Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

ELSA DEGAYO,
Petitioner,

- versus -

CECILIA MAGBANUA-DINGLASAN, JOHNNY DINGLASAN, ASUNCION MAGBANUA-PORRAS, MARIANO PASCUALITO and AMADO JR., all surnamed MAGBANUA ,
Respondents.

G.R. Nos. 173148

Present:

CARPIO, *J., Chairperson,*
BRION,
DEL CASTILLO,
MENDOZA, and
LEONEN, *JJ.*

Promulgated:

06 APR 2015

x----------x

DECISION

BRION, *J.*:

Before us is the Petition for Review on *Certiorari* filed by the petitioner Elsa Degayo (*Degayo*) under Rule 45 of the Rules of Court, assailing the Decision[1] dated November 7, 2005 and the Resolution[2] dated May 19, 2006 of the Court of Appeals (CA) in CA-G.R. CV No. 62070.

The Factual Antecedents

The present case involves a property dispute, which gave rise to two civil cases for ownership and damages between conflicting claimants over a parcel of land located on the northeastern bank of Jalaud River. The respondents Cecilia Magbanua-Dinglasan, Johnny Dinglasan, Pascualito

---

1 *Rollo* at 33-41.
2 Id. at 43-44.

Magbanua, Mariano Magbanua, Asuncion Magbanua-Porras, Amado Magbanua Jr. (*respondents*) initiated the first civil case against Nicolas Jarencio, Cesar Jarencio, Myrna Olmo, Fredercio Sumvilla, Herminio Sumvilla, Perpetuo Larano and Angelo Larano, the tenants (*tenants*) of Lot No. 861. Degayo, on the other hand, initiated the second civil case, which eventually reached this Court via the present petition.

Records show that Lot No. 861 is a 36,864 sqm. parcel in the Cadastral Survey of Dingle, Iloilo, covered by Transfer Certificate of Title (*TCT*) No. T-2804, registered in the name of Degayo's deceased parents, spouses Marcelo Olmo and Rosalia Labana. Lot No. 861 **used to be bounded on the southwest by the Jalaud River that serves to separate Dingle from Pototan Iloilo.**

On the other side of Jalaud River, opposite Lot No. 861, lies a 153,028 square meter parcel of land, designated as Lot No. 7328 of the Cadastre of Pototan, Iloilo, collectively owned by the respondents, covered under TCT No. T-84829. The Jalaud River, which separates these parcels of land, thus flows along the northeast side of Lot 861 and the southwest side of Lot No. 7328.

Sometime in the 1970's the Jalauad River steadily changed its course and moved southwards towards the banks of Pototan, where Lot No. 7328 lies, leaving its old riverbed dry. Eventually, the course of the Jalaud River encroached on Lot No. 7328. **As a result, Lot No. 7328 progressively decreased in size while the banks adjacent to Lot No. 861 gradually increased in land area.**

Degayo and the tenants believed that the area was an accretion to Lot No. 861. As a result, her tenants, commenced cultivating and tilling that disputed area with corn and tobacco. The area allegedly added to Lot No. 861 contains 52,528 sqm, broken down as follows:

1. 26,106 sqm. Original abandoned river bed;
2. 26,419 sqm. resurfaced area of Lot No. 7328

The respondents, on the other hand, argued that the disputed property was an abandoned riverbed, which should rightfully belong to them to compensate for the erstwhile portion of Lot No. 7328, over which the Jalaud River presently runs.

On October 2, 1984, the respondents filed a complaint for ownership and damages against the tenants, with the Regional Trial Court (*RTC*) of Iloilo, Branch 27, entitled *Cecilia Magbanua Dinglasan, et al. v. Nicolas Jarencio, et al.*, docketed as Civil Case No. 16047. Degayo sought to intervene in Civil Case No. 16047 but her motion was denied. Notably, Degayo never bothered to question the interlocutory order denying her motion for intervention by filing a petition for *certiorari.* Instead, Degayo initiated the present suit against the respondents for declaration of ownership

with damages, also with the RTC of Iloilo, Branch 22, docketed as Civil Case No. 18328, involving the disputed parcel of land.

In her complaint, Degayo alleged to have acquired Lot No. 861 by inheritance by virtue of a Quitclaim Deed and that she had been in possession of that land since 1954. **She likewise stressed that the area in dispute was an accretion to Lot No. 861.**

Meanwhile, notwithstanding the previous denial of her motion to intervene in Civil Case No. 16047, Degayo was able to participate in the proceedings therein as a witness for the defense. In particular, during her direct examination, Degayo testified on the **same matters and raised the same arguments she alleged in her complaint in Civil Case No. 18328, those are: that she acquired Lot No. 861 by inheritance by virtue of a Quitclaim Deed; that she had been in possession of that land since 1954; and that the area in dispute was an accretion to Lot No. 861**

On May 7, 1996, the RTC of Iloilo, Branch 27, rendered its decision in Civil Case No. 16047, in favor of the respondents. The tenants promptly filed an appeal but they failed to file an appeal brief, resulting to a dismissal of their appeal per resolution dated June 20, 1999.[3] **The decision in Civil Case No. 16047 became final and executory on August 6, 1999.[4]**

Meanwhile, in Civil Case No. 18328, the court, *a quo*, found in favor of Degayo and declared the property in question as an accretion to Lot No. 861. The respondents filed a motion for reconsideration but their motion was denied. Hence, the respondents filed an appeal with the CA.

The CA Ruling

On November 7, 2005, the CA granted the respondents' appeal and reversed and set aside the decision of the RTC Branch 22 in Civil Case No. 18328. In granting the appeal the CA noted that the disputed properties are abandoned riverbeds. Being abandoned riverbeds, the property in question rightfully belongs to the respondents as the owners of the land now occupied by the Jalaud River.[5] The CA likewise noted that the previous RTC Branch decision in Civil Case No. 16047 is conclusive to the title of the thing, being an aspect of the rule on conclusiveness of judgment.[6]

Degayo sought a reconsideration of the CA Decision but the CA denied her motion in its May 19, 2006 Resolution.[7] Aggrieved, Degayo filed the preset petition for review on certiorari under Rule 45 with this Court.

---

3 *Rollo*, 153.
4 Id. 201.
5 *Rollo*, 33-41.
6 Id.
7 Id. at 43-44.

The Petition and Comment

Degayo's petition is based on the following grounds/arguments:[8]

1. That the CA erred in declaring the disputed property as an abandoned riverbed and not an accretion to Lot 861;

2. The CA erred in taking judicial notice of the RTC decision in Civil Case No. 16047, which was not even presented during the hearing of the present case;

3. The CA erred in declaring the RTC Branch 27 decision in Civil Case No. 16047 conclusive upon Degayo when she was not even a party in the said Civil Case.

In his Comment,[9] the respondents assert that the petition raised questions of fact which are not proper issues to be raised in a petition for review on certiorari.[10] They also claim that the essential requisites of accretion are not present.[11] Finally, the respondents claim that the decision in Civil Case No. 16047 constitutes res judicata.[12]

THE COURT'S RULING

We deny the petition for lack of merit.

The Decision in Civil Case No. 16047 constitutes res judicata.

Res judicata literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." It also refers to the "rule that a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on points and matters determined in the former suit.[13] 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.[14]

---

8 Id. at 8-33.
9 Id. at 65-90.
10 Id.
11 Id.
12 Id.
13 *Guttierez v. Court of Appeals*, G.R. No. 82475 January 28, 1991, citing Black's Law Dictionary, p. 1470 (Rev. 4th ed., 1968).
14 *Philippine National Bank vs. Barreto, et al.*, 52 Phil. 818 (1929); *Escudero, et al. vs. Flores, et al.*, 97 Phil. 240 (1955); *Navarro vs. Director of Lands*, 115 Phil. 824 (1962).

This judicially created doctrine exists as an obvious rule of reason, justice, fairness, expediency, practical necessity, and public tranquillity.[15] Moreover, public policy, judicial orderliness, economy of judicial time, and the interest of litigants, as well as the peace and order of society, all require that stability should be accorded judgments, that controversies once decided on their merits shall remain in repose, that inconsistent judicial decision shall not be made on the same set of facts, and that there be an end to litigation which, without the doctrine of *res judicata*, would be endless.[16]

This principle cannot be overemphasized in light of our clogged dockets. As this Court has aptly observed in *Salud v. Court of Appeals*: [17]

> "The interest of the judicial system in preventing relitigation of the same dispute recognizes that judicial resources are finite and the number of cases that can be heard by the court is limited. Every dispute that is reheard means that another will be delayed. In modern times when court dockets are filled to overflowing, this concern is of critical importance. *Res judicata* thus conserves scarce judicial resources and promotes efficiency in the interest of the public at large.
>
> Once a final judgment has been rendered, the prevailing party also has an interest in the stability of that judgment. Parties come to the courts in order to resolve controversies; a judgment would be of little use in resolving disputes if the parties were free to ignore it and to litigate the same claims again and again. Although judicial determinations are not infallible, judicial error should be corrected through appeals procedures, not through repeated suits on the same claim. Further, to allow relitigation creates the risk of inconsistent results and presents the embarrassing problem of determining which of two conflicting decisions is to be preferred. Since there is no reason to suppose that the second or third determination of a claim necessarily is more accurate than the first, the first should be left undisturbed.
>
> In some cases the public at large also has an interest in seeing that rights and liabilities once established remain fixed. If a court quiets title to land, for example, everyone should be able to rely on the finality of that determination. Otherwise, many business transactions would be clouded by uncertainty. Thus, the most important purpose of *res judicata* is to provide repose for both the party litigants and the public. As the Supreme Court has observed, "*res judicata* thus encourages reliance on judicial decision, bars vexatious litigation, and frees the courts to resolve other disputes."

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

> Sec. 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:

---

15 *Villanueva v. Court of Appeals,* G.R. No. 110921 January 28, 1998, citing Am Jur. 2d, Vol. 46, 1969 Ed., pp. 559-561.

16 Id.

17 233 SCRA 384 (1994)., citing Friedenthal, Kane, Miller, Civil Procedure, Hornbook Series, West Publishing Co., 1985 ed., pp. 614-615, Moran, op. cit., pp. 349-351.

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 raised 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.

This provision comprehends two distinct concepts of *res judicata*: (1) *bar by former judgment* and (2) *conclusiveness of judgment*.

The first aspect is the effect of a judgment as a bar to the prosecution of a second action upon the same claim, demand or cause of action.[18] In traditional terminology, this aspect is known as merger or bar; in modern terminology, it is called claim preclusion.[19]

The second aspect precludes the relitigation of a particular fact of issue in another action between the same parties on a different claim or cause of action. This is traditionally known as collateral estoppel; in modern terminology, it is called issue preclusion.[20]

Conclusiveness of judgment finds application when a fact or question has been squarely put in issue, judicially passed upon, and adjudged in a former suit by a court of competent jurisdiction. The fact or question settled by final judgment or order binds the parties to that action (and persons in privity with them or their successors-in-interest), and continues to bind them while the judgment or order remains standing and unreversed by proper authority on a timely motion or petition; the conclusively settled fact or question furthermore cannot again be litigated in any future or other action between the same parties or their privies and successors-in-interest, in the same or in any other court of concurrent jurisdiction, either for the same or for a different cause of action.[21] Thus, only the identities of *parties and issues* are required for the operation of the principle of conclusiveness of judgment.[22]

While *conclusiveness of judgment* does not have the same barring effect as that of a *bar by former judgment* that proscribes subsequent actions, the former nonetheless estops the parties from raising in a later case the issues or points that were raised and controverted, and were determinative of

---

18 *Salud v. Court of Appeals*, G.R. No. 100156 June 27, 1994
19 Id.
20 Id.
21 *Hacienda Bigaa v. Chavez*, G.R. No. 174160, April 20, 2010.
22 *Calalang v. Register of Deeds*, G.R. No. 76265, March 11, 1994, 231 SCRA 88

the ruling in the earlier case.[23] In other words, the dictum laid down in the earlier final judgment or order becomes conclusive and continues to be binding between the same parties, their privies and successors-in-interest, as long as the facts on which that judgment was predicated continue to be the facts of the case or incident before the court in a later case; the binding effect and enforceability of that earlier dictum can no longer be re-litigated in a later case since the issue has already been resolved and finally laid to rest in the earlier case.[24]

In the present case, it is beyond dispute that the judgment in Civil Case No. 16047 has attained finality in view of the tenant's abandonment of their appeal to the CA. Moreover, records show that that decision was adjudicated on the merits, *i.e.*, it was rendered after a consideration of the evidence or stipulations submitted by the parties at the trial of the case[25] by a court which had jurisdiction over the subject matter and the parties.

We likewise find that there is an identity of parties in Civil Case No. 16047 and the present case. There is identity of parties where the parties in both actions are the same, or there is privity between them, or they are "successors-in-interest by title subsequent to the commencement of the action, litigating for the same thing and under the same title and in the same capacity.[26] Absolute identity of parties is not required, **shared identity of interest is sufficient to invoke the coverage of this principle**.[27] Thus, it is enough that there is a community of interest between a party in the first case and a party in the second case even if the latter was not impleaded in the first case.[28]

It is not disputed that respondents were the plaintiffs in Civil Case No. 16047. Degayo, however insists that she is not bound by the decision in Civil Case No. 16047 as she was not made a party in that case. We, however, refuse to subscribe to this technical interpretation of the Rules. In *Torres v. Caluag*,[29] we held that a real litigant may be held bound as a party even if not formally impleaded because he had his day in court and because her substantial rights were not prejudiced.

In that case, J. M. Tuazon & Co., Inc. (*Tuason*) commenced Civil Case No Q-3674 in the Court of First Instance of Quezon City against Isidro Conisido to recover from him the possession of a parcel of land. Conisido answered the complaint alleging, that he was occupying the land in question as a mere tenant of Dominga Torres (*Torres*), who owned both the land and the house thereon. Torres was not impleaded in the said case but she nonetheless appeared as witness for Conisido and asserted her ownership

---

23 *Camara v. Court of Appeals*, 369 Phil 858, 868 (1999).
24 *See Miranda v. Court of Appeals*, 225 Phil 261, 265-266 (1986).
25 *Rollo*, 70 to 80.
26 *Valencia v. RTC of Quezon City*, Br. 90, 184 SCRA 80, 90 [1990]; *Sunflower Umbrella Mfg. Co., Inc. v. de Leon*, 237 SCRA 153, 165 [1994].
27 *Carlet v. Court of Appeals*, G.R. No. 114275, July 7, 1997.
28 *Sendon v. Ruiz*, G.R. No. 136834, August 15, 2001.
29 G.R. No. L-20906. July 30, 1966.

over the disputed property because she had purchased it from Eustaquio Alquiroz on October 20, 1951 and constructed a house thereon worth P500.00, which she had leased to Conisido for a rental of P20.00 a month. The CFI eventually decided in favor of Tuason and that decision became final and executory.

Subsequently, Torres filed a petition for certiorari with the Court to set aside the decision of the CFI. In dismissing the petition, we ruled:

> "x x x, it appears that Dominga Torres who, according to the defendant Conisido was the true owner of the land in question, testified as his witness and asserted on the witness stand that she was really the owner thereof because she had purchased it from Eustaquio Alquiroz on October 20, 1951 and constructed a house thereon worth P500.00 which she had leased to Conisido for a rental of P20.00 a month. In other words, petitioner herein had really had her day in court and had laid squarely before the latter the issue of ownership as between her, on one hand, and respondent Tuason, on the other.
>
> x x x
>
> In the present case, assisted heretofore, petitioner had the fullest opportunity to lay before the court her claim but the same was overruled. The fact that she was not formally made a party defendant in the case would appear therefore to be a mere technicality that would not serve the interest of the administration of justice. As we have repeatedly held, technicalities should be ignored when they do not serve the purpose of the law.
>
> x x x"

In the present case, Degayo had the fullest opportunity to ventilate her accretion claim Civil Case No. 16047. In her testimony, she asserted that she inherited Lot No. 861 from her parents and that she has been in possession of that parcel of land since 1954.[30] She further stressed that the disputed parcel of land has been occupied and tilled by her tenants and **that it was the result of the gradual and continuous deposit of the river**.[31] **Notably, these are the same allegations that Degayo asserted in the present case, which have been previously considered and evaluated by the RTC Branch 27 in Civil Case No. 16047.**

Likewise, there exists a community of interest between Degayo and her tenants, who were respondents in Civil Case No. 16047. One test to determine substantial identity of interest would be to see whether the success or failure of one party materially affects the other.[32] In the present case, Degayo is suing for the ownership of the disputed land. Degayo's rights over the disputed land is predicated on the same defenses that his alleged tenants interposed in Civil Case No. 16047, that is, their perceived rights which emanated from the disputed accretion to Lot No. 861. **The interests**

---

30 Rollo 145.

31 Id.

32 *Pryce v. China Bank*, G.R. No. 172302, February 18, 2014.

of Degayo and the tenants in relation to the two cases are inextricably intertwined in that both their claims emanate from a singular fundamental allegation of accretion.

Moreover, Degayo and the respondents are litigating the same properties subject of the antecedent cases inasmuch as they claim better right of ownership. Degayo even admitted this in her petition wherein she stated that "**the land subject of Civil Case No. 16047 is the same property subject of the case at bench**.[33]"

Notably, the ownership of the disputed parcel of land has been unequivocally settled in Civil Case No. 16047. In ruling that the subject parcels of land belong to the respondents, the RTC Branch 27 in Civil Case No. 16047 opined that **the claim of accretion has no valid basis.[34]** What really happened was that the Jalaud River naturally changed its course and moved southward. As a result, it abandoned its previous bed and encroached upon a portion of Lot No. 7328. It further held that the claim of accretion could not be sustained because the 26,419 sqm. portion is ostensibly within the metes and bounds of Lot No. 7328, owned and registered in the name of the respondents.[35] On the other hand, the 26,106 sqm. portion refers to an abandoned river bed, and is thus governed by Article 461 of the Civil Code, which states that *River beds which are abandoned through the natural change in the course of the waters ipso facto belong to the owners whose lands are occupied by the new course in proportion to the area lost.*

The fact that the present cause of action is based on an accretion claim does not prevent the application of *res judicata.* For, *res judicata*, under the concept of conclusiveness of judgment, operates even if no absolute identity of causes of action exists. *Res judicata*, in its conclusiveness of judgment concept, merely requires identity of issues. We thus agree with the uniform view of the CA – on the application of *conclusiveness of judgment* to the present case.

The CA may take judicial notice of Civil Case No. 16047.

The taking of judicial notice is a matter of expediency and convenience for it fulfills the purpose that the evidence is intended to achieve, and in this sense, it is equivalent to proof.[36] Generally, courts are not authorized to "take judicial notice of the contents of the records of other cases even when said cases have been tried or are pending in the same court or before the same judge.[37]" While the principle invoked is considered to be

---

33 *Rollo*, at 14.
34 *Rollo*, at 150.
35 Id.
36 *Lee v. Land Bank of the Philippines*, G.R. No. 170422, March 7, 2008, 548 SCRA 52, 58.
37 *Land Bank of the Philippines v. Sps. Banal*, 478 Phil 701, 713.

the general rule, this rule is not absolute. There are exceptions to this rule. In the case of *Tiburcio v PHHC*,[38] this Court, citing Justice Moran, stated:

> "In some instance, courts have taken judicial notice of proceedings in other causes, **because of their close connection with the matter in the controversy**. Thus, in a separate civil action against the administrator of an estate arising from an appeal against the report of the committee on claims appointed in the administration proceedings of the said estate, to determine whether or not the appeal was taken on time, the court took judicial notice of the record of the administration proceedings. Courts have also taken judicial notice of previous cases to determine **whether or not the case pending is a moot one** or whether or not a previous ruling is applicable in the case under consideration."

Moreover, Degayo's objection to the action of CA on this matter is merely technical because Degayo herself **repeatedly referred to the Civil Case No. 16047 in her pleadings in Civil Case No. 18328** and even in her appellee's brief before the CA and her petition for review before this Court. In particular, in her complaint, she stated that her *motion to intervene in Civil Case No. 16047, which was denied by the Court.*[39] The existence of that case was likewise jointly stipulated by that parties in Civil Case No. 18328[40] and mentioned by the court *a quo* in its decision.[41] In her appellee's brief as well, Degayo expressly referred to Civil Case No. 16047. In particular, she stated:

> "The said Civil Case No. 16047 was for **recovery of ownership and possession** with damages over the property subject of the instant case filed by the herein defendants-appellants against [the tenants]"

She also referred to the decision in Civil Case No. 16047 in her appellee's brief. She mentioned:

> "In Civil Case No. 16047, the Court had ordered the deposit of 50% of the net produce of the disputed portion that pertains to the owner, thus depriving the plaintiff of her share of not less than Php 4,000.00 a year starting 1986, to the damage of plaintiff."

There was thus no denial of the existence and the decision in Civil Case No. 16047. In fact, Degayo stated on record her full knowledge of Civil Case No. 16047 and clearly and frequently referred to it in her pleadings, **and sufficiently designated it by name, parties, cause of action and docket number from the court *a quo,* to the CA and even before this Court.** Under the circumstances, the CA could certainly take judicial notice of the finality of a judgment in Civil Case No. 16047. There was no sense in relitigating issues that have already been passed upon in a previous civil case. That was all that was done by the CA in decreeing the dismissal.

---

38 G.R. No. L-13479, October 31, 1959.
39 *Rollo* at 84.
40 Id. at 99.
41 Id. at 71.

Certainly such an order is not contrary to law. As we aptly stated in *Republic v. CA,*[42] citing Justice Edgardo L. Paras:

> "A court will take judicial notice of its own acts and records in the same case, of facts established in prior proceedings in the same case, of the authenticity of its own records of another case between the same parties, of the files of related cases in the same court, and of public records on file in the same court. In addition judicial notice will be taken of the record, pleadings or judgment of a case in another court between the same parties or involving one of the same parties, as well as of the record of another case between different parties in the same court. "

Lastly, there is another equally compelling consideration. Degayo undoubtedly had recourse to a remedy which under the law then in force could be availed of, which is to file a petition for certiorari with the CA. It would have served the cause of justice better, not to mention the avoidance of needless expense on her part and the vexation to which the respondents were subjected if she did reflect a little more on the matter.

With the conclusion that Civil Case No. 16047 constitutes *res judicata* on the present case, we see no reason to engage in a discussion on the factual issues raised by the petitioner for they have been passed upon and considered in Civil Case No. 16047.

WHEREFORE, premises considered, we **DENY** the petition for lack of merit. Costs against the petitioner.

SO ORDERED.

ARTURO D. BRION
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

---

42 G.R. No. 119288. August 18, 1997.

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.

ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

MARIA LOURDES A. SERENO
Chief Justice