

SECOND DIVISION

[G.R. NO. 141528, October 31, 2006]

**OSCAR P. MALLION, PETITIONER, VS. EDITHA ALCANTARA,
RESPONDENT.**

D E C I S I O N

AZCUNA, J.:

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court raising a question of law: Does a previous final judgment denying a petition for declaration of nullity on the ground of psychological incapacity bar a subsequent petition for declaration of nullity on the ground of lack of marriage license?

The facts are not disputed:

On October 24, 1995, petitioner Oscar P. Mallion filed a petition^[1] with the Regional Trial Court (RTC), Branch 29, of San Pablo City seeking a declaration of nullity of his marriage to respondent Editha Alcantara under Article 36 of Executive Order No. 209, as amended, otherwise known as the Family Code, citing respondent's alleged psychological incapacity. The case was docketed as Civil Case No. SP 4341-95. After trial on the merits, the RTC denied the petition in a decision^[2] dated November 11, 1997 upon the finding that petitioner "failed to adduce preponderant evidence to warrant the grant of the relief he is seeking."^[3] The appeal filed with the Court of Appeals was likewise dismissed in a resolution^[4] dated June 11, 1998 for failure of petitioner to pay the docket and other lawful fees within the reglementary period.

After the decision in Civil Case No. SP 4341-95 attained finality, petitioner filed on July 12, 1999 another petition^[5] for declaration of nullity of marriage with the RTC of San Pablo City, this time alleging that his marriage with respondent was null and void due to the fact that it was celebrated without a valid marriage license. For her part, respondent filed an answer with a motion to dismiss^[6] dated August 13, 1999, praying for the dismissal of the petition on the ground of *res judicata* and forum shopping.

In an order^[7] dated October 8, 1999, the RTC granted respondent's motion to dismiss, the dispositive portion of which reads:

WHEREFORE, for Forum Shopping and Multiplicity of Suits, the Motion to Dismiss is GRANTED. This case is DISMISSED.

SO ORDERED.^[8]

Petitioner's motion for reconsideration was also denied in an order^[9] dated January 21, 2000. Hence, this petition which alleges, as follows:

- A. IN DISMISSING PETITIONER'S PETITION FOR THE DECLARATION OF HIS MARRIAGE AS NULL AND VOID *AB INITIO* FOR LACK OF THE REQUISITE MARRIAGE LICENSE BECAUSE OF (THE) DISMISSAL OF AN EARLIER PETITION FOR DECLARATION OF NULLITY OF THE SAME MARRIAGE ON THE GROUND OF HIS WIFE'S PSYCHOLOGICAL INCAPACITY UNDER ARTICLE 36 OF THE FAMILY CODE, THE TRIAL COURT HAD DECIDED A QUESTION OF SUBSTANCE WHICH HAS PROBABLY NOT HERETOFORE BEEN DETERMINED SQUARELY AND DEFINITELY BY THIS COURT, OR HAD DECIDED IT IN A WAY NOT IN ACCORD WITH LAW.
- B. IN DISMISSING PETITIONER'S PETITION FOR THE DECLARATION OF NULLITY OF HIS MARRIAGE FOR LACK OF THE REQUISITE MARRIAGE LICENSE, THE TRIAL COURT HAD CONFUSED, DISTORTED AND MISAPPLIED THE FUNDAMENTAL RULES AND CONCEPTS ON RES JUDICATA, SPLITTING OF A CAUSE OF ACTION AND FORUM SHOPPING.^[10]

Petitioner argues that while the relief prayed for in the two cases was the same, that is, the declaration of nullity of his marriage to respondent, the cause of action in the earlier case was distinct and separate from the cause of action in the present case because the operative facts upon which they were based as well as the evidence required to sustain either were different. Because there is no identity as to the cause of action, petitioner claims that *res judicata* does not lie to bar the second petition. In this connection, petitioner maintains that there was no violation of the rule on forum shopping or of the rule which proscribes the splitting of a cause of action.

On the other hand, respondent, in her comment dated May 26, 2000, counters that while the present suit is anchored on a different ground, it still involves the same issue raised in Civil Case No. SP 4341-95, that is, the validity of petitioner and respondent's marriage, and prays for the same remedy, that is, the declaration of nullity of their marriage. Respondent thus contends that petitioner violated the rule on forum shopping. Moreover, respondent asserts that petitioner violated the rule on multiplicity of suits as the ground he cites in this petition could have been raised during the trial in Civil Case No. SP 4341-95.

The petition lacks merit.

The issue before this Court is one of first impression. Should the matter of the invalidity of a marriage due to the absence of an essential requisite prescribed by Article 4 of the Family Code be raised in the same proceeding where the marriage is being impugned on the ground of a party's psychological incapacity under Article 36 of the Family Code?

Petitioner insists that because the action for declaration of nullity of marriage on the ground of psychological incapacity and the action for declaration of nullity of marriage on the ground of absence of marriage license constitute separate causes of action, the present case would not fall under the prohibition against splitting a single cause of action nor would it be barred by the principle of *res judicata*.

The contention is untenable.

Res judicata is defined as "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."^[11]

This doctrine is a rule which pervades every well-regulated system of jurisprudence and is founded upon the following precepts of common law, namely: (1) public policy and necessity, which makes it to the interest of the State that there should be an end to litigation, and (2) the hardship on the individual that he should be vexed twice for the same cause. A contrary doctrine would subject the public peace and quiet to the will and neglect of individuals and prefer the gratification of the litigious disposition on the part of suitors to the preservation of the public tranquility and happiness.^[12]

In this jurisdiction, the concept of *res judicata* is embodied in Section 47 (b) and (c) of Rule 39 of the Rules of Court, thus:

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:

(a) In case of a judgment or final order against a specific thing or in respect to the probate of a will, or the administration of the estate of a deceased person, or in respect to the personal, political, or legal condition or status of a particular person or his relationship to another, the judgment or final order is conclusive upon the title to the thing, the will or administration, or the condition, status or relationship of the person; however, the probate of a will or granting of letters of administration shall only be *prima facie* evidence of the death of the testator or intestate;

(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.

The above provision outlines the dual aspect of *res judicata*.^[13] Section 47 (b) pertains to it in its concept as "bar by prior judgment" or "estoppel by verdict," which 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. On the other hand, Section 47 (c) pertains to *res judicata* in its concept as "conclusiveness of judgment" or