

FERNANDEZ KIDPALOS, APPLICANT AND APPELLANT, VS. BAGUIO GOLD MINING COMPANY, OPPOSITOR AND APPELLEE; WALDO KIDPALOS, APPLICANT AND APPELLANT, VS. BAGUIO GOLD MINING COMPANY, OPP...*G.R. No. L-19940-44. August 14, 1965*

Ponente: REYES, J.B.L., J.

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Direct appeal from orders of dismissal of five applications for registration of land on the ground of res judicata, by order of June 17, 1960, issued by the Court of First Instance of Baguio City, in its cases Nos. N-40, N-41, N-42, N-43 and N-44.

The fact is uncontroverted that on August 31, 1954, Maglia Cayapa, Nabos Valenciano, Waldo Kidpalos, Fernandez Kidpalos, and Ipang Lebos Vda. de Lampacan sued the Baguio Gold Mining Company and the Director of Mines in the Court of First Instance of Baguio City (Civil Cases Nos. 457, 458, 460, 463 and 549), seeking judgment declaring said plaintiffs to be the owners of certain parcels of land situated in sitio Binanga, Barrio of Tuding, Municipality of Itogon, Benguet, Mountain Province; to annul the declaration of location of certain mineral claims of the Baguio Gold Mining Company, overlapping the parcels claimed by plaintiffs; and to recover damages from the Company. The complaint also sought to enjoin the Director of Mines from proceeding with the lode patent applications of the Mining Company, and to have the mine buildings erected on the land in question demolished at the latter's expense. The defendant Baguio Gold Mining Company, claiming title by virtue of valid locations of the claims since 1925 to 1930, asked for dismissal of the action and damages.

After due trial, the Court of First Instance found that the plaintiffs Cayapa, et al., had failed to substantiate their claims of ownership and dismissed the suits. Upon appeal to the Court of Appeals (CA-G.R. No. 19628-R to 19632-R), the latter rendered judgment, on July 31, 1958, finding that the land lay within the Cordillera Forest Reservation proclaimed by Governor General Stimson, and that it formed part of the public domain; that from 1927 to 1933, one George Icard and his son, Joseph, had entered and located therein certain mining claim, subsequently sold and transferred to the Baguio Gold Mining Company; that the latter had occupied the land, worked the claims, and performed the acts required by the mining laws to entitle it to mineral patents therefore until the recent World II; that after the war the claims were validated by Act No. 4268 of the Philippine Legislature; that the Mining Company had acquired beneficial title to the claims by its locations, although the corresponding patents were still in process at the Bureau of Mines; that "the appellee mining company has acquired a superior title to that of the plaintiffs-appellants over the mineral claims under litigation" (Rec. App., pp. 186 to 220). Consequently, the Court of Appeals affirmed the dismissal of the actions by the Court of First Instance.

In view of the affirmance of the decision of the trial court by the Court of Appeals, the plaintiffs-appellants therein resorted to the Supreme Court (G. R. Nos. L-16649 to 16653). The latter, however, declined review in a

resolution reading as follows:

"In G. R. Nos. L-16649-53 (*Maglia Cayapa va. Court of Appeals, et al.*), acting on the petition for review of the decision of the Court of Appeals rendered on July 31, 1958, THE COURT RESOLVED to dismiss the same on the ground that the issues raised are factual and have no merit, but without prejudice to the registration proceedings filed by petitioner before the same court regarding the properties herein involved, it appearing that the Court of Appeals, in touching incidentally on the question of ownership, did so without interfering with the merits of said registration proceedings". (Italics supplied.)

While the cases were still pending appeal to the Court of Appeals, plaintiffs had filed in Court the present registration cases. Baguio Gold opposed the registration, and moved to dismiss the applications, proceedings were originally held in abeyance until the appeals in the preceding cases were decided.

The 1960 Supreme Court resolution in L-16649-53 having become final, the oppositor Baguio Gold Mining Company reiterated its motions to dismiss the registration cases in the Court of First Instance. The latter dismissed the applications, and the applicants then directly appealed to this Supreme Court.

They assail the order of dismissal of the Court below claiming that there could not be *res judicata* because (1) the 1960 resolution of the Supreme Court dismissing their petition for review of the Court of Appeals decision in favor of Baguio Gold Mining Company, contained the reservation "without prejudice to the registration proceedings filed by petitioner" (which are the cases now at bar); and (2) that the former judgment's dispositive portion provided only for dismissal of the appellant's previous complaint against Baguio Gold Mining Company, and it is only this dispositive portion that is binding on the parties to the former litigation.

It thus appears that appellants do not dispute that the subject matter in the present registration proceedings is the same land involved in the previous litigation, or that the parties are the same (the applicants-appellants Lampacan in Registration Case No. N-44, L.R.C. Record No. N-11914, now G. R. L-19944, being the heirs and successors of the former plaintiff Ipang Lebos Vda. de Lampacan in the preceding Law suit). It is not denied either that the former judgment of the Court of Appeals was rendered on the merits of the case.

Neither is it disputable that the causes of action in both cases are identical, since in both the appellants asserted that they are the sole and exclusive owners of the land in dispute, allegedly invaded by appellee Baguio Gold Mining Company. While the former cases were reivindicatory in character and the ones presently before us are land registration proceedings, such difference in forms of action are irrelevant for the purposes of *res judicata*. It is a firmly established rule that a different remedy sought or a diverse form of action does not prevent the estoppel of the former adjudication (*Peñalosa vs. Tuason*, 22 Phil. 303, 322; *Juan vs. Go Cotoy*, 26 Phil. 328; *Chua Tan vs. Del Rosario*, 57 Phil. 411; *Francisco vs. Bias*, 93 Phil. 1; *Sarabia vs. Sec. of Agriculture*, 111 Phil. 1081, and cases cited therein). Since there can be no registration of land without applicant being its owner, the final Judgment of the Court of Appeals in the previous litigation declaring that the mining company's title is superior to that of appellants should be conclusive on the question in the present case.

Much reliance is placed by appellants on the statement made in this Court's 1960 resolution declining review of the former judgment of the Court of Appeals,

"without prejudice to the registration proceedings filed by petitioner before the same court regarding the properties herein involved, it appearing that the Court of Appeals in touching incidentally on the question of ownership, did so without interfering with the merits of the registration proceedings."

The words quoted merely establish that the decision in the reivindicatory action decided by the Court should not be considered as having decided the pending registration proceedings, since the nature of both proceedings were different, one being a personal action' and the registration being one in rem. The Court of First Instance could not,

in other words, automatically apply the decision of the Court of Appeals to the registration proceedings. And the reason is plain: the pronouncements of the judgment in the former case would not necessarily preclude relitigation of the issues if *res judicata* is not invoked, since *res judicata* is a matter of defense and does not deprive the trial court of jurisdiction to act on a second suit between the parties on the same subject matter (cf. Rule 16, sec. 1[f], Revised Rules of Court). But the defense having been set up in the present proceedings, the trial court acted properly in considering and resolving the same.

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., p. 930)

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

"x x x The rule of *res adjudicata* applies as well to facts settled and adjudicated as to causes of action: *Whitaker vs. 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 vs. 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 extends 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 vs. Shannon*, 99 Mass. 200; 96 Am. Dec. 733; *Board etc. vs. Mineral Point R. R. Co.*, 24 Vis. 124; *Freeman on Judgments*, sec. 257; *Wells on Res Adjudicata*, sec. 226; 1 *Herman on Estoppel*, sec. 111."

In consonance with the foregoing principles, we hold that the findings in the former judgment (that the mining claims were validly located and that the title of the mining company is superior to that of appellants), being the basis of the sentence of dismissal, conclude the applicants in the present case, the previous adjudication being final and rendered on the merits, and there being identity of parties, subject matter and causes of action in all the cases. Hence, the dismissal of these land registration proceedings by the Court of First Instance of Baguio was in order and conformable to law.

That at present the law permits registration applicants to proceed on the basis of 30 years' open, adverse, and uninterrupted possession as owner, instead of requiring, as of yore, continuous adverse possession as owner since 1894, does not help appellants at all. The vesting of title to the lands in question in the appellee Baguio Gold Mining Company has effectively interrupted and rendered discontinuous the possession claimed by applicants.

In view of the foregoing, the appealed order of dismissal of these proceedings on the ground of *res judicata* is affirmed. Appellants shall pay the costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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