

PHILIPPINE ENGINEERING CORPORATION, GONZALO DEL ROSARIO AND ELEUTERIO AGUIRRE, PETITIONERS, VS. THE HON. PATRICIO C. CENIZA, ETC., ET AL., RESPONDENTS.

G.R. No. L-17834. September 29, 1962

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

The Court of First Instance of Misamis Occidental, in its Civil Case No. 1701, had rendered, on 30 July 1955, judgment in favor of Emigdio C. Serna, party plaintiff, and against defendants Gonzalo del Rosario, Eleuterio Aguirre, and Philippine Engineering Corporation, sentencing the latter as follows:

"Wherefore, premises considered, judgment is hereby rendered ordering the defendants to pay to the plaintiff the amount of totalling P6,657.35 including P16.00 his unpaid traveling expenses, moral damages in the amount of P3,000.00 and attorney's fees in the amount of P2,000.00 plus interest of 6% from the date the complaint was filed until the full amount of the judgment is satisfied, and to pay the costs." (Petition Annex D, p. 5)

Upon appeal by the defendants, the Court of Appeals, in case CA-No. 16617-R, by decision promulgated 13 April 1950, affirmed in toto the judgment of said Court of First Instance. The award having become final, the records were remanded to the court below for execution. A writ of execution was issued by the clerk of the court of origin for—

"The total amount of P6,637.35 plus P16.00 plus P3,000.00 as moral damages, and the further sum of P2,000.00 as attorney's fees with 6% per annum interest on the principal of P6,637.35 from the date of the filing of the complaint on October 28, 1954 up to the present."

Defendants moved for amendment of this writ of execution on the ground that the same was not in conformity with the judgment in that:

- (a) The principal sum of P6,637.35 already included the traveling expenses, damages, and attorney's fees;
- (b) The interest of 6% should not be computed on the damages and attorney's fees; and
- (c) The interest should be deemed due only from the date of the amended complaint, not from that of the original pleading.

After hearing, the Court of First Instance of Misamis Occidental allowed the First amendment sought, but denied the two others. Reconsideration having been refused, defendants resorted to this Court, petitioning for certiorari on the ground of abuse of discretion in the refusal to exclude interest on the damages and counsel fees, and in computing it from the date of the original complaint instead of the amended one.

We find the petition untenable. The rule is firmly established that as between the same parties, on the same subject matter and causes of action, a final valid judgment is conclusive not only on the issues actually determined

by the decision, but on all issues that could have been raised and litigated in the anterior suit (PNB vs. Barretto, 52 Phil. 818, 824; San Diego vs. Cardona, 70 Phil. 281; Miranda vs. Tiangco, 96 Phil., 526). The petitioners herein (originally defendants in the preceding action) felt rightly aggrieved by the allowance of interest on the moral damages and attorneys' fees made by the Misamis Court of First Instance in its Civil Case No. 1701; but the proper remedy was to ask for the amendment of the judgment in the manner now urged, and in case of refusal, to appeal the issue to the higher courts. The defendants below failed to make use of this remedy, and instead allowed the decision to become final and executory. It is now too late for them to seek a modification of the judgment at its execution stage.

The res judicata rule likewise bars the second claim of petitioner that interest be computed from the filing of the amended complaint, since the final decision specifically declares the complaint of October 28, 1954 to be the start of the running of interest. In addition, the records show that the amended complaint merely amplified the items of damage asked by plaintiff, and did not introduce any new cause of action, so that the amended claim relates back to the original (Guazo vs. Ramirez, 32 Phil. 492). Hence, interest should properly start from the filing of the original pleading.

We may further note that by their previous appeals and motions, the petitioners have managed to stave off the payment of a claim that was due since 1955 to respondent herein, whose wife, in addition, appears to have been desperately ill. We can not, in all equity, say now that the decision of the Court of First Instance was in abuse of discretion.

Wherefore, the petition is dismissed, with costs against petitioners.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala, and Makalintal JJ., concur.

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