

MARIA DAVID, PETITIONER, VS. FRANCISCO DE LA CRUZ AND BERNARDO CALMA, RESPONDENTS.

G. R. No. 11656. April 18, 1958

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

This case was originally started in the Court of Industrial Relations by a complaint for reinstatement filed by respondents Bernardo Calma and Francisco de la Cruz against their landlord Maria M. David, who allegedly ejected them from their landholdings without just and lawful cause, and for damages allegedly caused to them by their unlawful ejectment. David answered, claiming that respondents were not illegally ejected by her but that they abandoned, left, or voluntarily surrendered their landholdings.

Trial was then commenced in the Industrial Court, but was not terminated because the court lost jurisdiction over the case upon the creation of the Court of Agrarian Relations, to which the records were transferred under the provisions of Section 7, Republic Act No. 1267, as amended. The Court of Agrarian Relations continued the trial of the case and thereafter, rendered judgment ordering respondents' reinstatement, and reserving to them the right to file a new action for the recovery of losses and damages because "the evidence of record does not contain enough data upon which to base a fair adjudication of the damages said petitioners are entitled to".

Not satisfied with the judgment of the court below, landlord Maria M. David appealed to this Court by petition for review, raising a single question—whether or not the lower court erred in reserving to respondents Calma and De la Cruz the right to file a new and separate action for damages, there being no sufficient evidence in this case to sustain an award of damages in their favor.

We find merit in the petition.

The rule is that a single cause of action cannot be split up into two or more parts so as to be made the subject of different complaints (section 3, Rule 2, Rules of Court). The rule is aimed at preventing repeated litigations between the same parties in regard to the same subject of the controversy and to protect the defendant from unnecessary vexation (*Bachrach Motor Co. vs. Icarangal*, 68 Phil., 287; I. C. J. 1107).

Herein respondents have but one cause of action against petitioner, their illegal ejectment or removal from their landholdings, which cause of action however entitles them to two claims or remedies—for reinstatement and damages. As both claims arise from the same cause of action, they should be alleged, as in fact they were alleged, in a single complaint.

Having thus included in their complaint not only a claim for reinstatement but also a claim for damages, respondents had the burden and duty of proving both claims satisfactorily (section 70, Rule 123, Rules of Court). But while respondents succeeded in proving their illegal ejectment and their right to reinstatement, they, however, failed to prove the damages allegedly suffered by them. In view of their failure to establish their claim for damages by satisfactory evidence, such claim should, therefore, have been unqualifiedly dismissed. The action of

the lower court of reserving to respondents the right to file another action to prove exactly the same damages that they had all the opportunity to prove in this case, would not only result in a multiplicity of suits, but even allow the filing of another action between the same parties for a claim that has already been fully tried, litigated and heard in this case, all to the prejudice of the petitioner as well as of the courts who would have to try the case anew. Moreover, the decision appealed from is strongly suggestive of the fact that the master mind in the tenant's illegal dispossession was Patricio David, the brother of petitioner Maria M. David.

Upon the other hand, respondents, both in their answer and their memorandum, urge the amendment of the decision appealed from so as to include an award of damages in their favor, which they claim is supported by sufficient evidence on record, or, in the alternative, the return of this case to the court below for the reception of additional evidence on the question of damages, in the interest, it is claimed, of a more speedy administration of justice. Respondents, however, did not themselves appeal from the lower court's decision and so can not, as mere appellees, ask for a substantial modification therefor. Settled is the rule that an appellee can not impugn the correctness of a judgment not appealed from by him, and while he may make counterassignment of errors, he can do so only to sustain the judgment on other grounds but not to seek modification or reversal thereof (*Gorospe vs. Peñaflorida*, 101 Phil., 886; *Lapuz vs. Sy Uy*, L-10079, May 17, 1957; *Pineda & Ampil Mfg. Co. vs. Bartolome*, 95 Phil., 930).

Wherefore, the judgment appealed from is modified in the sense that the reservation to respondents of the right to file another action for damages is eliminated, and instead, their claim for damages is dismissed with prejudice. In all other respects, said judgment is affirmed.

Costs against respondents Francisco de la Cruz and Bernardo Calma. So ordered.

Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Endencia, and Felix, JJ., concur.

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