

**ISABELO SENORO, TEODORICO SENORO AND ESTELITO SENORO,
PLAINTIFFS-APPELLANTS, VS. FRANCISCO LOBO, GILDA LOBO,
SANTIAGO LOBO, SOCORRO SOLDEVILLA, ESPERIDION LOBO,
AGRIPINA LABANSA...**

G.R. No. L-20073. October 03, 1975

Ponente: ANTONIO, J.

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ANTONIO, J.:

Appeal originally instituted by plaintiffs-appellants with the Court of Appeals from the Order dated February 22, 1960, of the Court of First Instance, Negros Occidental, dismissing the complaint in Civil Case No. 5639 on the ground of *res judicata*. The appeal was certified to Us by the appellate court on the ground that the sole issue raised is purely a question of law.

On December 25, 1959, plaintiffs-appellants filed a complaint in Civil Case No. 5639 against defendants-appellees for (a) reconveyance to the former of Lot No. 1687-B of the Cadastral Survey of Himamaylan, Negros Occidental, as Heirs of Juan Lobo, or, if no longer possible, the payment to them of the amount of P1,200.00, as monetary equivalent of the share of said parties in the aforementioned lot; (b) payment to them in the sum of P7,000.00, representing their yearly net share in the aforementioned property from 1954 up to the date of the filing of the complaint; and (c) the payment to them in the sum of P500.00 as attorney's fees.

On February 22, 1960, defendants-appellees Agripina, Felipe and Zoila, all surnamed Labansawan (hereinafter referred to as the Labansawans), and Francisco and Jesus, both surnamed Infante (hereinafter referred to as the Infantes), filed a Motion to Dismiss, on the ground that the cause of action is barred by a prior judgment or *res judicata*. The other defendants-appellees, Francisco, Gilda, Esperidion and Santiago, all surnamed Lobo, and Socorro Soldevilla de Sanicas, filed an Answer with special defenses and cross-claim.

On March 23, 1960, defendants-appellees Labansawans and Infantes, as cross-defendants, filed an Answer with counterclaim to the cross-claim.

On March 26, 1960, the plaintiffs-appellants interposed their opposition to the motion to dismiss, claiming that the elements of *res judicata* did not exist.

On May 28, 1960, the trial court issued an order granting the Motion to Dismiss, and, accordingly, ordered the dismissal of the case upon the ground of *res judicata*.

A motion for reconsideration, filed by plaintiffs-appellants on June 16, 1960, was denied by the trial court on June 25, 1960.

Consequently, this appeal by plaintiffs-appellants on June 25, 1960 from said Order.

The order of dismissal adverted to the judgment in Civil Case No. 2345. This was a case instituted on September 3, 1952 by Agripina, Zoila, Jose and Felipe Labansawan, together with Alberto and Francisco Infante,

grandchildren and great grandchildren, respectively, of the deceased Juan Labansawan, with the Court of First Instance of Negros Occidental against Isabel, Estelito and Teodorico, all surnamed Senoro, together with Socorro Soldevilla de Sanicas and Francisco Sanicas. The suit sought to nullify Transfer Certificate of Title No. T-9774, covering Lot No. 1687-B, of Himamaylan, Negros Occidental, issued in the name of Isabel, Estelito and Teodorico Senoro, as well as subsequent Transfer Certificate of Title No. T-10099, issued in the name of Socorro Soldevilla de Sanicas, on the ground that said Transfer Certificate of Title No. T-9774 was secured through fraud, its issuance having been predicated on a fraudulent "declaration of ownership" executed by the Senoros. It was, therefore, prayed therein that the Register of Deeds be ordered to issue a new transfer certificate of title in the name of Agripina, Zoila, Jose and Felipe Labansawan, one-fifth (1/5) in equal shares each, and Alberto Infante and Francisco Infante, one-tenth (1/10) in equal shares each of the aforesaid property; to order the aforementioned defendants (Senoros and Sanicas) to vacate the premises and to surrender the possession thereof to the plaintiffs (Labansawans and Infantes), as well as to pay damages in the amount of P700.00, plus the costs of suit.

This action was resisted by the Senoros and the Sanicas, but after trial, the Court of First Instance of Negros Occidental rendered judgment in the aforesaid case, as follows:

"WHEREFORE, judgment is hereby rendered: (1) Declaring Exh. 'H', Declaration of Heirship, Exh. 'I', Transfer Certificate of Title No. T-9774, Exh. 'J', the Deed of Sale and Exh. 'K', Transfer Certificate of Title No. T-10099, illegal, null and void and of no legal effect; (2) Ordering the Register of Deeds to cancel Transfer Certificate of Title No. T-10099 in the name of Socorro Soldevilla and Francisco Sanicas and in lieu thereof to issue Transfer Certificate of Title in the name of Felipe Labansawan, of age, married and resident of Himamaylan, 1/5 share; Agripina Labansawan, of age, married and resident of Himamaylan, 1/5 share; Zoila Labansawan, of age, married and resident of Himamaylan, 1/5 share; Jose Labansawan, of age, married and resident of Himamaylan, 1/5 share; Francisco Infante, of age, married and resident of Himamaylan, 1/10 share; and Eriberto Infante, of age, married and resident of Himamaylan, 1/10 share; (3) Ordering the defendants to vacate the premises and deliver the same to the plaintiffs; (4) Ordering the defendants to pay the plaintiffs damages in the sum of P 1,880.00, plus attorney's fees of P300.00; and (5) to pay the costs."

From the aforementioned judgment, The Senoros and the Sanicas appealed to the Court of Appeals, but on February 23, 1959, the appellate court affirmed the trial court's decision.

In its decision,[1] the Court of Appeals made the following findings:

"The facts as found by the court below are as follows:

'From the evidence adduced at the trial, the following facts are established: That Lot No. 1687-B of the Cadastral Survey of Himamaylan was possessed, occupied and cultivated by Juan Labansawan, during his lifetime up to the year 1909, when he died; that after his death, his wife Ciriaca Lobo took possession of the property in the same manner up to the year 1938 when she died; that in the year 1932, the Heirs of Juan Labansawan, thru Albina Pediongula, filed a Free Patent Application for Lot No. 1687-B of the Cadastral Survey of Himamaylan, which application, after having been inspected by the Land Inspector, who recommended its approval, was approved by the Director of the Bureau of Lands and thereafter the Secretary of Agriculture and Commerce, Secretary Aquino, issued Patent No. 28101 and the Director of Lands directed the Register of Deeds to issue the title in accordance with Patent No. 28101; that Original Certificate of Title No. P-442 was issued by the Register of Deeds of the Province of Negros Occidental in the year 1939, just a year after the death of Ciriaca Lobo, the wife of Juan Labansawan and the grandmother of the plaintiffs; that in the year 1952, defendants Senoros, falsely pretending that they are the Heirs of Juan Labansawan, succeeded in taking the title from the Office of the Register of Deeds; that once they had the said title No. P-442, in their possession they fraudulently executed a document entitled Declaration of Heirship and Extra Judicial Partition, wherein the defendants, Isabel Senoro, Estelito Senoro and

Teodorico Senoro have falsely declared themselves entitled to succeed him and thereby partitioned the property, Lot No. 1687-B of the Cadastral Survey of Himamaylan equally among themselves; that by virtue of the said false document, upon its registration, the Register of Deeds, issued Transfer Certificate of Title No. T-9774 in the name of the defendants, Isabel Senoro, Estelito Senoro and Teodorico Senoro in equal shares; that upon the issuance of the aforesaid title, they fraudulently executed a Deed of Sale of Lot No. 1687-B in favor of Socorro Zuldivilla and her husband, Francisco Sanicas, for which Transfer Certificate of Title No. T-10099 was issued, in the name of the spouses, Socorro Zuldivilla and Francisco Sanicas.

That once the Sanicas were in possession of the title in their names, with the help of the defendants Senoros, notwithstanding that the Sanicas knew beforehand that the property was owned by the plaintiffs for they were neighbors living in the same place, and in fact was warned by Felipe Labansawan before he purchased the land, but notwithstanding, jointly by force drove the plaintiffs from the land and once in possession of the land, cut and destroyed the sugar canes and corns of the plaintiffs which caused a damage of 24 piculs of sugar yearly and for 5 years, they suffered a damage of 120 piculs of sugar in the amount of P1,680.00 at P14.00 per picul, together with the actual expenses of P200.00 in defending their rights in the case, plus P300.00 for attorney's fees.'

"The defendants, as appellants, assign the following errors supposedly committed by the lower court:

'(1) The trial court erred in finding and concluding that from the facts of the case and the evidence presented and submitted, Lot No. 1687-B of the Cadastral Survey of Himamaylan is owned by the heirs of Juan Labansawan, who are the herein plaintiffs as conclusively proved by Original Certificate of Title No. P-442.

(2) The trial court erred in declaring the deed of sale in favor of the spouses Sanicas and the Transfer Certificate of Title No. T-10099 issued and registered in the name of the said spouses illegal, null and void and of no legal effect, and in not declaring that the spouses Socorro Soldevilla and Francisco Sanicas are purchasers for value and in good faith.

(3) The trial court erred in ordering the defendants to vacate the land in question and to pay the plaintiffs damages in the sum of P1,880.00, plus attorney's fees of P300.00, and in not dismissing plaintiffs' unfounded action and ordering them to pay defendants actual damages and attorney's fees which they have suffered as alleged in their separate counterclaim.'

"The appellants maintain that there is no person by the name of Juan Labansawan; that the husband of Ciriaca Lobo was Marcelino Labansawan; and, that the Juan Labansawan mentioned in the documents issued by the Bureau of Lands as well as in the Original Certificate of Title No. P-442 was in real life the late Juan Lobo, one of 3 brothers of Ciriaca Lobo. This is belied by the evidence of record. Albina Pediongola, mother of the defendant Senoros died only on January 15, 1952. We presume that as the applicant or representative of the applicants for the land in litigation under F.P. Application No. 52361 (Exhibit A), she received copies of the order approving the application (Exhibit B, dated May 19, 1933, wherein she is designated as the representative and 'Heirs of Juan Labansawan' as the applicant), the order authorizing the issuance of a patent (Exhibit D, dated November 16, 1937, wherein she also appears as the representative and 'Heirs of Juan Labansawan' as the applicants), as well as Free Patent No. 28101, dated March 15, 1939, and the duplicate of Original Certificate of Title No. P-442 (Exhibits B and C). The appellants have not explained why, from 1933 to 1952, the late Albina Pediongola never took steps for the correction of the name of the patentee, on the ground that she is the applicant-patentee, not the representative of the applicants, and that there is no person by the name of Juan Labansawan. The application signed by Albina Pediongola (Exhibit A) states that Juan Tabo (not Juan Lobo), the original occupant of the land, is the brother of her (Albina's) grandmother. According to the appellants' evidence, Albina's mother is Estefania Lobo and her grandfather is Felipe Lobo, the latter being a brother of Ciriaca. Juan Lobo, the alleged original occupant of the land, can not be the brother of Albina's grandmother, as stated in Albina's application, because the appellants' evidence also show that Felipe Lobo,

Albina's grandfather, was the brother of Juan Lobo. We are more inclined to believe that after the land was inspected by Pio Dunasco of the Bureau of Lands, the heirs of Juan Lobo and Juan Labansawan agreed to partition the properties occupied and claimed by the two Juans, resulting in the preparation and submission of the sketch (Exhibit F). This plan was approved by the Bureau of Lands (Exhibit E) so that the application signed by Albina Pediongola was amended to make the heirs of Juan Labansawan the applicants for Lot No. 1687-B. This agreement between the heirs of the two Juans, which the parties in this case claim to have been effected in 1932, might explain the silence of the late Albina Pediongola to the change in the name of the applicants for Lot No. 1687-B. Obviously, the appellants took advantage of the demise of Albina Pediongola on January 15, 1952 and the discovery of Original Certificate of Title No. P-442 among the papers left by the said deceased who received said Torrens title from the Register of Deeds as the agent of Ciriaca Lobo and the plaintiff-appellees herein, to execute the affidavit of heirship and deed of extra-judicial partition (Exhibit H) on June 27, 1952."

By a Petition for Review with this Court,[2] the Senoros and the Sanicas questioned said judgment, but on October 7, 1959, this Court dismissed said petition for lack of merit. This dismissal became final and entry of judgment was made on December 1, 1959.

It is manifest from the foregoing that the plaintiffs-appellants are attempting, in Civil Case No. 5639, to relitigate the issues which were definitely settled in the previous case (Civil Case No. 2435). The subject matter of Civil Case No. 2435 was the recovery of the possession of Lot No. 1687-B of Himamaylan, Negros Occidental, and the cancellation of Transfer Certificate of Title No. T-9774 covering said property, and of Transfer Certificate of Title No. T-10099, which was subsequently issued to Socorro Soldevilla de Sanicas. The basic issue was the ownership and possession over said property, it being the claim of plaintiffs (Labansawans and Infantes) therein that the property was acquired by them by inheritance from Juan Labansawan and was, in fact, originally registered in the name of the "Heirs of Juan Labansawan", as evidenced by Original Certificate of Title No. P- 442, but thru the fraudulent acts of the defendants (Senoros and Sanicas), the said certificate was cancelled and Transfer Certificate of Title No. T-9774 issued to said defendants, while the latter contended that they and their mother, Albina Pediongola, were the absolute owners and possessors of said property for many years until they sold it to the Sanicas.

Reduced to its basic fundamental, the main issue in Civil Case No. 5639 is again the ownership of Lot No. 1687-B, for the claim of the plaintiffs-appellants is predicated upon the assertion that Lot No. 1687-B was given to Albina Pediongola, mother of the plaintiffs-appellants as her share in the estate of the deceased Juan Lobo, pursuant to an agreement of partition among the heirs, and that, subsequently, she applied with the Bureau of Lands on December 3, 1962 for the issuance to her of a Free Patent over the said property but, due to the "mistake of the representative of the Bureau of Lands", Original Certificate of Title No. P-422 Covering Lot No. 1687-B was issued, not in her name or those of the heirs of Juan Lobo, but in the name of the "Heirs of Juan Labansawan", and, taking advantage of said error, the defendants-appellees took possession of and asserted exclusive ownership over said property. As to whether or not Original Certificate of Title No. P-442, was erroneously issued in the name of the "Heirs of Juan Labansawan" or that Lot No. 1687-B was in fact owned by the "Heirs of Juan Labansawan", represented by Agripina, Zoila, Jose and Felipe Labansawan, as well as Eriberto, Francisco, Felipe and Jesusa Infante, the children and grandchildren of Juan Labansawan, are issues that have been definitely and finally resolved in the judgment of the court in Civil Case No. 2435, which decision was affirmed by the Court of Appeals in CA-G.R. No. 19635-R on February 23, 1959. There is identity of causes of action in the two cases, considering that the principal object of both the prior case and the present one is the recovery of the possession and ownership of Lot No. 1687-B, notwithstanding that alternative prayers for the recovery of the land, damages and the produce of the land from 1954 are made in the case at bar.

The corollary principle of res judicata is that courts "are not concerned so much with the form of actions as with their substance" and that "despite a difference in the form of action, nevertheless the doctrine of res judicata would be applied where it appeared that the parties in the two suits were in truth litigating the same thing." [3]

It is, however, urged that the present case is not barred by the decision in Civil Case No. 2435 because there is no identity of parties, considering that there are additional parties-defendants in the present case who were not included as parties in the previous case. This contention is manifestly untenable. There is no question that the plaintiffs-appellants in the case at bar, against whom the prior judgment is offered in evidence, were parties-defendants in Civil Case No. 2435. 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. [4]

Wherefore, the appealed Order dated May 28, 1960, granting the Motion to Dismiss, is affirmed. Costs against plaintiffs-appellants.

Fernando, (Chairman), Barredo, Aquino, and Martin, JJ., concur.

[1] CA-G.R. No. 19635-R, entitled Agripina Labansawan, et al., plaintiffs-appellees vs. Isabel Senoro, et al., defendants-appellants.

[2] G.R. No. L-15468, entitled Isabel Senoro, et al., petitioners, vs. Court of Appeals, et al., respondents.

[3] Zambales Academy, Inc. vs. Ciriaco Villanueva, 28 SCRA 1.

[4] Carpena vs. Nonato, 1 SCRA 1060; Velasco, vs. Velasco, 2 SCRA 736; Philippine Farming Corporation, Ltd. vs. Llanos, 14 SCRA 949.

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