

PATERNA, OBDULIA, SEGUNDINA AND SIMEON, ALL SURNAMED ANTICAMARA, PLAINTIFFS-APPELLANTS, VS. JOSE ONG AND ISIDRA MADRONIAL, DEFENDANTS-APPELLEES.

G.R. No. L-29689. April 14, 1978

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9bc7e3a8cfa5/>

AQUINO, J.:

This is a litigation over Lot 1149 of the Iligan City cadastre with an area of 1,800 square meters.

On July 3, 1950 Jose Ong, who claimed to be the owner of the lot, leased a 390-square meter portion thereof to Lucas Laspiñas for a term of twelve years or from January 1, 1949 to December 31, 1960 (Record on Appeal in Ong vs. Laspiñas, CA-G.R. No. 30722-23-R).

During the term of the lease, or on June 5, 1956, Jose Ong secured a free patent for the lot. The patent was registered and Original Certificate of Title No. P-600 was issued to Ong on September 25, 1956.

On September 9, 1957, or after Segundina Anticamara, the wife of Laspiñas, learned that a patent was issued to Ong, she filed a protest with the Bureau of Lands. A Bureau of Lands inspector in a letter dated September 11, 1957 informed her that her protest against the free patent could not be entertained because the lot had become private property and that her remedy was to ventilate her claim in the proper court.

Because in a cadastral case involving Lot 1149 the spouses, Lucas Laspiñas and Segundina Anticamara, claimed to be the owners of that lot, Jose Ong was provoked to file against them on May 10, 1957 in the Court of First Instance of Lanao del Norte a complaint for the rescission of the lease (Civil Case No. IL-49).

At the same time, Ong filed an ejectment suit against the Laspiñas spouses in the municipal court of Iligan City (Civil Case No. 271). The Laspiñas spouses interposed the defense that Segundina Anticamara and her sisters and brother inherited the said lot from their father.

The municipal court in a decision dated November 9, 1957 ordered the Laspiñas spouses to vacate the leased portion of the lot. The defendants appealed to the Court of First Instance (Civil Case No. IL-97).

The lower court rendered one decision for the two cases. It declared Jose Ong the owner of the disputed lot and ordered the defendants to deliver the possession thereof to Ong. The defendants appealed.

The Court of Appeals affirmed that judgment (with some modifications as to the recoverable damages) in its decision dated October 29, 1966 in CA-G.R. No. 30722-23-R.

On March 30, 1968 Segundina Anticamara, together with her sisters Paterna and Obdulia and her brother Simeon, sued the spouses Jose Ong and Isidra Madronial (Madroñal) also in the Court of First Instance of Lanao del Norte in order to establish their ownership over Lot 1149 (Civil Case No. 1297).

Their theory is that their parents, Pedro Anticamara and Juana Mangigo, were the owners and possessors of Lot

1149; that their parents acquired the said lot in 1926 from the spouses, Carlos Ong and Leocadia Ong, as their share of the land which they had cleared, cultivated and planted to coconuts for the Ong spouses; that the plaintiffs inherited the lot from their father and mother who died in 1938 and 1959, respectively; that the spouses Jose Ong (the son of Carlos Ong) and Isidra Madronial fraudulently secured a free patent and Torrens title for the said lot; that through strategy and stealth defendants Jose Ong and Isidra Madronial were able to take possession of the lot, except the portion thereof occupied by plaintiffs' house, and that the defendants wanted to demolish the said house after they had secured favorable judgments in the aforementioned ejectment suit and in the suit against Segundina Anticamara for the rescission of the lease.

The plaintiffs prayed that the demolition of their house be restrained; that they be declared the owners of the lot and that the defendants be ordered to convey the said lot to them, to deliver the possession thereof, and to pay damages.

The defendants filed a motion to dismiss the complaint. The lower court dismissed it on the grounds of res judicata, prescription and indefeasibility of Torrens title or alleged lack of jurisdiction to review the issuance of the free patent.

The plaintiffs appealed to this Court. They contend that their action is not barred by prior judgment and by the statute of limitations and that it is within the lower court's jurisdiction because it is an action for reconveyance of land, for which a free patent was fraudulently issued, and not a proceeding under section 38 of Act 495.

The disputed lot, now Lot 1149-C with an area of 1,463 square meters, is covered by Transfer Certificate of Title No. T-8513 (a.f.) issued on May 6, 1970 in the name of Jose Ong, married to Isidra Madronial, superseding Original Certificate of Title No. RP-445(600) a.f. (sic).

The defendants in their manifestation of November 22, 1977 stated that the decision in the ejectment case had long been executed, that the house of the Laspiñas spouses had been demolished and that the disputed lot is now in the exclusive possession of the defendants.

We find the appeal to be devoid of merit. The trial court did not err in dismissing the complaint on the ground of res judicata or estoppel by judgment. For the disposition of the appeal, it is not necessary to resolve whether the trial court properly dismissed the case on the grounds of prescription and indefeasibility of the title based on a free patent. Rule 39 of the Rules of Court provides:

"SEC. 49. Effect of judgments. - The effect of a judgment or final order rendered by a court or judge of the Philippines, having jurisdiction to pronounce the judgment or order, may be as follows:

xxx xxx xxx

"(b) In other cases the judgment or order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity;

"(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have

been adjudged in a former judgment which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto."

Under section 49, in order that there may be res judicata, it is requisite (a) that the former judgment must be final; (b) that it must have been rendered by a court of competent jurisdiction; (c) that it must be a judgment on the merits, and (d) that between the first and second actions, there should be identity of parties, subject-matter and cause of action (*San Diego vs. Cardona*, 70 Phil. 281, 283).

There is no question that the final judgment of the lower court in Civil Cases Nos. IL-49 and IL-97, as affirmed by the Court of Appeals, was rendered on the merits by a court of competent jurisdiction. The subject-matter of the prior cases and the instant case is the same, which is Lot 1149, and the cause of action is likewise the same: the ownership of the said lot.

It may be argued that the requisite that there should be identity of parties is lacking because the prior cases were between Jose Ong and Segundina Anticamara and her husband, whereas, in the instant case, Paterna, Obdulia and Simeon, all surnamed Anticamara, the sisters and brother of Segundina, are parties but they were not parties in the two prior cases.

That argument is untenable because a party may not evade the application of the rule of res judicata by simply including additional parties in the subsequent litigation or by not including as parties in the later case persons who were parties in the previous suit (*Carpena vs. Manalo*, 111 Phil. 685, 689-690; *Republic vs. Planas*, L-21224, September 27, 1966, 18 SCRA 132).

The joining of new parties does not remove the case from the operation of the doctrine of res judicata if the party against whom the judgment is offered in evidence was a party in the first action; otherwise, the parties might renew the litigation by simply joining new parties (*Velasco and Aborde vs. Velasco*, 112 Phil. 631; *Senoro vs. Lobo*, L-20073, October 3, 1975, 67 SCRA 248, 255).

The Velasco case is similar to the instant case. In that case, it appears that Maria Aborde, a granddaughter of the deceased Exequiel Velasco, sued Carlos Velasco, a natural son of Father Mariano Velasco (Exequiel's brother), for the recovery of a parcel of land. The Court of First Instance of Camarines Sur adjudged that Carlos Velasco was the owner of the land. The Court of Appeals affirmed that judgment.

Later, Maria Aborde and her first cousin, Maria Velasco (being another granddaughter of Exequiel Velasco) sued Carlos Velasco for the recovery of the same parcel of land and the annulment of the prior judgment. The lower court dismissed the case on the ground of res judicata.

It was held that the fact that Maria Velasco was a party in the second case and was not a party in the first case did not preclude the application of the rule of res judicata since Maria Velasco and Maria Aborde had a community of interest.

That observation applies to the instant case. The new parties in the second case, namely the two sisters and brother of Segundina Anticamara, a party in the first case, have a community of interest with their sister, Segundina. The new parties could not have been ignorant of the first case. Yet, they did not intervene therein and did not join forces with Segundina in resisting the actions of Jose Ong.

Moreover, the principle of res judicata does not require absolute identity but only substantial identity of parties, subject-matter and issues (*E.M. Grimm vs. Atok Big Wedge Mining Company*, 106 Phil. 1170, 16 Republic Digest 416; *Suarez vs. Municipality of Naujan, Oriental Mindoro*, L- 22282, November 21, 1966, 18 SCRA 682).

WHEREFORE, the order of dismissal is affirmed with costs against the plaintiffs-appellants.

SO ORDERED.

Fernando, (Chairman), Antonio, Concepcion, Jr., and Santos, JJ., concur.

Barredo, J., concur in view of the community of interest rule in Velasco.

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.