

**RUPERTA CAMARA, NATALIA CAMARA, ZOSIMA GAMARA,
ABIGNIGO CAMARA, SADRAC CAMARA AND REBECA CAMARA,
PLAINTIFFS AND APPELLANTS, VS. CELESTINO AGUILAR, ROBERTA
AGUILAR, ALICIA AGUILA...**

G.R. No. L-6337. March 12, 1954

Ponente: PADILLA, J.

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PADILLA, J.:

This is an action to recover the sum of P300 for clearing a parcel of land described in the complaint, and of P750 for its cultivation, caring and preservation of the coconut trees and other fruit-bearing trees planted therein. The plaintiffs further pray that the defendants jointly and severally be ordered to pay them the sum of P10,100 representing the value of the coconut, trees and other fruit-bearing trees planted in the parcel of land or that they be declared entitled to pay to the defendants the reasonable value of the parcel of land.

The plaintiffs allege that they are all of age except Rebeca Camara for whom her sister Ruperta was appointed guardian ad litem; that they are the children of the late Severino Camara who since 1915 had been in continuous and uninterrupted possession of a parcel of land situated in the barrio of Balubad, municipality of Atimonan, province of Quezon, formerly Tayabas, containing an area of 5 hectares, more or less, and bounded on the North by the land of Catalino Velasco, on the East by the land of Jose Camara 1.^o, on the South by the lands of Santiago Villamorel and Antonio Saniel, and on the West by the land of Antonio Marquez; that the parcel of land was inherited by Severino Camara from his parents Paulino Camara and Modesta Villamorel; that the late Severino Camara and his wife Vicenta Nera represented to their children, the plaintiffs herein, that said parcel of land belonged exclusively to him; that the plaintiffs and their husbands helped cultivate and improve the parcel of land during the time Severino Camara was in possession thereof and spent the amount sought to be recovered by them for planting 1,500 coconut and other fruit-bearing trees; that after the death of Severino Camara the plaintiffs became the true, exclusive and absolute owner of the parcel of land and improvements thereon; that Fausto Aguilar brought an action for ejectment (reivindicacion) against Vicenta Nera involving the parcel of land described above (civil case No. 4835) and on 26 January 1949 the Court of First Instance rendered judgment in said case, the dispositive part of which reads as follows:

IN VIEW OF THE FOREGOING CONSIDERATIONS the Court hereby declares the herein plaintiff to be the absolute owner of the land in question (the above described parcel of land) which is more particularly described in the complaint and Exhibits "A" and "B", and orders the herein defendant and intervenors to immediately restore possession of said land to the plaintiff, to pay said plaintiff the sum of P1,200 which is the value of the harvest of the products on said land obtained by them from 1941 up to the filing of this complaint, and to pay the costs of the proceeding. For lack of merits, the counterclaim and the third party claim are hereby dismissed;

that on 21 October 1950 the Court of Appeals rendered Judgment in said case, the dispositive part of which is as follows:

Upon the question of damages we agree with the trial court that the preponderance of the evidence shows that the property in question may yield, at most, P200 per year, but appellee's right to collect damages on that account should start only from the date of the filing of the complaint on December 24, 1947, or from the year 1948.

Upon all the foregoing, we are of the opinion, and so hold that the trial court did not commit the errors assigned in appellant's brief.

Wherefore, modified as above indicated, the appealed judgment is hereby affirmed, with costs; that they, together with their deceased father Severino Camara were possessors. In good faith of the parcel of land; that for that reason they are entitled to be reimbursed and paid by the defendants for the trees they planted in the parcel of land; that the defendant Celestino Aguilar is the son of the late Fausto Aguilar, plaintiff in civil case No. 4835 referred to, and the other defendant, Purification Villamiel, is the widow of the late Isidro Aguilar, another son of the late Fausto Aguilar and the three minor defendants are children of the deceased Isidro Aguilar and his wife Purification Villamiel who represents them as their guardian ad litem.

A motion to dismiss the complaint was filed on the ground that the judgment rendered in civil case No. 4835, which was affirmed by the Court of Appeals with a modification only as above stated, bars the bringing of the present action, for the plaintiffs herein were intervenors in the former case (No. 4835).

The Court dismissed the complaint on the ground that the action brought in this case had been adjudged in civil case No. 4835 and that the complaint states no cause of action. Hence the appeal

The appellants contend that the question of damages was not passed upon in the former case. The court below, however, held that this action is barred by the prior judgment because there is identity of parties, the same subject matter and the same cause of action, as provided for in section 45, Rule 39, the herein plaintiffs having intervened and joined the defendants in the former case, the subject matter involved in both cases being the same parcel of land and the cause of action being ejectment (reivindicacion).

The fact that damages were awarded to the then plaintiff against the then defendants and intervenors negatives the latter's right to claim damages in the present case, for such award is inconsistent with the claim that they were in possession of the parcel of land in good faith and are entitled to recover what they spent for clearing, cultivating and planting the parcel of land and the fruits which they failed to reap or harvest therein or their value.

The contention that a counterclaim for expenses incurred in clearing and cultivating the parcel of land and planting coconut and other fruit-bearing trees therein could not have been set up in the former case because that would have been inconsistent with or would have weakened the claim that they were entitled to the parcel of land, is without merit, because "A party may set forth two or more statements of a claim or defense alternatively or hypothetically, either in one cause of action or defense or in separate causes of action or defenses."^[1] Hence, the plaintiffs herein and intervenors in the former case could have set up the claim that they were entitled to the parcel of land and alternatively that assuming (hypothetically) that they were not entitled to the parcel of land, at least they were entitled as possessors in good faith to the coconut and other fruit-bearing trees planted by them in the parcel of land and their fruits or their value.

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

Paras, C. J., Pablo, Bengzon, Montemayor, Reyes, Jugo, Bautista Angelo, Labrador, Concepcion, and Diokno, JJ., concur.

[1] Section 9, Peale 15.

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