FELIX SENDON, CENON SENDON, TEODOLO SENDON, INDALICIO SENDON, ISBERTO SENDON, ANTONIETO SENDON AND JUANITA S. SALAZAR, PETITIONERS, VS. FRATERNIDAD O. RUIZ, PEREGRINA ONAS, LILI...

G.R. No. 136834. August 15, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

For review on certiorari is the decision of the Court of Appeals in CA-G.R. CV No. 49586, which affirmed the judgment of the Regional Trial Court of Kalibo, Aklan, Branch 1, dismissing petitioners' complaint for quieting of title with preliminary injunction, damages and declaration of ownership.

The facts of the case, as culled from the records, are as follows:

On May 3, 1969, Isaac Sendon filed Civil Case No. 1800 before the Regional Trial Court (Branch IV) of Kalibo, Aklan against Narciso Onas for recovery of ownership and possession of land, particularly described therein as follows:

> A parcel of mixed irrigated rice, cocal, abacal and banana lands, containing an area of about 37,207 square meters, more or less, and bounded on the North by Paulino Zabal, on the East by Janlud Creek and Heir of T. Zorra, on the South by Juan Zindon and on the West by Moises Morania and Felix Morallos. Declared in the name of Segundina Nape and assessed together with its improvements at P1,670.00.[1]

On August 23, 1984, Civil Case No. 1800 was decided in favor of Narciso Onas[2] inasmuch as he was already adjudged owner of said lot in an earlier decision rendered by the former Court of First Instance of Capiz in Civil Case No. K-111, Branch II, decided on August 22, 1949. It was also an action for recovery of ownership and possession of land, previously brought by Narciso Onas against Isaac's parents, Catalino Sendon and Segundina Nape, his aunt Modesta Nape, and brothers Isberto and Rizaldo Sendon. The lot subject of Civil Case No. K-111 was described as:

> A parcel of real estate consisting of palayero, cocal, abacal, bamboo, cogonal and ambolong land, containing an aggregate area of approximately 41,715 square meters, bounded on the North, by Janlud Brook and Hugo Planas; on the East by Janlud Brook; on the South, by Gregoria Zambrona and Felix Morallos; and on the West, by Rosalia Revicencio. Under Tax Declaration No. 4566 in the name of the plaintiff and valued at P640.00.[3]

The trial court in Civil Case No. 1800 had ruled that the land being claimed by Isaac Sendon was identical to the land adjudicated in favor of Narciso Onas in Civil Case No. K-111. Isaac Sendon could not claim that he inherited the same land from his mother Segundina, since the trial court in Civil Case No. K-111 decided that she did not own it and thus could not transfer the land by succession to Isaac Sendon.

When the Provincial Sheriff of Aklan sought to enforce the court's final decision in Civil Case No. 1800,

petitioners Felix, Cenon, Teodolo, Indalicio, Isberto and Antonieto, all surnamed Sendon, as well as Juanita S. Salazar, refused to vacate the land subject of Civil Case No. 1800. Note that all the petitioners are siblings of Isaac Sendon, except for Antonieto and Juanita Salazar who are his nephew and niece and grandchildren of Catalino Sendon and Segundina Nape.

To thwart execution of the decision, petitioners filed their complaint for quieting of title against the Provincial Sheriff of Aklan and private respondents Fraternidad O. Ruiz, Peregrina Onas, Lilia O. Fernandez, Millard Onas, Elda O. Nabutas and Nimfa Onas. Note that private respondents are the children of Narciso Onas, now deceased, and his successors-in-interest on the land that was subject of Civil Case Nos. 1800 and K-111.

In their complaint dated July 14, 1986,[4] docketed as Civil Case No. 3670, petitioners averred that the lot on which their houses stood (and from which the sheriff sought to eject them) is not the same parcel of land that was litigated in Civil Case No. 1800. They alleged that they inherited the lot they were occupying from their mother Segundina Nape, who in turn, came to own the same upon the death of their grandfather, Pablo Nape. Petitioners described this land in their complaint as:

> A parcel of unirrigated riceland, cocal, banana, abaca and bamboo land located in Janlud, Libacao, Aklan, containing an area of 4,5894 hectares, more or less, and bounded on the North by Paulino Zabal, on the East by Tibursia Zorra and Juan Sendon, on the South by Moises Morana and Felix Morallos (now Jesus Irabon), and on the West by Janlud Creek menor and Antonia Zabal (now Narciso Onas), declared in the name of Segundina Nape under Tax Declaration No. 5024, Series of 1984 and assessed in the sum of P10,310.00. This land is equivalent to and the same lot as Lot No. 1113 of the Libacao Public Land Subdivision, PLS 690-D.[5]

Petitioners stated that the land involved in Civil Case Nos. 1800 and K-111 is the area sold by their grandmother Antonia Zabal to Narciso Onas on March 31, 1931, as evidenced by a document denominated as “Escritura de Compraventa con Eviccion y Saneamiento.”[6] The lot sold by Antonia to Narciso allegedly consisted of only 26, 482 square meters and is now known as Lot Nos. 1114, 1115 and 1120 of the Libacao Public Land Subdivision. In contrast, the land described in their complaint is Lot No. 1113 with an area of 4.5894 hectares. They concluded that this latter lot is therefore distinct from the land subject of Civil Case Nos. 1800 and K-111.

While petitioners admitted that they knew about Civil Case No. 1800, which was initiated by their brother Isaac Sendon in 1969, they said they did not intervene therein because they believed that the disputed area therein was different from the land described in their present complaint. They discovered that Lot 1113 was being included in Civil Case Nos. 1800 and K-111 only when the sheriff threatened to evict them from the property. At any rate, they asserted that the judgment in Civil Case No. 1800 did not bind them or their shares in the property, because they were not impleaded as parties therein. According to petitioners, since Isaac Sendon was the only party in Civil Case No. 1800, it follows that only his 1/7 share in the property should be affected by final judgment in the case.

Respondents moved to dismiss the complaint on the ground of res judicata. They averred that the lot being claimed by petitioners in the present case is the same lot owned by their father, Narciso Onas, as declared in Civil Case Nos. 1800 and K-111.[7] Respondents presented Exhibit “23”,[8] a sketch plan of the land commissioned by the trial court in Civil Case No. 1800, and maintained that petitioners knew the lot’s identity because they attended hearings in the same case.

To assist the trial court in ascertaining the identity of the land being claimed by petitioners in relation to the lots involved in Civil Case Nos. 1800 and K-111, Engineer Rafael Escabarte was appointed commissioner by the trial court with the mandate to determine the boundaries of the parcel of land as stated in petitioners’ complaint. On September 29, 1989, Engineer Escabarte submitted his sketch and report marked as Exhibits “O” and “P”,[9]

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respectively, which were objected to by petitioners.

On May 30, 1994, the trial court held that res judicata had already set in and ruled against petitioners, rendering judgment as follows:

> 1. The complaint is dismissed;
>
> 2. The defendants are declared the absolute owners of the land described in paragraph 4 of the complaint;
>
> 3. Plaintiffs are ordered to immediately restore possession thereof to defendants; and
>
> 4. Plaintiffs are ordered to pay the costs.
>
> SO ORDERED.[10]

On Sept. 24, 1998, the Court of Appeals affirmed the trial court's judgment in toto. Petitioners' motion for reconsideration was also denied by the appellate court on November 27, 1998.

Hence, this appeal, with petitioners assigning three errors by alleging that the trial court:

> I
>
> ...DECIDED THE CASE BASED ON A MISAPPREHENSION OF FACTS THAT THE LOT IN QUESTION IS THE SAME LOT LITIGATED IN CIVIL CASE NO. 1800 AND CIVIL CASE NO. K-111 AND HAS DECIDED IT IN A WAY PROBABLY NOT IN ACCORD WITH LAW OR WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT AND THE COURT A QUO HAS AFFIRMED SAID DECISION.
>
> II
>
> ...ERRED IN HOLDING THAT THE ELEMENTS OF RES ADJUDICATA ARE PRESENT IN THIS CASE AND THE COURT A QUO HAS AFFIRMED SAID HOLDING.
>
> III
>
> ...ERRED IN NOT HOLDING THAT THE DECISION IN CIVIL CASE NO. 1800 IS NOT BINDING ON THE PETITIONERS WHEN THEY WERE NOT PARTIES THERETO.[11]

Considering the aforecited assignment of errors, we find that the main issue raised in this petition is whether or not petitioners' complaint was properly dismissed for being barred by res judicata.

For a claim of res judicata to prosper, the following requisites must concur: (1) there must be a final judgment or order; (2) the court rendering it must have jurisdiction over the subject matter and the parties; (3) it must be a judgment or order on the merits; and (4) there must be, between the two cases, identity of parties, subject matter and causes of action.[12]

Petitioners do not dispute the presence of the first three elements above cited but they pose two questions: (a) did the lower court misapprehend the evidence when it concluded that there was identity of subject matter, i.e., the lot subject of this case is identical to the one involved in Civil Case Nos. 1800 and K-111 and (b) was there substantial identity of parties between Civil Case Nos. 1800 and K-111, on the one hand, and the instant case, Civil Case No. 3670, on the other?

With respect to the first question, which appears to raise a factual issue but which we felt compelled to face squarely, we are convinced that the lower court did not err in concluding that the land presently being claimed by petitioners is the same land adjudicated in favor of respondents' predecessor, Narciso Onas, in Civil Case Nos. 1800 and K-111. We note that this conclusion was reached after comparing sketch plans drawn by

court-appointed commissioners in Civil Case No. 1800 and the present case, Civil Case No. 3670.

Indeed, an examination of the two sketches, marked as Exhibits "O" and "23," would readily reveal that the parcel declared to be owned by Narciso Onas in Civil Case No. 1800 is no different from the lot now being litigated between petitioners and respondents. Thus, we are not persuaded that the courts below misapprehended the facts when they found the lot claimed by petitioners and the parcel owned by Onas are identical, because sufficient evidence exists on record to support this particular factual finding. Factual conclusions of the Court of Appeals are given great weight especially when in complete accord with the findings of the trial court. As such, they are binding and conclusive upon this Court, in the absence of any palpable mistake.[13]

Petitioners rely on the description of the land in the "Escritura de Compraventa" to prove that the disputed lot in Civil Case No. 1800 is different from the parcel they are now claiming. But this document cannot prevail over Exhibit "23". To our mind, the "Escritura de Compraventa" merely constitutes evidence of a sale transaction between Narciso Onas and petitioners' grandmother, Antonia Zabal, but the description of the land therein does not, in any way, prove the identity of the lot included in the earlier cases. Rather than rely on that document, it should be emphasized that "Exhibit "23," drawn by a court-appointed commissioner in Civil Case No. 1800, remains an uncontroverted piece of evidence that is definitive insofar as it shows the specific boundaries and delineations of the disputed parcel of land. We find petitioners' reliance on the "Escritura de Compraventa" less than persuasive.

We also concur with the lower courts' view that there is identity of parties in Civil Case No. 1800 / Civil Case No. K-111 and in the present case, Civil Case No. 3670. For purposes of res judicata, we have held that only substantial identity of parties is required and not absolute identity.[14] There is substantial identity of parties when there is community of interest between a party in the first case and a party in the second case even if the latter was not impleaded in the first case.[15] In other words, privity or a shared identity of interest is sufficient to invoke application of the principle of res judicata.[16]

In the present case, petitioners are suing for the title of the same lot and in the same capacity as did their brother Isaac Sendon in Civil Case No. 1800. Although strictly speaking, the petitioners here were not made parties to the prior case, Civil Case No. 1800, their alleged ownership of Lot No. 1113 is also predicated upon their perceived right as heirs of Segundina Nape married to Catalino Sendon. Their claim to ownership of Lot No. 1113 had been laid to rest in Civil Case No. K-111. Since the rights asserted by petitioners in this case are founded upon the same interests which Isaac Sendon and their predecessor had failed to vindicate in the previous cases, Civil Case No. 1800 and Civil Case No. K-111, the present petitioners are legally bound by the prior judgments. They should not be allowed in Civil Case No. 3670 to re-litigate the very same issues already passed upon and decided in the aforecited cases.

To recapitulate, all the requisites of res judicata are present in this case; the trial court and the appellate court did not commit any error when they ordered the dismissal of petitioners' complaint.

WHEREFORE, the petition is DENIED. The assailed decision of the Court of Appeals in CA-G.R. CV No. 49586 which affirmed the judgment of the Regional Trial Court of Kalibo, Aklan, Branch 1, in Civil Case No. 3670 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

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[1] Original Records, p. 22.

[2] Id. at 62-66.

[3] Id. at 61.

[4] Id. at 69-73.

[5] Rollo, p. 45.

[6] Supra, note 1 at 7.

[7] Supra, note 5 at 52-54.

[8] Supra, note 1 at 67.

[9] Id. at 25 & 26.

[10] CA Records, p. 34.

[11] Supra, note 5 at 26-27

[12] Linzag vs. Court of Appeals, G.R. No. 122181, 291 SCRA 304, 319 (1998).

[13] See Villalon vs. Court of Appeals, G.R. No. 116996, 319 SCRA 530, 536 (1999), citing Fortune Motors (Phils.) vs. CA, G.R. No. 112191, 267 SCRA 653 (1997); Atillo III vs. CA, G.R. No. 119053, 266 SCRA 596 (1997); Meneses vs. CA, G.R. No. 82220, 246 SCRA 162 (1995); Manuel vs. CA, G.R. No. 96781 227 SCRA 29 (1993); Fuentes vs. CA, G.R. No. 109849, 268 SCRA 703 (1997); Guinsatao vs. CA, G.R. No. 95083, 218 SCRA 708 (1993); CMS Logging, Inc. vs. CA, G.R. No. 41420, 211 SCRA 374 (1992); Fernan vs. CA, G.R. No. 43356, 181 SCRA 546 (1990).

[14] Republic vs. Court of Appeals, G.R. No. 103412, 324 SCRA 560, 567 (2000), citing Municipality of San Juan, Metro Manila vs. Court of Appeals, G.R. No. 125183, 279 SCRA 711 (1997), which cited Suarez vs. Municipality of Naujan, G.R. No. L-22282, 18 SCRA 682 (1966).

[15] Sempio vs. Court of Appeals, G.R. No. 124326, 284 SCRA 580, 586-587 (1998), citing Anticamara vs. Ong, G.R. No. L-29689, 82 SCRA 337 (1978).

[16] Cruz vs. Court of Appeals, et al., G.R. No. 135101, 332 SCRA 747, 749 (2000).

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