

SIMEON MANDAC, PLAINTIFF AND APPELLANT, VS. EUSTAQUIO GUMARAD AND REGINO LAGUNDINO, DEFENDANTS AND APPELLEES.

G.R. No. L-2202. August 31, 1950

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/051973adc667/>

REYES, J.:

This is an appeal from a decision of the Court of First Instance of Ilocos Norte, dismissing plaintiff's complaint. Appellant claims that the lower court erred (1) in not declaring defendants in default and (2) in sustaining defendants' plea of *res judicata*.

As to the first alleged error, the record, shows that defendants were served with summons on June 10, 1947, and immediately thereafter they wrote to Atty. Irineo Ranjo, soliciting his legal services, but were informed subsequently that the said attorney had already been appointed judge of first instance. On receipt of this information on June 21, 1947, defendants immediately engaged the services of their present attorneys, who on that same day filed a motion in court, asking for an extension of 15 days for presenting defendants' answer to the complaint, alleging that they needed more time to familiarize themselves with the facts of the case in view of plaintiff's reference to three previous cases whose records were supposed to be voluminous. The motion was set for hearing on the same day with notice to plaintiff sent by ordinary mail, and on the same day was granted by the court. This extension gave defendants until July 10, 1947, for filing an answer. On July 2, 1947, attorneys for defendants entered their formal appearance in court and at the same time presented a motion for the dismissal of the case on the ground of *res judicata*. Plaintiff on his part, on the same day asked that defendants be declared in default, which motion he reiterated on July 10, 1947. The record on appeal does not show that the motion to declare defendants in default has been specifically acted upon, but the same must be deemed to have been impliedly denied in the decision dismissing the complaint.

It appearing that the motion to dismiss was filed before the expiration of the period for filing defendants' answer as extended by the court, there was no legal reason for declaring defendants in default. Appellant, however, contends that the lower court should not have entertained the motion for extension on the ground that it was anomalous in that it was filed before their attorneys had entered their formal appearance and that it did not comply with the Rules because it did not give the opposing party three days' notice by registered mail, is nothing to this contention. There is no rule requiring a mere motion for extension of time to be preceded by the entry of formal appearance; and as to the alleged lack of proper notice, the Rules do not require notices of this kind to be forwarded by registered mail, and while section 4 of Rule 26 requires three days' notice to the other party before a motion could be heard, the same section provides that the court "for good cause may hear a motion on shorter notice, especially on matters which the court may dispose of on its own motion." Considering the nature of the motion and its urgency, we don't think the lower court made a bad use of its discretion in hearing it on shorter notice than that ordinarily required. In any event, it does not appear that plaintiff has in any way been prejudiced by the granting of the motion.

With reference to the second specification of error, it would appear that the lower court, in sustaining the plea of *res judicata*, took judicial notice of its own records in certain civil cases, and from those records, the material portions of which have been elevated here, we find that this is the fourth of a series of cases instituted by plaintiff against the same defendants concerning the same piece of land. The first was Civil Case No. 4102, filed in January, 1937. Its purpose was to have plaintiff declared owner of the land in question and to have defendants enjoined from entering the same and adjudged to pay indemnity for its fruits. That case was decided adversely against plaintiff. The trial court did not only absolve defendants from the complaint; it also condemned plaintiff to pay damages to one of the defendants. The decision was confirmed by the Court of Appeals in March, 1944, and has already become final. The next case (Civil Case No. 6) was filed in October, 1945. It was instituted for the same purpose as the first one, but with the added allegation that the decision in the first case had been procured through defendants' false allegations. This second case was dismissed in February, 1946, on the ground of *res judicata*, and the dismissal has already become final. The third case (civil case No. 231) was filed some time after the dismissal of the second case, and its purpose was to make defendants pay damages for the fruits they had taken from the land in reliance upon the decision rendered in the first case (No. 4102), which, according to plaintiff, had been obtained through defendants' false allegations and false and irrelevant evidence. This third case was likewise dismissed by the lower court on the ground of *res judicata*, and the dismissal has already become final. Not to be daunted by these repeated setbacks, plaintiff brought the present action for damages alleged to have been suffered by him as a result of the decision rendered in the first case (No. 4102), which, so he claims again, has been procured through false allegations and proof. It is obvious that all of the four cases hinge on the question of ownership over the land in controversy and its fruits. That question has already been definitely and conclusively decided in the first case. But plaintiff has sought to reopen it in the three subsequent cases on the ground that the said decision has been procured through allegations and proof that were sham.

Whether defendants' allegations and proof in that first case were false or not was a matter necessarily in issue in that case, a question which had to be passed upon in evaluating defendants' claim to the land and its fruits in opposition to that of plaintiff. That issue was definitely adjudicated when both the Court of First Instance and the Court of Appeals gave faith to defendants' allegations and evidence and upheld their claim to the land and its fruits. Such being the case, it cannot again be ventilated in another suit in the guise of a different cause of action. As was said in the case of *Paz vs. Inandan* (42 Off. Gaz., 714; 75 Phil., 608),

"La tendencia de la jurisprudencia es ampliar mas bien que restringir la doctrina de cosa juzgada, sobre el fundamento de que tanto el interes publico como el privado exigen que cesen los litigios, requiriendose a las partes que utilicen de una vez para siempre los recursos y remedios que les competen, dentro del mismo juicio. Una parte no puede, por el hecho de cambiar la forma de una accion o adoptar un metodo distinto de presentar el asunto, eludir la aplicacion del principio de que la misma causa de accion no se liquidara dos veces entre las mismas partes o sus causantes."

Of particular application to the present case is also the following from Freeman's standard work on judgments:

"Suits for Obtaining Judgments by Fraud, Conspiracy or Perjury.—The settled policy of the law forbidding that a matter once adjudicated shall be again drawn in issue while the former adjudication remains in force does not permit the prosecution of an action for obtaining a judgment by false and fraudulent practices, or by false and forged evidence. Neither can a party against whom judgment has been recovered sustain an action against his adversary and the witness for damages occasioned by their conspiring together and procuring a judgment by fraud or perjury, as long as the judgment remains in force and unreversed; because the charges made in the second action are conclusively negatived by the former adjudication." (Freeman on Judgments, Vol. 2, 5th ed. par. 782)

To the contention that the judgment in Civil Case No. 4102 is void as contrary to what was alleged and proved in

that case, the answer is that, the said judgment having already become final, it is now too late to raise any question as to its correctness in view of the provisions of Rule 39, Section 44(b), according to which "a final judgment or order on the merits, rendered by a court having jurisdiction of the subject-matter and of the parties, is conclusive in a subsequent case between the same parties and their successors in interest litigating upon the same thing and issue, regardless of how erroneous it may be»w (I Moran, Rules of Court, 705.)

In view of the foregoing, the decision appealed from is affirmed, with treble costs against appellant, it appearing that his action is not only without merit but also frivolous.

Moran, C.J., Ozaeta, Pablo, Bengzon, Tuason, and Montemayor, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.