

NICOLAS SALAMANCA, ALEJANDRO SALAMANCA, CRISANTO SALAMANCA, JUANA SALAMANCA, FLORENCIA SALAMANCA, ANDRES SALAMANCA, ANGEL SALAMANCA, MAXIMINA SALAMANCA, NEMESIO SALAMANCA, DAMAS...

G.R. No. L-30360. February 26, 1988

Ponente: YAP, J.

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YAP, J.:

Plaintiffs-appellants, claiming to be the heirs of Ambrocia T. Salamanca being her nephews and nieces, filed a complaint against defendants-appellees on July 26, 1965, amended on October 26, 1965, docketed as Civil Case No. SD-136, Court of First Instance of Nueva Ecija, to recover properties enumerated in Annex A of the complaint, allegedly belonging to the late spouses Cornelio Ramos and Ambrocia T. Salamanca who died intestate without any issue in 1929 and December 4, 1954, respectively. Plaintiffs alleged that on February 28, 1948, defendants Maximo Ramos and Faustino Ramos, who were also lawful heirs of Ambrocia T. Salamanca, by means of fraud and bad faith, in their desire to own and possess all the properties of their aunt to the exclusion of plaintiffs and the other heirs, caused their aunt to execute a fictitious deed of sale, whereby she purportedly transferred and conveyed to said defendants for the amount of P15,000.00 the properties listed in Annex "A" of the complaint, with the exception of those listed in paragraphs 23, 24, 25, 26 and 27 thereof; that by virtue of said fictitious deed of sale, defendants Maximo Ramos and Faustino Ramos were able to have the properties titled in their names; that in spite of the purported sale, Ambrocia T. Salamanca continued until her death in December 1954 to possess the properties and enjoy the produce and income thereof; that upon her death, the defendants took possession of the whole estate of Ambrocia enumerated and listed in Annex "A" to the exclusion of plaintiffs and the other lawful heirs.

On September 6, 1965, the lower court issued an order requiring plaintiffs to amend their complaint so as to set forth therein the date or dates as well as the substance of the alleged deeds of sale and to attach thereto certified true copies thereof. Accordingly, the plaintiffs amended their complaint and attached as Annex "B" thereto the deed of sale dated February 23, 1948 executed by Ambrocia Salamanca in favor of Maximo Ramos and Faustino Ramos, and as Annex "C" the deed of transfer dated July 25, 1962 executed by Maximo Ramos in favor of his son, Sabiniano Ramos. Nothing was said about the properties listed in paragraphs 23, 24, 25, 26 and 27 of Annex "A" which were not included in the deed of sale attached as Annex "B" of the amended complaint.

In their answer to the amended complaint, defendants alleged as affirmative defense, *res judicata* and prescription. The basis of defendants' claim of *res judicata* is that plaintiffs' cause of action was barred by prior judgment in Civil Case Nos. 1832 (Maximo Ramos, et al. vs. Saturnino Salamanca, et al.), Civil Case No. 3172 (Saturnino Salamanca vs. Maximo Ramos, et al.) and Special Proceedings No. 887 (Intestate Estate of Ambrocia T. Salamanca, Saturnino Salamanca, Special Administrator). In Civil Case No. 3172, the same parties who subsequently filed Civil Case No. SD-136, which is the subject of the instant appeal, were plaintiffs-intervenors. Civil Case No. 3172 and Special Proceedings No. 887 were dismissed by the trial court, in an order dated August

12, 1964, upon motion of Saturnino Salamanca, in his capacity as Special Administrator of the Intestate Estate of Ambrocia T. Salamanca; said order of dismissal was not appealed by plaintiffs-intervenors (plaintiffs herein) and had already become final. The basis of defendants' defense of prescription is that plaintiff's action to annul the deed of sale, Anne "B" of the amended complaint, was barred by the statute of limitations; the said deed of sale was executed on February 23, 1948 and registered in the Register of Deeds for the Province of Nueva Ecija on March 11, 1948 - or more than 10 years before the present action was commenced by the plaintiffs.

On July 27, 1966, the trial court issued an order sustaining the defendants' affirmative defenses and dismissing the complaint with prejudice. A motion to set aside the order of dismissal was filed by plaintiffs-appellants, but the lower court denied the same. Hence, plaintiffs-appellants elevated the case to the Court of Appeals (CA-G.R. No. 39171-R), which certified the appeal to this Court pursuant to Section 17(6) of the Judiciary Act of 1948, since the appeal was not in aid of its appellate jurisdiction and no questions of fact were involved, but only question of law.

The appellants assigned the following errors:

"1.

The lower court erred in ordering the dismissal of the instant case by considering, in the absence of a trial on the merits of the case, defendants-appellees' special and affirmative defense that plaintiffs-appellants' cause of action is barred by prior judgment in Special Proceedings No. 887, Civil Case Nos. 1832 and 3172, entitled "Intestate Estate of Ambrocia T. Salamanca with Saturnino Salamanca as Special Administrator-Petitioner"; "Maximo Ramos, et al. versus Saturnino Salamanca"; and "Saturnino Salamanca, et al. versus Maximo Ramos, et al., respectively.

2.

The lower court erred in ordering the dismissal of the instant case by considering, in the absence of a trial on the merits of the case, defendants-appellees' special and affirmative defense that plaintiffs-appellants' cause of action for annulment or setting aside of deed of sale (Annex "B" of the amended complaint) executed by Ambrocia T. Salamanca in favor of defendants-appellees and the certificates of title issued in the names of defendants-appellees has prescribed or barred by the statutes of limitations.

3.

The lower court erred in ordering the dismissal of the instant case by considering, in the absence of a trial on the merits of the case, defendants-appellees' affirmative and special defense that the defendants-appellees are the true and absolute registered owners of the land in question allegedly covered by the inventory (Annex "A" to the complaint) filed by plaintiffs-appellants, and as owners they are entitled to the fruits of the same; that the said properties had been sold to them for valuable consideration long before the late Ambrocia T. Salamanca died and laid conveyance had been properly registered with the Register of Deeds of Nueva Ecija and the corresponding certificate of title were issued in their names.

4.

The lower court erred in ordering the dismissal of the instant case by considering, in the absence of a trial on the merits of the case, defendants-appellees' special and affirmative defense that the deed of sale executed by Ambrocia T. Salamanca in favor of the defendants-appellees had been executed by her during her lifetime,

with her full consent, complete knowledge and patent approval, without defendants-appellees employing upon her fraud, deceit, undue influence, insidious machinations, force or violence, and therefore, her collateral heirs in this case are estopped from setting aside the aforementioned deed of sale and transfer certificates of title issued in favor of the defendants-appellees."

We find no merit in the appeal. It appears from the records that upon the death of Ambrocia T. Salamanca in December 1954, intestate proceedings were filed for the settlement of her estate, docketed as Spec. Proc. No. 887 of the Court of First Instance of Nueva Ecija; Saturnino Salamanca was appointed as Special Administrator. In his capacity as Special Administrator, Saturnino Salamanca filed an action against herein defendants on April 22, 1959 (later amended in July, 1963) for recovery of ownership and accounting of properties allegedly belonging to the estate of Ambrocia T. Salamanca. The case was docketed as Civil Case No. 3172 of the Court of First Instance of Nueva Ecija. On July 13, 1963, the herein plaintiffs intervened in that action by filing a complaint-in-intervention. An answer to the amended complaint and to the complaint-in-intervention was by defendants.

On August 12, 1964, the trial court issued an order dismissing Civil Case No. 3172 and Special Proceedings No. 887 on motion of Saturnino Salamanca in his capacity as administrator of the intestate estate of the late Ambrocia T. Salamanca, alleging that the real properties involved in these two cases "are no longer registered in the name of the said deceased Ambrocia T. Salamanca, but are already transferred in the names of the defendants before the latter's death by virtue of deed of sale and conveyance made in favor of the defendants appearing to be founded on valuable consideration and acquired in good faith, and the other properties mentioned in the inventory subject matter of these cases had already been vested in the names of defendants in like manner directly from third persons." (Emphasis supplied). A copy of this order was received by the plaintiffs-intervenors in Civil Case No. 3172 (also herein plaintiffs in SD-136), through their counsel, Atty. Isaiah B. Asuncion on August 27, 1964, who is also plaintiffs' counsel in the instant case. The order of dismissal was never appealed by plaintiffs-intervenors and had already become final.

In effect, what plaintiffs are trying to accomplish by filing the present action (Civil Case No. SD-136) in their capacity as legal (not forced) heirs of the deceased Ambrocia T. Salamanca, is to revive the intestate proceedings (Spec. Proc. No. 887) involving the intestate estate of the said deceased and Civil Case No. 3172 filed by her administrator to recover properties allegedly belonging to their estate, both of which cases had already been dismissed by the court a quo. Appellants claim that they were opposed to the move of the administrator to have the intestate proceedings (Spec. Proc. No. 887) and Civil Case No. 3172 dismissed, that is why they filed the instant case. But if that were so, their remedy would have been to appeal the order of dismissal since they were parties to Civil Case No. 3172 as plaintiffs-intervenors therein, and were the heirs of the deceased Ambrocia T. Salamanca, rather than file a separate civil action to recover properties allegedly belonging to the estate of said deceased. This would only encourage multiplicity of suits, a practice frowned upon and not allowed by the Court.

The doctrine of res judicata may be successfully invoked to bar the instant case. The plaintiffs in the present case seek to litigate the same matter already dismissed by a court of competent jurisdiction in earlier cases, i.e., Civil Case No. 3172 and Spec. Proc. No. 887. The order of the Court of First Instance of Nueva Ecija, dismissing Civil Case No. 3172 and Spec. Proc. No. 887 attained finality when the parties concerned failed to appeal therefrom. These cases and the present case involved substantially the same parties, identical subject matter and identical causes of action. The fact that some parties have been joined as plaintiffs in the instant case, who were not joined as parties intervenor in Civil Case No. 3172, does not affect the applicability of the doctrine of res judicata, contrary to appellants' contention. Joining of new parties does not remove the case from the doctrine of res judicata if the party against whom the judgment is offered in evidence was a party in the first action, otherwise, the doctrine may be evaded by simply including additional parties in the second action involving the same subject

matter and cause of action.[1] The same matter cannot be litigated twice.

Accordingly, we find no reversible error committed by the trial court in dismissing the complaint in Civil Case No. SD-136. We find it unnecessary to discuss the other issues raised by appellants in their appeal.

IN VIEW OF THE FOREGOING, the Court Resolved to DISMISS the appeal.

SO ORDERED.

Melencio-Herrera, Paras, Padilla, and Sarmiento, JJ., concur.

[1] Carpena, et al. vs. Manalo, et al., 111 Phil. 685.

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