

**ANACLETO UY ALMEDA ET AL., PLAINTIFFS AND APPELLANTS, VS.
ADRIANO F. CRUZ, DEFENDANT AND APPELLEE.**

G.R. No. L-1696. September 30, 1949

Ponente: TUASON, J.

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TUASON, J.:

This is an action to annul and declare of no force and effect a judgment of the Court of First Instance of Laguna entered in civil case No. 7485 of that court. The complaint was dismissed on motion to dismiss filed by the defendant.

It appears that the plaintiffs, husband and wife, were also the plaintiffs in the above-numbered civil case. There, they alleged that they were the registered and absolute owners of a certain parcel of land with an area of 1,801 square meters, having acquired the same on September 4, 1946, by purchase from one Esteban Zarraga, the original registered owner thereof, for P6,000; and that when they bought this land, the defendant Adriano F. Cruz was in possession of one portion thereof containing an area of approximately 400 square meters, and requested them (plaintiffs) to allow him to occupy, as in fact he was allowed to occupy, the said portion by way of lease at a monthly rent of P3.

For answer the defendant alleged that he was the owner in fee simple of one-half pro indiviso of the parcel above mentioned, the other half belonging to Esteban Zarraga; that he was in actual possession of the southern half of said parcel continuously and adversely, under claim of ownership, since February 11, 1896, having inherited the same from his parents, who died in 1894 and 1896 respectively. He alleged that on that portion, he had a blacksmith shop, a house of strong materials, a poultry, two tanks and a warehouse; that the plaintiffs were purchasers in bad faith in that they knew, when they made the purchase, that the seller owned only one-half interest in the land and the defendant owned the other half. As an affirmative relief the defendant made Esteban Zarraga third-party defendant and prayed that the plaintiffs and/or Zarraga be ordered to execute in his favor a reconveyance of the portion of the property occupied by him.

After trial, Judge Sandoval, on January 10, 1943, rendered the following judgment: "(1) dismissing plaintiff's complaint with costs against plaintiffs; (2) declaring defendant Adriano F. Cruz the sole and exclusive owner of one-half (1/2) of the property in question, specifically, the southern portion thereof, including the improvements thereon belonging to said defendants; (3) ordering plaintiffs to execute a deed of reconveyance relative to the one-half share of defendant in the land in question for registration in the Office of the Register of Deeds of Laguna, so that transfer certificate of title 14352 covering said property may be corrected accordingly; and (4) sentencing plaintiffs to pay to defendant, jointly and severally damages in the sum of P900, with legal interest thereon from the date of the filing of defendant's amended answer until fully paid."

From this judgment the plaintiffs appealed but the appeal, for their failure to file brief on time, was dismissed by the Court of Appeals.

On January 3, 1946, the plaintiffs brought the present action to declare the above judgment null and void. As first

ground they alleged that "the judgment of the Court of First Instance of Laguna in civil case No. 7485, particularly the portions or findings therein more particularly recited in paragraphs 9 and 10 above, was procured by means of fraud and deceit exercised by the defendant herein, in that the latter, with intent to mislead the court and to defraud and prejudice the interests of plaintiffs, deliberately did not inform and intentionally withheld from the said court the fact that said defendant Adriano Cruz had already actually received the full consideration or value of his alleged half interest in the said property long before the acquisition thereof by the plaintiffs, for which reason said defendant no longer had any proprietary interest or claim of whatsoever nature in the said parcel of land at the time said civil case No. 7485 was filed in said Court;" that "while the said decision of the Court of First Instance of Laguna in Civil Case No. 7485 was predicated on the fact that said Adriano Cruz was still the owner of the one-half of the property involved in said litigation, said defendant Adriano Cruz, in obtaining the said decision, was guilty of fraud in that he wilfully and intentionally concealed the fact that he had already received the full amount of P800 in payment of the purchase price that was agreed upon between him and Esteban Zarraga, the predecessor-in-interest of the plaintiff;" that during the course of the entire proceedings of civil case No. 7485 of the Court of First Instance of Laguna, more particularly during the trial and hearing thereof, no such evidence as above set forth, that is to say, the fraudulent acts of defendant Adriano Cruz, were available unto the plaintiffs herein, since the same were in the possession of Esteban Zarraga."

For second cause of action, it was alleged that "in the course of the hearing and pendency of the aforesaid civil case No. 7485 of the Court of First Instance of Laguna the defendant herein, taking advantage of his good graces and connections with Japanese Military and civilian authorities, as well as the connections that some of his relatives had with said Japanese authorities, caused several Japanese officials to intervene in said case to such an extent that plaintiffs and their witnesses were prevented from testifying as to the real nature of the transactions regarding said property, said matters being material to the issues involved in said litigation;" that "by reason of the aforesaid acts and machinations of the defendant herein, plaintiffs were deprived of the opportunity to present accurately the true facts and circumstances relating to the ownership and possession by them of the aforesaid property."

On January 8, 1946, defendant moved that the plaintiffs be ordered to make a specification of the second cause of action, stating "(a) the names of the witnesses of the plaintiffs who were prevented from testifying as to the real nature of the transactions regarding said property; and (b) what was the real nature of the transactions regarding said property." In pursuance of the court's order granting his motion, the second cause of action was amended so to read as follows:

"16. That in the course of the hearing and pendency of the aforesaid Civil Case No. 7485 of the Court of First Instance of Laguna, the defendant herein, taking; advantage of his good graces and connections with Japanese Military and Civilian authorities, as well as the connection that some of his relatives had with said Japanese authorities, caused several Japanese officials to intervene in said case to such an extent that plaintiffs and their witnesses, among whom were Anacleto Uy Almeda and Gregorio C. Concepcion, were prevented from testifying as to the real nature of transactions regarding said property namely, that defendant was no longer the owner of and had then no further right or interest in the said property since he (defendant) actually had sold same to Esteban Zarraga and had already received full payment of the purchase price of his share therein from said Esteban Zarraga, said matters being material to the issues involved in said litigation."

Under date of February 18, the attorney for defendant filed a motion to dismiss on the ground that the causes of action therein alleged are barred by prior judgment; that the evidence of the witnesses who, according to the plaintiffs, had been denied the opportunity to testify would have been only corroborative and its nonproduction would not justify the setting aside of the judgment.

The lower court committed a technical error in dismissing the case on the ground of res adjudicata. The doctrine

of res adjudicata is predicated on a prior valid judgment. As the very purpose of the action is to annul that judgment, the latter, it stands to reason, may not be invoked as a bar to the new suit.

But although the stated ground of the motion to dismiss is that the action is barred by prior judgment, there are allegations in the said motion the tenor of which is that the complaint does not assert sufficient cause of action. Viewed from this standpoint, the case was properly dismissed, even though we disagree with some of the lower court's premises. Fraud to be ground for nullity of a judgment must be extrinsic to the litigation. Were not this the rule there would be no end to litigations, perjury being of such common occurrence in trials. In fact, under the opposite rule, the losing party could attack the judgment at any time by attributing imaginary falsehood to his adversary's proofs. But the settled law is that judicial determination however erroneous of matters brought within the court's jurisdiction cannot be invalidated in another proceeding. It is the business of a party to meet and repel his opponent's perjured evidence.

The alleged deceit perpetrated by the defendant was intrinsic. It was part and parcel of the defendant's claimed ownership of an undivided half of the property, question which was directly in issue; indeed it was the pivotal issue around which all other issues revolved. That the question of ownership was raised and decided is clearly apparent from the nature of the action and from the decision and pleadings which are attached to the complaint as part thereof.

On the second cause of action, namely, interference by Japanese on account of which plaintiff Almeda and Gregorio C. Concepcion are said to have been prevented from presenting their case properly, it appears from the decision that Almeda did take the witness stand on his behalf. It is reasonable to believe that if the plaintiffs were able to proceed with their case and to testify, they could have testified "as to the real nature of the transactions regarding said property, namely, that defendant was no longer the owner of and had then no further right or interest in the said property." This testimony would be as harmful or as harmless as any the plaintiffs actually gave.

With respect to Gregorio C. Concepcion, it results that this prospective witness lived in Manila. If he had any misgivings about going to Laguna, his deposition could have been taken at the place of his residence. For the rest, there was no conceivable reason why Concepcion, like the plaintiffs, could not have testified with safety, and told the court that the defendant was no longer the owner of any portion of or interest in the land in controversy.

It is to be adverted to that the plaintiffs commenced the suit. The move was theirs. They were not forced to go ahead with the case if they knew or believed that they and their witnesses were restricted in their liberty to say what they had to say.

Perhaps it will be contended that this argument concerns matters of evidence and is beyond the province of a ruling on a demurrer. The objection in strict procedural law may be well taken. But the facts surrounding this case justify the court's going outside the averments in the pleadings and relaxing the usual standards of procedure. This is a suit designed to set at naught a judgment handed down three or four years before the action for annulment was filed. Being the plaintiffs in that suit, the present plaintiffs could have avoided the alleged irregularity or illegality by dismissing the case without prejudice, by asking for postponement of the hearing, by filing a motion to set aside the decision, or by appeal. They did start to resort to the last remedy, but they did not prosecute the appeal to its final conclusion.

Under these circumstances, the most careful scrutiny of the complaint should be made to see that it contains concrete and explicit charges and that its allegations have the ring of probability. To write finis to litigations at the shortest possible time is a cardinal policy in the administration of justice, and rules of procedure have been adopted with this as one of their specific ends in view. One who assails the judgment of the court whose

machinery he himself had set in motion places upon himself greater burden than is required in ordinary cases, to make in his complaint plausible showing that the court's and the defendant's time, and expense will not again go to waste. The plaintiffs' allegations are so vague and trivial, in our opinion, as not to warrant further amendment of the complaint and pushing the case to trial on the merits.

The order appealed from is correct in its results, and the same will be, as it is, affirmed, with costs against the appellants.

Moran, C.J., Ozaeta, Paras, Feria, Bengzon, Padilla, Montemayor, Reyes, and Torres, JJ., concur.

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