

GEMINIANO L. GONZALES, PLAINTIFF-APPELLANT, VS. SATURNINA GONZALES, SPOUSES HIPOLITO SESE AND JOSEFA SANTIANO, SPOUSES ANANIAS BALILO AND HONORATA SANTIANO, GAUDENCIO SANTIANO A...

G.R. No. L-22717. November 27, 1968

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

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

Appeal from the order of dismissal of Civil Case No. 3905 of the Court of first Instance of Tarlac.

On July 28, 1963, Geminiano L. Gonzales filed a complaint in the Court of First Instance of Tarlac (Civil Case No. 3905) against Saturnina Gonzales, spouses Hipolito Sese and Josefa Santiano, spouses Ananias Balilo and Honorata Santiano, Gaudencio Santiano and Eladio Santiano, alleging as follows:

"FIRST CAUSE OF ACTION AGAINST DEFENDANTS

xxx xxx xxx

"2. That the plaintiff is the co-owner in fifty-fifty basis with the defendants according to the decision dated August 27, 1960, in civil case No. 806, which decision was appealed by the defendants to the Court of Appeals which, on October 9, 1962, confirmed the decision of the Court of First Instance of Tarlac. xxx.

"3. That the following cadastral lots, on which the plaintiff was declared co-owner, as per decision above-stated, are the following:

'Lot No. 570 of the Cad. Survey of Concepcion, Tarlac, with an area of 4,886 sq. mts., covered by TCT No. 562.'

'Northern portion of Lot No. 566 of the Cad. Survey of Concepcion, Tarlac, with an area of 2.3957 sq. mts., only, covered by TCT No. 5159.

'Lot NO. 572 of the Cad. Survey of Concepcion, Tarlac, with an area of 4.1919 sq. mts., covered by the same TCT No. 562, in the proportion one half (1/2) for the defendants as their share.'

"4. That the defendants are now in the possession of 3.5381 hectares belonging to the plaintiff as per decisions above-mentioned, which could give him the net conservative produce of twenty (20) cavans of palay every agricultural year, excluding the expenses far seedling, harrowing, transplanting, harvesting and tenants' share, so, from 1952 to 1963, eleven (11) years of defendants' occupation and possession with the prejudice of the plaintiff (sic), who should be compensated in the amount of P2,642.00 at the market price of P12.00 per cavan of palay.

"AS HIS SECOND CAUSE OF ACTION, THE PLAINTIFF ALLEGES:

"1. That the plaintiff reproduces herein each and every allegation of the first cause of action of this complaint.

"2. That the three parcels of land object of the decisions above-cited, annexes 'A' and 'B', have the total area

of 7.0762 hectares with a sugar quota of 206 from the Central Azucarera de Tarlac. The amount of 103 of that sugar quota corresponds to or pertaining or it is the property of the plaintiff as he is the declared owner of the half (1/2) of those 7.0762 hectares. As the de-fendants took possession from 1952 up to 1963, on the land in question, and, they have profited themselves, not only the whole land of 7.0762 hectares also the sugar quota of 206, with the prejudice of the plaintiff (sic), for this reason, the defendants should pay P7,931.00 to said plaintiff for the use of one half (103) of the sugar quota. The market price of using a sugar quota is P7.00 per quota for one agricultural year.

“3. That the defendants have refused to pay those amounts above-mentioned to the plaintiff, notwithstanding the repeated demand made by him through his undersigned counsel, and until now, the said defendants refuse to pay those amounts.

“4. That the plaintiff on many occasions, as per the decisions, annexes 'A' & 'B', has demanded from the defendants the partition and reconveyance of the half (1/2) of the land in question, the half (1/2) of its produce and the half (1/2) of the sugar quota, but, the defendants refused, and for this reasons, the plaintiff suffered the following damages: (a) the amount of the produce of one half (1/2) of the land and the half of sugar quota; and (b) moral damages of P1,000.00; liquidated damages, P1,000.00, and attorney's fees, P500.00.”

Plaintiff, therefore, prayed for judgment (1) placing him in possession of one-half of the land in question and for delivery to him of one-half of the sugar quota of said land; (2) ordering defendants to pay the sum of P10,572.00, the value of 220 cavans of palay (he was supposed to receive in 11 years), plus P7,931.00, as payment for the use, for 11 years, of the sugar quota allegedly pertaining to him; (3) for other equitable reliefs, and (4) for costs.

Defendants moved for the dismissal of the case, on the ground that plaintiff's causes of action were barred by the prior judgment in Civil Case No. 806 of the same court, and by prescription. Over plaintiff's opposition, the court granted said motion of the defendants and dismissed the complaint. It was ruled that plaintiff's claim to possession of one-half of the three parcels of land described in the complaint and to its fruits from 1952 to 1963, should have been presented in Civil Case No. 806 where he sued for reconveyance of a half interest of the identical lots, with damages; and plaintiff's failure to do so barred him from bringing another action for the said purpose. From this order, plaintiff interposed the present appeal.

Disputing the correctness of the ruling of the court below, plaintiff-appellant contends that the final decision in Civil Case No. 806 does not constitute *res judicata* to the present action (Civil Case No. 3905), because the former was for reconveyance of title or for recovery of ownership, whereas the latter case was only for recovery of possession of the properties and of the fruits that he was not able to receive.

This contention can not be sustained; it can not be rightly main-tained that the matter of possession was not adjudged in the earlier decision, nor that the demand for possession of the properties could not have been raised in Civil Case No. 806. It may be pointed out that while it is true that the decision rendered in said Civil Case No. 806 referred to the action therein as one "for reconveyance of one-half of Lots Nos. 570, 572 and 566" and for damages, allegedly arising from the defendants' refusal to execute the necessary deed of conveyance in favor of the plaintiff, it is equally a fact that the dispositive portion of the same decision provided as follows:

"WHEREFORE, this Court renders decision in this case: (a) declaring the plaintiff and defendants as co-owners of the following parcels of land: (1) Lot NO. 570 of the cadastral survey of Concepcion, Tarlac, with an area of 4,886 sq. meters covered by T.C.T. No. 562; (2) northern portion of Lot No. 566 of the cadastral survey of Concepcion, Tarlac, with an area of 23,957 sq. meters only, covered by T.C.T. NO. 5159; and (3) Lot No. 572 of the cadastral survey of Concepcion, Tarlac, with an area of 41,919 sq. meters covered by the same T.C.T. No. 562, in the proportion of 1/2 share for the plaintiff and 1/2 for the defendants in each of said parcel of land; (b) ordering the plaintiff and defendants to submit to this Court within 15 days from receipt of this decision, an agreement of partition of the parcels of land abovementioned, in the proportions above

stated, or, in case they disagree, to submit to this Court within the period of 10 days from the lapse of the period fixed for the presentation of the agreement, the names of two disinterested persons to act as Commissioners and to effect said division in accordance with this judgment, subject to the approval of this Court, the expenses of division to be borne equally by both parties; (c) ordering the defendants to execute -within 10 days from the final approval of the partition - the corresponding deed of reconveyance of said 1/2 on each of said parcels of land, in favor of the plaintiff, and in accordance with said partition, otherwise the Clerk of Court would execute said deed of reconveyance at the cost of the defendants according to Section 10, Rule 39 of the Rules of Court; (d) ordering the defendants to vacate the specific portion that may be finally assigned to the plaintiff in said partition; (e) dismissing the counterclaim; and (f) condemning the defendants to pay the costs of this suit.”[1] (Underlining supplied.)

It appears, therefore, that not only is there no necessity for the filing of a separate action to enable plaintiff-appellant to take possession of the portion that will appertain to him - for this is already provided for in the decision in Civil Case No. 806 - but also, that the recognition of appellant's right to possession would really follow as the logical consequence of the judicial declaration of his ownership of the properties involved in this controversy. As this Court has said in another case[2] --

""The fact that Civil Case No. 4275, filed by appellee was for recovery of possession of the lot, whereas Civil Case No. 7801, brought by appellants was for reconveyance or recovery of ownership of the same property, does not remove the present proceeding from the operation of the principle of bar by former judgment. As specifically stated in the decision in Civil Case No. 4275, now final and executory, the right of therein plaintiff (appellee herein) to possession of the lot was based on a title issued to the latter in accordance with the Torrens System. In other words, the recognition of the incidental right to possession of the property is predicated upon the court's recognition of appellee's right of ownership thereof. And, a change in the form of action or in the relief sought, does not remove a proper case from the application of res adjudicata. (Clemente vs. H. E. Heacock Co., L-23212, May 18, 1967; Francisco vs. Blas, 93 Phil. 43)." Aguila vs. J. M. TUason & Co., jam. cit.)

Furthermore, it is evident from the averments of the complaint quoted earlier in this opinion, that the basis of appellant's causes of action in Civil Case No. 3905 is his ownership of an undetermined one-half portion of the three lots, which ownership was precisely litigated upon in Civil Case NO. 806. Clearly, the matter of recovery of the fruits accruing to that portion of the property claimed by appellant, during the period that he was deprived of the possession thereof, should have been properly pleaded in that case. And appellant's failure to raise that issue in Civil Case No. 806, thereby resulting in the non-inclusion of any provision in the decision rendered therein as to the fruits or rentals that appellant was not able to receive, abates the ventilation of the same matter in this proceeding. The rule is well-settled that, as between the parties, a former judgment would bar the presentation in another action, not only of the matters expressly adjudged in the first case, but of all matters that could have been adjudged in that case. (Aguila et al. vs. J. M. TUason & Co., Inc., supra; Urtula vs. Republic, L-22061, Jan. 31, 1968; 22 S.C.R.A. 477; 1968A PHILD 364.)

The same reasoning applies to the sugar quota appertaining to the land, since such quota is in law an improvement attached to the land itself (Act 4166, sec. 9; Suarez vs. Mt. Aravat Sugar Co., Inc. [96 Phil. 707, 714] Resol. of April 11, 1956; Rodriguez vs. Rodriguez, 101 Phil. 1098).

WHEREFORE, finding no error in the order appealed from the same is hereby affirmed, with costs against the appellant.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando, and Capistrano, JJ., concur.

[1] Decision affirmed by the Court of Appeals in Germiniano Gonzalez vs. Saturnina Gonzalez et al., CA-G. R. No. 28556-R, Oct. 6, 1962 (Rec. on appeal, p. 21).

[2] Aguila et al. vs. J. M. Tuason & Co., Inc., L-24223, Feb. 22, 1968; 22 S.C.R.A. 690, 694; 1968A PHILD 570.

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