

SANTIAGO LOPEZ AND IRINEO LOPEZ, PETITIONERS, VS. HON. MANASES G. REYES, JUDGE OF THE COURT OF FIRST INSTANCE OF DAVAO, ERIBERTO UNSON, EX OFFICIO SHERIFF OF DAVAO, AND JUAN MAG...*G.R. No. L-29498. March 31, 1977*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3433355b1ba6/>**ANTONIO, J.:**

Special civil action of certiorari to nullify the order of respondent Judge denying petitioners' motion to modify the writ of execution issued in Civil case No. 2298,[1] which directed petitioners "to segregate the eight (8) hectares portion of the land covered by Original Certificate of Title No. 2990," and instead to direct petitioners to segregate an area of 64,640 square meters which is the portion described in the deed of sale with right to repurchase dated May 10, 1942 between Angel Lopez and respondent Juan Magallanes.

On August 9, 1958, the Court of First Instance of Davao, presided over by Judge Honorio Romero, rendered a decision in Civil Case No. 2298, based on the pleadings and on an Agreed Statement of Facts,[2] dismissing the complaint and ordering the plaintiffs, herein petitioners, "to segregate the eight (8) hectares portion of the land covered by Original Certificate of Title No. 2990 of the Register of Deeds of Davao and to deliver the corresponding title thereof to the defendant," herein respondent Juan Magallanes. The order of dismissal was predicated upon the fact that the right of ownership and possession over the aforementioned eight (8) hectares of land covered by Original Certificate of Title No. 2990, was already decided by final judgment of the Court of Appeals in favor of respondent Juan Magallanes in CA-G.R. No. 9874-R, wherein both petitioners and private respondent were parties.

On September 25, 1958, the petitioners appealed said decision directly to this Court on a question of law.[3] After appropriate proceedings, or on April 23, 1963, this Court rendered a decision affirming the appealed decision of the lower court, on the ground that the action of petitioners to quiet title over the eight hectares of land is already barred by the aforestated judgment of the Court of Appeals. This decision of this Court became final and executory on May 28, 1963.

About five (5) years later, or on April 2, 1968, respondent Juan Magallanes filed a Motion for Execution[4] of said decision of April 23, 1963 with the lower court. On April 6, 1968, the trial court issued the writ of execution directing the respondent Eriberto Unson, as Ex Officio Sheriff of Davao to order the petitioners, Santiago Lopez and Irineo Lopez, "to segregate the eight (8) hectares portion of the land covered by Original Certificate of Title No. 2990 of the Register of Deeds of Davao and to deliver the corresponding title" therefor to respondent Juan Magallanes, together with the lawful fees for the service of this execution which respondent Juan Magallanes recovered from the Supreme Court in G.R. No. L-14853, dated April 23, 1965.

On April 15, 1968, the petitioners filed a Motion to Modify Writ of Execution stating, among others, (1) that "while the writ of execution directs the petitioners to segregate the eight (8) hectares portion of the land covered by Original Certificate of Title No. 2990, it does not specify that particular area which had been the subject matter

of the contract of Sale with Right to Repurchase," with definite boundaries, namely, on the North by Lenares Manabo; East, Ramon Kimpo; South, Municipal Road (Malita Sanghai); and West, Pedro Lopez; (2) that "any segregation of a portion other than this particular area with definite boundaries is, therefore, illegal, since the only subject of the sale is that portion as indicated in the sale it should not extend beyond that area;" (3) that "when the sale was executed between Angel Lopez, predecessor-in-interest of petitioners, and respondent Juan Magallanes, the land was not yet surveyed, so that the area was merely based on an estimate of 8 hectares, but the boundaries thereof were definite, so that what was contemplated by the parties was only the area enclosed by the boundaries as specified in the contract of sale;" (4) that "when the survey was conducted and a subdivision was made for the respective shares of petitioners, as heirs of Angel Lopez, that portion covered by the sale in favor of respondent Juan Magallanes in accordance with the boundaries and over which Magallanes had been in physical and continuous possession since 1943, has a total area of 64,640 square meters only, not 8 hectares as stated in the contract of sale, and, therefore, this should be the only area which should be the subject matter of the writ of execution;" and (5) that "since this particular lot has already been surveyed and segregated and now covered by Transfer Certificate of Title No. T-5340 of the Registry of Deeds for the Province of Davao in the name of petitioner Irineo Lopez.

which contains an area of 64,640 square meters, petitioner Irineo Lopez is willing to execute the corresponding deed of sale in favor of respondent Juan Magallanes" in order to transfer the said title in the latter's name. Petitioners then prayed the lower court to modify the writ of execution dated April 6, 1968 to the effect that the only area to be segregated from petitioners' property is that portion consisting of only 64,640 square meters described in the said contract of sale with right to repurchase dated May 10, 1942.[5]

On April 25, 1968, respondent Juan Magallanes filed his opposition thereto, alleging, among others, (1) that the writ of execution issued by the lower court on April 6, 1968 is based on the decision of the lower court duly affirmed by the Supreme Court, ordering the petitioners to segregate and deliver the eight (8) hectares portion of the land covered by Original Certificate of Title No. 2990, which decision had already become final and executory and, therefore, beyond the authority of the trial court to modify; (2) that the document of "Sale with Right to Repurchase," which was upheld by the Supreme Court, specifically stated that eight (8) hectares out of the 16-hectare land was sold by Angel Lopez to respondent Juan Magallanes; (3) that the alleged survey of the property at the instance of the plaintiff, wherein a portion with an area of 64,640 square meters was segregated and which portion is now covered by Transfer Certificate of Title No. T-5340 of the Register of Deeds for the Province of Davao, appears to have been made after the sale and without the knowledge and consent of private respondent Juan Magallanes.[6]

On April 26, 1968, respondent Judge issued an order, denying petitioners' Motion to Modify the Writ of Execution, stating therein that the writ was issued to enforce the judgment which is already final, and which is beyond his authority to amend or modify.[7]

The motion for reconsideration filed on May 13, 1968 having been denied by respondent Judge in his order dated June 21, 1968, the petitioners filed the present petition for certiorari with preliminary injunction, contending that respondent Judge gravely abused his discretion in denying their Motion to Modify the Writ of Execution.[8]

We find the petition devoid of merit.

It should be noted that the decision sought to be executed by respondent Juan Magallanes, for which the questioned writ of execution was issued, is the decision of the Court of First Instance of Davao in Civil Case No. 2298 which was affirmed by the decision of this Court dated April 23, 1963, in case G.R. No. L-14853. The dispositive part of said judgment specifically ordered Santiago Lopez and Irineo Lopez (plaintiffs therein) to

segregate the eight (8) hectares portion of the land covered by Original Certificate of Title No. 2990 of the Register of Deeds of Davao, and to deliver the corresponding title thereof to respondent Juan Magallanes (defendant therein).

In affirming the appealed decision of the respondent Court of First Instance of Davao, this Court, in its decision of April 23, 1963, said:

"The appeal is before us for it involves only question of law, the case having been submitted for decision in the lower court upon a stipulation of facts.

"Plaintiffs herein were the same plaintiffs in civil case No. 507 of the Court of First Instance of Davao against Juan Magallanes, the very same defendant in the case at bar. That court rendered judgment in the aforementioned case No. 507 in favor of the plaintiffs, but, on appeal taken by the defendant, said judgment was, on February 24, 1965 reversed by the Court of Appeals, in CA-G.R. No. 9874-R, and another one was rendered dismissing the case. After the decision of the Court of Appeals had become final, or on March 8, 1957, plaintiffs instituted the present action, The lower court held that the same is barred by the judgment in the former case, and hence rendered the decision appealed from. The only issue for our determination is, accordingly, the applicability of the principle of *res judicata*.

"The identity of the parties in both cases has been expressly admitted in the stipulation of facts. It is, likewise, admitted that the land involved in the first case is included In the bigger land which is the subject matter of the case at bar. The issue boils down to whether the cause of action therein includes that settled in the first case.

"It appears from the decision of the Court of Appeals in said case CA-G.R. No. 9874-R, that the same was

'*** an action to recover from the defendant the possession of a parcel of land containing an area of about eight hectares, situated in Malita, Davao, and damages. It is alleged in the complaint that the signature of plaintiffs' predecessor in interest to the deed by which said parcel of land was conveyed to the defendant by way of sale with right to repurchase was secured by fraud, and that conveyance is furthermore null and void because it had not been approved by the Secretary of Agriculture and Natural Resources. Defendant alleges in defense that he was a purchaser of said property in good faith and for value, and that, as the plaintiffs had failed to redeem the same within the stipulated period, he is now the absolute owner thereof.' (Record on Appeal, pp. 15-16).

"The lower court held in said case that the deed of conveyance there involved was 'a mere equitable mortgage' and ordered the defendant to vacate the land in dispute in that case, upon payment of the sum of P800.00, with costs against the defendant, but, on appeal, the Court of Appeals held that the contract between the parties to said deed of conveyance was as the same appears to be on its face, namely, 'a sale with the right to repurchase;' that plaintiffs had not duly exercised their right to redemption; and that, although said contract was null and void, because the parties thereto had failed to secure the approval by the Secretary of Agriculture and Natural Resources, which was necessary under Commonwealth Act No. 141, as amended by Com. Act No. 456, since no patent had as yet been issued to plaintiffs' father, Angel Lopez, the latter — and, hence, his children and successors in interest— could not Invoke said illegality, he being in *pari delicto*. Accordingly, the Court of Appeals reversed the decision appealed from and dismissed the action.

"In the complaint herein, filed on March 8, 1957, as amended on June 6, 1957, plaintiffs allege that they are the owners of a parcel of land of about 16 hectares — which, as above stated, includes the land in question in the first case — covered by Original Certificate of Title No. 2990, in the name of the heirs of Angel Lopez, and that defendant claims therein an adverse interest, which is devoid of merit, thereby causing damages to the plaintiffs in the sums of P1,000.00, as attorney's fees, and P4,000.00 by reason of mental anguish. Plaintiffs prayed, therefore, that judgment be rendered declaring that defendant has no title or interest of any kind in said land, and that plaintiffs' title thereto is valid and binding as against the whole world, aside from perpetually restraining the

defendant from asserting his alleged right to said real property, and sentencing the defendant to pay said damages to the plaintiffs.

"As regards the eight hectares of land involved in the first case, plaintiffs' right to contest defendant's interest therein or title thereto has already been in issue and adversely decided in that case. Hence, the lower court was right in applying in the case at bar the principle of *res judicata*, insofar as said land is concerned." (Italics supplied.)

From the foregoing, it is evident that the right of petitioners to contest respondent's title over the eight hectares of land was in issue, and definitely decided by final judgment, in the aforementioned case. Thus, both the decisions of the trial court in Civil Case No. 2298 and of this Court in G.R. No. L-14853 involving the same parties specifically stated that the right of action of petitioners to question private respondent's title over the eight-hectare land covered by Original Certificate of Title No. 2990 was definitely and conclusively foreclosed. There is no question that the area of the land involved in those cases is a matter that was necessarily involved therein because the court certainly could not adjudicate the ownership of the land and order its segregation from the main parcel unless its area is specifically stated. It is important to note that in neither of those cases has petitioners ever questioned the fact that the area of the land adjudicated to respondent Juan Magallanes is eight (8) hectares.

The doctrine of *res judicata* has two aspects. The first is the effect of a judgment as a bar to the prosecution of a second action upon the same claim, demand or cause of action. The second aspect is that it precludes the relitigation of a particular fact or issues in another action between the same parties on a different claim or cause of action.[9]

The general rule precluding the relitigation of material facts or questions which were in issue and adjudicated in former action are commonly applied to all matters essentially connected with the subject matter of the litigation. Thus, it extends to questions "necessarily involved in an issue, and necessarily adjudicated, or necessarily implied in the final judgment, although no specific finding may have been made in reference thereto, and although such matters were directly referred to in the pleadings and were not actually or formally presented. Under this rule, if the record of the former trial shows that the judgment could not have been rendered without deciding the particular matter, it will be considered as having settled that matter as to all future actions between the parties, and if a judgment necessarily presupposes certain premises, they are as conclusive as the judgment itself. Reasons for the rule are that a judgment is an adjudication on all the matters which are essential to support it, and that every proposition assumed or decided by the court leading up to the final conclusion and upon which such conclusion is based is as effectually passed upon as the ultimate question which is finally solved." [10]

This aspect of *res judicata* was explained in *Kidpalos v. Baguio Gold Mining Co.*, [11] thus:

"Appellants likewise argue that only the dispositive portion of a judgment concludes the parties and the previous adjudication was merely that appellants' reivindicatory suit should be dismissed. We find this view unduly restrictive of the salutary rule that issues once previously threshed out and finally adjudicated should no longer be relitigated between the same parties on the same subject matter and cause of action. This is the substance of *res judicata*, without which multiplicity of actions will be unavoidable. Hence the doctrine is that

"Under this rule, if the record of the former trial shows that the judgment could not have been rendered without deciding the particular matter, it will be considered as having settled that matter as to all future actions between the parties, and if a judgment necessarily presupposes certain premises, they are as conclusive as the judgment itself." (30 Am. Jur. 930).

"Or, as stated in *Redden vs. Metzger*, 26 Am. St. Rep. 97, 99-100:

***. The rule of res judicata applies as well to facts settled and adjudicated as to causes of action: *Witctker v. Hawley*, 30 Kan. 326. The judgment of a court of competent jurisdiction is conclusive on the parties as to all points directly involved in it and necessarily determined: *Shirland v. Union Nat. Bank*, 65 Iowa 96; *Freeman on Judgments*, Sec. 249.

'When a fact has been once determined in the course of a judicial proceeding, and a final judgment has been rendered in accordance therewith, it cannot be again litigated between the same parties without virtually impeaching the correctness of the former decision, which, from motives of public policy, the law does not permit to be done. The estoppel is not confined to the judgment, but extend to all facts involved in it as necessary steps, or the groundwork upon which it must have been founded. It is allowable to reason back from a judgment to the basis on which it stands, upon the obvious principle that where a conclusion is indisputable, and could have been drawn only from certain premises, the premises are equally indisputable with the conclusion': *Burlen v. Shannon*, 99 Mass, 200: 96 Am. Dec. 733; *Board, etc. v. Mineral Point R. R. Co.*, 24 Vis. 124; *Freeman on Judgments*, Sec. 257; *Wells on Res Adjudicata*, Sec. 226; 1 *Herman on Estoppel*, Sec. 11 I'" (Italics supplied.)

It is evident, therefore, that respondent Judge did not gravely abuse his discretion in refusing to modify the writ of execution.

WHEREFORE, the writ prayed for is DENIED, with costs against the petitioners.

Fernando (Chairman), and Concepcion Jr., JJ., concur.

Barredo and Aquino, JJ., concurs in separate opinion.

[1] Entitled "Santiago Lope: and hineo Lopez, Plaintiffs, versus Juan Magallanes, Defendant," for Quieting of Title.

[2] Annex "I" of Respondents' Answer, Rollo, p. 31.

[3] G.R. No. L-14853, entitled "Santiago Lopez and Irineo Lopez, Plaintiffs-Appellants, versus Juan Magallanes, Defendant-Appellee."

[4] Annex "C", Petition, Rollo, p. 12.

[5] Annex ""H", Ibid., pp. 14-15.

[6] Annex F ", Ibid., pp. 16-17.

[7] Annex "G". Ibid., p. 18.

[8] Citing as authority the cases of *Molina v. De la Riva*. 8 Phil. 549. and *Amor v. Judge Jose*, 77 Phil. 703.

[9] 46 Am. Jur, 26 563.

[10] 46 Am. Jur. 2d 591-593: *Dy Pac Pakiao Workers Union v. Dy Pac and Co., Inc.*, 38 SCRA 263: *Yusingco v. Ong flian Lian*, 42 SCRA 598.

[11] 14 SCRA 913, 917-918.

CONCURRING

AQUINO, J.,

I concur in Mr. Justice Antonio's learned opinion.

The 1963 decision of this Court in *Lopez vs. Magallanes*, 117 Phil. 696, affirming the trial court's holding, that eight hectares constitute the area of the land to be delivered by Santiago Lopez and Irineo Lopez to Juan Magallanes, has become the law of the case. Even if erroneous, that holding can no longer be disturbed. (*People vs. Olarte*, L-22465, February 28, 1967, 19 SCRA 494; *Zarate vs. Director of Lands*, 39 Phil. 747; *Compagnie Franco-Indochinoise vs. Deutsch*, 39 Phil. 474; *People's Homesite and Housing Corporation vs. Mencias*, L-24114, August 16, 1967, 20 SCRA 1031).

That ruling is conclusive. It is a bar to the relitigation of the issue as to the area of the land to be delivered to Magallanes (Sec. 49, Rule 39, Rules of Court).

CONCURRING

BARREDO, J.,

I concur in the denial of the petition herein.

As I see it, the main issue raised by petitioner which, to my mind, may not really be resolved by a bare invocation of the rule of *res adjudicata* is that although the final and executory decisions relied upon by private respondent to clearly fix the area of the land to be segregated by petitioner and delivered to the former as eight (8) hectares, at the time of said decisions, there was no delineation by metes and bounds of said area although the boundaries thereof were definite and so, the area of eight (8) hectares referred to was a mere estimate. In other words, the point being pressed upon is that the land in the contemplation of the parties was the land circumscribed within the agreed boundaries and not necessarily eight (8) hectares, and since, as it turned out after the survey that the said described land contains only 64,640 square meters, it is only this latter area that should be the subject of execution.

Petitioner's contention could have had some basis if the survey on which he predicates his pose could be in the nature of a supervening circumstance after the judgment to be executed had become final and which would make the execution in accordance with the letter of the judgment unjust or inequitable. The trouble, however, is that the present case is not only the second but already the third in which the issue of the area in question has been judicially ventilated. At the latest, the matter of the exact identity of the land in question could and should have been raised by petitioner in the second case, G.R. No. L-14853, in which Our decision became final on May 28, 1963. No explanation has been given why such vital point was not settled therein. And in the ordinary course of things, it was incumbent upon petitioner to have clarified the matter earlier instead of going along with the premise that the area of the land in dispute between him and Magallanes is eight (8) hectares, since he was claiming that the area in question was not really eight (8) hectares. Otherwise stated, it is my considered view that petitioner has already lost his right to claim that the result of the survey should be deemed as a supervening event. And this is not to mention anymore the fact that the survey invoked has not been shown to have been made with notice to Magallanes.

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.