

## **SPECIAL SIXTH DIVISION**

**[ CA-G.R. CV No. 99985, May 29, 2014 ]**

**ROWENA PADILLA-RUMBAUA, PETITIONER-APPELLANT, VS.  
EDWARD PADILLA-RUMBAUA, RESPONDENT-APPELLEE.**

### **D E C I S I O N**

**ABDULWAHID, J.:**

Before this Court is an appeal interposed by petitioner-appellant Rowena Padilla-Rumbaua, seeking to annul and set aside the Order<sup>[1]</sup> dated October 10, 2012 of the Regional Trial Court (RTC), Branch 37, Nueva Vizcaya in Civil Case No. 1140.

For the antecedent procedural facts of this case, we shall refer to the Supreme Court case of Padilla-Rumbaua vs. Rumbaua<sup>[2]</sup>. In that case, herein petitioner-appellant Rowena Padilla-Rumbaua filed a complaint for declaration of nullity of marriage against herein respondent-appellee Edward Padilla-Rumbaua with the Regional Trial Court (RTC) of Bayombong, Nueva Vizcaya, Branch 29, docketed as Civil Case No. 767, premised on the latter's alleged psychological incapacity to exercise the essential obligations of marriage. On April 19, 2002, the RTC rendered a Decision, nullifying the parties' marriage.<sup>[3]</sup> The Republic of the Philippines, through the Office of the Solicitor General (OSG), appealed the RTC's Decision to this Court. On June 25, 2004, this Court reversed and set aside the RTC's Decision, and denied the nullification of the parties' marriage.<sup>[4]</sup> On January 18, 2005, this Court issued a Resolution, likewise denying petitioner-appellant's motion for reconsideration. Petitioner-appellant then filed a petition for review on certiorari with the Supreme Court. However, on August 14, 2009, the Supreme Court denied the petition and affirmed this Court's decision and resolution.<sup>[5]</sup>

After the decision in Civil Case No. 767 attained finality, petitioner-appellant filed another petition for declaration of absolute nullity of marriage<sup>[6]</sup> with the RTC of Bayombong, Nueva Vizcaya, docketed as Civil Case No. 1140 from which the present appeal emanated. In this case, petitioner-appellant alleged that she is suffering from psychological incapacity to comply with her marital obligations under Section 36 of the Family Code. According to petitioner-appellant, her psychological evaluation revealed that she has a "Narcissistic personality disorder present on patient (referring to petitioner) since her childhood days is a condition that is permanent and incurable." Furthermore, petitioner-appellant insisted that there was no solemnizing officer, nor a marriage ceremony during their "secret marriage", thus, lacks one of the formal elements of marriage under Section 4 vis-a-vis Section 3(3) of the Family Code.

On October 10, 2012, the RTC rendered the assailed Order, dismissing the case for lack of merit. In ruling thus, the RTC ratiocinated, as follows:<sup>[7]</sup>

The instant petition must be dismissed for *res judicata*. There can be no question that there was a final judgment rendered by a court of competent jurisdiction involving the same parties and subject matter. Although the instant petition is different in that here, petitioner claims that the marriage was void because there was no marriage ceremony and that she is suffering from psychological incapacity, there is identity of causes of action. In *Mallion v. Alcantara*, October 31, 2006, petitioner filed a petition for declaration of nullity on the ground of psychological incapacity and after the petition was dismissed, he filed another case, this time on the ground of lack of license. He alleged that there was no identity of cause of action, but the court brushed this aside

Aggrieved, petitioner-appellant filed on November 6, 2012 a motion for reconsideration<sup>[8]</sup>. However, on November 14, 2012, the RTC issued an Order<sup>[9]</sup>, denying petitioner-appellant's motion for reconsideration.

Aggrieved, petitioner-appellant interposed the present appeal, premised on the lone assignment of error, to wit:<sup>[10]</sup>

THE REGIONAL TRIAL COURT, WITH DUE RESPECT, erred in not holding that the petition is not dismissible for *res judicata* on the authority of the case of *Mallion vs. Alcantara* dated October 31, 2006.

Petitioner-appellant argues<sup>[11]</sup> that the ruling in *Mallion vs. Alcantara*<sup>[12]</sup> dismissing the case on the ground of *res judicata* is not applicable to the case at bar, since the factual backdrop of the former is different from that of the latter. According to petitioner-appellant, the *Mallion* case involved an action for declaration of nullity of marriage on the ground of psychological incapacity. On the other hand, in this case, petitioner-appellant further argues that the complaint is for nullity of marriage premised on psychological incapacity of petitioner-appellant to fulfill her marital obligations. Hence, no *res judicata* existed upon which the trial court dismissed the complaint.

The appeal has no merit.

The rule is settled that a party cannot, by varying the form of action or adopting a different method of presenting his case, escape the operation of the principle that one and the same cause of action shall not be twice litigated.<sup>[13]</sup> Specifically, Section 47(b), Rule 39 of the Civil Procedure provides, as follows:

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:

XXX

XXX

XXX

**(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**