

SECOND DIVISION

G.R. No. 275125 – CIVIL SERVICE COMMISSION, Petitioner, v.
SHEILA V. SOLIVA, Respondent.

Promulgated:

JUL 30 2025

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SEPARATE CONCURRING OPINION

LEONEN, S.A.J.:

I concur with the *ponencia* that the petition should be denied as *res judicata* bars the filing of the present case. However, it must be added that the established facts negate any finding that respondent Sheila V. Soliva committed either gross immorality or conduct prejudicial to the best interest of the service.

The principle of *res judicata* is broken down into the two concepts of bar by prior judgment and conclusiveness of judgment,¹ consistent with Rule 39, Section 47 (b) and (c) of the Rules of Court. In *Spouses Aboitiz v. Spouses Po*:²

Res judicata in the concept of bar by prior judgment proscribes the filing of another action based on “the same claim, demand, or cause of action.” It applies when the following are present: (a) there is a final judgment or order; (b) it is a judgment or order on the merits; (c) it was “rendered by a court having jurisdiction over the subject matter and parties”; and (d) there is “identity of parties, of subject matter, and of causes of action” between the first and second actions.

Res judicata in the concept of conclusiveness of judgment applies when there is an identity of issues in two (2) cases between the same parties involving different causes of action. Its effect is to bar “the relitigation of particular facts or issues” which have already been adjudicated in the other case. In *Calalang v. Register of Deeds of Quezon City*:

The second concept—conclusiveness of judgment—states that a fact or question which was in issue in a former suit and was there judicially passed upon and determined by a court of competent jurisdiction, is conclusively settled by the judgment therein as far as the parties to that action and persons in privity with them are concerned and cannot be again litigated in any future action between such parties or

¹ *Sanggacala v. National Power Corporation*, 907 Phil. 344, 356 (2021) [Per. J. Leonen, Third Division].

² 810 Phil. 123, 152–153 (2017) [Per J. Leonen, Second Division].

their privies, in the same court or any other court of concurrent jurisdiction on either the same or different cause of action, while the judgment remains unreversed by proper authority. It has been held that in order that a judgment in one action can be conclusive as to a particular matter in another action between the same parties or their privies, it is essential that the issue[s] be identical. If a particular point or question is in issue in the second action, and the judgment will depend on the determination of that particular point or question, a former judgment between the same parties or their privies will be final and conclusive in the second if that same point or question was in issue and adjudicated in the first suit. Identity of cause of action is not required but merely identity of issues.³ (Citations omitted)

The present case regarding respondent's having acted with gross immorality or conduct prejudicial to the best interest of the service is barred by *res judicata*.

To be barred by *res judicata*, the following elements must be established: "(1) the former judgment is final; (2) it is rendered by a court having jurisdiction over the subject matter and the parties; (3) it is a judgment or an order on the merits; (4) there is — between the first and the second actions — identity of parties, of subject matter, and of causes of action."⁴

The first and second elements exist because two tribunals with jurisdiction over the subject matter and the parties rendered final judgments on the merits against respondent. Joemar Soliva's (Joemar) second wife, Marissa A. Cabungcal, filed a complaint for disgraceful and immoral conduct before the Civil Service Commission Regional Office VI which resulted in respondent's suspension for one year. Joemar's first wife, Maria Liliane Sarmen-Soliva, filed a subsequent complaint before the Department of Education Regional Office VI, which led to its November 15, 2013 Resolution ruling that respondent was guilty of conduct prejudicial to the best interest of the service. However, as respondent had already served the one year suspension imposed by the Civil Service Commission Regional Office VI, she was deemed to have served the penalty for conduct prejudicial to the best interest of the service.⁵

Respondent was penalized after both tribunals' finding on the merits that she was guilty of the assailed conduct, which is the third element.

The fourth element is likewise present. There is identity of parties, subject matters, and causes of action between the two prior cases and the present case. The complainants in the first two cases were the previous wives of Joemar, while the complainant of the present case is Krystelle Sarmen-

³ *Id.* at 152–153.

⁴ *Perez v. Sandiganbayan*, 934 Phil. 104, 148 (2023) [Per J. Leonen, Second Division], citing *City of Taguig v. City of Makati*, 787 Phil. 367 (2016) [Per J. Leonen, Second Division].

⁵ *Ponencia*, pp. 1–2.

Soliva (Krystelle), Joemar's daughter from his first wife. The subject matter of all three complaints is Joemar's marriage with respondent, and the cause of action is respondent's alleged administrative violations.⁶ Hence, *res judicata* through prior judgment applies.

Although the issue on whether respondent is liable for gross immorality or conduct prejudicial to the best interest of the service has been rendered moot through the application of *res judicata*, I believe it is important to clarify that respondent's actions are not sanctionable.

Krystelle claims that respondent should be held administratively liable for immorality and conduct prejudicial to the best interest of the service for: (a) her continued affair with Joemar, Krystelle's father, despite the rulings of the Civil Service Commission Regional Office VI and the Department of Education Regional Office VI; (b) her use of Joemar's surname "Soliva"; and (c) her residence in Joemar's house where Krystelle and her siblings also lived, causing them to move out.⁷

To determine whether a conduct is disgraceful or immoral, this Court will "[consider] the totality of the circumstances surrounding the conduct; and [assess] the said circumstances vis-a-vis the prevailing norms of conduct, i.e., what the society generally considers moral and respectable, are necessary."⁸ On the other hand, conduct prejudicial to the best interest of the service involve "acts/omissions of public officers and employees, regardless of their relation or connection—or non-relation or non-connection—to the performance of official duties that are contrary to these constitutional principles tarnish the image or integrity of the public service[.]"⁹

Juxtaposing the definitions provided against the assailed actions negate a finding that respondent acted with gross immorality or conduct prejudicial to the best interest of the service. Respondent is Joemar's third wife, and they were married on May 13, 1998.¹⁰ The facts are bereft of any allegations that the marriage was invalid, void, or suffered from any impediment. Thus, absent proof to the contrary, respondent and Joemar's marriage must be upheld.

Both the Civil Service Commission Regional Office VI and the Department of Education Regional Office VI penalized respondent for her relationship with Joemar.¹¹ However, these rulings do not affect the validity

⁶ *Id.* at 1.

⁷ *Id.* at 3.

⁸ *Union School International v. Dagdag*, 843 Phil. 858, 867 (2018) [Per J. Tijam, First Division].

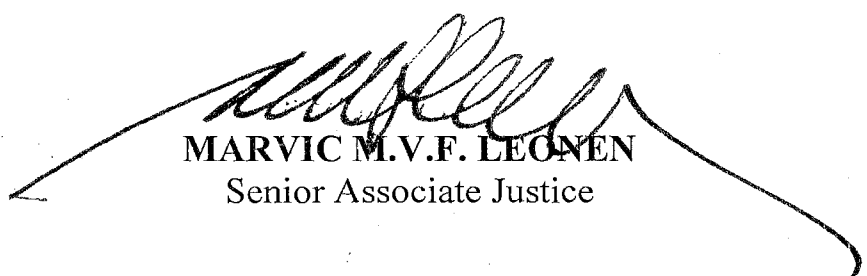
⁹ *Nicolas, Sr. v. Task Force Abono-Field Investigation Office*, 944 Phil. 582, 627 (2023) [Per J. Kho, Jr., Second Division].

¹⁰ *Ponencia*, p 2.

¹¹ *Id.* at 2–3.

of their marriage. As Joemar's wife, respondent is well within her rights to engage in the very actions Krystelle assails, and should not be punished for it.

ACCORDINGLY, I vote to **DENY** the Petition.



MARVIC M.V.F. LEONEN
Senior Associate Justice