

ANTONIO MARTINEZ, ET AL., PETITIONERS, VS. HON. COURT OF APPEALS, ET AL., RESPONDENTS.

G.R. No. L-41425. November 11, 1985

Ponente: PLANA, J.

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PLANA, J.:

This is a review of the decision of the defunct Court of Appeals in CA-G.R. No. 48923-R reversing the decision of the Court of First Instance of Quezon in Civil Case No. 6713 which, on the basis of *res judicata*, dismissed plaintiffs' complaint for reconveyance of interest in three parcels of land.

Petitioners Antonio Martinez and Amando Martinez are the legitimate children of the late Francisco Martinez by his second wife, Emilia San Ignacio. Private respondents Lauro Martinez, Dominadora Martinez and Pedro Martinez are the legitimate children of the same Francisco Martinez by his first wife, Maxima Catapangan, deceased. Besides Lauro, Dominadora and Pedro Francisco Martinez and Maxima Catapangan had another legitimate child, Efigenio Martinez, who died after his father, leaving his only child, Josefina, and wife, Adela Castillo.

Francisco Martinez left several properties upon his death, among which were three parcels of land covered by Original Certificate of Title No. 38734 (Lot No. 3794), Transfer Certificate of Title No. 3288 (Lot No. 3795, formerly covered by T.C.T. No. 8069), and Original Certificate of Title No. 31785 (Lot No. 4912), all in Pagbilao, Quezon.

When Efigenio Martinez was alive, he was able to put the above three parcels of land in his name. Upon his death, his estate, inclusive of said lands, came under the administration of his widow, Adela Castillo.

In 1951, Lauro, Dominadora, Pedro, Antonio and Amando, together with Emilia San Ignacio, instituted an action in the Court of First Instance of Quezon (Civil Case No. 5263) against Adela Castillo (as administratrix of her husband's estate) for the recovery of their inheritance from their late father, Francisco Martinez. The suit involved all the aforementioned three parcels of land.

This case was later elevated to the Court of Appeals (CA-G.R. No. 13470-R) which rendered a decision on April 15, 1960. The dispositive portion, insofar as pertinent, reads:

(b) That Lot No. 3794 of the Cadastral Survey of Pagbilao, covered by Original Certificate of Title No. 38734; Lot No. 3795 of the Cadastral Survey of Pagbilao, covered by Transfer Certificate of Title No. 3288 (formerly Transfer Certificate of Title No. 8069); and the other half pro-indiviso of Lot No. 4912 of the Cadastral Survey of Pagbilao, covered by Original Certificate of Title No. 31785, belong in common to the heirs of the deceased Francisco C. Martinez, the herein plaintiffs-appellants and the deceased Efigenio Martinez.

(c) That after a partition of the property, referred to in paragraph (b) hereof has been effected by and between the parties in the proportion they may decide, the defendant-appellee is ordered to convey and deliver possession to each and every one of the plaintiffs-appellants their respective shares in said lots, except Lot No. 4912, which according to the pleadings is in the possession of the plaintiffs who, in turn, are hereby ordered to

deliver to the defendant-appellee the share therein of the deceased Efigenio Martinez.

Thus, the Court of Appeals declared all the plaintiffs and the deceased Efigenio Martinez as co-owners of the above-specified real properties and ordered their partition.

Subsequently, the trial court appointed three commissioners to make the actual partition of the litigated properties. After submission of the Commissioners' report, the following partition was made in 1962 with the conformity of all the parties:

(a) Lot No. 3795, covered by O.C.T. No. 8069 (TCT No. 3288), was subdivided into —

Lot No. 3795-A —

to Adela Castillo and

Lot No. 3795-B — to Lauro, Dominadora, Pedro, Antonio and Amando, all surnamed Martinez, and Emilia San Ignacio in common ownership.

(Note: Lot 3795-B was further subdivided so that Lot 3795-B-1 was given to Atty. Mariano V. Agcaoili by way of attorney's fees, while the rest (Lot, 3795-B-2) remained in common ownership of Lauro, Dominadora, Pedro, Antonio and Amando, all surnamed Martinez, and Emilia San Ignacio.)

(b)

Lot 4912, covered by O.C.T. No. 81785, was subdivided thus:

(1) 9/14 — to Adela Castillo and

(2) 5/14 — to Lauro, Dominadora, Pedro, Antonio and Amando, all surnamed Martinez, and Emilia San Ignacio in common ownership.

(c)

Lot 3794, covered by O.C.T. No. 38734, was subdivided thus:

(1) Lot 3794-A - Mariano Agcaoili

(2) Lot 3794-B - Lauro, Dominadora, Pedro, Antonio and Amando, all surnamed Martinez, and Emilia San

Ignacio in common ownership.

In short, Lots. 3795-B-2, 4912 (minus Adela's share), and 3794-B, were allotted to the co-plaintiffs: Lauro, Dominadora, Pedro, Antonio and Amando, all surnamed Martinez, and Emilia San Ignacio in common ownership.

In 1964, however, Lauro Martinez, Dominadora Martinez and Pedro Martinez filed a complaint with the Court of First Instance of Quezon (Civil Case No. 6713) against Antonio Martinez, Amando Martinez and Emilia San Ignacio praying that:

1. Plaintiffs be declared, to the exclusion of defendants, the co-owners of Lots Nos. 3795-B-2, 3794-B and 1/2 of Lot No. 4912; and
2. Defendants be ordered to reconvey to plaintiffs their rights, interest or participation over Lots Nos. 3795, 3794 and 4912.

This action was based on the claim that on June 2, 1952, while Civil Case No. 5263 (in which Lauro, Dominadora, Pedro, Antonio, Amando and Emilia were co-plaintiffs) was pending, defendants Antonio, Amando and Emilia executed a public document ("Kasunduan") renouncing their rights in the above-mentioned properties in consideration of plaintiffs' (Lauro, Dominadora and Pedro) correlative renunciation in favor of defendants (Antonio, Amando and Emilia) of their interests in another parcel of land (OCT 40293) that was also left by Francisco Martinez; but Lauro, Dominadora and Pedro deemed it best to allow Antonio, Amando and Emilia to continue to appear as their co-plaintiffs in the said Civil Case No. 5263, as a consequence of which all of them were declared by the Court of Appeals in 1960 as co-owners of the properties in litigation.

Defendants Antonio, Amando and Emilia raised the defense of res judicata, which was sustained. In dismissing the complaint, the trial court stated that the judgment in CA-G.R. No. 13470-R (Civil Case 5263) is conclusive not only upon the questions actually contested and determined but also upon all matters which might have been litigated and decided, therein.

Not satisfied with the judgment, the plaintiffs appealed to the Court of Appeals (CA-G.R. No. 48923-R) which, as aforesaid, reversed the trial court and declared plaintiffs-appellants the exclusive owners pro-indiviso of Lots 3794-B, 3795-B-2 and 1/2 of Lot 4912. The Court of Appeals ruled: (1) that there was no identity of parties because, in the first case, the plaintiffs were Lauro, Dominadora, Pedro, Antonio, Amando and Emilia, while Adela Castillo was the defendant; in the second case, the plaintiffs were Lauro, Dominadora and Pedro suing Antonio, Amando and Emilia to the exclusion of Adela Castillo who was not a party at all; and (2) that there was no identity of actions either, because the issue in the first case was ownership while in the second case, it was whether or not there was renunciation, so that even if there was identity of subject matter as both cases involve the same lots, res judicata could not apply since two of its requisites were not present. The Court of Appeals further said that plaintiffs Lauro, et al. could not be barred from prosecuting the second case because during the pendency of the first case (Civil Case No. 5263), there was yet no conflict regarding the renunciation executed in 1952 by defendants Antonio, et al., the question thereon having arisen and ripened into a cause of action only after April 15, 1960 (date of Court of Appeals decision in the first case), when plaintiffs demanded from defendants the surrender of the disputed parcels of land but defendants refused.

The case is now before this Court on a petition for review filed by Antonio and Amando Martinez, faulting the Court of Appeals for reversing the decision of the trial court and holding that the present suit is not barred by prior judgment.

For a judgment to be a bar to a subsequent case, the following requisites must concur: (1) it must be a final judgment; (2) the court which rendered it had jurisdiction over the subject matter and the parties; (3) it must be a

judgment on the merits; and (4) there must be identity between the two cases, as to parties, subject matter and cause of action.

On the issue of identity of cause of action, the petition must fail. In the first case, the cause of action was the deprivation of all the Martinez heirs (except Efigenio) of their hereditary rights in the litigated three parcels of land, as against the claim of ownership asserted by the defendant administratrix of the estate of Efigenio. Moreover, the cause of action was not between the present plaintiffs and defendants who were then co-plaintiffs, but against a third party. In the second case, the cause of action is plaintiffs' deprivation of ownership and possession of proprietary interests which the defendants had renounced in favor of the plaintiffs for valuable consideration. In effect, therefore, the second action is not for reconveyance but for enforcement of the renunciation or "Kasunduan", the genuineness and due execution of which, according to the Court of Appeals, have been established without contradiction, and which was never the subject of litigation before. So viewed, the first and second cases do not have the same causes of action, which precludes the application of the doctrine of res judicata.

The two actions do not have identity of parties either. The plaintiffs and defendants in the second case were co-plaintiffs in the first case, then arrayed as co-heirs against a common adversary to vindicate and enforce their, hereditary rights. In the second case, they are split, litigating against each other, not as co-heirs but as parties to a contract with an entirely different scenario. The parties in both actions maybe the same persons, but that alone will not spell identity of parties, which presupposes that they are adversary parties in both first and second cases litigating in the same capacity.

WHEREFORE, the petition is dismissed.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Gutierrez, Jr., De la Fuente, and Patajo, JJ., concur.

Relova, J., on leave.

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