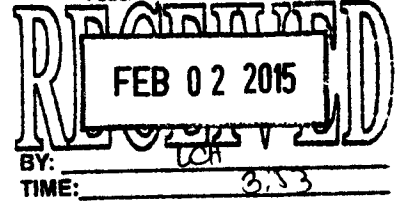




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 24, 2014** which reads as follows:*

**“G.R. No. 213011** (Anita Peñaflor, *petitioner*, v. Estrella Saberon-Mendoza, represented by Anita Mendoza-Pangan, *respondent*).- Before the Court is a Petition for Review on Certiorari assailing the Decision<sup>1</sup> dated 25 February 2014 and the Resolution<sup>2</sup> dated 4 June 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 129072.

Petitioner Anita Peñaflor (Peñaflor) filed a complaint for ejectment against Anita Mendoza-Pangan (Pangan) concerning a two-storey building in Sta. Mesa, Manila. The Metropolitan Trial Court, Branch 29 of Manila (MeTC-Br. 29) ruled in favor of Peñaflor, ordered Pangan to vacate the building, and to pay Peñaflor ₱1,000.00 per month as reasonable compensation from July 2006 until the building is vacated, ₱10,000.00 as attorney’s fees, and costs.

Meanwhile, Pangan also filed a complaint for ejectment against petitioner, alleging that petitioner encroached on a portion of her land by erecting a two-storey building. The Metropolitan Trial Court, Branch 22 of Manila (MeTC-Br. 22) ruled in favor of Pangan, ordered Peñaflor to remove the structures encroaching on Pangan’s property, and to pay Pangan ₱1,000.00 as reasonable compensation from the filing of the complaint until possession is delivered to Pangan, ₱10,000.00 as attorney’s fees, and costs. Peñaflor appealed, but the Regional Trial Court (RTC) dismissed the appeal on the ground of bar by prior judgment.

- over – three (3) pages .....

7

<sup>1</sup> Rollo, pp. 24-30; Penned by Associate Justice Danton Q. Bueser with Associate Justices Rebecca De Guia-Salvador and Ramon R. Garcia concurring

<sup>2</sup> Id. at 32-33.

Upon further appeal, the CA reversed the RTC, but nevertheless reinstated the MeTC-Br. 22 Decision in favor of Pangan. Hence, the present petition raising the sole issue of whether or not the CA erred in ruling that there is no *res judicata* as there is no identity of issues in the two cases.

We deny the petition.

In *Antonio v. Sayman Vda. de Monje*,<sup>3</sup> the Court clarified that the doctrine of *res judicata* is applicable by way of “bar by prior judgment” and “conclusiveness of judgment.”

There is “bar by prior judgment” when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. x x x

But where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as to those matters actually and directly controverted and determined, and not as to matters merely involved therein – this is known as “conclusiveness of judgment.”<sup>4</sup> x x x

In the case at bar, there is indeed identity of parties in the two cases. However, the issue raised before the MeTC-Br. 29 (i.e., who between Peñaflor and Pangan is entitled to the possession of the subject building) is different from the issue raised before the MeTC-Br. 22 (i.e., who between Peñaflor and Pangan is entitled to the parcel of land covered by the subject TCT). In fact, the reliefs prayed for in the two cases are also different. The one before the MeTC-Br. 29 asked for the ejectment of Pangan and all persons claiming under her to vacate the ground floor of the subject building owned by Peñaflor, while the one before the MeTC-Br. 22 asked for the ejectment of Peñaflor and all persons claiming under her from the parcel of land covered by the subject TCT.

**WHEREFORE**, finding no reversible error in the assailed ruling, we **DENY** the present petition.

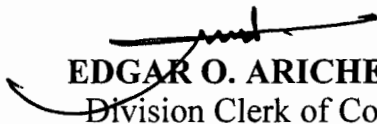

The petitioner’s manifestation praying that the attached memorandum filed before the Regional Trial Court, Manila, Branch 1, be admitted as part of the records of this case is **NOTED**.

<sup>3</sup> G.R. No. 149624, 29 September 2010, 631 SCRA 471, 480.

<sup>4</sup> Id.

**SO ORDERED.” PERLAS-BERNABE, J.,** on leave;  
**VILLARAMA, JR., J.,** acting member per S.O. No. 1885 dated  
November 24, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  


PUBLIC ATTORNEY’S OFFICE  
Counsel for Petitioner  
DOJ Agencies Bldg.  
Diliman 1128 Quezon City

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 129072)

The Hon. Presiding Judge  
Metropolitan Trial Court, Br. 22  
1000 Manila  
(Civil Case No. 187031-CV)

**FERANCULLO EVORA ASKALI**  
LAW FIRM  
Counsel for Respondent  
Rm. 206, C.K. Sy Diamond Bldg.  
No. 156 Libertad St.  
1300 Pasay City

The Hon. Presiding Judge  
Metropolitan Trial Court, Br. 29  
1000 Manila  
(Case No. 184706-CV)

The Hon. Presiding Judg  
Regional Trial Court, Br. 1  
1000 Manila  
(Civil Case No. 12-125168)

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Judgment Division (x)  
Supreme Court

SR

