

**MAXIMINO VALDEZ ET AL., PLAINTIFFS AND APPELLANTS, VS.
MAGDALBNA MENDOZA ET AL., DEFENDANTS AND APPELLEES.***G. R. No. L-2847. May 28, 1951*

Ponente: BENGZON, J.

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By resolution dated October 21, 1948 the court of first instance of Bulacan dismissed its civil case No. 293 entitled "Valdez et al. vs. Mendoza et el". The dismissal was ordered as a result of the defendants' plea of res judicata. The plaintiffs appealed.

In that case, begun in September 1948, the appellants Maximino Valdez and his daughter Emerita Valdez sued the administrator and the heirs of the deceased Juan Valdez (son of Maximino) to have themselves declared the owners of one half of the land in San Miguel, Bulacan (Lot No. 1882) registered in the name of Juan Valdez under Transfer Certificate of Title No. 21866. Their complaint was founded on the private document, Exhibit A, executed in Tagalog by Juan Valdez on May 6, 1946, wherein he expressly said, (1) that the true and lawful owner of Lot No. 1882 was his father, the plaintiff Maximino Valdez, although he was able to register it in his own name for reasons he did not state in the instrument; and (2) that mindful of the certainty of his death and while still possessing sound mind and disposing memory, he returned to his father Maximino Valdez and sister, Emerita Valdez, one-half of said property.

Required to answer the complaint, the heirs of Juan Valdez submitted a motion to dismiss on two counts, the first of which was the conclusiveness of a prior judgment. They averred that in a previous case No. 6159 of the same court, in which the plaintiffs Maximino Valdez was a party, the ownership of Juan Valdez over the same property had been upheld, and his titles recognized.

According to the decision rendered July 31, 1943 in that previous case No. 6159.

Maximino Valdez married Maria Carmen de la Cruz, who died in January 1935 leaving her husband and their children Basilia, Emerita, Miguel and Juan. At the instance of Basilia, administration proceedings for the settlement of her mother's estate was begun, and Maximino was appointed administrator, later substituted by Basilia. Among the properties involved in the settlement was the lot in question, (No. 1882) which was mortgaged on January 30, 1938 by Maximino in favor of his sister Maria Valdez for the sum of ₱8,000. As this debt had not been satisfied at maturity Maria Valdez commenced foreclosure proceedings. She got favorable judgment, purchase the property at public auction and obtained title in her name. Shortly after the auction sale Maria Valdez donated the lot to Juan and Miguel Valdez (her nephews) on condition that she would retain ownership thereof so long as she continued to live. And some days afterwards, Maria Valdez and Miguel Valdez sold to Juan Valdez all their rights over the land. Consequently the latter secured Transfer Certificate of Title No. 21866 in his own name. When Basilia became administratrix, she filed the suit (Civil Case No. 6159) alleging that the property was conjugal property, that Maximino had no authority to mortgage it and the mortgage was fictitious. She wanted to annul the foreclosure, the auction sale to Maria Valdez and the transfers to Juan Valdez. She impleaded Maximino

as defendant. Maximino and his co-defendants including Maria Valdez and Juan Valdez alleged and maintained that he was the exclusive owner of the land and that the mortgage was valid. After the evidence was in, judgment was rendered absolving the defendants from the complaint.

As stated in the beginning, the court of first instance of Bulacan in the appealed resolution sustained the plea of res judicata, holding that, in both cases 6159 and 293, the parties, the property and the issues were the same.

Quoting our decisions declaring that the requisites of res judicata are (a) identity of parties (b) identity of causes of action and (c) identity of the subject matter, the appellants vigorously maintain there is no identity of causes of action. They contend that whereas Civil Case No. 6159 sought the annulment of the title of Juan Valdez on Lot No. 1882 on the ground that the mortgage was null and void, the present case seeks the enforcement of "a trust" (Exhibit A) written by Juan Valdez three years after the rendition of judgment in Civil Case No. 6159.

Very probably the appellants are right, what with the circumstance that the principal bone of contention in Civil Case No. 6159 was whether the property belonged exclusively to Maximino, who could therefore dispose of it, or whether it formed part of the conjugal partnership property to which Basilia had a claim.

At any rate it appears that Emerita Valdez was not a party to the first case No. 6159, and is litigating on a document executed after it was decided. Which brings us to the decisive question, apparently new in this jurisdiction, whether the judgment in Civil Case No. 6159, in which both Juan Valdez and Maximino Valdez were defendants, is conclusive in a subsequent litigation between themselves.

In the United States where our theories on res judicata have originated, a judgment in favor of two or more defendants is conclusive on plaintiff as against them. "The estoppel however is raised only between those who were adverse parties in the former suit, and the judgment therein ordinarily settles nothing as to the relative rights or liabilities of the co-plaintiffs or co-defendants inter sese, unless their hostile or conflicting claims were actually brought in issue" * * * "by cross-petition or separate and adverse answers" (50 C. J. S. pp. 372, 373 citing many cases) (See also 30 Am. Jur. 233).

It is said that the theory of the many decisions supporting the above general rule is that the previous judgment "merely adjudicates the rights of the plaintiff as against each defendant, and leaves unadjudicated the rights of the defendants as among themselves" (30 Am. Jur. p. 967).

From the foregoing it follows that the plea of res judicata was erroneously upheld. The appealed decision must therefore be reversed. Observe however that this opinion does not pass upon the query whether Exhibit A affords the plaintiffs as enforceable cause of action, nor upon the effect of the fraudulent collusion which, defendants admit existed between Maximino and his son Juan. These matters are left open for determination by the lower court to which this litigation is hereby remanded for further proceedings. Costs in favor of plaintiffs. So ordered.

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

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