

ALFONSO GATUS, PETITIONER, VS. HON. COURT OF APPEALS AND ARSENIO MATIC, RESPONDENTS.

G.R. No. L-34425. January 28, 1980

Ponente: GUERRERO, J.

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GUERRERO, J.:

This is an ejectment case on the ground of personal cultivation filed by private respondent, an agricultural lessor-owner, against petitioner who is his agricultural lessee over a parcel of riceland situated in the barrio of Caingin, San Rafael, Bulacan, with an area of 33,147 square meters, more or less, covered by Transfer Certificate of Title No. T-25645 of the Registry of Deeds of Bulacan.[1]

The parties herein are the same parties involved in two previous cases, namely, CAR Case No. 1076-Bulacan '64, an action brought by Arsenio Matic where Alfonso Gatus was declared his share tenant in a decision dated May 20, 1966 and CAR Case No. 1500-Bulacan '66, an action brought, on the other hand, by Alfonso Gatus for the fixing of rentals on leasehold but to which complaint, Matic interposed a counterclaim for ejectment on the ground of personal cultivation after serving a written notice in the vernacular to Gatus and to the trial court of his desire to take over the land for his and his family's personal cultivation.

After trial on the merits of CAR Case No. 1500, the trial court, through Judge Jose M. Santos of the Court of Agrarian Relations, Fifth Judicial District, Branch I at Malolos, Bulacan, rendered a decision on October 24, 1968 fixing the rental for the use of the landholding in question but dismissing the counterclaim of Matic for ejectment without prejudice. It premised the dismissal on the failure of Matic "to adduce evidence on his ability to perform the other phases of farm work constituting a tenant's labor." [2]

Subsequently, Matic filed the present complaint for ejectment, subject of this petition for review, docketed as CAR Case No. 7 before the Court of Agrarian Relations, Fifth Judicial District, Branch I-A at Baliwag, Bulacan. He alleged, among other things, that "plaintiff herein in truth and in fact knows all the other phases of work, x x x, for in fact he has done the said phases of work on the very landholding in question for the past twenty (20) years prior to the take over by the defendant." [3]

Instead of filing an answer, defendant Gatus filed a "Motion to Dismiss" based on the following grounds: (a) that the cause of action is barred by a prior judgment and (b) that the complaint states no cause of action. Plaintiff Matic filed, on the other hand, an opposition thereto.

In an order dated April 8, 1969, the trial court, through Judge Jose R. Cabatuando sustained the first ground of defendant's motion to dismiss. It declared that "it is quite evident that by the filing of the instant case, plaintiff would want this Court not only to re-try the very same cause of action brought by him in CAR Case No. 1500, but also to render a different and opposite verdict." [4]

From this adverse decision, plaintiff Matic interposed an appeal to the Court of Appeals, assigning the following as errors:

I

The Court a quo erred in holding that the cause of action is barred by a prior judgment.

II

The Court a quo erred in holding that the complaint states no cause of action.

III

The Court a quo erred in not giving the plaintiff appellant his day in court.[5]

In a decision dated October 14, 1971, respondent court reversed the order of the trial court and ordered the case to be remanded for further proceedings, after holding that "the right to demand personal cultivation is a continuing one and any denial thereof must be considered pro tanto and for only as long as the conditions under which the petition was made continue to exist" and that "(t)he landlord should, at the very least, be given an opportunity to prove that his circumstances have changed such as to warrant giving him back his land for his own personal cultivation in accordance with the spirit of the Land Reform Act." [6]

Defendant-appellee Gatus filed a "Motion for Reconsideration" of the said decision, reiterating his plea of "res judicata" and at the same time adducing a new ground, namely, that "personal cultivation is no longer a ground for ejectment under Republic Act 6389, amending certain provisions of Republic Act 3844, which took effect on September 10, 1971." [7]

However, in a resolution dated November 4, 1971, respondent Court denied the same, holding that the "first ground x x x has been thoroughly covered by the decision proper" and that "the provisions of said Republic Act 6389 cannot be made to retroact and govern the present litigation." [8]

Hence, this present petition for review filed by defendant-appellee Gatus under the following assignments of errors:

I

The Honorable Court of Appeals erred in setting aside the decision of the trial court and holding that the present case is not covered by the principle of res adjudicata notwithstanding the fact that the present action of the plaintiff (respondent herein) has been previously litigated before a court of competent jurisdiction and that the present case have the same subject matter, parties and cause of action (ejectment on the ground of personal cultivation).

II

The Honorable Court of Appeals erred in holding that Republic Act Numbered 6389, deleting personal cultivation as a ground for ejectment cannot be made to retroact to govern the present case.[9]

The first assignment of error is impressed with merit.

There is no question that the following elements of res judicata are present in the case at bar: (a) there is a former judgment in CAR Case No. 1500, Bulacan '66, dismissing the counterclaim for ejectment of the lessor on the ground of personal cultivation, which has become final and executory; (b) the court which rendered it has jurisdiction of the subject-matter and of the parties; (c) it is a judgment on the merits; and (d) there is between the first and the second actions, identity of parties and of subject-matter. The dispute lies on whether the cause of action in the first case is different from the cause of action in the second case.

The records clearly show the undisputed facts that on August 4, 1966, Alfonso Gatus filed a complaint in CAR

Case No. 1500, Bulacan '66 against Arsenio Matic praying that judgment be rendered fixing the legal rental that plaintiff shall pay the defendant for the use of the landholding in question and ordering the defendant to pay the plaintiff the sum of P50.00 as litigation expenses. On August 26, 1966, defendant Arsenio Matic filed his answer to the complaint with counterclaim for ejectment of the plaintiff from the landholding in question on the ground of personal cultivation wherein he denied the material averments of the complaint and alleged special and affirmative defenses.[10]

On October 24, 1968, after trial on the merits the CAR rendered a decision declaring the plaintiff to be the agricultural lessee of the defendant on the landholding effective as of the agricultural year 1966-1967; fixing the rentals for the use of the landholding per agricultural year at 36 cavans of palay at 46 kilos per cavan and dismissing defendant's counterclaim for ejectment of the plaintiff from the landholding on the ground of personal cultivation without prejudice. The Court in disposing of defendant's counterclaim ruled that "(i)t may be true that the defendant and his son Reynaldo Matic, know how to plow a landholding. The defendant, however, failed to adduce evidence on his ability to perform the other phases of farm work constituting a tenant's labor," and that "t)he mere fact that the defendant knows how to plow a landholding does not justify the conclusion that he also knows how to perform the other phases of farm work. The bare assertion of the defendant that formerly he had been farming for twenty (20) years will not likewise justify the conclusion that he knows how to perform the other phases of farm work in connection with the cultivation of a rice land for he had failed to prove what kind of land he had been farming during said years." [11]

From the decision of the CAR in said case No. 1500-Bul-66, defendant Arsenio Matic did not appeal. Hence, the same became final and executory.

Subsequently, on January 14, 1969, Arsenio Matic filed a complaint against Alfonso Gatus in CAR Case No. 7 for ejectment on ground of personal cultivation alleging in paragraph 6 "(t)hat the plaintiff herein in truth and in fact knows all the other phases of work, namely, the preparation of seedbed, plowing, harrowing, broadcasting of seeds, watering of seedbed, caring of the seedling, pulling of seedlings, transplanting of seedlings on the field, plowing, harrowing, watering of the whole land area in cultivation, maintenance, repair and weeding of the dikes, paddies, and irrigation canal, bundling of seedlings, caring of the growing plants, gathering and bundling of the reaped harvest, piling of the bundles into small stacks (sipok), preparation of the place where the big stack is to be erected, gathering of the small stacks and their transportation to the place where the big stack (Mandala) is to be erected, piling into a big stack the crop harvested prior and preparatory to the threshing, and all other phases of work required of a tiller cultivator, for in fact he has done the said phases of work on the very landholding in question for the past twenty (20) years prior to the take-over by the defendant." [12]

We agree with the petitioner that the cause of action of respondent Arsenio Matic in his counterclaim in CAR Case No. 1500-Bul-66 and in his complaint in Car Case No. 7 is the same, which is for ejectment on the ground of personal cultivation. The principle of res adjudicata is clearly applicable to the case at bar.

The respondent Court's ruling that res adjudicata does not apply for the reason "that the conditions of a landowner may change with the passing of time so that the ruling of the court (as in this case) that Matic was, in 1966, not sufficiently conversant with farming practices to justify his taking his land from his tenant to till it himself may not be warranted in 1969 when, who knows, the landlord may have improved his knowhow" is not tenable. The ruling has no factual basis in the case at bar for respondent simply neglected, failed or forgot to prove his ability to perform all phases of farming (he proved only his ability to plow) for which reason his counterclaim was dismissed in the first case decided in 1968. Thereafter, respondent may not be allowed, under the rule of res adjudicata, to allege and prove in the second case filed in 1969 that he was sufficiently conversant with and had improved his know-how and ability to perform the other phases of farm work such as seed preparation,

harrowing, seed transplanting, irrigating, harvesting and other practices, not only because he has alleged and admitted in his second complaint that he had been performing all these phases of farm work for over twenty (20) years, thereby indicating and showing that the evidence proposed to be presented in the second case was already existing but only neglected or forgotten evidence during the hearing in the first case, but also because under Rule 39, Section 49 (b) of the Rules of Court, 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 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 of special proceeding, litigating for the same thing and under the same title and in the same capacity. Simply stated, the matter of respondent's ability to perform personal cultivation was directly litigated and adjudged in the judgment of the first case and such decision is conclusive between the parties and may no longer be raised in the second or subsequent action between them.

Under the doctrine of estoppel by judgment, the change of facts will not affect the estoppel if no new element is introduced, and the legal rights and relations of the parties remain as before; nor can a party avoid an estoppel of a former judgment by bringing forward in a second action new or additional reasons or grounds in support of his case or defense, or new arguments or evidence to sustain it, the facts remaining the same, at least where such additional matter could have been pleaded and adjudicated in the prior action.[13]

The dismissal of the complaint in CAR Case No. 7 on the ground of res adjudicata was, therefore, correct and the reversal of the same by the respondent court constitutes a reversible error. We so hold notwithstanding the fact that the dismissal of the counterclaim for ejectment is without prejudice. Such reservation, not falling within the provisions of Rule 17 of the Rules of Court is a mere surplusage, for, whenever the law gives a party the right to bring an action, he may do so without the necessity of any judicial reservation. If, on the contrary, the law gives him no such right, the court cannot give it to him by attempting to reserve it.[14]

In the light of Our ruling that res judicata is a bar to the filing of CAR Case No. 7 before the Court of Agrarian Relations, Fifth Judicial District, Branch I-A at Baliwag, Bulacan, which sustains petitioner's first assignment of error, We find neither reason nor necessity to resolve the second assignment of error.

WHEREFORE, IN VIEW OF THE FOREGOING, the decision of the respondent Court of Appeals dated October 14, 1971 and its resolution of November 4, 1971 denying petitioner's motion for reconsideration are hereby set aside. The order of dismissal of CAR Case No. 7, Court of Agrarian Relations, Fifth Judicial District, Branch I-A is hereby AFFIRMED.

No costs.

Petition granted.

SO ORDERED.

Fernandez, De Castro, and Melencio-Herrera, JJ., concur.

Makasiar, J., concurs in the result.

Teehankee, (Chairman), J., reserves his vote.

[1] Rollo, p. 24.

[2] Ibid., p. 32.

[3] Ibid., p. 37.

[4] Ibid., p. 55.

[5] Ibid., p. 61.

[6] Ibid., p. 63.

[7] Ibid., p. 66.

[8] Ibid., p. 68.

[9] Ibid., pp. 93-94.

[10] Ibid., pp. 18-19.

[11] Ibid., pp. 32-33.

[12] Ibid., p. 37.

[13] 50 C.J.S. 94.

[14] Almeida vs. Abaroa, 8 Phil. 1798, affirmed in 218 U.S. 476, 54. L. ed. 1116, 31 Sup. Ct. 34, 40 Phil. 1056; Balzunce vs. Fernandez, 10 Phil. 452; Remegio vs. Rigata, 11 Phil. 307; Cabardo vs. Villanueva, 44 Phil. 186; Marella vs. Agoncillo, 44 Phil. 844; Francisco vs. De Borja, 88 Phil. 83.

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