

LUIS FRANCISCO, PLAINTIFF AND APPELLANT, VS. MAXIMA VDA. DE BLAS, ET AL., DEFENDANTS AND APPELLEES.*G. R. No. L-5078. May 04, 1953*

Ponente: REYES, J.

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The appellant Luis Francisco is the registered owner of a parcel of land, identified as Cadastral Lot No. 2464-A, situated in Caloocan, Rizal. The lot is adjoined on the North by land registered in the name of Manuel Syjuco and Martin Syjuco and identified in the pleadings as lot No. 3-B of Subdivision Plan Psd-706, part of lot No. 23-A, original plan Psu-2345 of Hacienda de Maysilo, and on the South by land registered in the name of Maxima Vda. de Blas and identified as Cadastral lots Nos. 2464-D and 2465. Adjoining this land of Maxima Vda, de Bias on the South is Cadastral Lot No. 2466, registered in the name of Jose Apolonio.

On June 27, 1950, Manuel Syjuco and Martin Syjuco brought an action against Luis Francisco in the Court of First Instance of Rizal (Civil Case No. 287) to recover a strip of land measuring 10 meters by 1 meter, alleged to be a portion of the plaintiff's lot and illegally occupied by the defendant. On February 22 of the following year Maxima Vda. de Blas, on her part, filed a similar action in the same court (Civil Case No. 1372) against the same defendant Luis Francisco to recover another strip of land with an area of 12.85 square meters alleged to be a part of this plaintiff's lot and illegally occupied by the defendant. Answering the complaints in the two actions, defendant admitted occupation of the strips of land claimed by plaintiffs but alleged ownership over the same as portions of the lot registered in his name.

With the issues in the two actions already joined, the defendant, instead of proceeding to trial, filed a separate action in the same court on March 31, 1951, alleging in substance that the claims of the plaintiffs in the said two actions constitute a cloud on his own title and praying that the said cloud be removed. Besides the plaintiffs he included as defendant in this new action Jose Apolonio, the registered owner of the lot which borders that of Maxima Vda. de Blas on the South, it being alleged that the said lot of Jose Apolonio was originally registered with an area of 1,147 square meters but was, upon the issuance of a new title, given an area of 1,251 square meters, and that as the additional area of 104 square meters was taken from the adjoining lot of Maxima Vda. de Blas, the latter, in order to compensate herself for the loss, sought to take a portion of plaintiffs land without justification.

The defendant Jose Apolonio filed his answer alleging that the changes in the technical description of his lot were in accordance with the result of a lawful survey conducted with the acquiescence of plaintiff or his predecessors in interest and made the basis of a court order for the issuance of a new title in place of the old one. But the other defendants instead of answering, moved for the dismissal of the complaint as to them, each alleging pendency of another action between the same parties and for the same cause. Sustaining the motion, the court ordered the complaint dismissed as to these defendants, the case to proceed with respect to the defendant Jose Apolonio. From the order of dismissal plaintiff has appealed to this Court, alleging that, as between the present case and the two actions pending against him, there was no identity of parties, cause of action and relief.

In order that a motion to dismiss may prosper on the grounds that there is already a pending action between the same parties, the facts must be such that the judgment in one case would constitute *res judicata* for the second. There must, therefore, be identity of parties, identity of causes of action and identity of reliefs. There can be no question that in the case before us there is, as to the Syjuco brothers and Maxima Vda. de Blas, identity of parties, but is there also identity of causes of action and reliefs?

In the determination of this question, we should bear in mind that, as said in 30 Am. Jur., 919, "the application of the doctrine of *res judicata* to identical causes of action does not depend upon the identity or differences in the forms of the two actions. A judgment upon the merits bars a subsequent suit upon the same cause, though brought in a different form of action, and a party therefore, cannot by varying the form of action or adopting a different method of presenting his case, escape the operation of the principle that one and the same cause of action shall not be twice litigated."

Now, it appears that in the two prior actions against the petitioner Luis Francisco the issue involved is, in the final analysis, that of ownership. Who is the owner of the strips of land adjoining that of the petitioner, one on the North and one on the South? The relief is necessarily a declaration of ownership. In bringing the third action, petitioner claims that his is an action "to quiet title" and, therefore, the cause of action is different. But an examination of the complaint filed by him shows that the issue in so far as the two adjoining owners, the Syjuco and the Blas, are concerned, is that of ownership, i. e., ownership over the disputed strips of land. In his complaint, precisely, petitioner alleges that these adjoining owners, in claiming ownership over the strips of land aforementioned, have cast a cloud upon his own title, and hence his action "to quiet title." But that cloud consists precisely in the claim of ownership asserted by the said adjoining owners, an issue already raised in the two prior cases. In other words, in so far as these adjoining owners are concerned, the issue of ownership over the strips of land in question has already been raised by them in the two pending cases, and now in this third case the same issue is raised by the herein petitioner.

Ostensibly the third action asks for a judgment "to quiet title." But it is obvious that, at bottom, this relief depends upon the resolution of the question of ownership already raised in the two prior actions.

Our conclusion, therefore, is that there is in the three cases identity of parties, cause of action and relief, so that a decision in the first two would be *res judicata* for the third.

The order appealed from is affirmed, with costs.

Paras, C. J., Feria, Pablo, Bengzon, Tuason, Montemayor, Jugo, Bautista Angelo and Labrador, JJ., concur.

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