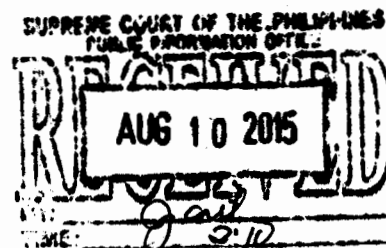


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Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 20, 2015 which reads as follows:

“G.R. No. 203617 (Daniela F. Barruiz, Nicolasa F. Largo, Eusebio Fabrica, Jr., Victorino Fabrica, Eladio Fabrica, Salvador Fabrica, and Angelita Bendanillo v. Concordia F. Panugalinog, Asuncion Navales, Florencio F. Mancao, Pedro Fabrica, Heirs of Francisco Fabrica, namely: Eriberta Herbias, Victorino Fabrica, Gaudencio Fabrica, German Fabrica, Jocelyn Fabrica, and Susana Fabrica, Gabriel J. Canete, and the Provincial Register of Deeds of Cebu). - After a judicious review of the records, the Court resolves to DENY the instant petition and AFFIRM the August 31, 2012 Decision¹ of the Court of Appeals (CA) in CA-G.R. CV No. 02146 for failure of petitioners Daniela F. Barruiz, Nicolasa F. Largo, Eusebio Fabrica, Jr., Victorino Fabrica, Eladio Fabrica, Salvador Fabrica, and Angelita Bendanillo (petitioners) to show that the CA committed any reversible error in holding that their complaint was already barred by *res judicata*.

As correctly ruled by the CA, petitioners’ complaint was already barred by the ruling in Civil Case No. 841 (partition case), as decided by the Municipal Trial Court of Talisay, Cebu, Branch 001, which had long become final and executory, given that: (a) both petitioners and respondents were parties in the partition case; (b) the instant complaint involves the same subject matter, *i.e.*, the subject land, as that in the partition case; and (c) a favorable judgment in the instant case would be inconsistent with the judgment in the partition case.²

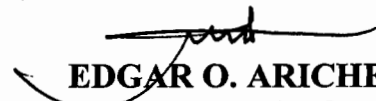
- over - two (2) pages

¹ Rollo, pp. 35-45. Penned by Associate Justice Melchor Q.C. Sadang with Executive Justice Pampio A. Abarintos and Associate Justice Gabriel T. Ingles concurring.

² There is a bar by prior judgment where there is identity of parties, subject matter, and causes of action between the first case where the judgment was rendered and the second case that is sought to be barred. (See *De Leon v. Dela Llana*, G.R. No. 212277, February 11, 2015, citing *Borra v. CA Second and Nineteenth Division*, G.R. No. 167484, September 9, 2013, 705 SCRA 222, 236).

SO ORDERED.” SERENO, C.J., on official leave; **PERALTA, J.**, acting member per S.O. No. 2103 dated July 13, 2015. **LEONARDO-DE CASTRO, J.**, on official leave; **LEONEN, J.**, acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,


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The Hon. Presiding Judge
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(Civil Case No. CEB-33158)

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