

administrative proceedings”, relying upon the case of Nasipit Lumber Co., Inc. vs. NLRC. 177 SCRA (1989).

We disagree with the Opposer.

In the more recent case of National Association of Free Trade Union (NAFTU) vs. Mainit Lumber Development Company Workers Union-United Lumber and General Workers of the Philippines, G.R. 779526, 21 December 1990, it was held that “(t)he rule which forbids the reopening of a matter once judicially determined by competent authority applies as well to judicial and quasi-judicial acts of public, executive or administrative officers and boards acting within their jurisdiction as to the judgments of courts having general powers”. There is no question that the Director of Patents is exercising judicial powers in Inter Partes Cases. (See Wolverine Worldwide v. CA, G.R. 78298, 30 January 1989 and Puma Sportschuhfabriken Rudolf Dassler, K.G. v. Madayag, G.R. 90827, 19 July 1990, EN BANC).

With respect to the claim of Opposer that Decision 804 was not rendered on the merits, the same has no basis in law. In the case of Escarte, Jr. v. Office of the President. G.R. 58668, 4 December 190, it was held that:

“As a technical legal term, “merits” has been defined in law dictionaries as matter of substance in law, as distinguished from matters of form, and as the real or substantial grounds of action on defense, in contradiction to some technical or collateral matter raised in the course of the suit. A judgment is upon the merits when it amounts to a declaration of the law as to the respective rights and duties of the parties, based upon the ultimate facts or state of facts disclosed by the pleadings and evidence and upon which the right of recovery depends, irrespective of formal, technical or dilatory objections or contentions”. (with emphasis)

And the Supreme Court went on to declare in the above-cited case that:

“Although there was no trial on the merits because the case was decided on Motion to Dismiss, there was no formal presentation or reception of evidence and an order, not a decision, was issued by the Trial Court, still, the ruling was a judgment on the merits”. (with emphasis)

Decision 804 which was rendered after the case was voluntarily submitted by the parties for decision based on the pleadings, is, pursuant to the above-cited principles clearly a decision on the merits.

WHEREFORE, the present Opposition in Inter Partes Case No. 2049 is hereby DECLARED BARRED by res judicata and is hereby DISMISSED. Accordingly, Application Serial No. 45011 for the trademark BARBIZON filed by Pribhdas J. Mirpuri is GIVEN DUE COURSE.

SO ORDERED.

IGNACIO S. SAPALO
Director