

MARIA C. ROA, ADMINISTRATRIX, SPECIAL PRO. NO. 106, COURT OF FIRST INSTANCE OF PAMPANGA, PLAINTIFF AND APPELLANT, VS. SEGUNDA DE LA CRUZ, JUAN AGUAS AND SHERIFF OF PAMPANGA, DEF...

G.R. No. 10877. February 28, 1958

Ponente: FELIX, J.

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FELIX, J.:

Antecedents. - Maria C. Roa was the universal heir of the late Potenciana Ducuco and was appointed administratrix of the latter's estate in Special Proceedings No. 106 of the Court of First Instance of Pampanga. In view of Roa's failure to pay the professional fees of her lawyer for services rendered in her behalf, the probate court, in an order dated March 25, 1949, allowed the sale at public auction of any property belonging to said administratrix with which to satisfy the sum of P4,085 due the said lawyer. On April 26, 1949, after making the required notices, the Provincial Sheriff of Pampanga sold at public auction in favor of Segunda de la Cruz-Aguas Lots Nos. 2755 and 2757 and one-half of Lot No. 2756 for a total sum of P4,500. The Provincial Sheriff consequently submitted the same for approval of the probate court but Roa opposed the same claiming that the proceeds of the sale were disproportionate to the actual value of the properties. This opposition was, however, withdrawn on June 30, 1949, and the sale was thus approved by the court subject to the administratrix' right to redeem the same within the period prescribed by law. And on November 24, 1949, the administratrix requested for the withdrawal of the balance of P151.10 still in the hands of the sheriff, which was likewise approved by the court.

It appears that Roa failed to redeem the properties within the 1-year period, but on September 14, 1950, she filed a motion praying for authority to sell the same properties (Lots Nos. 2755, 2757 and 1/2 of Lot No. 2756) to the municipality of San Fernando. This motion was opposed by the purchaser Segunda de la Cruz-Aguas on the ground that by reason of movant's failure to exercise the right of redemption within 1 year from the date of sale, said purchaser became the absolute owner thereof. While the preceding motion and opposition was pending action by the Court, and after finding that despite the period allowed her by law, Roa failed to redeem the properties, the Sheriff executed a final deed of sale in favor of Segunda de la Cruz on October 27, 1950, which was registered with the Register of Deeds of Pampanga on November 2 of the year.

On March 13, 1951, the probate court denied Roa's motion for authority to sell the aforementioned lots, to which order the latter personally filed a motion for reconsideration on April 27, 1951, alleging that said lots were sold to said purchaser for only P4 per square meter although the current price thereof was P24 per square meter; that the price for which they were sold was shocking to the conscience; and that the price for which they were sold was shocking to the conscience; and that the public sale was irregular. Another motion for reconsideration was filed by her counsel on May 2, 1951. A lull in the proceedings followed and everything remained at a standstill for it appeared that no definite action had been taken on said motions. Finally, on March 13, 1954, Maria C. Roa, assisted by a new counsel, filed another motion for reconsideration contending in addition to the grounds already

set forth in her previous motions, that she lately discovered a serious irregularity in the sale held at public auction which consisted in the purchaser's conduct of dissuading prospective bidders from taking part in the said sale. It was charged that this irregularity explained the unconscionable price at which the properties were disposed of in favor of the purchaser. After the said motion was heard, the probate court denied the same on March 22, 1954, as well as the motion of April 27, 1951, for being devoid of merit.

The case. - The administratrix thus instituted an ordinary civil action with the Court of First Instance of Pampanga (Civil Case No. 683) to annul the sale at public auction of the properties, with the Provincial Sheriff of Pampanga and the spouses Segunda de la Cruz and Juan Aguas as defendants. It was alleged that pursuant to the order of the probate court of March 25, 1949, the sale of Lots Nos. 2755, 2757 and 1/2 of 2756 for P1,800, P2,200 and P500, respectively were unconscionable considering that said properties were located in a highly commercial district; that said fact was attributed to supposedly improper and illegal manipulation of the purchaser in intercepting bidders and dissuading them from taking part in the sale as a result of which she turned out to be the only bidder and was able to purchase the properties at the price she could afford. It was therefore prayed that the premises be delivered to her, after declaring the sale as null and void; that the rentals collected by the purchaser be turned over to plaintiff after deducting the purchase price that she paid; for damages and costs. To this complaint, defendant spouses filed a motion to dismiss on the ground that the judicial sale having been affirmed by the probate court, said order constituted *res judicata* on the matter and for lack of cause of action.

Acting on this motion to dismiss, the lower Court, on April 23, 1954, issued an order dismissing the complaint for having been barred by a prior judgment, which order was received by plaintiff on May 1 of the same year. On May 4, 1954, plaintiff filed a motion for transfer and reconsideration praying that the order of April 23, 1954, be reconsidered and inasmuch as the action to declare the sale a nullity was filed at the suggestion of the judge presiding over another branch of the same court, the case be transferred to that branch. Finding that plaintiff had not assigned a new ground or advanced a new argument which would justify the reconsideration of the order and holding that the authority of the probate court to order and approve a sale carried with it the power to resolve the regularity of the same and to declare the sale as valid or not, the motion for reconsideration was denied on May 26, 1954. It was also intimated that the said case was assigned to said branch of the court as a result of the "drawing of lots which is the method authorized in the distribution of cases. On June 11, 1954, plaintiff filed another motion for the reconsideration of the aforementioned order of May 26 (denying the motion for reconsideration), which was again denied on July 12, 1954. Thus, plaintiff brought the matter on appeal to the Court of Appeals contending that the lower court erred:

- In holding that plaintiff should have appealed orders of March 13, 1951, and March 22, 1954 (in Special Proceedings No. 106 of the CFI of Pampanga), instead of filing action for annulment;
- In holding that the nullity of sale for fraud was already litigated in the special proceeding;
- In holding that the orders of March 13, 1951, and March 22, 1954, are *res judicata*;
- In holding that the complaint states no cause of action; and
- In dismissing the complaint.

As the appeal involves purely questions of law, the appellate tribunal elevated the same to Us for adjudication in accordance with the provisions of Section 17-(6) of the Judiciary Act of 1948.

Discussion of the controversy. - As could be seen from the recital of the errors allegedly committed by the lower court, the only question at issue in the instant case is whether the validity of a sale ordered and approved by the probate court may still be assailed in a separate civil action. There is no question that the probate court has the

power to order the payment of attorney's fees, and in this case, same was made chargeable to the personal account of the administratrix. It cannot be denied that this authority carries with it the power to affirm and declare as valid a judicial sale resorted to for that purpose. In the instant case, it is undeniable that the sale at public auction was conducted pursuant to a lawful order; and to which apparently appellant acquiesced as evidenced by her conduct in requesting for the withdrawal of the balance of P151.10 out of the proceeds of the sale still remaining in the hands of the Sheriff. It is certainly hard to understand why she withdrew her objection to its regularity and received the benefit derived therefrom if she were later on to contest the same to the extent of filing an action in court. The order of the probate court approving said sale had long become final, and considering that the issue regarding the validity of such judicial sale had already been settled in said special proceedings, We see no reason for the non-application to them of the doctrine of res judicata. We must remember that in both instances, the same conduct of the purchaser which was said to be irregular and improper is the basis of the actions and claims that such sale was rendered void thereby; that both actions involve the same parties, and the same relief is prayed for. There could not be a scintilla of doubt that the two actions are identical, which follows that the judgment held in one (in the special proceedings) constitutes a bar to the present. We cannot countenance the course of action taken by appellant in trying to secure the same and by the use of another means after she had failed in her first attempt, for as this Court held:

"In the determination of this question (res judicata), We should bear in mind that, * * * the application, of the doctrine of res judicata to identical causes of action does not depend upon the identity or differences in the forms of the two actions. A judgment upon the merit bars a subsequent suit upon the same cause, brought in a different form of action and a party, therefore, cannot by varying the form of action or adopting a different method of presenting his case escape the operation of the principle that one and the same cause of action shall not be twice litigated" (Francisco vs. Bias, et al., 93 Phil., 1).

There being no controversy that the order of the probate court approving the judicial sale in favor of appellee Segunda de la Cruz had long become final, the answer to the question herein presented is all too obvious.

Counsel for appellees submitted an alleged prejudicial question for our consideration. He asserts that the instant appeal should be dismissed in view of appellant's failure to perfect the same on time and although the dates appearing on record of the submission of certain pleadings of the parties and orders of the Court tend to show that the posting of the appeal bond was really made beyond the 30-day period prescribed by the Rules of Court. We need not discuss this matter for 2 reasons: firstly, because plaintiff's appeal was given due course by the trial judge upon the administratrix' motion for relief under Section 2, Rule 38 of the Rules of Court; and secondly, because, whether We sustain or reverse the action of the lower court on this point, it would not affect in any way the result of the case in view of the conclusion arrived at by Us on the merits.

Wherefore, the order appealed from of April 23, 1954, dismissing the complaint is hereby affirmed, without pronouncement as to costs. It is so ordered.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur.

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