

EULOGIO CAYCO, ET AL., PLAINTIFFS AND APPELLANTS, VS. URSULA CRUZ, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 12663. August 21, 1959

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

This is an appeal by plaintiffs Eulogio Cayco, Benedicto Cruz, Benedict© Tanqueco, Jose Romero and Celestino de Jesus from the order of the Court of First Instance of Rizal, dated January 18, 1956, dismissing their complaint, the dispositive part of which is as follows:

"After hearing and consideration of the motion to dismiss dated October 21, 1955, filed by the attorneys for the defendants Ursula Cruz, Leonila Cruz, and Efigenia Cruz, and the opposition thereto by counsel for the plaintiffs, and the Court, finding that there is identity of parties, subject-matter, and cause of action or issue between this case and those in Civil Cases Nos. 3616, 3617, 3618, 3619, and 3620 of this Court which are still pending, hereby orders dismissal of this case," . (p. 34, Record on Appeal).

The property involved in this case is lot No. 10, block 43, situated at Malabon, Rizal, with an area of 696 square meters, a portion of the Tambobong Estate, administered by the Bureau of Lands. Said lot No. 10 was subdivided into five small parcels occupied individually by the plaintiffs-appellants. On March 9, 1949 the five plaintiffs applied with the Bureau of Lands for the purchase of their respective parcels composing Lot No. 10, Block 43. Their applications were opposed by the sisters Ursula, Leonila and Efigenia, all surnamed Cruz. The controversy was considered by the Bureau of Lands where it was docketed as DANR Case No. 977. It seems said Lot No. 10 was under lease to the three sisters-oppositors and that possibly, the plaintiffs "were mere sublessees.

On May 10, 1952 the Director of Lands decided the case in favor of the oppositors. Instead of appealing from said decision of the Director of Lands to the Secretary of Agriculture and Natural Resources, the five plaintiffs, on July 15, 1952, filed an action in the Court of First Instance of Rizal, docketed as Civil Case No. 1808, against the Director of Lands and the three sisters, questioning the legality of the decision of the Director of Lands. Thereafter, acting upon the recommendation the Director of Lands based on his decision of the controversy, the Undersecretary of Agriculture and Natural Resources executed a Deed of Sale of the lot in question in favor of the three sisters, and the Register of Deeds of Rizal issued Transfer Certificate of Title No. 27978.

On September 21, 1954, the Court of First Instance of Rizal dismissed Civil Case No. 1808 on the ground that plaintiffs had not as yet exhausted all the administrative remedies available to them, such as an appeal from the decision of the Director of Lands to the Secretary of Agriculture and Natural Resources. Said order of dismissal became final. Thereafter, plaintiffs appealed to the Secretary of Agriculture and Natural Resources but their appeal was dismissed for the reason that the lot involved had already been sold to the three sisters.

On May 18, 1955, the three sisters, Efigenia, Ursula and Leonila, assisted by their respective husbands, filed five separate complaints against herein plaintiffs-appellants, Eulogio Cayco, Jose Romero, Benedicto Cruz, Benedkto Tanqueco and Sebastian de Jesus, docketed as Civil Cases Nos. 3616, 3617, 3618, 3619 and 3620 in the Court of

First Instance of Rizal, for "recovery of possession plus damages". Said five cases were still pending hearing on September 26, 1955 when the plaintiffs-appellants filed the present case, docketed as Civil Case No. 3838 in the same Court of First Instance of Rizal. In said case the Director of Lands and the Secretary of Agriculture and Natural Resources and the Register of Deeds of Rizal were included as defendants. The purpose of the action was to annul the Deed of Sale of the lot in question to the three sisters and to cancel Transfer Certificate of Title No. 27978. The five civil cases were set for a joint hearing on October 1-1955. One day before the said hearing plaintiffs-appellants filed an urgent motion for the deferment of the trial until the issues raised in Case No. 3838 shall have been finally decided. Their motion was denied but the joint hearing was postponed to November 15, 1955 for the reason that the trial court was busy with other cases.

On October 21, 1955, the three sisters-appellees filed a motion to dismiss Civil Case No. 3838 on the ground that there were other actions pending between the same parties and for the same cause (apparently referring to the five civil cases) and that the action in said present case was barred by a prior judgment (presumably referring to the dismissal of Civil Case No. 1808). Acting upon the motion to dismiss, the trial court, on January 18, 1956, issued the order, the dispositive part of which is reproduced at the beginning of this decision. After failing to secure a reconsideration of the order, plaintiffs appealed the case to the Court of Appeals which certified the same to this Tribunal. After a careful study of the appeal, we agree with the trial court, in its findings in the order of dismissal, that there was identity of parties, subject matter, and cause of action between Civil Case No. 3838 and the five cases Nos. 3616-3620. That there is identity of parties in said cases, we find to be clear. As to the subject matter, in both cases, the same Lot No. 10 is the only property involved. As to cause of action we find it to be the same in both cases, namely the legality and correctness of the decision of the Director of Lands as to the persons who had preferential rights to purchase Lot No. 10 and the legality of the Deed of Sale of said lot in favor of the three sisters-appellees instead of to the five plaintiffs-appellants.

It is true that the five separate cases filed by the three sisters-appellees against the five plaintiffs, Civil Cases Nos. 3616-3620, was ostensibly only for the recovery of possession and damages; but the right to recover possession must be based on the ownership of the land and, naturally, the legality of the sale of Lot No. 10 to the appellees with preferential rights to purchase, as decided by the Director of Lands, as against the plaintiffs, as mere occupants, would have to be determined. As stated by this Court in the case of *Francisco vs. Bias, et al.*, 93 Phil., 1.,

"In the determination of this question, we should bear in mind that, as said in 30 Am. Jur. 919, 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 merits bars a subsequent suit upon the same cause, though brought in a different form of action, and a party therefore, cannot by varying the form of 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".

As to the other ground alleged by appellees in their motion for dismissal, namely, that the case was barred by a prior judgment, it might also be said, although we find it unnecessary to rule on the same, that when Civil Case No. 1808 filed by the herein plaintiffs-appellants against defendants-appellees was dismissed by the trial court and the order of dismissal became final, said case involving as it did the same parties, the same subject matter and the same cause of action, the plaintiffs therein, the same plaintiffs in the present case, are barred from filing and prosecuting a similar action.

In view of the foregoing, the appealed order is hereby affirmed with costs.

Paras, C. J., Bengzon, Padilla, Bautista Angela, Labrador, Concepcion, Endencia, and Barrera, JJ., concur.

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