

FELIX V. VALENCIA, PLAINTIFF AND APPELLANT, VS. CEBU PORTLAND CEMENT CO., ET AL., DEFENDANTS AND APPELLEES.*G. R. No. 13715. December 23, 1959*

Ponente: LABRADOR, J.

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Appeal from a judgment of the Court of First Instance of Negros Occidental, Hon. Jose Teodoro, Sr., presiding, dismissing plaintiff's complaint on the grounds specified in a motion presented by defendants. The main grounds are that the cause of action stated in the complaint is barred by a prior judgment and by the statute of limitations.

The present case is an offshoot of G. R. No. L-6158[*] (March 11, 1954), entitled Cebu Portland Cement Company vs. The Court of Industrial Relations (CIR) and Philippine Land Air-Sea Labor Union (PLASLU), decided by this Court, affirming a decision of the Court of Industrial relations holding that the separation of plaintiff herein, Felix V. Valencia, from his position as general superintendent in the Cebu Portland Cement Company, Cebu, was unjustifiable because no valid reasons existed for said removal. The decision of the Court of Industrial Relations, affirmed by this Court, ordered that Felix V. Valencia be reinstated from May 1, 1949 to November 16, 1950, with all the privileges and emoluments attached to said petition.

The present complaint was filed on June 22, 1956, and alleges that plaintiff's separation from the Cebu Portland Cement Company on June 16, 1950, was caused by the concerted individual acts of the defendants, which are unreasonable, unjust and illegal. It further alleges that in procuring plaintiff's dismissal through malicious, illegal, unjust, oppressive and high-handed acts, plaintiff and his family have been terribly humiliated and have suffered an irreparable injury to their good name, reputation, honor, social dealings and prestige. So it is prayed that actual or compensatory damages, exemplary damages, nominal or temperate damages, attorney's fees and contingent fees, all amounting to P299,509.00, be granted plaintiff- appellant.

Plaintiff-appellant claims that the Court of Industrial Relations case presented by him against the defendant Cebu Portland Cement Company is not a bar to the present action because the said court has no jurisdiction over his present claim. We find this contention to be without merit. The removal of plaintiff from his position as general superintendent, which removal was held by the Court of Industrial Relations and by us to be illegal, up to November 16, 1950, is the cause or reason for the present action for nominal, exemplary and other damages. As claimed by defendant-appellees in the lower court, a party to an action cannot split his cause of action into many causes. (Rule 2, section 3.) When, therefore, the plaintiff-appellant filed his action for reinstatement, he should have included in said action the supposed damages that he now claims in his complaint in this case. It is well settled that a party, after presenting an action, cannot by a subsequent proceeding or suit recover other damages or remedies to which he was entitled in the former action, which is, in this case, the alleged unlawful dismissal of the plaintiff.

The action is also barred by the statute of limitations.

The cause of action arose upon plaintiff's separation from the service on November 16, 1950. When he filed the

action on June 22, 1956, more than the four years prescribed by Article 1146 the Civil Code has already elapsed.

The present action is one for injury to the rights of the plaintiff. It is not, as claimed by plaintiff-appellant, an action based on a former judgment. A previous judgment declared his separation from May 31, 1949 to November 16, 1950, illegal, and consequently, the court ordered payment of his services for that period of time. If he claims any injury caused to him by the supposed illegal acts of the defendants by his separation on November 16, 1950, he should have filed his action within four years from that date. Hence, we are constrained to hold that the action which he now institutes is barred by the provisions of said Article 1146 of the Civil Code.

In view of the foregoing, the decision appealed from is hereby affirmed, with costs against plaintiff-appellant.

Paras, C.J., Bengzon, Padilla, Montemayor, Bautista Angelo, Concepcion, Endencia, and Barrera, JJ., concur.
Gutierrez David, J., concurs in the result.

[*] 94 Phil., 509.

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