

RICARDO OBERIANO, ET AL., PLAINTIFFS-APPELLANTS, VS. CIRILO SOBREMESANA, ET AL., DEFENDANTS-APPELLEES.

G.R. No. L-4622. May 30, 1952

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/22378b7c53c9/>

BAUTISTA ANGELO, J.:

This is an appeal from an order of the Court of First Instance of Iloilo issued on September 24, 1947, dismissing this case on the ground that there is another case pending between the same parties in which the same issues are involved, docketed as Civil Case No. 323, whereas another case docketed as civil case No. 722, between the same parties and involving similar questions, had already been dismissed, and dissolving the writ of preliminary attachment issued on August 11, 1947, enjoining the defendants from entering the land in question and from encroaching upon the possession thereof on the part of the plaintiffs.

On August 5, 1947, Ricardo Oberiano and Justo Orbina filed an action against Cirilo Sobremesana, Milquiades Oberiano and Rosario Molina praying that the plaintiffs be declared owners of a parcel of land known as Lot No. 6348 of the cadastre of Sta. Barbara, which is described in transfer certificate of title No. 27775, and that the defendants be ordered to deliver to them thirty cavans of palay as their share in the crop of 1946, or their value in the amount of P450, as well as 100 bales of tobacco, or their value in the amount of P100, plus the costs of action. Plaintiffs also asked for the issuance of a writ of preliminary injunction. This writ was granted upon plaintiffs filing a bond in the amount of P600.

On August 15, 1947, defendants filed a motion to dismiss based on two grounds: (1) that there is an action pending between the same parties and for the same cause of action; and (2) that a case exactly identical with the present has recently been dismissed by another branch of the same court. Copies of the pleadings that were filed by the parties in the two cases above referred to were attached to the motion to dismiss.

On August 24, 1947, plaintiffs filed a written opposition to the motion to dismiss explaining the reasons why the case should not be dismissed, to which the defendants replied reiterating their motion to dismiss.

The motion, as well as the written observations made by the parties, having been submitted to the court for consideration, the latter issued an order on September 24, 1947, the substance of which is set forth in the early part of this decision. From this order the plaintiffs appealed to the Court of Appeals, which, however, certified the case to this Court on the ground that it involves purely questions of law.

The only question to be determined in this appeal is whether the lower court erred in dismissing this case on the ground that there is another case pending between the same parties which involves the same issues and refers to the same property, and on the further ground that another case, exactly identical with the instant case, had already been dismissed by another branch of the same court.

The instant case is not only for the recovery of palay and tobacco allegedly harvested by the defendants but also to establish the title of the plaintiffs over the land in question which is also claimed for the defendants. The other case

which is also pending between the same parties in the same court is civil case No. 323 filed by one Matias Libo-on against Narciso Sua. While from the allegations of the complaint in the latter case it appears that its purpose is merely to recover fifty bundles of palay, or their corresponding value, and damages in the amount of P500, however, it developed later that Ricardo Oberiano and Justo Orbina were made third-party defendant by virtue of a third party complaint filed therein by the heirs of defendant Narciso Sua who died during the pendency of the case, which development gave rise to the following result: the parties involved in the former case came to be the same ones litigating in the instant case, both cases refer to the same parcel of land, and in both cases the ownership of the same land is at issue. It would, therefore, appear that the claim in both cases regarding palay and damages is but an incident of the more important issue affecting the ownership of the land.

To further understand the *raison d'être* of the different cases that had arisen involving the land in litigation, there is need to make the following observations: Matias Libo-on claims ownership over the land and filed an action against Narciso Sua which was docketed as civil case No. 323. Narciso Sua also claims ownership over the land because, he contends, although he signed a contract of sale with pacto de retro in favor of Matias Libo-on, his intention was not really to sell the land. While case No. 323 was pending, Narciso Sua died and he was substituted by his widow and eight minor children as defendants. In the meantime Matias Libo-on sold the land to Ricardo Oberiano and Justo Orbina. The defendants upon being informed of this transfer filed a third party complaint against said purchasers. Subsequently, Cirilo Sobremesana intervened as one of the heirs of the property. It, therefore, appears that while the issue in case No. 323 is the ownership of the land, or whether there was a real pacto de retro sale entered into between Matias Libo-on and Narciso Sua, this is also the same issue involved in the instant case, for the rights of the plaintiffs are subordinated to those of Matias Libo-on, their predecessor in interest. And if this issue is determined, the question affecting possession will follow as well as the incidental question concerning the products of the land. The determination of these issues in civil case No. 323 will necessarily have a decisive effect on the issues involved in the instant case under the principle of *res judicata*.

"The foundation principle upon which the doctrine of *res judicata* rests is that parties ought not to be permitted to litigate the same issue more than once; that, when a right or fact has been judicially tried and determined by a court of competent jurisdiction, or an opportunity for such trial has been given, the judgment of the court, so long as it remains unreversed, should be conclusive upon the parties, and those in privity with them in law or estate. It is considered that a judgment presents evidence of the facts of so high a nature that nothing which could be proved by evidence *aliunde* would be sufficient to overcome it; and therefore it would be useless for a party against whom it can be properly applied to adduce any such evidence, and accordingly he is estopped or precluded by law from doing so. Such is the character of an estoppel by matter of record, as in case of an issue on a question of fact, judicially tried and decided." (15 R.C.L., 953, 954.) (*Philippine National Bank v. Gabino Barreto*, 52 Phil. 818, 824.)

Another case referred to by the lower court in its order is civil case No. 272 filed by the same plaintiffs herein against the same defendants praying the same relief and involving the same property. When the complaint was filed, the defendants filed a motion to dismiss alleging the pendency of civil case No. 323 between the same parties. The court granted the motion and dismissed the case, but the plaintiffs did not appeal from the order. The order became final and this has also a decisive effect on the instant case.

All things considered, we are of the opinion and so hold that the lower court did not err in issuing the order appealed from.

Wherefore, the order appealed from is affirmed, with costs against the appellants.

Paras, Feria, Pablo, Bengzon, Tuason, Montemayor, and Labrador, 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.