

SIMEON CORDOVIS, ET. AL., PLAINTIFFS-APPELLANTS, VS. BASILISA A. DE OBIAS, ET AL., DEFENDANTS-APPELLEES.*G.R. No. L-24080. April 26, 1968*

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

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9933340e34f3/>

REYES, J.B.L., Acting C.J.:

Appeal from the dismissal of a complaint to annul a judgment, ordered by the Court of First Instance of Camarines Sur in its Case No. T-115.

The spouses Hermogenes P. Obias (deceased, but substituted by his children) and Basilisa A. de Obias had filed an action to quiet title over two (2) parcels of land in Garchitorena, Camarines Sur, against several defendants, namely, Juan, Catalina, Patricia, Simeon and Nemesia, all surnamed “Cordovis” and Marciano Rodavia, Teodora Beronio, Tomas Areega, Alejandro Frias, Troadio Mijares, Sixto Lopez and Agustin Belmonte. The case was docketed as Civil Case No. 3660 of the Court of First Instance of Camarines Sur. The plaintiffs, in their complaint, and the defendants, in their answer, alike, claimed ownership and possession over the lands. Hearing was held but after the plaintiffs had presented their evidence and rested their case, the defendants moved for dismissal. The trial court granted the motion, holding that there was no believable proof that the defendants had violated the legal rights of the plaintiffs. The plaintiffs appealed to the Court of Appeals. The appellate court, in its case No. CA-G.R. No. 25280-R, finding the evidence for the plaintiffs sufficient to support an action to quiet title and invoking the principle that the defendants are barred from presenting their evidence on account of the demurrer to the evidence for the plaintiffs, reversed the trial court's decision and declared the plaintiffs-appellants to be the rightful owners and possessors of the lands and ordered the defendants — appellees to refrain from further entering the said lands and disturbing the plaintiffs-appellants’ title and possession. This decision of the Court of Appeals became final and executory.

All the losing defendants in the aforestated case (Civil Case No. 3660), except Sixto Lopez, then filed, on 28 April 1964, with the Court of First Instance of Camarines Sur, a complaint, docketed as Civil Case No. T-115, against Basilisa A. de Obias, Estrella O. Rocha, Rosario Obias, Pura O. Gimeno, Manuel Obias, Josefina O. Solon, the Provincial Sheriff and the 41st Philippine Constabulary Company to annul the judgment hereinbefore stated on the ground that herein defendants-appellees (plaintiffs in Civil Case No. 3660) had falsely stated in Civil Case No. 3660 and, on appeal, in CA-G.R. No. 25280-R, that they were in possession of the lands, knowing the same to be false; that, in view of this fraudulent misrepresentation, the Court of First Instance and the Court of Appeals were misled in their decisions. To bolster this ground, the plaintiffs-appellants allege that Obias, et al. had asked the aid of the Philippine Constabulary to be able to enter the lands and allege, further, that in a prior case of forcible entry filed by the Obias spouses their complaint was dismissed.

After being summoned, the defendants-appellees moved to dismiss the complaint. The plaintiffs-appellants opposed the motion. Acting thereon, the court a quo granted the motion on the ground that the fraud or perjury alleged by the plaintiffs as the ground to invalidate the judgment of the Court of Appeals in case CA-G.R. No. 25280-R is not extrinsic, and the judgment, *res judicata*.

The plaintiffs in Civil case No. T-1 15 were not satisfied; hence, they appealed the order of dismissal to this Court.

The plaintiffs-appellants rely upon the case of *Anuran vs. Aquino*, 38 Phil. 29, urging that the fraud mentioned therein is just as bad as in the present case; that the lower court erred in applying the doctrine of *res judicata* because the final judgment is the very one sought to be annulled.

It is true that equity abhors fraud (Black on Judgments, par. 368) but not every fraud can be a ground to annul a judgment, otherwise litigations would never end. The fraud narrated in the *Anuran* case (procuring judgment by collusion with the administrator of defendant estate, without revealing the existence of another heir) is extrinsic or collateral,

“ . . . that is, fraud in the means whereby the judgment was procured and not fraud in the cause of action or matter put in issue and presented for adjudication, *Jacobson v. Brey*, 6 N.W. 2d 269, 273, 72 N.D. 269.” (15A Words & Phrases, 732)

Intrinsic fraud, on the other hand, includes “false testimony, fraudulent instruments, and any fraudulent matter presented and considered in rendering judgment. *Crouch v. McGaw*, 138 S.S. 2d 94, 97, 134 Tex. 633.” (15A Words & Phrases 741)

The distinctions clarified, it is plain that the allegations of the plaintiffs-appellants in their complaint that —

“the defendants herein, knowing full well that their allegations in Annex ‘A’ (referring to the Complaint & Petition filed in Civil Case No. 3660) are false, the truth being that the plaintiffs were, as they have always been, in possession of the lands in question, sustained and presented evidence to the effect that they were in possession of said properties;” (Rec. on Appeal, p. 5, as printed by Metropolitan Publishing House, Inc.)

is intrinsic in character because it was a matter in issue in the prior case or matter presented and considered in rendering judgment. So that, theoretically admitting the truth of the afore-quoted allegation, the alleged perjury is not a ground to annul judgment.

“A contention that defendant obtained judgment in a prior action ‘by pretending to be the owner of or to be entitled to Lot 230’ merely charges intrinsic fraud, not extrinsic, and will not support an action to annul the judgment.” (*Padilla vs. Jordan*, L-8494, December 22, 1955).

Technically, the doctrine of *res judicata* may not be invoked in the present case for the reason that the very purpose of the action in Civil Case No. T-115 is to annul the judgment in Civil Case No. 3660; this notwithstanding, the dismissal of the complaint was in order because it did not state a cause of action sufficient to invalidate the previous final judgment. (*Almeda vs. Cruz*, 84 Phil. 636).

The several plaintiffs-appellants were represented below by Atty. Ezekiel S. Grageda. On appeal, Atty. Vicente L. Arcega entered his appearance for Tomas Arcega but his brief included as an appellant one Vicente Mapada who is not a party in the case. Any allusion to Mapada is, therefore, hereby disregarded and Atty. Arcega is hereby warned against repeating similar misrepresentations in the future.

Arcega argues that the law between the parties is an alleged final decision rendered in a forcible entry case. The argument overlooks the fact that said decision does not appear on the record and, therefore, cannot be considered; that the decision in Civil Case No. 3660 (quieting of title) is also final; and that the forcible entry decision is effective with respect to the possession only and is no bar to an action respecting ownership nor conclusive of the facts found in the case upon a different cause of action not involving possession. (Sec. 7, Rule 70, Rules of Court).

FOR THE FOREGOING REASONS, the appealed order is hereby affirmed, with costs against the appellants.

Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles and Fernando, JJ., concur.

Judgment affirmed.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.