

**PETRA BELTRAN, ET ALS., PLAINTIFFS AND APPELLANTS, VS.
ARSENIO ESCUDERO, ET ALS., DEFENDANTS AND APPELLEES.***G.R. No. L-7983. July 31, 1956*

Ponente: MONTEMAYOR, J.

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There is no dispute as to the following facts. In the year 1877 Simeona de Mesa married Regino Beltran in San Pablo, Laguna. They have three children named Mariano, Eulalio, and Romualda, all surnamed Beltran. In 1902 Regino left his wife Simeona, lived somewhere else and until his death on March 20, 1925, never returned to the conjugal home. On July 13, 1912, during the lifetime of Regino and while living separately from him, Simeona bought a parcel of land now become a commercial lot in San Pablo City under tax declaration No. 17047. After the acquisition of the property, Simeona and sometimes her son Mariano managed it until the two sold the same on October 11, 1939 to Arsenio Escudero and his wife Rosario Adap. Romualda Beltran, one of the three children of Simeona and Regino married Ponciano Flores and bore him 9 children. She died on July 30, 1941, and two years later her mother Simeona died. On May 9, 1949, the children of Romualda and Ponciano brought an action (civil case No. 9269) in the Court of First Instance of Laguna against Escudero and Adap to recover 1/6 of the parcel in question on the theory that the parcel having been bought by Simeona during her marriage, it was conjugal property; that 1/2 of it belonged to her husband Regino, and that at the latter's death said 1/2 was inherited by the 3 children, one of them being Romualda, mother of Ponciano's children. After hearing, and on the basis of the stipulation of the parties or their admissions the trial court found the facts as above related, and holding that Romualda as one of the three children of the marriage inherited 1/3 of the 1/2 corresponding to her father Regino, declared that the sale of said 1/6 of the parcel was null and void and ordered the defendants to transfer the said portion to the plaintiffs and to pay back rentals from October 11, 1939, up to the time of delivery of said portion. On appeal to the Supreme Court, in a decision promulgated on March 11, 1953, we affirmed the judgment of the trial court with modification as to the amount of back rentals to be paid.

On the basis of the decision of the trial court in that civil case No. 9269, the 5 children of Eulalio Beltran (one of the 3 children of the marriage of Simeona and Regino and who died in 1941) filed the present action (civil case No. 9298) on August 1, 1949, against the same defendants in the first case, Arsenio Escudero and his wife Rosario Adap, claiming an equal portion of 1/6 of the parcel in question, on the same theory maintained by the plaintiffs in the first case, namely, that their father Eulalio inherited from his father Regino 1/6 of the said parcel which is of the 1/3 of the 1/2 corresponding to Regino of the conjugal property. In support of their action, plaintiffs, after establishing that they were the legitimate children of Eulalio contended that the trial court had no jurisdiction to consider any other question of fact and should adopt and admit the findings of fact made in the decision of the trial court in civil case No. 9269, and then offered in evidence a copy of said decision, complaint, stipulation of the parties, printed record on appeal, motion for reconsideration and correction of the stipulation, and several other pleadings and orders filed in said case. However, the trial court in the present case received evidence presented by the defendants, and on the basis of all the evidence presented by both parties, rendered judgment on December 27, 1951, finding the same facts already related by us, and in addition, the following. In

the year 1904 or 1905 Simeona de Mesa gave to her daughter Eduarda (Romualda) 3 parcels of land as her advance inheritance. In 1908 she also gave to her son Eulalio Beltran as inheritance another parcel which she had acquired, and she caused the document of acquisition to be made in the name of Eulalio in order that he could vote. In order to effect a fair distribution among her 3 children, Simeona on July 11, 1928, donated the lot in question in San Pablo City to her son Mariano Beltran together with another parcel of coconut land. Eulalio Beltran, father of the present plaintiffs, agreed to this donation by signing as a witness to the corresponding deed. On November 12, 1936, Mariano as owner of the lot in question mortgaged the same to Eulalio for the sum of P700. In accepting the mortgage, Eulalio in effect, recognized Mariano as the owner of the parcel. On November 10, 1939, Eulalio brought an action against Mariano to foreclose the mortgage and included as defendants his mother Simeona and the purchasers of the parcel, Arsenio Escudero and his wife Rosario Adap, but on February 11, 1941, Simeona and her children Eulalio and Mariano reached an agreement and settled the case amicably. The agreement was reduced to writing and Eulalio not only signed the same but expressly stated therein his consent to the sale of the lot to Arsenio Escudero and Rosario Adap.

On the basis of its findings the trial court through Judge Arguelles rendered judgment on December 27, 1951, dismissing the complaint for lack of evidence and merit. The trial court also found that the plaintiffs prosecuted the case with malice and intention to suppress vital evidence throwing light in this case, and condemned plaintiffs to pay the defendants the sum of P500 as damages for attorney's fees contained in defendant's counterclaim, plus costs.

Plaintiffs filed a motion for new trial and reconsideration of the judgment on February 8, 1952. Before action could be taken on this motion, plaintiffs on March 18, 1953, filed a pleading entitled "Additional Ground for Motion for New Trial" and attached in support of said pleading a copy of our decision in G. R. No. L-5302 affirming with modification the decision of the trial court in civil case No. 9269.

In the meantime, Judge Jose M. Mendoza came to preside over the trial court, and on June 22, 1953, he granted the motion for reconsideration and new trial. After holding the new trial, Judge Mendoza reviewed all the evidence, including that presented at the new trial, and arrived at the same conclusion as to the facts found by Judge Arguelles and holding that the plaintiffs were estopped from questioning the validity of the sale to defendants of Yn of the parcel in question for the reason that their own father Eulalio had expressly consented to the same, Judge Mendoza accepted and adopted the decision previously rendered by Judge Arguelles and dismissed the complaint for lack of evidence and merit, quoting the dispositive part of said decision as follows:

"* * *. The plaintiffs' complaint is hereby ordered dismissed for lack of evidence and merit, and defendants are absolved therefrom by virtue of their alleged defenses, which have been duly substantiated, condemning the plaintiffs to pay the defendants the nominal sum of P500 as damages for attorney's fees under the defendant's counter-claim, and the costs of this action."

Plaintiffs are now appealing from the said decision to this court considering the issues involved to be purely questions of law. Appellants made the following assignment of errors:

- That the lower court finally erred in not holding that the defendants-appellees are estopped from alleging that the plaintiffs-appellants are not the exclusive owners of the one-sixth (1/6) portion of the property in litigation.
- That the lower court erred in allowing the defendants-appellees to present evidence to prove facts which have already been resolved in civil case No. 9269 and affirmed by the Honorable Supreme Court in G. R. No. L-5302.

- That the lower court erred in completely disregarding and in not giving any weight whatsoever to the decision of the Supreme Court in civil case No. 9269-G. R. No. L-5302, affirming the decision of the trial court in said civil case No. 9269.

It is the contention of appellants that the parties in the present case are the same parties involved in civil case No. 9269; that the same property is involved; that plaintiffs in the first case and the plaintiffs in the present case derived their title from the same source, namely, their grandfather Regino and therefore are privies to him; that the parties in the first case entered into a stipulation of facts which stipulation was made the basis of the findings of the trial court and of this Tribunal in its decision affirming with modification that of the trial court in civil case No. 9269, and that consequently, the defendants in the present case should not have been allowed to present any evidence other than that presented and considered in the first case, and that defendants are now in estoppel by record and judgment; in other words, they are bound by the final judgment in the civil case No. 9269.

We cannot agree to this contention. In the first place, the parties in the two cases are not the same. They are different. It is true that Arsenio Escudero and his wife Rosario Adap are defendants in both cases, but it is also a fact that neither Eulalio nor his children, the present plaintiffs, were parties in the first case. True, there was a stipulation of facts in the first case but the stipulation did not include the present plaintiffs or their predecessor-in-interest Eulalio Beltran. The parties in civil case No. 9269 stipulated as to the conveyance of the parcel in question only by Simeona and her son Mariano. They could not have included Eulalio or his children, because the latter's right or interest in the parcel, if any, was not involved. On the basis of said stipulation in the first case alone, without any other evidences, it is possible to conclude that since the parcel, in question was conjugal property, and Eulalio as one of the 3 heirs, had a right to 1/6 of it and since he did not intervene in the conveyance of said parcel to the defendants, he or his heirs could now claim that 1/6 portion. However, as shown by the evidence presented by the defendants in the present case, Eulalio had agreed to the donation of the parcel by his mother Simeona to his brother Mariano. Later, Eulalio recognized the title of Mariano over said parcel by accepting it in a mortgage to secure a loan to Mariano. Still later, he signed a document agreeing to and ratifying the conveyance of the said parcel to the defendants. There can be no clearer and more explicit renunciation and waiver of a right to a property now claimed as an inheritance.

The rule or doctrine of estoppel by record only applies as between the same parties or their privies and can neither be used against strangers. The present plaintiffs and their father and predecessor-in-interest Eulalio were strangers to the transaction and proceedings held in civil case No. 9269 and so not only are not bound by it but may not take advantage of the said transaction or proceedings.

"Estoppels by record, to the extent that they bind parties, will also bind their privies; but they can exist only as between the same parties or those in legal privity with them, and can be used neither by nor against strangers." (31 C. J. S. 195).

"The rule of estoppel by record bars a second action between the same parties on an issue necessarily raised and decided in the first action; so, an issue of ownership of property and its incidents thus adjudicated cannot be relitigated in a second action between the same parties. * * *" (Ibid.)

"An estoppel operates on the parties to the transaction out of which it arises -and their privies. Conversely, a stranger to a transaction is neither bound by, nor in position to take advantage of, an estoppel arising therefrom. The reason for the latter rule is that mutuality is an essential element of an estoppel; an estoppel must bind both parties or neither is bound." (19 Am. Jur. 809.)

In view of the foregoing, finding the decision appealed from to be in accordance with law, the same is hereby affirmed, with costs.

Paras, C. J., Bengzon, Padilla, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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