

TIMOTEO LAROZA AND CONCHITA URI, PLAINTIFFS-APPELLANTS, VS. DONALDO GUIA, DEFENDANT-APPELLEE.

G.R. No. L-45252. January 31, 1985

Ponente: RELOVA, J.

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RELOVA, J.:

Action to quiet title filed by appellants Timoteo Laroza and Conchita Uri in the then Court of First Instance of Laguna and San Pablo City versus appellee Donaldto Guia over a parcel of land described as follows:

"Isang (1) lagay na lupang tirikan at niyugan na natatayo sa Nayon ng San Francisco, Lunsod ng San Pablo; may luwang na 200 metrong parisukat humigit kumulang ang tirikan at 2210 na metrong parisukat, humigit kumulang ang niyugan. May tanim na 46 puno ng niyog at 29 puno ng lanzones na pawang nabunga. Ang kabalantay sa SE-Remedios Bautista; sa SW-Provincial Road; sa SW at SE-Maria Umali at sa NW-Buenaventura Guia. Ito ay hinahalagahan ng Pamahalaan ng P730.00 para sa taong kasalukuyan at ito ay mayroong Katibayan sa pagmamay-ari Blg. 31068. Ang mga hangganan nito ay may palatandaang buhay na madre-cacao." (pp. 4-5, Record on Appeal)

Appellants, in their complaint, alleged that they bought the above-described property in good faith and for valuable considerations from Francisco Guia on June 30, 1973, after they had seen the documents of ownership of said Francisco Guia which consisted of the following:

(a) Deed of Extra-Judicial Partition executed before Notary Public Alfonso Farcon of San Pablo City dated August 5, 1961. Copy of which is hereto attached as Annex "B";

(b) Deed of Absolute Sale executed by Manuel Guia in favor of Francisco Guia, Buenaventura Guia and Felimon Guia, dated March 5, 1940 executed before Notary Public Enrique Estrellado of San Pablo City, and duly registered with the Register of Deeds of Sta. Cruz, Laguna on March 8, 1940, copy of which is hereto attached as Annex "C";

(c) Deed of Donation Inter Vivos executed by Cayetana Garcia dated March 5, 1940 executed before Notary Public Enrique Estrellado of San Pablo City, copy of which is hereto attached as Annex "D" (p. 6, Record on Appeal);

that they were in continuous possession of the said property from the time they acquired the same from Francisco Guia until appellee, "through the commissioners appointed by this Honorable Court in Civil Case No. SP-488, namely: Aproniano Mls. Magsino, Clerk of Court; Rogaciano Borja, Deputy Clerk of Court; Atty. Ricardo Fabros, then represented by Mr. Armadilla; and, Engr. Danilo Dichoso, the surveyor, intruded upon the said peaceful possession by attempting to survey the above-described property and to partition the same by virtue of a decision of this Honorable Court dated December 29, 1966 in Civil Case No. SP-488; that the attempt of herein defendant to survey and partition the above described property beclouds the title of herein plaintiffs for which reason, they were constrained to institute the present action with the assistance of counsel at the agreed amount of P5,000.00 and were compelled to incur litigation expenses of not less than P500.00." (p. 7, Record on Appeal)

Appellee, through counsel, filed a motion to dismiss the complaint alleging, among others, "that the land subject matter of the complaint has already been the subject of a final and executory judgment in Civil Case No. SP-488, hence, plaintiffs (appellants) have no cause of action, or if there be any, the same is barred by a prior judgment." (p. 39, Record on Appeal)

Appellants opposed the motion to dismiss maintaining that the complaint states a sufficient cause of action and prayed that the motion to dismiss be denied.

The lower court, on October 30, 1974, issued an order dismissing appellants' complaint saying that:

"The motion to dismiss is well taken. It is beyond debate or question that the land over which plaintiffs seek herein to quiet title has already been declared the property of defendant by the final and executory judgment of this Court in SP-488, which was affirmed by the Court of Appeals and a further attempt to challenge the adjudication by certiorari was thrown out prefunctorily by the Supreme Court. There is no room for doubt or for controversy that all the requisite elements of res judicata or bar by prior judgment are present here. Plaintiffs are the supposed purchasers of the property from Francisco Guia, defendant in SP-488. Needless to say, a judgment against a party binds his successors in interest. A sale or similar transmission of right does not disturb the identity of party for purposes of res judicata. In this regard, for further enlightenment on the issues generated by this dismissal motion, the Court hereby refers to its order of March 22, 1971 in SP-488.

"Contrary to plaintiffs contention, the ground of res judicata raised by defendant is indubitable and patent from paragraphs 4 and 5 of the complaint." (pp. 77-78, Record on Appeal)

Appellants went to the then Court of Appeals alleging that the lower court erred (1) in holding that the instant case is already barred by a previous judgment; (2) in dismissing the complaint without a hearing which although preliminary should be conducted as ordinary hearings; and, (3) in holding that the ground of res judicata raised by appellee is indubitable and patent from paragraphs 4 and 5 of the complaint. (pp. 1-2, Brief for the Appellants)

The appellate court forwarded the records of the case to Us because "no factual issue is involved" and "the issues raised in the instant case are purely legal questions which are beyond the jurisdiction of the Court to determine." (p. 5, CA Resolution)

There is no merit in this appeal.

Records show that long before appellants had acquired subject property, a notice of lis pendens (Civil Case No. SP-488) had already been registered with the Office of the Register of Deeds of San Pablo City affecting the property. Lis pendens is a notice of pending litigation; a warning to the whole world that one who buys the property so annotated does so at his own risk (*Rehabilitation Finance Corporation vs. Morales*, 101 Phil. 175). Notwithstanding, appellants bought the land from Francisco Guia, defendant in Civil Case No. SP-488. Having purchased the property with notice of lis pendens, appellants took the risk of losing it in case the decision in the said civil case, as what actually happened, is adverse to their predecessor-in-interest, Francisco Guia. Time and again, We have decreed that the filing of a notice of lis pendens charges all strangers with a notice of the particular litigation referred to therein and, therefore, any right they may thereafter acquired on the property is subject to the eventuality of the suit. The doctrine of lis pendens is founded upon reason of public policy and necessity, the purpose of which is to keep the subject matter of the litigation within the power of the Court until the judgment or decree shall have been entered; otherwise, by successive alienations pending the litigation, its judgment or decree shall be rendered abortive and impossible of execution. On this score alone, appellants case would necessarily fall.

In their first assigned error appellants argue that there is no res judicata because there is no identity of causes of action since the case at bar is an action to quiet title, whereas, Civil Case No. SP-488 is one of filiation and

partition. In *National Bank vs. Barreto*, 52 Phil. 818, We held that "a judgment for the plaintiff sweeps away every defense that should have been raised against the action, and this for the purpose of every subsequent suit, whether founded upon the same or a different cause." In Civil Case No. SP-488, appellee Donaldo Guia maintained that he is a co-owner of that parcel of land, including the land in question, which was later adjudicated to him as his share in the inheritance from the late Cayetana Garcia; whereas, Francisco Guia, appellants' predecessor-in-interest, alleged that he is the sole owner of the property. Thus, both parties claim ownership over the same property - appellee Donaldo Guia, by virtue of a final judgment rendered in Civil Case No. SP-488, and appellants Timoteo Laroza and Conchita Uri, by virtue of the sale executed by Francisco Guia, who lost in said civil case. In both cases, the question boils down to ownership of the land. Thus, there is identity of causes of action.

Anent the second assigned error, records reveal that a hearing on appellee's motion to dismiss appellants' complaint was conducted on August 12, 1974. There is, therefore, no basis for appellants to say that a hearing was never held in the case.

Finally, appellants claim that the lower court erred in declaring that *res judicata* is indubitable and patent from the face of the complaint itself, without the appellee pleading the same as an affirmative defense. From a cursory reading of the pleadings, extant in the records of the case, We find that in his motion to dismiss, appellee had thoroughly discussed the issue of *res judicata* and, coupled by the fact that it was the same court which heard and decided Civil Case No. SP-488, the trial court can rightfully rule on said issue.

ACCORDINGLY, for lack of merit, the appeal is hereby DISMISSED.

SO ORDERED.

Teehankee, Acting C.J., (Chairman), Melencio-Herrera, Plana, Gutierrez, Jr., and De La Fuente, JJ., concur.
Alampay, J., no part.

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