PILAR T. DEL ROSARIO, ET AL., PLAINTIFFS AND APPELLANTS, VS. SANCHO R. JACINTO, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-20340. September 10, 1965

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Pilar, Mariano and Salvador, all surnamed del Rosario, filed in the Court of First Instance of Rizal, Branch I (Pasig), on October 2, 1958, an action against Sancho R. Jacinto, Domingo C. Bascara and J. M. Tuason & Co., Inc., for reconveyance and/or recovery of a 2,879-square meter parcel of land, covered by Transfer Certificates of Title Nos. 26531 and 26532, situated at barrio Tatalon, Quezon City. Said action was docketed as Civil Case No. 5230.

On March 15, 1962, Pilar, Mariano and Salvador del Rosario, as well as Aniana Deudor, Macaria Fulgencio and Carlos Javier, brought another action for reconveyance and/or recovery of the same parcel of land aforementioned, against the same Sancho R. Jacinto, Domingo C. Bascara and J. M. Tuason & Co., Inc. It was docketed as Civil Case No. 2254-P of the Court of First Instance of Rizal, Pasay City Branch.

Plaintiffs in Case No. 2254-P (Pasay), on March 22, 1962, moved to transfer said case to the CFI of Rizal, Pasig Branch, where the other case (5230) was pending. Acting on said motion, however, the court, on March 27, 1962, ordered Case No. 2254-P (Pasay) transferred to the CFI of Rizal, Quezon City Branch, stating as reason that the land involved was situated in Quezon City, Accordingly, Case No, 2254-P (Pasay), was transferred to the CFI of Rizal, Quezon City Branch, where it was docketed as Civil Case No. Q-6324 (Quezon City).

On April 4 and 6, 1962 defendants in Case No. Q-6324 (Quezon City) moved to dismiss the complaint on the ground that there was pending another action between the same parties, for the same cause, namely, Case No. 5230 at the Pasig Branch of the Rizal CFI. On June 2, 1962 the court granted the motion and dismissed, without costs, Case No. Q-6324 (Quezon City) on the ground of his pendens.

Plaintiffs moved to reconsider the order of dismissal, on July 12, 1962, and sought the admission of an amended complaint eliminating some of the parties so as to retain only Aniana Deudor, Macaria Fulgencio and Carlos Javier, as plaintiffs (the original owners from whom Pilar, Mariano and Salvador, all surnamed Del Rosario, allegedly bought the land in question); Sancho R. Jacinto and Domingo C. Bascara, as defendants.

On August 7, 1962 the Court denied the motion for reconsideration and for admission of amended complaint. Plaintiffs appealed directly to this Court.

The sole issue to resolve is whether plaintiffs' suit in Case No. Q-6324 (Quezon City) is barred by lis pendens. The requisites for lis pendens as ground to dismiss a complaint are: (1) Identity of parties, or at least such as representing the same interests in both actions; (2) Identity of rights asserted and relief prayed for, the relief being founded on the same facts; and (3) Identity in both cases is such that the judgment that may be rendered in the pending case would, regardless of which party is successful, amount to res judicata in the other.[1] Are the

foregoing elements, then, attendants herein?

1. Appellants themselves aver that Aniana Deudor, Macaria Fulgencio and Carlos Javier - as plaintiffs in Case No. Q-6324 (Quezon City) - are but the original owners of the land in question.[2] Pilar, Mariano and Salvador, all surnamed del Rosario - as plaintiffs in Case No. 5230 - are allegedly purchasers from said original owners.[3] It follows, therefore, that these parties represent the same interests in both actions.

As to parties defendants, elimination of J. M. Tuason & Co., Inc. does not alter the situation. The remaining defendants are defendants in both actions. Furthermore, said remaining defendants are sued as purchasers from J, M. Tuason & Co., Inc.,[4] so that they similarly represent the same interests as the latter in the litigations.

2. It is not in dispute that in both Case No. Q-6324 (Quezon City) and Case No. 5230 (Pasig) the right asserted is the same, namely, ownership of the parcel of land covered by Transfer Certificates of Title Nos. 26531 and 26532. So, also, the relief prayed for is identical, that is, reconveyance and/or recovery of said land. And relief is sought to be premised on the same facts, viz., the execution on March 16, 1953 of a compromise agreement between the Deudors and J. M. Tuason & Co., Inc.

3. From the foregoing identities it results that whatever judgment may be rendered in Case No. 5230 (Pasig) will be res judicata to Case No. Q-6324 (Quezon City). For it is settled that parties who base their contention upon the same rights as the litigants in a previous suit are bound by the judgment in the latter case.[5]

Clearly, therefore, all requisites for lis pendens obtain herein.

Wherefore, the order appealed from is affirmed, with costs. So ordered.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Dizon, Regala, Makalintal, and Zaldivar, JJ., concur.

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[1] Manuel v. Wigett, 14 Phil. 9; Hongkong & Shanghai Bank v. Aldecoa, 30 Phil. 255; Olayvar vs. Olayvar, 51 O.G. 6219.

[2] See Par. 4, Motion for Reconsideration, p. 61 of Record on Appeals.

[3] See par. 2 of Complaint in Case No. 5230, p. 22 of Record on Appeal.

[4] See Pars. 10 and 13 of Complaint in Case No. Q-6324, pp. 7 and 10 of Record on Appeal.

[5] Agregado v. Muñoz, 26 Phil. 456.

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