

ENRIQUE M. BARRETTO, PLAINTIFF AND APPELLANT, VS. TOMAS CABAÑGIS, DEFENDANT AND APPELLEE.

G.R. No. 10080. November 03, 1917

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10080/>

JOHNSON, J.:

The purpose of the present action was to recover the possession of a certain piece or parcel of land described with some degree of particularity in the first paragraph of the complaint, together with damages estimated at P105,000 with interest and costs.

The defendant answered by a general denial and by a special defense. In his special defense the defendant alleged:

"(a) That in certain proceedings instituted and tried in the Court of First Instance of the city of Manila, Philippine Islands, civil case No. 3073, in which Salvadora Ocampo, Luis Abella and Geronimo Abella were plaintiffs, and Tomas Cabañgis, the here defendant, was defendant, all and each of the questions raised in this case were litigated and judicially determined.

"(b) That in the said proceedings the plaintiffs claimed the ownership of the same lands described in the complaint of record, basing their claim on the same grounds mentioned in the complaint in this record.

"(c) That a copy of the complaint presented in the said previous action, dated October 21, 1904, is hereby annexed, marked Exhibit A, and is hereby referred to and made an integral part of this answer.

"(d) That in the said proceedings, the defendant, Tomas Cabañgis, opposed the said claim of the plaintiffs, submitting the above-mentioned question of ownership to the consideration and decision of said Court of First Instance of the city of Manila.

"(e) That said court was and is a court of general jurisdiction, exercising and enjoying competent jurisdiction over the parties and matter in said proceedings.

"(f) That in the said proceedings, after determining the respective claims of the parties, said court rendered judgment on the 9th day of February, 1907, in favor of the plaintiffs. That the defendant appealed from said judgment to the Supreme Court of the Philippine Islands, which tribunal, by its decision rendered on the 28th day of December, 1908, revoked the judgment of the lower court as follows, to wit:

" 'Without prejudice to the filing of an extended opinion later, the judgment appealed from is hereby reversed and the defendant is absolved from the complaint without special finding as to costs, and twenty days hereafter let judgment be entered in conformity herewith, and ten days later let the record be returned to the court wherein it originated, for appropriate action. So ordered.'

"(g) That thereafter, to wit, on January 16, 1909, the 20 days specified in the aforesaid decision having expired, judgment was entered by the said Supreme Court in conformity therewith, a copy of which judgment is attached hereto, marked Exhibit B, and made a part of this answer."

In addition to the foregoing defense the defendant further set up the defense of prescription, alleging—

"That during more than thirty years last past, or since the year 1843, the defendant and his immediate predecessors in interest have been and now are in the actual, uninterrupted, open, public, and continuous possession of the land above described, under claim of absolute title thereto, and exclusive of any other right and adverse to all other claimants."

Upon the issue thus presented the cause was brought on for trial on the 18th day of July, 1912. After hearing the evidence the lower court rendered a judgment, the dispositive part of which is as follows:

"It is accordingly considered and adjudged that plaintiff take nothing by his complaint, and that defendant recover his costs."

From that judgment the plaintiff appealed to this court.

"The appellant makes two assignments of error as follows:

"1. The trial court erred in holding that the matter in litigation was *res adjudicata*.

"2. The trial court erred in not rendering decision in favor of appellant on the merits."

In relation to the first assignment of error it may be said:

First. That the plaintiff admits that he is the successor in interest of the said Salvadora Ocampo, Luis Abella, and Geronimo Abella, mentioned in the answer of the defendant.

Second. The record shows that the land in question in this particular case is identically the same land which was litigated between the said Ocampo et al. and the said Tomas Cabañgis in case No. 3073 of the Court of First Instance (R. G. No. 3983 of the Supreme Court.)[1]

Third. The record shows that in that case (No. 3073, Court of First Instance, and No. 3983 of the Supreme Court) it was held that the plaintiffs were without right to the possession of the parcel of land in question.

Fourth. The record further shows (Exhibit ZZ) that during the pendency of said other action (R. G. No. 3983) the plaintiff herein purchased the said parcel of land from the said plaintiffs in that action, Ocampo et al., that at the time of said purchase, which was three days after the promulgation of the decision in the first case (R. G. No. 3983) and before it became final, the plaintiff herein had full knowledge of the existence of the litigation then pending between the said Ocampo et al. and the defendant herein, as will more fully appear by the following, which is a copy of the transfer of said property to the plaintiff herein:

"In consideration of the agreed price in the contract of this same date and in view of the fact that Enrique M. Barretto, a resident of this city, is willing to defray all the expenses and costs which heretofore may be incurred in the action which, under No. 3983 of the general register of the Supreme Court of these Islands, we are engaged in against Tomas Cabañgis—the latter being the defendant and appellant, and we the plaintiffs and appellee—we solemnly declare by these presents that we assign and convey to the said Enrique M. Barretto, his heirs and assigns, all our rights or those which we may exercise in the referred action as to our ownership over a piece of land in the barrio of Vitas, in the district of Tondo, Manila, which was acquired through purchase from the Augustinian friars by our predecessor in interest, Luis Abella y Rojo, now deceased; and

"By virtue of this assignment and conveyance, we authorize the said Enrique M. Barretto to continue the said action Phil. Rep., 626. against the said Tomas Cabangis, to appeal it, if necessary, to the Supreme Court of the United States, as well as to compromise it if he finds it convenient to his interests; all to be done at his own

account and risk and without any further liability on our part. Should the ownership and possession of said land be decreed in our favor, it shall be understood to have been done so in behalf of the said Enrique M. Barretto.

"In witness whereof, We have signed this document, in Manila, Philippine Islands, this 29th day of December, 1909.

(Sgd.)

"Salvadora Ocampo,

(Sgd.)

"Luis Abella,

(Sgd.)

"G. Abella."

"I agree:

(Sgd.) "Enrique M. Barretto.

"United States of America, }

Philippine Islands, } ss.

City of Manila. }

"Before me, Matias Sanchez, a notary public for this city, personally appeared Salvadora Ocampo, the widow of Abella, exempt from the cedula tax on account of sex ; Luis Abella, of legal age, married, with cedula No. F1478929, issued at Manila on January 26, 1909; Geronimo Abella, of legal age, married, with cedula No. F1525554, issued at Manila on April 16, 1909; and Enrique M. Barretto, of legal age, widower, with cedula No. F1487229, issued at Manila on June 30, 1909, all of whom are known to me to be the same persons who executed the foregoing instrument and acknowledged that the same is their free act and deed.

"Manila, December 29, 1909.

(Sgd.)

"Matias Sanchez,

"Notary Public, whose appointment expires, December 31, 1910."

Fifth. That the present plaintiff, even though he became the owner of whatever interest Ocampo et al. had in the land in question before the decision in case R. G. No. 3983 became final, did not have himself substituted in their stead in said litigation, but, upon the contrary, permitted further proceedings to be had, with full knowledge thereof, in that case in the name of Ocampo et al.

Sixth. That while the plaintiff herein purchased the parcel of land in question with full knowledge of the pendency of the litigation between his vendors and the defendant herein, and while he made no effort to be substituted instead of his vendors, and while he permitted certain proceedings to be had after the date of his purchase in the name of Ocampo et al., and while the decision in that case became final upon the 18th day of January, 1909, he did not commence the present action until the month of November, 1911.

The decision in the former case (R. G. No. 3983) was promulgated upon the 26th day of December, 1909. The defendant with full knowledge that it had been declared that Ocampo et al. were without right or title in the lands

in question, purchased the same upon the 29th day of December, 1909. He is, therefore, the successor in interest of Ocampo et al. with full knowledge that his vendors had been declared to have no interest whatever in the land in question. He. had full knowledge that the question of the ownership of that land had been adjudged and settled. A question decided or passed upon by a court of competent jurisdiction is received as evidence of truth. The question of the ownership of the land in question had been settled before the present plaintiff became the owner thereof, of which fact he had full knowledge. He is, therefore, bound by the result of the former litigation and cannot be permitted again to litigate that question.

With reference to the second assignment of error the record contains a large preponderance of evidence showing that the defendant and his predecessors had occupied the parcel of land in question for about fifty years, quietly, peaceably and without interruption.

After a careful examination of the record, and without discussing at greater length the authorities cited by the appellant against the application of the doctrine of res adjudicata, we are of the opinion and so decide that the judgment of the lower court should be affirmed, with costs. So ordered.

Carson, Street, and Malcolm, JJ., concur.

Araullo, J., did not sit in the case.

[1] 15 Phil. Rep., 626.

TORRES, J., concurring:

The judgment rendered in the previous case, No. 3983, being already final, I concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.