

BENITO LEGARDA, ROSARIO LEGARDA VDA. DE VALDEZ, THE ESTATE OF FILOMENA ROCES VDA. DE LEGARDA, JOSE LEGARDA, PECHATEN CORPORATION, ROLEVAL REALTY, TEROCEL REALTY, CARMEN PRIETO V...

G.R. No. L-38892. February 26, 1988

Ponente: YAP, J.

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YAP, J.:

This is a petition for certiorari to annul the orders of Judge Victoriano A. Savellano, Presiding Judge of Branch 19, Court of First Instance of Manila, dated December 20, 1973, April 5, 1974 and June 21, 1974, in Civil Case No. 71669, entitled Ernesto Villamarin, et al. vs. Benito Legarda, et al. (Villamarin case for brevity) denying petitioners' joint motion for preliminary hearing on the affirmative defense of pendente lite (later res judicata) and setting the case for trial.

The Court required the respondents to answer the petition and issued a restraining order on July 10, 1974, enjoining the enforcement of the questioned orders. After the answers of both private and public respondent were filed, the parties were required to file their memoranda, which they did.

The only issue raised in this case is whether the respondent court committed grave abuse of discretion in not dismissing Civil Case No. 71669 questioning the validity of the original and derivative titles of defendants, notwithstanding that final judgment and order on the merits have already been rendered in two other suits before other branches of the Court of First Instance of Manila, upholding the validity of the said titles and recognizing their indefeasibility under the Torrens system.

The uncontroverted facts appearing of record are:

On December 29, 1967, plaintiffs (herein private respondents) filed a complaint against defendants (herein petitioners), amended several times until the fourth amended complaint dated June 2, 1971, docketed as Civil Case No. 71669 of the then Court of First Instance of Manila, Branch 9 (later transferred to Branch 19), seeking to nullify Original Certificates of Title Nos. 1348 to 1355 of the Registry of Deeds of Manila and all subsequent transfer certificates of title derived therefrom issued to defendants, and to have the plaintiffs declared owners of the parcels of land covered by those titles. The case was filed as a class suit under Sec. 12, Rule 3, Rules of Court, as plaintiffs were suing not only in their own interest, but also on behalf and for the benefit of members of the Manila Homeowners Association, Inc., numbering no less than 1,000 persons.

Before all the defendants could file their answers to the complaint, then Judge Alberto J. Francisco of Branch 9, CFI Manila, issued a preliminary injunction on May 18, 1971, ordering defendants to refrain from exercising acts of ownership and possession of the parcels of land subject of the litigation. Said order of Judge Francisco was questioned by the defendants in petition for certiorari filed before the Court of Appeals (CA-G.R. No. 00446). In a decision dated October 21, 1971, the Court of Appeals declared Judge Francisco's order null and void because the

defendants were registered owners with certificates of title over the properties in question.

On March 22, 1973, defendants filed a joint pre-trial brief pointing out the pendency of other class suits involving the same parties, the same subject matter (same properties) and the same reliefs prayed for, in other branches of the Court of First Instance of Manila, namely, Civil Case No. 86529 (Corpuz, et al. vs. Legarda, et al.), Branch 30, C.F.I., Manila, filed on July 21, 1972 and Civil Case No. 72687 (Arandia, et al. vs. Legarda, et al.), Branch 6, C.F.I., Manila filed on April 24, 1968.

As the records show, (1) the Corpuz case was decided by Judge Mariano V. Benedicto, Presiding Judge, CFI Manila, Branch 30, in a decision, dated December 28, 1972, upholding petitioners' titles, O.C.T. Nos. 1348-1355 and all subsequent transfers of title derived therefrom and dismissing the complaint, on the ground that the plaintiffs were barred by laches from questioning the said titles of Benito Legarda, Sr. after the lapse of more than 30 years, especially since there was no evidence of fraud and lack of jurisdiction on the part of the court which issued the same as there were publications in accordance with the requirements of the law at the time of the filing of the application as established by the evidence of defendants which were not assailed by the plaintiffs; and (2) the Arandia case was dismissed by Judge Jose B. Jimenez, Presiding Judge, CFI Manila, Branch 6, in an order dated May 29, 1973, holding that O.C.T. Nos. 1348-1355 issued in August 1907 had become final, irrevocable and indefeasible, and that plaintiffs are barred by laches and estoppel from bringing the action.

On June 22, 1973, petitioner filed their "Joint Motion for Preliminary Hearing" on their affirmative defense of pendente lite as a ground for dismissal of the complaint in the Villamarin case.

On December 20, 1973, respondent Judge issued an order denying the petitioners' joint motion. A motion for reconsideration was filed by petitioners on January 31, 1974, but respondent court, on April 5, 1974, denied the same. Petitioners were poised, at this point, to file a petition before this Court to annul and set aside the aforesaid orders. However, significant developments occurred, according to petitioners, which made them hold in abeyance their contemplated action; the decision in the Corpuz case, dated December 28, 1972, and the order in the Arandia case dated May 29, 1973, had become final.

On May 14, 1974, petitioners filed a Joint Manifestation and Motion for Leave to File Supplemental Answer, which was attached to the Motion, by raising res judicata as affirmative defense in their answers, on the basis of the decision in the Corpuz case and the order in the Arandia case, which dismissed on the merits the complaints in those cases. The motion was granted and the Supplemental Answer was admitted by the respondent court.

On June 20, 1974, petitioners filed a Joint Motion for Preliminary Hearing on the affirmative defense of res judicata; however, the joint motion was denied by respondent Judge in his order dated June 21, 1974. Hence, this petition for certiorari.

We find the petition meritorious.

The affirmative defense of lis pendens put up by the petitioners was later converted in their Supplemental Answer to one of res judicata, in view of the finality of the dismissal on the merits of the Corpuz and Arandia cases. We hold that it was grave abuse of discretion for the lower court to deny petitioners' defense of res judicata. For the defense of res judicata to prosper, the following requisites must be present: (1) there must be a final judgment or order; (2) the court rendering the same must have jurisdiction of the subject matter and the parties; and (3) there must be between the two cases identity of parties, identity of subject matter and identity of cause of action.

There is no question as to the first two requisites. What we have to examine is whether the third requisite is present in this case.

We find that there is substantial identity of parties in the Corpuz and Arandia cases, on the one hand, and the instant case (Villamarin case) on the other. All the three cases are class suits, involving questions common to all the plaintiffs who sought and prayed for the same reliefs.[1] All the plaintiffs suing as a class in the three cases questioned the validity of O.C.T. Nos. 1348-1355 issued to Benito Legarda, Sr. in 1907 for alleged lack of publication of the application as required by law, and prayed for the annulment of said titles, as well as all titles derived therefrom. It can be said, therefore, that the parties in all these cases belonging to the same class are substantially the same, since the subject matter of these suits is of common interest to them.

It is also clear that the issues and subject matter of Corpuz and Arandia cases are the same as those involved in the instant case. The validity of O.C.T. Nos. 1348-1355 and the titles derived therefrom, is the subject matter of the Corpuz and Arandia cases,[2] which were the very titles whose validity was also assailed in the Villamarin case. The cause of action alleged in the three cases is likewise identical, namely, that the questioned titles were null and void for alleged lack of publication of Benito Legarda's application as required by the Land Registration Law prevailing at the time of said application.

As we have repeatedly enunciated, public policy and sound practice enshrine the fundamental principle upon which the doctrine of res judicata rests that parties ought not to be permitted to litigate the same issues more than once. It is a general rule common to all civilized system of jurisprudence, that the solemn and deliberate sentence of the law, pronounced by its appointed organs, upon a disputed fact or a state of facts, should be regarded as a final and conclusive determination of the question litigated, and should forever set the controversy at rest. Indeed, it has been well said that this maxim is more than a mere rule of law; more even than an important principle of public policy; and that it is not too much to say that it is a fundamental concept in the organization of every jural system. Public policy and sound practice demand that, at the risk of occasional errors, judgments of courts should become final at some definite date fixed by law. The very object for which courts were constituted was to put an end to controversies.[3]

If we were to allow repeated suits seeking to nullify O.C.T. Nos. 1348-1355 issued to Benito Legarda, Sr. in 1907, the indefeasibility of titles issued under the Torrens System of land registration, which the Philippines has adopted, will be defeated and set to naught.

ACCORDINGLY, we GRANT the petition, SET ASIDE the questioned orders of the respondent court and DISMISS the complaint in Civil Case No. 71669.

SO ORDERED.

Melencio-Herrera, Paras, and Padilla, JJ., concur.

Sarmiento, J., no part, former counsel of a party

[1] Section 12, Rule 3, Rules of Court.

[2] It is also of record that there were other cases where the same titles were questioned. In Civil Case No. 83778, entitled "Guillermo Marcelo, et al. vs. Benito Legarda, et al.", the case was dismissed when the Trial Court acted favorably upon petitioners' motion to dismiss, including the Land Registration Commission and the Bureau of Lands, represented by the Office of the Solicitor General. In Civil Case No. 65840, entitled "Salvador de la Cruz, et al. vs. Rita Legarda, et al.", the same was dismissed on August 15, 1974.

[3] Zambales Academy, Inc. vs. Ciriaco Villanueva, 28 SCRA 1; Penalosa vs. Tuason, 22 Phil. 303.

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