount to *res judicata* in the other case, regardless of which party is successful.

As it turns out, the above issue had already been decided with finality in Civil Case No. MC 99-843. Thus, the principle of *res judicata* applies.

For *res judicata* to serve as a bar to a subsequent action, the following elements must be present: (1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, subject matter, and causes of action. Should identity of parties, subject matter, and causes of action be shown in the two cases, *res judicata* in its aspect as a “bar by prior judgment” would apply. If as between the two cases, only identity of parties can be shown, but not identical causes of action, then *res judicata* as “conclusiveness of judgment” applies.⁴⁷

In this case, the elements of *res judicata*, as a bar by prior judgment, are present.

In the Decision dated December 7, 2012 in Civil Case No. MC 99-843, the trial court already decreed that **the Deed of Absolute Sale dated December 1, 1992 was valid and legal.**⁴⁸ Petitioners, as substitute appellants in lieu of the deceased Purificacion, appealed the decision to the Court of Appeals. On February 28, 2017, the appellate court rendered a Decision⁴⁹ in CA-G.R. CV No. 101028 that affirmed the trial court’s ruling. Furthermore, the Court takes judicial notice of the fact that petitioners elevated the judgment of the appellate court to this Court *via* a petition for review on *certiorari*, which was docketed as G.R. No. 230297. In a Resolution dated June 28, 2017, the petition was denied.⁵⁰ Petitioners’ motion for reconsideration thereon was likewise denied in a Resolution⁵¹ dated October 11, 2017 and the Court’s ruling had since become **final.**⁵²

⁴⁷ *P.L. Uy Realty Corporation v. ALS Management and Development Corporation*, 698 Phil. 47, 59-60 (2012), citing *Social Security Commission v. Rizal Poultry and Livestock Association, Inc.*, 665 Phil. 198, 206 (2011).

⁴⁸ *CA rollo*, p. 130.

⁴⁹ *Rollo*, pp. 120-142; penned by Associate Justice Ramon Paul L. Hernando with Associate Justices Jose C. Reyes, Jr. and Stephen C. Cruz concurring.

⁵⁰ *Rollo* (G.R. No. 230297), pp. 355-356.

⁵¹ *Id.* at 376-377.

⁵² *Id.* at 378.

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Also, as heretofore discussed, Civil Case No. MC00-1300 and Civil Case No. MC 99-843 involve a substantial identity of parties and the same Deed of Absolute Sale dated December 1, 1992 the validity of which is the bone of contention in both cases.

Notably, we observe that petitioners do not even argue the absence of any or all of the aforesaid elements of *litis pendentia* in this case. Instead, petitioners contend that between Civil Case No. MC00-1300 and Civil Case No. MC 99-843, the latter should be dismissed given that the complaint thereon was a sham for it allegedly lacked a genuine issue for resolution. In other words, petitioners would have the Court delve into the merits of Civil Case No. MC 99-843 and the trial court's ruling thereon.

In light of the foregoing discussion, the Court is already precluded from scrutinizing the merits of Civil Case No. MC 99-843. Any attempt to relitigate the same would run afoul the doctrine of *res judicata*.

WHEREFORE, the petition is **DENIED**. The Decision dated December 17, 2013 of the Court of Appeals in CA-G.R. CV No. 100370 is hereby **AFFIRMED**. Costs against petitioners.

SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:

On leave
MARIA LOURDES P. A. SERENO
Chief Justice



MARIANO C. DEL CASTILLO
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


SAMUEL R. MARTIRES
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.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.


ANTONIO T. CARPIO
Acting Chief Justice