

**POMPENIANO ESPINOSA, ET AL., PLAINTIFFS-APPELLANTS, VS.
AURELIA BELDA, ET AL., DEFENDANTS-APPELLEES.**

G.R. No. L-17988. March 31, 1967

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal from the order of the Court of First Instance of Davao dated May 28, 1960 dismissing the plaintiffs-appellants' complaint under Civil Case No. 2951 entitled "Pompeniano Espinosa, et al., vs. Aurelia Belda, et al."

In a cadastral decision rendered on August 10, 1940 by the Court of First Instance of Davao sitting as a cadastral court under Case No. 6 G.L.R.O. 540, Lot No. 214 of the Guianga Cadastre was subdivided in-to three lots: Lots Nos. 214-A, 214-B and 214-C. Lot No. 214-A was awarded to Abon (Bagobo), while Lot No. 214-B was adjudicated to Aguana. Lot No. 214-C was declared public land. On October 1, 1952, the said court issued the following order in connection with the above-mentioned decision:

"The decision rendered by this Court in the above-entitled case under date of August 10, 1940 having become final, the Chief of the General Land Registration Office is here-by directed to issue the corresponding decree of registration for the following lots adjudicated by said decision:

'Se adjudica el lote No. 214-A con las mejoras existentes dentro del mismo a nombre de Abon (Bagobo), 60 años de edad, Filipino, viudo, residente en Tagakpan, Ciudad de Davao; y el lote No. 214-B con las mejoras existentes dentro del mismo, a favor de Aguana (Bagobo), 65 años de edad, filipino, viudo, residente en Tagakpan, Ciudad de Davao.'"

Thus, on February 26, 1954, the Chief of the Land Registration Office issued the final decree of registration for Lot No. 214-A. On March 15, 1954, the corresponding Original Certificate of Title, O.C.T. No. 0-41, was issued to Abon (Bagobo).

On the very day that Lot No. 214-A was titled to Abon, who had by then died already, his heirs executed in favor of Francisco Otto (Bagobo), one such heir, a special power of attorney to sell the land covered by O.C.T. No. 0-41. On April 6, 1954, Francisco Otto sold the said land to Francisco Belda for P10,000.00 and on account of the said transaction, O.C.T. No. 0-41 was cancelled and a new one, Transfer Certificate of Title No. T-5250 was issued and registered in the vendee's name.

On May 26, 1954, the herein appellants, together with several others, filed a petition for review with the Court of Appeals, for the review of the aforementioned issuance of the original certificate of title to Abon (Bagobo). In this petition, docketed with the Court of Appeals as CA-G.R. No. 15441-R, the petitioners urged the cancellation or revocation of O.C.T. No. 0-41 on the grounds that the same was secured through fraud and that the decision of August 10, 1940, which authorized its issuance, had not been final or executory. In a decision rendered on December 6, 1957, however, the Court of Appeals rejected the above contentions and affirmed the validity of O.C.T. 0-41. This decision likewise specifically found that insofar as Francisco Belda was concerned, there was

absolutely no evidence of fraud. In other words, it pronounced Francisco Belda as a purchaser in good faith.

Long after the above decision of the Court of Appeals had become final, or on February 20, 1959, the herein appellants, the same petitioners in CA-G.R. No. 15441-R, filed with the Courts of First Instance of Davao the complaint at bar praying for the cancellation of T.C.T. No. T-5250. In the main, the said plaintiffs-appellants alleged that the said title, as well as O.C.T. No. 0-41, were acquired through fraud and to the prejudice of the said plaintiffs who were the occupants of the property covered by the said title.

On motion of the defendant, the surviving wife of Francisco Belda, the trial court dismissed the aforementioned complaint on the grounds of failure to state a cause of action and *res judicata*. Hence, this appeal.

The plaintiffs-appellants take direct issue with the aforesaid ruling of the trial court that their complaint states no cause of action and that the same is barred by a prior judgment. They maintain that their allegations of fraud in the acquisition of the title over the land in dispute, Lot No. 214-A, suffice to sustain a cause of action. Moreover, they claim that *res judicata* is inextendible to their complaint under consideration because the elements therefor do not obtain.

The appeal is unmeritorious.

The appellants themselves, in their complaint under Civil Case No. 2951, recite or allege that they entered into the land in dispute "knowing fully well that the said land is part of the public domain." (Par. 20, Complaint). They explicitly admitted therein that they were merely petitioners "with the Bureau of Lands for the allocation in their favor [of] their respective occupations inside said land." (Idem, sub-par. 2). To be sure, in the very complaint sought by them to be sustained in this appeal, they assert no right of theirs over the land in question other than they have filed therefor Homestead Applications to cover "their respective portions which are considerably developed by them with houses and plantations of coconuts, fruits and others." (Idem, sub-par. 4) With all these admissions, the trial court indeed could not have correctly entered a ruling on the said complaint other than the order of dismissal subject of this appeal. Since they do not only admit but avow as well that they are not the owners of the property covered by T.C.T. 5250, then no right of theirs could have been transgressed by the issuance of a title to the said land to somebody else. As a matter of fact, in their homestead applications with the Bureau of Lands, they firmly rendered the following commitment:

"I understand that this application conveys no right to clear the land until this application is approved. Furthermore, I recognize that the land covered by homestead application is of public domain and any and all rights I may have in respect thereto by virtue of continuous occupation and cultivation, are hereby relinquished to the Government."

Without a right to enforce or protect, no action, of course, can be sustained. (Rule 2, Sec. 1, Rules of Court) Nor may a cause of action be claimed upon a complaint which recites no such right. A legal right of the plaintiff is an essential element of a cause of action. (*Ma-ao Sugar Central Co., Inc. v. Judge Barrios*, 79 Phil. 666)

Our reading and examination of the decision of the Court of Appeals in CA-G.R. No. 15441-R disclose that all the elements of *res judicata* are present in this case. The said decision had long been final and executory prior to the filing of the complaint at bar. It was a decision on the merits by a court of competent jurisdiction. The parties in, causes of action and subject matters of, the said decision and Civil Case No. 2951 are identical. Thus do we sustain and affirm too the other ground invoked by the trial court in dismissing the said complaint.

IN VIEW OF ALL THE FOREGOING, the order of the trial court dated May 28, 1960, dismissing Civil Case No. 2951, is hereby affirmed. Costs against the appellants.

Concepcion, C.J., Reyes, Bengzon, Zaldivar, Sanchez, and Castro, JJ., concur.

Dizon and Makalintal, JJ., took no part.

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