

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

CIVIL SERVICE COMMISSION,
Petitioner,

G.R. No. 275125

Present:

- versus -

LEONEN, *SAJ.*, Chairperson,
LAZARO-JAVIER,
LOPEZ, J.,
KHO, JR., and
VILLANUEVA, *JJ.*

SHEILA V. SOLIVA,
Respondent.

Promulgated:

JUL 30 2025

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DECISION

LOPEZ, J., J.:

This Court resolves the Petition for Review on *Certiorari*¹ filed by the Civil Service Commission (CSC), through the Office of the Solicitor General, assailing the Decision² and the Resolution³ of the Court of Appeals (CA). The CA granted the Petition⁴ filed by Sheila V. Soliva (Sheila) and, consequently, dismissed the Complaint filed by Krystelle Rose Sarmen-Soliva (Krystelle) against Sheila. In its Decision, the CA reversed the Decision⁵ of the CSC that

¹ Rollo, pp. 11–50.

² *Id.* at 32–43. The February 28, 2023 Decision in CA-G.R. CEB SP No. 15103 was penned by Associate Justice Jacinto G. Fajardo, Jr. and concurred in by Associate Justices Marilyn B. Lagura-Yap and Rogelio G. Largo of the Nineteenth Division, Court of Appeals, Cebu City.

³ *Id.* at 46–47. The May 31, 2024 Resolution in CA-G.R. CEB SP No. 15103 was penned by Associate Justice Jacinto G. Fajardo, Jr. and concurred in by Associate Justices Marilyn B. Lagura-Yap and Rogelio G. Largo of the Nineteenth Division, Court of Appeals, Cebu City.

⁴ CA rollo, pp. 5–32.

⁵ *Id.* at 34–42. The June 30, 2021 Decision No. 210166 was penned by Commissioner Aileen Lourdes A. Lizada and concurred in by Chairperson Alicia dela Rosa-Bala of the Civil Service Commission.

found Sheila guilty of disgraceful and immoral conduct and conduct prejudicial to the best interest of the service on the ground of *res judicata*.

Joemar Soliva⁶ (Joemar) and Maria Lilane Sarmen-Soliva (Lilane), the mother of Krystelle, were married on July 22, 1980 and they had three children.⁷ On June 4, 1985, Joemar entered another marriage with a certain Marissa A. Cabungcal (Marissa) and they also had three children.⁸ On May 13, 1998, Joemar entered into another marriage with Sheila, and subsequently had a child with her.⁹

Marissa then filed a Complaint with the CSC Regional Office VI (CSC RO VI) for disgraceful and immoral conduct against Sheila. At that time, Sheila was a teacher assigned at Bungsuang National High School, Dumarao, Capiz.¹⁰ In a Decision, the CSC RO VI¹¹ found Sheila administratively liable and imposed the penalty of one year suspension.¹²

Then, Lilane filed a Complaint with the Department of Education (DepEd) Regional Office VI (DepEd RO VI) for immorality and conduct prejudicial to the best interest of the service.¹³ On January 17, 2013, the DepEd RO VI issued a ruling finding Sheila administratively liable and imposed the penalty of dismissal from the service subject to the confirmation of the DepEd Secretary.¹⁴

The DepEd Secretary issued a Resolution¹⁵ modifying the ruling and finding Sheila administratively liable for conduct prejudicial to the best interest of the service.¹⁶

However, as to the penalty to be imposed, the DepEd Secretary applied Section 50 of the Revised Rules on Administrative Cases in Civil Service, finding that although Sheila's conviction was rendered by two different offices in two different years, these are convictions of administrative charges for the same act, and "the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances."¹⁷ Thus, it concluded that "the [CSC RO VI] has imposed the maximum penalty of one (1) year suspension [as] the penalty for Conduct Prejudicial to the Best Interest of the Service, [which] may just be considered

⁶ Also referred to as "Jose Mariano F. Soliva" in some parts of the *rollo* and records.

⁷ *Rollo*, p. 34.

⁸ *Id.*

⁹ *Id.*

¹⁰ *CA rollo*, pp. 120.

¹¹ *Id.* at 120–133. Dated June 10, 2002.

¹² *Id.* at 132.

¹³ *Rollo*, p. 34.

¹⁴ *Id.*

¹⁵ *CA rollo*, pp. 138–143. Dated November 15, 2013.

¹⁶ *Id.* at 142.

¹⁷ *Id.* at 142–143.

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as aggravating circumstance and thus, deemed to have been served by respondent.”¹⁸ The dispositive portion of the Resolution provides:

WHEREFORE, premises considered, the Decision dated January 17, 2013 of the Regional Office, DepEd Region VI, is hereby MODIFIED. Respondent SHEILA C. VENUS is hereby found guilty of Conduct Prejudicial to the Best Interest of the Service.

Considering that Respondent Shiela C. Venus has served the maximum penalty of one (1) year suspension imposed by the Civil Service Commission (CSC) due to her conviction of Disgraceful and Immoral Conduct, she is hereby deemed to have served the penalty for Conduct Prejudicial to the Best Interest of the Service.

SO RESOLVED.¹⁹

In 2014, a Complaint²⁰ was also filed by Krystelle with the CSC RO VI against Sheila for immorality and conduct prejudicial to the best interest of the service.²¹ Krystelle alleged that Sheila continued to have an amorous relationship with Joemar despite her prior conviction for a similar administrative offense by the CSC RO VI and the DepEd.²² She added that Sheila continued to use Soliva as her surname and moved in with Joemar in the house where Krystelle and her siblings live, causing Krystelle and her siblings to move out.²³

In Decision No. 180001,²⁴ the CSC RO VI found Sheila, who was at that time a Head Teacher in Bunguan National High School, Dumarao, Capiz, administratively liable for disgraceful and immoral conduct and conduct prejudicial to the best interest of the service. Considering that the case was her second administrative offense, the CDC RO VI imposed the penalty of dismissal from the service and forfeiture of retirement benefits as follows:

WHEREFORE, Sheila C. Venus-Soliva, Head Teacher, Bunguan National High School, Dumarao, Capiz, is found guilty of Disgraceful and Immoral Conduct (Immorality) and Conduct Prejudicial to the Best Interest of the Service. Considering that the present charge constitutes her second offense of Disgraceful and Immoral Conduct and Conduct Prejudicial to the Best Interest of the Service, the penalty of DISMISSAL from the service is meted upon the respondent with the accessory penalties of forfeiture of retirement benefits (except accrued leave credits/terminal benefits and personal contributions to the GSIS, if any), cancellation of eligibility,

¹⁸ *Id.* at 43.

¹⁹ *Id.* at 143.

²⁰ Dated October 15, 2014.

²¹ *Rollo*, p. 36.

²² *Id.* at 35.

²³ *Id.*

²⁴ *CA rollo*, pp. 61–71. Dated January 5, 2018.

perpetual disqualification from holding public office and bar from taking Civil Service Examinations.²⁵

Sheila filed a Motion for Reconsideration, which was denied by the CSC RO VI in a Resolution.²⁶

Sheila filed a Petition for Review with the CSC, which was denied in a Decision.²⁷ The CSC ruled that there is no *res judicata* between the present complaint and the earlier case filed against Sheila with the CSC as it was based on Sheila's cohabitation with Joemar after the conviction under the first administrative case.²⁸ The dispositive portion of the CSC Decision reads:

WHEREFORE, the Petition for Review of Sheila C. Venus-Soliva, Head Teacher, Bungsuan National High School, Dumarao, Capiz, is hereby DISMISSED. Accordingly, Decision No. 180001 dated January 5, 2018 of the Civil Service Commission Regional Office (CSC RO) VI, Iloilo City, finding Venus-Soliva guilty of Disgraceful and Immoral Conduct and Conduct Prejudicial to the Best Interest of the Service and imposing upon her the penalty of dismissal from the service with the accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking the civil service examination, and forfeiture of retirement benefits, except her accrued/terminal leave benefits and personal contributions to the Government Service Insurance System, if any; and Resolution No. 180148 dated June 11, 2018, denying her Motion for Reconsideration, are AFFIRMED.²⁹

Aggrieved, Sheila filed a Petition for Review³⁰ with the CA. In its Decision,³¹ the CA reversed the CSC ruling and dismissed the complaint against Sheila:

WHEREFORE, premises considered, the petition is GRANTED. The Decision No. 210166 dated June 30, 2021 of the Civil Service Commission, affirming the Decision dated January 5, 2018; and Resolution dated June 11, 2018 of the Civil Service Commission, Regional Office – VI is REVERSED and SET ASIDE. Accordingly, the Complaint filed against petitioner, docketed as CSC Case No. CSCRO6-D-14-135, before the Civil Service Commission – Regional Office VI, is hereby DISMISSED.

SO ORDERED,³²

In so ruling, the CA concluded that the Complaint filed against Sheila had already been barred by prior judgment. Deviating from the CSC's

²⁵ *Id.* at 71.

²⁶ *Id.* at 73–74.

²⁷ *Id.* at 34–42.

²⁸ *Id.* at 41.

²⁹ *Id.* at 42.

³⁰ *Id.* at 5–32.

³¹ *Id.* at 32–43.

³² *Id.* at 43.

findings, the CA found that there was also an identity of causes of action. It found that the same facts or evidence would sustain both the prior complaint by which Sheila was already found liable, and the present complaint, as “they are essentially based on the same set of facts.”³³ The CA reasoned:

True, respondent emphasized that the instant case centers on the continued amorous relationship of petitioner to her father Joemar and presents an additional set of evidence in the form of photos depicting the petitioner with Joemar and their child. Nevertheless, We hold that the issue of petitioner’s continued presence in the life of Joemar while the latter was still alive is merely an incident of the main narrative of petitioner and Joemar’s relationship, a matter that has already been decided with finality twice, and for which petitioner had already paid.

Truly, *res judicata* exists because all its elements are present, including the identity of causes of action. If one takes away the main narrative of petitioner and the late Joemar Soliva’s relationship, respondent’s complaint would have no leg to stand on.³⁴

The CSC and Krystelle filed their respective Motions for Reconsideration,³⁵ but these were denied by the CA in a Resolution.³⁶

Hence, the CSC filed the instant Petition.

The CSC maintains that not all the elements of *res judicata* were present between the present complaint filed by Krystelle, and the previous cases that found Sheila administratively liable. It pointed out that the CSC and the CA disagreed only on the issue of whether there was identity of causes of action. The CSC contends that there was no identity of causes of action because the CSC Decision was based on the illicit continuous cohabitation of Sheila with Joemar even after the earlier findings of administrative liability. Even if the acts subject of the earlier and the present cases arose from the sole illicit relationship, these are separate acts and thus must be treated as distinct offenses giving rise to separate causes of action.³⁷

The CSC adds that the earlier cases and the present case cannot be sustained by the same set of evidence, as the acts alleged in the present complaint have yet to be committed at the time the previous cases were filed. Particularly, the CSC points out that the previous administrative convictions were rendered on June 10, 2022 and January 17, 2013, while the present case arose from an event occurring on December 14, 2013. As such, the circumstances in the present case could not have been considered in the earlier administrative cases.³⁸

³³ *Id.* at 40–42.

³⁴ *Id.* at 42.

³⁵ *CA rollo*, pp. 321–331, 351–363.

³⁶ *Rollo*, pp. 46–47.

³⁷ *Id.* at 17–19.

³⁸ *Id.* at 19–20.

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As such, the CSC advocates that Sheila's blatant disregard of her prior administrative convictions and subsequent illicit acts are separate causes of action, and should likewise be penalized.³⁹

The CSC asserts that the act of maintaining the same illicit relations after a finding of administrative liability is a separate infraction that gives rise to a separate cause of action.⁴⁰

The CSC added that Sheila is a head teacher in a public high school, and by virtue of her position and profession, good moral character is a continuing requirement and a higher ethical and moral standard of conduct is expected.⁴¹

In her Comment,⁴² Sheila maintained that *res judicata* is applicable in this case.

Sheila states that the evidence presented to prove cohabitation with Joemar does not tend to show that she is living an immoral life, as the photos are a manifestation of Joemar's love for their daughter.⁴³ She argues that these photos are "snapshots of the memories of [Joemar] and [Sheila] with their daughter and are not evidence of living an immoral life."⁴⁴

Sheila adds that the DepEd Secretary's pronouncement declaring that her act of contracting marriage with Joemar did not constitute disgraceful and immoral conduct, is conclusive upon all the parties.⁴⁵

This Court's Ruling

This Court denies the Petition for Review on *Certiorari*.

The concept of *res judicata* "precludes parties from relitigating issues actually litigated and determined by a prior and final judgment."⁴⁶

Jurisprudence confirms that the concept of *res judicata* is applicable to administrative cases as well.⁴⁷

³⁹ *Id.* at 20.

⁴⁰ *Id.* at 21-22.

⁴¹ *Id.* at 22-24.

⁴² *Id.* at 54-63.

⁴³ *Id.* at 59-60.

⁴⁴ *Id.* at 60.

⁴⁵ *Id.* at 60-61.

⁴⁶ *Federal Land, Inc. v. Northlander Real Estate and Dev't., Inc.*, 916 Phil. 138, 148 (2021) [Per J. Leonen, Third Division]. (Citation omitted)

⁴⁷ *Civil Service Commission v. Alfonso*, 607 Phil. 60, 72 (2009) [Per J. Nachura, *En Banc*].

The elements of *res judicata* are as follows:

(1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, subject matter, and causes of action.⁴⁸ (Citation omitted)

Here, the parties only dispute the element that there is an identity of causes of action, as the other elements are not controverted by the parties.

The CA found that there was an identity in the causes of action because the administrative complaints are based on the same set of facts, and that respondent's "continued presence in the life of Joemar while the latter was still alive is merely an incident of the main narrative of [respondent] and Joemar's relations."⁴⁹ The CA theorizes that "if one takes away the main narrative of respondent and Joemar's relationship, [respondent]'s complaint would have no leg to stand on."⁵⁰

Petitioner, on the other hand, argues that there was no identity of causes of action because its Decision was based on the illicit continuous cohabitation of respondent with Joemar occurring after the earlier administrative cases,⁵¹ as notably, the acts alleged in the present complaint have yet to be committed at the time the previous cases were filed and thus, could not have been considered in the earlier administrative cases.⁵²

This Court finds that there is identity of causes of action.

In *Philippine College of Criminology, Inc. v. Bautista*,⁵³ We emphasized that for the element of identity of causes of action to be met, absolute identity is not required:

Identity of causes of action does not mean absolute identity. Otherwise, a party could easily escape the operation of *res judicata* by changing the form of the action or the relief sought. The test to determine whether the causes of action are identical is to ascertain whether the same evidence will sustain both actions, or whether there is an identity in the facts essential to the maintenance of the two actions. If the same facts or evidence

⁴⁸ *Federal Land, Inc. v. Northlander Real Estate and Dev't., Inc.*, 916 Phil. 138, 148 (2021) [Per J. Leonen, Third Division]. *Aniban ng Nagkakaisang Mamamayan ng Hacienda Dolores (ANMHD/ANIBAN), Inc. v. FL Properties and Management Corp.*, 934 Phil. 46, 76–77 (2023) [Per J. Leonen, Second Division].

⁴⁹ *Rollo*, p. 42.

⁵⁰ *Id.*

⁵¹ *Id.* at 19.

⁵² *Id.* at 19–20.

⁵³ 873 Phil. 1014 (2020) [Per J. Leonen, Third Division].

would sustain both, the two actions are considered the same, and a judgment in the first case is a bar to the subsequent action.⁵⁴

We also confirmed in that case that the ultimate test in determining the presence of identity of cause of action is the same evidence test, which provides:

It is a settled rule that the application of the doctrine of *res judicata* to identical causes of action does not depend on the similarity or differences in the forms of the two actions. A party cannot, by varying the form of the action or by adopting a different method of presenting his case, escape the operation of the doctrine of *res judicata*. The test of identity of causes of action rests on whether the same evidence would support and establish the former and the present causes of action.

We held in *Esperas v. The Court of Appeals* that the ultimate test in determining the presence of identity of cause of action is to consider whether the same evidence would support the cause of action in both the first and the second cases. Under the same evidence test, when the same evidence support and establish both the present and the former causes of action, there is likely an identity of causes of action.⁵⁵

The present administrative case for immorality and conduct prejudicial to the best interest of the service is based on the continued amorous relationship and cohabitation of respondent and Joemar.

Notably, the Complaint in the instant case is already the third administrative case filed against respondent in relation to her relationship with Joemar.

To recall, the first case and the instant case was filed with the CSC RO VI and CSC, respectively, while the second case was filed with the DepEd. In that second case, the DepEd acknowledged in its Decision that the administrative charge that it resolved was for the same act as in the first case.⁵⁶

More, the CSC RO VI stated in its Decision that the Complaint in the instant case “is anchored on the alleged continuous relationship which [respondent] maintains with [Joemar] despite her conviction for similar offense of Immorality and Conduct Prejudicial to the Best Interest of the Service by both the [CSC and DepEd].”⁵⁷ This is confirmed by the CSC, which stated in its Decision that the complaint “is anchored on the alleged continued illicit relationship of [respondent] with [Joemar], despite her

⁵⁴ *Id.* at 1026, citing *Heirs of Arania v. Intestate Estate of Sangalang*, 822 Phil. 643, 666–667 (2017) [Per J. Martires, Third Division].

⁵⁵ *Philippine College of Criminology, Inc. v. Bautista*, 873 Phil. 1014, 1025–1026 (2020) [Per J. Leonen, Third Division], citing *Riviera Golf Club, Inc. v. CCA Holdings, B.V.*, 760 Phil. 655, 666–667 (2015) [Per J. Brion, Second Division].

⁵⁶ CA rollo, pp. 142–143.

⁵⁷ *Id.* at 61.

previous conviction by the [CSC and DepEd].⁵⁸ Verily, the instant case is but a continuation of the previous cases where judgments were already rendered and penalties were already imposed upon and served by the respondent.

As such, the same facts or evidence in the present case, involving the continuation of respondent's relationship with Joemar, would sustain the prior complaints by which respondent was already found liable and the complaint in the instant case, which were based on the same relationship.

Thus, the CA did not commit reversible error in ruling that the Complaint in the instant case was barred by *res judicata*.

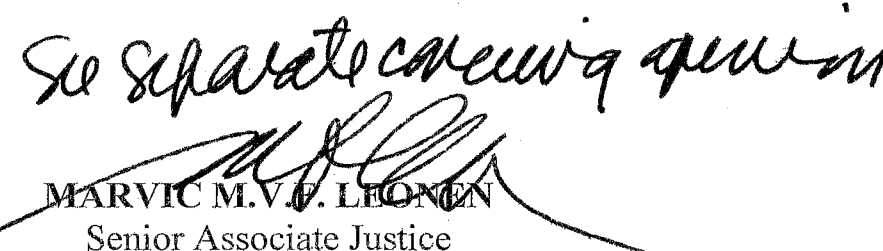
As a consequence of the finding that the Complaint in the instant case should be dismissed due to *res judicata*, this Court need not delve into the arguments raised in respondent's Comment that pertain to whether the evidence tends to prove the charges of immorality and conduct prejudicial to the best interest of the service. At any rate, these are questions of fact which this Court generally does not entertain in a petition for review on *certiorari* under Rule 45 of the Rules of Court.⁵⁹

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED**. The February 28, 2023 Decision and the May 31, 2024 Resolution of the Court of Appeals in CA-G.R. CEB SP No. 15103 are **AFFIRMED**. The Complaint filed by Krystelle Rose Sarmen-Soliva against Sheila V. Soliva for immorality and conduct prejudicial to the best interest of the service is **DISMISSED**.

SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson, Second Division

⁵⁸ *Id.* at 36.

⁵⁹ *Cardenas v. People*, 917 Phil. 163, 176 (2021) [Per J. Inting, Second Division].

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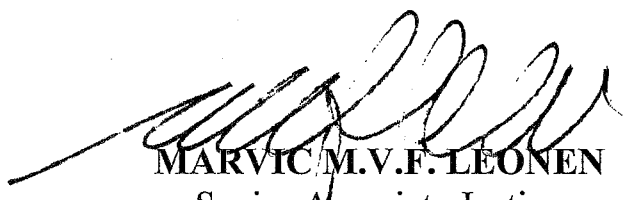

AMY C. LAZARO-JAVIER
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


RAUL B. VILLANUEVA
Associate Justice

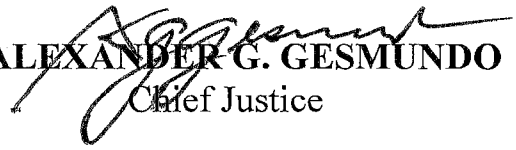
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court's Division.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

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