



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 15, 2022 which reads as follows:*

**“G.R. No. 234282 (*Pedro Estoesta, Sr., petitioner v. Heirs of Concepcion Montemayor, represented by Fred Montemayor, and Heirs of Alfredo Difuntorum, represented by Venancio Difuntorum, with Special Power of Attorney, respondents*).**

This resolves the petition for review on *certiorari* under Rule 45 seeking to reverse and set aside the May 26, 2017 Decision<sup>1</sup> and September 6, 2017 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 106887. The CA reversed the November 27, 2015<sup>3</sup> and February 12, 2016<sup>4</sup> Orders of the Regional Trial Court of Agoo, La Union, Branch 31 (RTC), which dismissed the complaint in Civil Case No. A-2883.

*Antecedents*

The parties in this case are the descendants of Tiburcio Difuntorum (*Tiburcio*). Pedro Estoesta, Sr. (*petitioner*) is Tiburcio’s great-grandson from his first marriage; while respondents are the heirs of Tiburcio’s son, Alfredo Difuntorum, and the heirs likewise of his granddaughter, Concepcion Montemayor, both from his second marriage.<sup>5</sup>

- over – thirteen (13) pages ...

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<sup>1</sup> *Rollo*, pp. 100-122; penned by Associate Justice Amy C. Lazaro-Javier (now a Member of this Court) with Associate Justices Manuel M. Barrios and Pedro B. Corales, concurring.

<sup>2</sup> *Id.* at 27.

<sup>3</sup> *Id.* at 96-97; issued by Executive Judge Romeo M. Atillo, Jr.

<sup>4</sup> *Id.* at 98-99.

<sup>5</sup> *Id.* at 102.

Tiburcio's first wife was Milagros Emperador, with whom he had three children, namely: Epifania, Isidoro, and Buenaventura. Epifania and Isidoro died intestate and without issue, while Buenaventura had three children: Ireneo, Maria, and Carmen. In turn, Carmen had two sons: German and petitioner.<sup>6</sup>

After Milagros' demise, Tiburcio married Cresencia Refuerzo, with whom he had two sons: Alfredo and Victorino, as well as three other children who unfortunately predeceased him. Alfredo's children were Venancio, Gloria, Fe, and Josephine, while Victorino had two children: Andres and Concepcion. Concepcion in turn had four children: Charito, Fred, Isidoro, and Ester.<sup>7</sup>

Tiburcio died intestate in 1920. Tiburcio's sons Buenaventura, Victorinio, and Alfredo, passed away in 1971, 1950, and 2000, respectively.<sup>8</sup>

Tiburcio's surviving heirs from his first and second marriages were embroiled in litigation over certain properties he left behind. The subject matter of the instant case is a 538-square meter parcel of land located at San Agustin Norte, Agoo, La Union, denominated as Cad. Lot No. 13912. In Civil Case No. A-1927, the trial court ordered the partition of the properties of Pedro Difuntorum, father of Tiburcio. The case eventually reached us in G.R No. L-95268, where the subject lot was awarded to the "Heirs of Tiburcio Difuntorum."<sup>9</sup>

***Civil Case No. A-1797 (Branch 31)***

In 1997, Concepcion, Andres, and Alfredo, filed a Complaint<sup>10</sup> for "Partition with Damages" against the heirs of Buenaventura, including petitioner, involving several properties of Tiburcio. With regard to Cad. Lot No. 13912, the plaintiffs therein claimed that the same had been awarded to the parties as heirs of Tiburcio, pursuant to a decision rendered by the CA. They sought to have the subject lot partitioned, but the defendants allegedly refused for no justifiable reason.<sup>11</sup> The defendants, on the other hand, claimed that all the properties being disputed were the absolute properties of the late Buenaventura.<sup>12</sup>

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<sup>6</sup> Id. at 78.

<sup>7</sup> Id. at 77-78; 102.

<sup>8</sup> Id. at 13.

<sup>9</sup> Id. at 104.

<sup>10</sup> Id. at 28-35.

<sup>11</sup> Id. at 32.

<sup>12</sup> Id. at 42.

The trial court found that the principal issue in the case was ownership of the disputed properties. In its Decision<sup>13</sup> dated October 16, 1999, the RTC dismissed the complaint for partition for being an improper remedy.

***Civil Case No. A-2068 (Branch 32)***

In 2001, Concepcion, Andres, and the heirs of Alfredo, filed a Complaint<sup>14</sup> for “Specific Performance, Reconveyance, Quieting of Title, Declaration of Nullity of Documents, and/or Partition with Damages” against the heirs of Buenaventura. This case also involved the same properties subject of Civil Case No. A-1797. With regard to the subject property, plaintiffs therein alleged that they sought for the extrajudicial partition/subdivision of Cad. Lot No. 13912, but were refused by the defendants.<sup>15</sup> Thus, plaintiffs therein prayed, among others, for the partition/subdivision of the subject property into three equal shares, representing the shares of Buenaventura, Victorino, and Alfredo, in favor of their respective heirs.<sup>16</sup>

On November 21, 2014, the trial court rendered its Decision<sup>17</sup> dismissing the case. It held that plaintiffs could not ask for partition if issues of ownership of the properties involved are not yet well-established. What they should have done was to seek recovery of ownership.<sup>18</sup> Quieting of title was likewise not a proper remedy as plaintiffs failed to present legal or equitable titles over the properties under litigation. Furthermore, under the principle of *res judicata*, the judgment in Civil Case No. A-1797 constitutes a bar to this subsequent proceeding, since it involved the same parties, subject matter, and cause of action.<sup>19</sup>

***Civil Case No. A-2883 (Branch 31)***

The present controversy stems from the third case filed by the heirs of Tiburcio from his second marriage. The heirs of Alfredo and the heirs of Concepcion (collectively, *respondents*) filed a

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<sup>13</sup> Id. at 37-49; penned by Executive Judge Clifton U. Ganay.

<sup>14</sup> Id. at 50-56.

<sup>15</sup> Id. at 53.

<sup>16</sup> Id. at 55.

<sup>17</sup> Id. at 57-76; penned by Presiding Judge Ethelwolda A. Jaravata.

<sup>18</sup> Id. at 70-71.

<sup>19</sup> Id. at 74-75.

Complaint<sup>20</sup> for “Judicial Partition and Damages” against herein petitioner. This time, however, the case involves only Cad. Lot No. 13912. Respondents again alleged that the subject lot was awarded to the heirs of Tiburcio; they prayed for the partition of said property between them and petitioner, and for the latter to deliver to respondents their due shares.<sup>21</sup>

Petitioner filed a Motion to Dismiss<sup>22</sup> anchored on the ground that respondent’s action is barred by prior judgment in two prior cases.

### *The RTC Ruling*

In its Order<sup>23</sup> dated September 18, 2015, the RTC denied petitioner’s motion to dismiss, as follows:

Annex “J-1” is the Decision of the tenth division of the Court of Appeals which affirmed in toto the decision of the trial court in Civil Case No. [A-1927].<sup>24</sup> ANNEX “J” is the Resolution dated December 12, 1990 of the first division of the Supreme Court which sustained the Court of Appeals’ Decision dated April 17, 1990.

The dispositive portion of the Supreme Court [Resolution] is hereby quoted in part to wit:

“x x x Acting now on the petition, we further Resolved to DENY the same absent any finding of reversible error committed by the appellate court. The records show that in a previous case (CA-G.R. No, 29467-R) involving the same parties and the same parcel of land, the appellate court found that the litigated property had not yet been partitioned and hence, declared that the same was owned in common by the forced heirs of the late Pedro Difuntorum. Such finding became final and executory on December 12, 1962. The parties are, therefore, bound by the declaration of the appellate court under Rule 39 of the Rules of Court, Section 49[c] thereof. Petitioners now insist that the litigated property had already been partitioned. Such contention can not be sustained. As correctly held by the Court of Appeals, “(t)he matters adjudged particularly the holding that the parcel of land is owned in common by the forced

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<sup>20</sup> Id. at 77-84.

<sup>21</sup> Id. at 78-79.

<sup>22</sup> Id. at 85-88.

<sup>23</sup> Id. at 93-95; issued by Executive Judge Romeo M. Atillo, Jr.

<sup>24</sup> The trial court erroneously referred to this as Civil Case No. 1797.

heirs of the late Pedro Difuntorum, are to be considered conclusive between the parties in the present action...: pursuant to the aforementioned Rule 39 of the Rules of Court.”

Thus, it is lucid from the foregoing that the litigated property (Agricultural and residential land described in par. 8 of the instant case) has not yet been partitioned as found by three courts to wit: the trial court, Court of Appeals and the Hon. Supreme Court. What is more, both appellate courts declared that said property was owned in common by the forced heirs of the late Pedro Difuntorum. And finally, such decision of the Court of Appeals became final and executory and therefore the parties therein are bound by such declaration of the Court of Appeals as mentioned in the decision of the Supreme Court.

With the foregoing as premise, this Court believes that the present case is proper and not barred by any legal impediments.

Deliberate reading of the material allegations of the instant complaint, would readily show that the subject land mentioned in par. 8 thereof is not yet partitioned, thus, the need of subdivision of the same by the forced heirs. Who are the forced heirs is a question of fact. This is one of important issues to be resolved in the case at bar. There is no question in this Court’s mind that the issue on partition has not been resolved previously by the trial courts (RTC Branch 31 and 32) in Civil Case Nos. 1797 and A-2068). Moreover, the issue as to who are the forced heirs or who are the lawful owners of the litigated property (the agricultural and residential land mentioned in par. 8 of the complaint) remained [unresolved] by the trial Courts, Appellate Courts.

These issues can be properly resolved in the instant case. These issues, to reiterate, are left unresolved up to this very day.

WHEREFORE, premises considered, the defendant’s Motion to Dismiss is hereby DENIED [for] lack of merit. The defendant is given a period of 15 days from receipt of this Order to file his ANSWER.

**SO ORDERED.**<sup>25</sup>

However, in the subsequent Order<sup>26</sup> dated November 27, 2015, the RTC granted petitioner’s motion for reconsideration and dismissed the complaint in this wise, *viz.*:

x x x During the hearing on the pending incident on November 13, 2015, defendant’s counsel, Atty. Marata expounded on his motion. He pointed out that the subject property is the same

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<sup>25</sup> *Rollo*, pp. 93-95.

<sup>26</sup> *Id.* at 96-97.

subject property or part thereof that was involved in Civil Case No, A-1927 which was long time ago resolved by Judge Rapatalo of RTC Branch 32, Agoo, La Union. In fact, according to him, Judge Rapatalo's decision reached up to the Hon. Supreme Court. Verily, there was a Writ of Execution issued by the RTC Branch 32 in said case after the proceeding before the highest court of the land, As a matter of fact, he contended, the subject property was already partitioned and the plaintiffs were given their shares already. There is nothing more to partition between the parties in this case according to him,

The Court finds merit [in] the motion.

Exhibit "J-1" and its attachments as submitted by the plaintiffs confirm the fact of partition. This Court agrees, after careful examination of the extant records that the issue of partition of the subject lot had already been resolved by the other sala and its decision had become final and fully executed. To entertain the present suit will be like resurrecting a Lazarus of a case. This is not legally permissible under the Rules as it is affront to the principle of Res Judicata.

WHEREFORE, premises considered, the pending incident is hereby GRANTED. Accordingly, the instant complaint is hereby ordered DISMISSED.

SO ORDERED.<sup>27</sup>

Respondents filed a motion for reconsideration but the RTC denied the same *via* its Order<sup>28</sup> dated February 12, 2016. It reiterated its ruling that *res judicata* had already set in, stressing that similar cases were previously filed involving the same parties and the same subject lot where trials were conducted and decisions on the merits had been rendered, and which judgments had long become final and executory.

Aggrieved, respondents appealed to the CA.

### ***The CA Ruling***

In its Decision dated May 26, 2017, the CA reversed the November 27, 2015 and February 12, 2016 Orders of the RTC and held that the judgments rendered in Civil Case Nos. A-1797 and A-2068 were not adjudication on the merits that would warrant the application of *res judicata*. It clarified that Civil Case No. A-1797 was

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<sup>27</sup> Id. at 97.

<sup>28</sup> Id. at 98-99.

dismissed for being an improper remedy, while Civil Case No. A-2068 was dismissed applying the principle of *res judicata* based on the disposition in Civil Case No. A-1797. Neither can the final judgment in the earlier Civil Case No. A-1927 be a bar to Civil Case No. A-2883, there being no identity of parties, subject matter, and causes of action between said cases.

The CA thus decreed:

**ACCORDINGLY**, the appeal is **GRANTED**. The Orders dated November 27, 2015 and February 12, 2016 are **REVERSED and SET ASIDE**. The Regional Trial Court, Branch 31 Agoo, La Union is **DIRECTED** to hear and resolve Civil Case No. A-2883 on the merits, with utmost dispatch.

**SO ORDERED.**<sup>29</sup>

Petitioner's motion for reconsideration was denied by the CA in its Resolution dated September 6, 2017.

### Issues

The Court will address the two issues raised in the petition:

- I. WHETHER OR NOT THE HONORABLE COURT *A QUO* GRAVELY ERRED WHEN IT HELD THAT THERE IS NO RES JUDICATA TO SPEAK [OF] IN CIVIL CASE NO. A-2883 DESPITE THERE ARE SIMILARITIES OF THE PARTIES, CAUSES OF ACTION, AND SUBJECT MATTER TO CIVIL CASE NOS. A-1797 AND A-2068 FILED AND ALREADY DECIDED WITH FINALITY BY RTC BRANCH 31 AND 32 AGOO, LA UNION, RESPECTIVELY;
- II. WHETHER OR NOT THE HONORABLE COURT *A QUO* ERRED IN DISREGARDING THE PREVIOUS JUDICIAL ADMISSION BY THE RESPONDENT IN CIVIL CASE NO A-1797 THAT ALL THE PROPERTIES WERE OF THE FIRST NUPTIAL AND ALREADY PARTITIONED AND DISTRIBUTED AMONG FIRST NUPTIAL HEIRS, HENCE, PARTITION IS IMPROPER.<sup>30</sup>

### *Petitioner's Arguments*

Petitioner contends that all the requisites of *res judicata* are present in this case: a) Branch 32 in Civil Case No. A-2068 already decided with finality that the decision in Civil Case No. A-1797

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<sup>29</sup> Id. at 121.

<sup>30</sup> Id. at 18.

constitutes a bar to the subsequent proceedings; b) the decision in Civil Case No. A-2068 is a judgment on the merits considering that a full-blown trial was conducted and parties were given equal opportunities to present their respective evidences; c) Branch 32 has jurisdiction over the subject matter and the parties; and d) there is similarity of parties, causes of action, and subject matter between the present case (Civil Case No. A-2883) and Civil Case No A-2068.<sup>31</sup>

Further, petitioner argues that it would be premature to order a partition unless the issue of co-ownership is definitely resolved. Since respondents made a judicial admission during the pre-trial in Civil Case No. A-1797 that the subject property belonged to the first marriage of Tiburcio, and had already been partitioned and distributed to his heirs from said first marriage, their claim of co-ownership is negated. Such admission was never questioned by the respondents up to this date.<sup>32</sup>

#### *Respondents' Arguments*

Respondents maintain that there is no *res judicata* between Civil Case No. A-2883 for partition and the previous cases, which dismissed the prior complaints on the ground of improper remedy inasmuch as the rights and liabilities of the parties were not resolved or settled by the decisions rendered. They stress that the ultimate objective of filing Civil Case No A-2883 is for the parties to claim their just shares over the subject property as the rightful heirs of the late Tiburcio Difuntorum.<sup>33</sup>

Anent their alleged judicial admission in Civil Case No. A-1797 (“that all the properties were of the first nuptial and already partitioned and distributed among the first nuptial”), respondents assert that the same has no bearing in the case for partition. They contend that the subject property is still in the name of the Heirs of Tiburcio Difuntorum, and as Tiburcio’s legal and surviving heirs, they have all the right to claim their respective shares. The question as to whether the subject property belongs to the first marriage of Tiburcio as alleged by petitioner, can only be resolved in a full-blown trial.<sup>34</sup>

#### **The Court’s Ruling**

The petition has no merit.

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<sup>31</sup> Id. at 19-20.

<sup>32</sup> Id. at 20.

<sup>33</sup> Id. at 134.

<sup>34</sup> Id. at 134-135.

*Res judicata* applies in the concept of “bar by prior judgment” if the following requisites concur: (1) the former judgment or order must be final; (2) the judgment or order must be on the merits; (3) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; and (4) there must be, between the first and the second action, identity of parties, of subject matter, and of causes of action.<sup>35</sup>

Relevant to our disposition is the second element, the requirement of judgment on the merits. In *Sta. Ana Dy v. Yu*,<sup>36</sup> We expounded on its meaning, *viz.*:

Material to this discourse is the doctrine’s second element, which evokes that the *res judicata* doctrine applies only when a judgment on the merits is finally rendered on the first complaint. The term “merits” has been defined as a matter of substance in law, as distinguished from matter of form; it refers to the real or substantial grounds of action or defense as contrasted with some technical or collateral matter raised in the course of the suit. Thus, a judgment on the merits presupposes that trial has been conducted, evidence presented, and issues sufficiently heard and passed upon. It is a judgment rendered after a determination of which party is right, as distinguished from a judgment rendered upon some preliminary or formal technical point. Stated differently, **a judgment is “on the merits” when it amounts to a legal declaration of the respective rights and duties of the parties, based upon the disclosed facts and upon which the right of recovery depends, irrespective of formal, technical or dilatory objectives or contentions.**<sup>37</sup> (emphasis supplied; citations omitted)

In this case, We agree with the CA that the judgment rendered in Civil Case No. A-1797 is not a judgment on the merits, which was essentially dismissed for being an improper remedy. On the other hand, the decision in Civil Case No. A-2068, while rendered after trial and presentation of evidence of the parties, practically reiterated and amplified the disposition in the first case that “the remedy pursued was improper” after reproducing its entire text, and thereafter declared that the decision in Civil Case No. A-1797 “constitutes a bar to this subsequent proceeding” docketed as Civil Case No. A-2068.<sup>38</sup>

The pertinent portions of the CA decision clearly illuminate this point, to wit:

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<sup>35</sup> *Agustin v. Spouses Delos Santos*, 596 Phil. 630, 642-643 (2009).

<sup>36</sup> 763 Phil. 491 (2015).

<sup>37</sup> *Id.* at 509-510.

<sup>38</sup> *Rollo*, pp. 65-75.

Civil Case No. A-1797, for “*Partition, Reconveyance and/or Quieting of Title with Damages*”, was dismissed by RTC-Branch 31, Agoo, La Union for being an improper remedy, viz.:

There is no point in making a further discourse.

The remedy availed of by the Plaintiffs is not proper.

MUCH ADO ABOUT NOTHING (Shakespeare).

WHEREFORE, this Complaint for Partition is hereby DISMISSED.

SO ORDERED.

As for Civil Case No. A-2068, the same was dismissed by RTC-Branch 32, Agoo, La Union on alleged ground of res judicata based on the disposition in Civil Case No. A-1797.

A judgment dismissing an action for being an improper remedy or for lack of jurisdiction cannot operate as res judicata as it does not resolve the parties’ respective rights and obligations. *Sta. Lucia Realty and Development, Inc. v. Cabrigas* teaches:

However, despite our foregoing ruling, the Court is still precluded from declaring the existence of *res judicata*, in any of its two forms, since one essential requisite is absent a judgment on the merits. Citing *Escarte v. Office of the President*, the Court defined judgment on the merits in the 1994 case of *Allied Banking Corporation v. Court of Appeals* –

x x x x

Meanwhile, in *Diwa v. Donato*, we held that:

A judgment on the merits is one rendered after argument and investigation, and when there is determination which party is right, as distinguished from a judgment rendered upon some preliminary or formal or merely technical point, or by default and without trial. By no stretch of the imagination can our Resolution of September 20, 1989 be considered a judgment on the merits. **All it resolved is the issue of the proper action that petitioners should file** in light of the allegations of their Complaint. We ruled that they should file an action for specific performance and not an action for interpleader. **Only after the filing of the proper**

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**action can the substantive rights of the parties be adjudicated. Needless to state, we did not adjudicate the substantive rights of the parties in our Resolution of September 20, 1989.**

Clearly, RTC-Branch 32 misapplied the principle of res judicata here. Civil Case No. A-1797, having been dismissed on mere procedural ground (improper remedy) cannot constitute res judicata to any subsequent case *i.e.*, Civil Case Nos. A-2068 or A-2883 (the present case) albeit these cases may have involved the same issue, parties and subject matter as in Civil Case No. A-1797.<sup>39</sup> (emphases in the original)

While Branch 31 in Civil Case No. A-2883 initially ruled that the issue of partition over Cad. Lot No. 13912 has not been previously resolved in Civil Case Nos. A-1797 and A-2068, said court reversed its position upon motion for reconsideration filed by petitioner who cited the much earlier case of Civil Case No. A-1927. However, what was resolved in Civil Case No. A-1927 was the matter of partition of the estate of Pedro Difuntorum between Tiburcio and his siblings and *not* the partition being sought by the respondents as co-heirs of Tiburcio with respect to Cad. Lot No. 13912, which is still declared in the name of “Heirs of Tiburcio Difuntorum.”

For clarity, We quote the discussion in the CA decision explaining the reason for Branch 31’s reversal of its earlier order denying respondents’ motion to dismiss, and the appellate court’s ruling on inapplicability of *res judicata* with respect to the much earlier case of Civil Case No. A-1927, *viz.*:

In its subsequent Order dated November 27, 2015, the trial court reversed. It stated that fact of partition was duly proved and appellants Heirs of Montemayor had already received their respective shares. This development precisely became the trial court’s basis in granting appellee’s motion for reconsideration, in this wise:

“During the hearing on the pending incident on November 13, 2015, defendant’s counsel, Atty. Marata expounded on his motion. He pointed out that **the subject property is the same subject property of part thereof that was involved in Civil Case No. A-1927 which was long time ago resolved by Judge Rapatalo of RTC Branch 32, Agoo, La Union.** In fact, according to him, Judge Rapatalo’s decision reached up to the Hon. Supreme Court. Verily, there was a Writ of Execution issued

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<sup>39</sup> Id. at 115-118.

by RTC Branch 32 in said case after the proceeding before the highest court of the land. As a matter of fact, he contended, the subject property was already partitioned and the plaintiffs were given their shares already. There is nothing more to partition between the parties in this case according to him.”

x x x                      x x x                      x x x

Notably, the trial court dismissed the complaint based on a writ of execution (Exhibit J-1) which was issued by RTC-Branch 32 in Civil Case No. A-1927. In said case, Branch 3[2] rendered a Decision dated February 18, 1981, ordering the partition of the properties of the late Pedro Difuntorum equally among his four children: Bonifacio, Paula, Pantaleon, and Tiburcio. Among these properties was the 538 square meter lot subject of the instant case. On appeal via CA GR CV No. 08301, the Court of Appeals (Tenth Division) affirmed said decision, declaring that Pedro Difuntorum’s properties were owned in common by his forced heirs and had not yet been partitioned. This pronouncement was further affirmed by the Supreme Court in GR No. L-95268, through its Resolution dated December 12, 1990. The same became final and executory per Entry of Judgment dated March 4, 1991. Consequently, Branch 32 issued a writ of execution on September 11, 1991.

x x x x

Civil Case No. A-1927 involved the estate of Pedro Difuntorum covering a 1,900 square meter lot. Here, what is involved is the estate of Tiburcio consisting of a 538 square meter lot. While the latter property may have initially been a part of the 1,900 square meter lot, the 2 lots assumed different identities after the 538 square meter lot had been adjudicated to Tiburcio and later became a part of his estate, following his death.

x x x x

Civil Case No. A-1927 involved the partition of the estate of Pedro Difuntorum, while the present case, the partition of the estate of Tiburcio Difuntorum.

Indeed, for the principle of res judicata to apply, there must be, between the first and second actions, identity of parties, identity of subject matter, and identity of causes of action. Absent these similarities, as in this case, res judicata cannot apply.<sup>40</sup>

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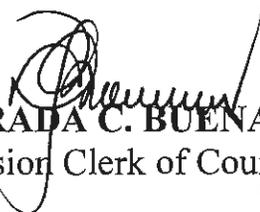
<sup>40</sup> Id. at 108-120.

With the absence of some or all requisites of *res judicata*, the final orders/decisions in Civil Case Nos. A-1927, A-1797, and A-2068 will not bar respondents' complaint for partition in Civil Case No. A-2883. It is likewise evident that the issue of whether respondents, as Tiburcio's heirs from his second marriage, had become co-owners/co-heirs with respect to Cad. Lot No. 13912 was not at all resolved in Civil Case Nos. A-1797 and A-2068.

**WHEREFORE**, the petition is **DENIED**. The May 26, 2017 Decision and September 6, 2017 Resolution of the Court of Appeals in CA-G.R. CV No. 106887 are hereby **AFFIRMED**.

**SO ORDERED.** *Lazaro-Javier, J., no part; Hernando, J., designated additional Member per Raffle dated November 11, 2020.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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No. 12-7-1-SC)

The Hon. Presiding Judge  
Regional Trial Court, Branch 31  
Agoo, 2504 La Union  
(Civil Case No. A-2883)

Philippine Judicial Academy (x)  
Supreme Court

Judgment Division (x)  
Supreme Court