

JUAN DACASIN, JOSE MARAMBA, MARIA MARAMBA, SORAHAYDA MARAMBA, FLORDELIZA MARAMBA AND FILIPINAS MARAMBA, PETITIONERS, VS. THE COURT OF APPEALS, FELIPE CAPUA, SINFOROSA PADILLA, G...

G.R. No. L-32723. October 28, 1977

Ponente: GUERRERO, J.

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GUERRERO, J.:

Petition for review on certiorari of the decision of the Court of Appeals in CA-G.R. No. 42404-R entitled "Felipe Capua, et al., Plaintiffs-appellants, vs. Juan Dacasin, et al., Defendants-Appellees" reversing the judgment of the Court of First Instance of Pangasinan which adjudicated the ownership of the land in contro-versy to the plaintiffs.

The original action instituted in the case at bar sought the recovery of title and ownership over the land described in the complaint filed by the plaintiffs Felipe Capua, Sinforosa Padilla, Gualberto Calulot and Olimpia Lomibao (herein respondents) against the defendants Juan Dacasin, Jose Maramba, Maria Maramba, Sorahayda Maramba, Flordeliza Maramba and Filipinas Maramba (herein petitioners), docketed as Civil Case No. 1455, Court of First Instance of Pangasinan.

The facts as found by the Court of Appeals are as follows:

"IT RESULTING: That the antecedents are quite complicated and it will be the task of this Court to simplify; sometime prior to January 19, 1943 the property in question, a parcel of rural land in the barrio of Patayac, Municipality of Sta. Barbara, Province of Pangasinan described in paragraph 2 of the complaint was being possessed by Jose Maramba, Exh. 4; in that month and year a certain Sabina Capua with companions grabbed possession of the pro-erty; and since then possessed; sometime afterwards on a date not very clear in the record, Jose Maramba filed Civil Case No. 895 of the Court of First Instance of Pangasinan against Sabina Capua and companions for reivindicacion; but that notwithstanding, Sabina remained; while Jose Maramba had his own declaration of land tax, it will appear that Sabina also had her own, see Exh. F; while that Civil Case No. 895 was pending, Sabina sold the property unto Gualberto Calulot on 21 April, 1950 Exh. A and Gualberto took over; there is no evidence that Gualberto was informed or came to know of the pending litigation between Jose Maramba and Sabina Capua; at any rate by decision dated 1 (September), 1952, the Court of First Instance of Pangasinan declared Jose Maramba absolute owner and condemned Sabina and companions to vacate and deliver to Maramba; unfortunately decision was not executed within the reglementary period of five (5) years from the time it had become final pursuant to the Rules; and for his part several years later specifically on 27 May, 1960, Exh. C Gualberto sold the same property unto now plaintiffs spouses Felipe Capua and Sinforosa Padilla; and these last came in to possess thereafter; meantime the prevailing party in Civil Case No. 895 Jose Maramba having died, his heirs and successors-in-interest sometime afterwards on 2 August, 1961, Exh. 1, sold the property to herein defendant Juan Dacasin and his wife; it was at this stage where the trouble came to brew because Jose (Maramba) having tried to possess and thwarted in his efforts by Felipe Capua, went to the Court in Civil (Case) No. 895 and secured a writ of

possession on 3 October, 1960, Exh. G and possession was unto him delivered by the Sheriff on 4 October, 1960, Exh. G-1; from then on actual possession came to be a seesaw; notwithstanding the writ, Felipe Capua tried to come in once again; (Jose Maramba) asked to punish him for contempt but the Pangasinan Court by order of 5 February, 1961 held that there could be no contempt because the writ of possession having been issued more than 5 years from the date the judgment had become final became a nullity under Rule 39, Sec. 6 and so it was that the Pangasinan Court restored Felipe Capua to possession; with that development, the heirs of Jose Maramba filed Civil (Case) No. D-1292 in the Pangasinan Court on 22 February, 1962 against Sabina Capua and companions in the old Civil Case No. 895 for revival of the judgment, Exh. X; and in answer to that Sabina alleged that she had already disposed of the property more than ten (10) years previous to Gualberto Calulot who in turn had sold afterwards to Felipe Capua, Exh. Y; and the Pangasinan Court after hearing the case for revival of judgment revived it by de-cision of 21 March, 1963 against Sabina Capua and her old companions in Civil No. 895; now in anticipation of repercussions that would have to be produced by that judgment, Felipe Capua began the present hostilities by filing together with his wife and his original vendors Gualberto Calulot and wife the present Civil Case No. 1456 against Juan Dacasin and the heirs of Jose Maramba asking that he, Felipe Capua and his wife be declared the absolute owners of the property, by vir-tue of his purchase in good faith and by the continuous possession from 21 April, 1950 of his immediate predecessor-in--interest Gualberto Calulot succeeded by himself on 27 May, 1960 under Exh. C; and defendant Juan Dacasin, et al. in due time filed their answer on 30 April, 1963 alleging that he was the true owner, and that the question of ownership was already judicially settled in Civil (Case) No. 895; and in the trial of the case both parties sought to sustain their respec-tive positions by oral and documentary proofs; the gist of plaintiff's position sought to be developed in his evidence being that he was the true owner notwithstanding Civil No. 895 because of his long continued possession tacked with that of his predecessors-in-interest while defen-dants sought to show the reverse, that the holding on the issue of ownership was already impossible to evade having been finally settled in Civil (Case) No. 895 in favor of their predecessor--in-interest Jose Maramba."

After trial, judgment was rendered in favor of the petitioners Juan Dacasin, et al. in the following wise and manner:

"WHEREFORE, in view of all the fore-going, this Court rules that defendant Juan Dacasin is the true and lawful owner of that certain parcel of land described in the above-entitled com-plaint, having shown that this title thereto has been acquired in good faith from unpolluted sources, and is there-fore entitled to the full and complete possession of the same. The plaintiffs are hereby ordered to respect defen-dants' possession and to refrain from further molesting defendant Juan Dacasin in the enjoyment of said property. The preliminary injunction issued by this Court is hereby dissolved and the coun-terbond filed by the defendant Juan Dacasin is ordered cancelled. The plaintiffs are also ordered to pay the defendants, jointly and severally, the amount of P500.00 spent by them in defending this suit. The claim made by the defendants for damages in the amount of P5,000.00, the same not having been satisfactorily proven, is hereby denied. Finally, the plaintiffs are also ordered to pay the costs of this proceedings.

SO ORDERED.

Dagupan City, July 8, 1968.

SIXTO A. DOMONDON

Judge"

Not satisfied with the decision of the trial court, the plaintiffs appealed to the appellate court. On July 17, 1970, the Court of Appeals promulgated its decision reversing the judgment appealed from, adjudicating the ownership of the lot to the defendant spouses Felipe Capua and Sinforosa Padilla; made the writ of injunction issued by the trial judge on March 28, 1963 against the defendants permanent; and set aside the order of the trial judge dated

April 29, 1964 dissolving the writ, with costs against the defendants. Plaintiffs therein now appeal to this Court in fourteen (14) assignment of errors which can be reduced to only one issue, that is, whether the decision is in accordance with law and jurisprudence.

The Court of Appeals held "that the question of ownership was litigated by the parties' respective predecessors-in-interest in Civil Case No. 895 (and) if this were to be the only point involved there should be no question that Jose Maramba, defendants' predecessor--in-interest having been declared the true owner of the property as against Sabina Capua, plaintiffs' predeces-sor-in-interest, the present litigation must have to be decided in the same manner." To this holding of respondent court, We are in full agreement for indeed the judgment in Civil Case No. 895 filed and docketed in the CFI of Pangasinan on September 8, 1944, and decided on September 1, 1952 in favor of Jose Maramba, resolved the question of title and ownership of the property in litigation as follows:

"The Court hereby renders judgment in favor of plaintiff and against the defendant, declaring the plaintiffs, Jose Maramba, the absolute owner, with rights of possession and enjoyment of the land in question and orders the de-fendant to vacate the same and deliver to the plaintiff the possession." (Record on Appeal, p. 61)

We find in this case at bar the following requisites that concur: (1) there must be a final judgment or order; (2) the court rendering the same must have jurisdiction over the subject matter and over the parties; (3) there must be a judgment or order on the merits; and (4) there must be between the two cases identity of parties, iden-tity of subject matter and identity of action. (Santos vs. San Gabriel, 45 SCRA 288; Viray vs. Mariñas, 49 SCRA 44; Benin vs. Tuason, 57 SCRA 531; Pacific Commercial and Industrial Bank vs. Pfeider, 65 SCRA 13).

"The doctrine of res judicata precludes parties from re-litigating issues actually litigated and determined by a prior and final judgment. It is a rule pervading every well-regulated system of jurisprudence, and is put upon two grounds embodied in various maxims of the common law; the one, public policy and necessity, which makes it to the interest of the State that there should be an end to litigation; the other, the hardship on the individual that he should be vexed twice for the same cause. A contra-ry doctrine would subject the public peace and quiet to the will and neglect of individuals and prefer the gratification of a liti-gious disposition on the part of the suitors to the preservation of public tranquility and happiness." (Yusingco, et al., vs. Ong Lian, 42 SCRA 589)

Respondent court, however, went further, stating that "the trouble is that plaintiff Felipe Capua has squarely raised the question of his own title obtained thru acquisitive prescription; paragraph 6, complaint, and it must have to be admitted that the property being unre-gistered, ownership therein could be defeated by acqui-sitive prescription." The Court held that "throughout the intervening period from 1943 to 1960, or for a space of seventeen (17) years not Jose Maramba but Sabina Capua and after the sale by Sabina to Gualberto on 21 April, 1950 under Exh. A afterwards Gualberto, were the ones in possession in the concept of owner of the property, and as Gualberto in turn was succeeded on 27 May, 1960 by herein plaintiff, Felipe Capua, pursuant to the document Exh. C, and that possession was exclusive, adverse and continuous, the said successive pos-session of, namely Sabina Capua from 1943 to 1950, Gualberto Calulot from 1950 to 1960 and Felipe Capua herein plaintiff from 1960 up to the institution of the present case was enough to perfect a title of ownership."

We do not agree to this holding of the Court of Appeals.

1. In the first place, when Jose Maramba sued Sabina Capua on September 8, 1944 in Civil Case No. 895, the possession of Sabina Capua was thereby interrupted by the issuance of the judicial summons (Article 1123, New Civil Code). During the pendency of the litigation, from September 8, 1944 to September 1, 1952 when judg-ment was rendered, or a period of eight (8) years, the possession of Sabina Capua over the land did not run. It remained interrupted. The land was in custodia legis. The fact that Sabina Capua sold the land on April 21,

1950 during the pendency of the case to Gualberto Calulot cannot revive or restore the possession of the vendor, which we repeat was rendered interrupted by the judicial summons. The successor-in-interest of Sabina Capua who is the vendee Gualberto Calulot cannot tack his possession to that of his vendor Sabina Capua not only because the judicial summons interrupted the latter's possession but also because she finally lost in the litigation.

By reason of this interruption, it is not correct to say that through the intervening periods of 1943 to 1950 (the possession of Sabina Capua), then from 1950 to 1960 (possession of Gualberto Calulot) and from 1960 to 1963 (possession of Felipe Capua up to the institution of the present suit) the possession was a continuing and uninterrupted occupancy enough to perfect a title of ownership, because there was a gap from 1944 to 1952 (interruption due to judicial summons up to the termination of the litigation).

2. The New Civil Code of the Philippines took effect on August 30, 1950. At this point in time, the possession of Sabina Capua was not running for it had been interrupted by the judicial summons in Civil Case No. 895. Her possession of the land remained interrupted, passive or suspended up to the date when the judgment was rendered against her on September 1, 1952.

We hold that the vendee Gualberto Calulot cannot legally acquire possession during the pendency of the litigation; it can only commence after the decision is rendered therein, which was promulgated on September 1, 1952. By this time, the New Civil Code was already enforced and the possession of Gualberto Calulot including its legal effects must be governed by the New Civil Code. Under Article 1131 and 1128, N.C.C., good faith and just title are necessary for ordinary prescription of real property.

When possession of the property was taken from Felipe Capua and given to Jose Maramba by the Provincial Sheriff on October 4, 1960 by virtue of a writ of possession issued by the court in Civil Case No. 895, Felipe Capua became aware or came to know that there existed a flaw in his title or mode of acquisition. Felipe Capua may have acquired the land in good faith on May 27, 1960 when he bought the property from Gualberto Calulot but his eviction therefrom thru the writ of possession, although later annulled in January, 1961, made him aware that he possessed the land improperly or wrongfully. Consequently, Felipe Capua cannot claim good faith as to ripen his possession to acquisitive prescription.

3. The facts are also undisputed that the deed of sale executed between Jose Maramba as vendee and Emiliana Abad as vendor in 1958 was duly registered in the Registry of Deeds as well as the deed of sale executed in 1929 between Emiliana Abad and the original owner Florentino Quinajon. Under the law, Article 709 of the New Civil Code, titles of ownership or of other rights over immovable property duly inscribed or annotated in the Registry of Property constitute notice to third persons and affords protection in favor of him who in good faith relies upon what appears in the registry. As between two parties relying on their respective instruments of sale of the same property, law and justice command that he who has registered his deed must prevail over his adversary who has not done so. The rule of caveat emptor requires the purchaser to be aware of the supposed title of the vendor and he who buys without checking the vendor's title takes all the risks and losses consequent to such failure. None of the deeds of sale evidencing the ownership of Gualberto Calulot and Felipe Capua were registered in the Registry of Property, hence they cannot prevail over the rights of the petitioner who holds in his favor the instrument of sale duly registered.

4. The Court has ignored or failed to consider material evidence found in the records that disproves clearly and positively respondent Felipe Capua's claim of acquisitive prescription, this evidence showing that Felipe Capua's possession was not in truth and in fact in the concept of owner during the required period of time. The deed of sale executed by Sabina Capua to Gualberto Calulot (Exhibit A) describes the land sold to be "assessed at P240.00 under Tax No. 17426 for the current year," that is, 1950, the deed having been executed April 21, 1950. When the

spouses Gualberto Calulot and Olimpia Lomibao sold the same property to Felipe Capua under Exhibit C, the land as described in the deed still bears the same description as in Exhibit A, that is, "assessed at P240.00 under Tax No. 17426 for the current year," i.e. 1960 as the deed was executed on May 27, 1960. The tax number of the lot in 1950 is the same tax number in 1960. The name of Sabina Capua as the declared owner remained from 1950 to 1964. The tax receipts, Exhibits F-1, F-2, F-3, F-4, showed that Sabina Capua was the declared owner. In other words, Gualberto Calulot had not declared the land in his own name for tax purposes. He had not sought the cancellation of the tax declaration in the name of Sabina Capua to him as the vendee, hence the inevitable conclusion is that said Gualberto Calulot did not deem himself the owner thereof and, therefore, his possession was not in the concept of owner. This being so, Calulot's occupancy failed in one essential requisite of acquisitive prescription, which is possession in the concept of owner. The same is true with Felipe Capua. Although Gualberto Calulot paid taxes on the land for the year in 1958, there is no evidence that he paid taxes in his name or that he paid taxes any other year before or after 1958.

The claim of the respondents based on acquisitive prescription is, therefore, without merit. What remains, therefore, is the sole question of ownership which as respondent court itself held - if respondents' claim of acquisitive prescription is defeated - must unquestionably be rendered in favor of petitioner Jose Maramba and his co-petitioners by right of res judicata. (Supra at p. 4)

WHEREFORE, the judgment of the respondent Court of Appeals is hereby reversed and the decision of the Court of First Instance of Pangasinan in Civil Case No. 1455 affirmed, with costs against the respondents.

Petition granted.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, Martin, and Fernandez, JJ., concur.

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