QUEZON PROVINCE, REPRESENTED BY ITS GOVERNOR, WILFRIDO L. ENVERGA, AND LIWAYWAY R. LAREZA, IN HER CAPACITY AS MUNICIPAL TREASURER OF GENERAL, NAKAR, QUEZON, PETITIONERS, VS. HON...

G.R. No. 139274. October 23, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In this petition[1] for certiorari and prohibition with prayer for a writ of temporary restraining order or preliminary injunction, petitioners assail the resolution[2] dated March 17, 1999 and the order[3] dated June 22, 1999 of the Regional Trial Court of Infanta, Quezon, Branch 65, which denied petitioners' motion to dismiss the complaint in Civil Case No. 329-1 for quieting of title and mandamus.

The facts are as follows:

Private respondent Green Square Properties Corporation (hereafter Green Square), through a deed of sale dated August 14, 1996, allegedly acquired from the estate of Don Mariano San Pedro y Esteban its rights over a tract of land with an area of FIFTY THOUSAND FOUR HUNDRED NINETY SEVEN (50,497) HECTARES, the major portion of which is found in General Nakar and Infanta, Quezon; and the rest in Laguna and Rizal provinces. The land was covered by Tax Declaration No. 09-019-0094 in the name of Don Mariano San Pedro y Esteban. The deed of sale indicated that the land was allegedly part of the land under Titulo de Propriedad No. 4136 dated April 29, 1894.

On September 17, 1996, the Regional Trial Court of Bulacan confirmed the sale in Intestate Estate Proceeding No. 312-B. Consequently, the tax declaration in the name of Don Mariano San Pedro was cancelled and a new one was issued in the name of Green Square.

In the meanwhile, in G.R. No. 106496, Engracio San Pedro, et al. v. Court of Appeals (16[th] Div.) and Republic of the Philippines, 265 SCRA 733 (1996), this Court in its decision dated December 18, 1996, dismissed the petition therein and declared that Titulo de Propriedad No. 4136 was NULL AND VOID, and therefore, no rights could be derived therefrom. All lands covered by said Titulo de Propriedad were excluded from the inventory of the Estate of Don Mariano San Pedro y Esteban. The petition for letters of administration, docketed as Sp. Proc. No. 312-B, was closed and terminated. The alleged heirs, agents, privies and/or anyone acting for and on behalf of the estate were disallowed to exercise any act of possession or to dispose of the whole or any portion of the estate covered by said titulo, and further directed them to immediately vacate the same, if they or any of them were in possession thereof.[4]

In July 1998, Green Square's tender of payment of the real estate taxes over the subject land, pursuant to the notice of payment sent by the Office of Municipal Treasurer of General Nakar, was refused by the same office. Thereafter, Green Square filed a complaint for quieting of title and mandamus alleging that petitioners' refusal of

its tender of payment casts doubt on its rights, interests, claim and title over the subject property. Private respondent prayed that petitioners be compelled to accept its tender of payment.

On October 21, 1998, petitioners filed a motion to dismiss the complaint upon the ground, among others, that Green Square's cause of action was barred by a prior judgment or res judicata.

The trial court, however, denied the motion to dismiss on March 17, 1999. It held:

After a careful and judicious evaluation of the allegations in the pleadings submitted in this case, this court observed:

> a)
>
> The plaintiff corporation has indeed legal and equitable title (citation omitted) over the property on litigation having registered its claim and asserted its beneficial interest thereon (citation omitted). The registration subsequently brought about the transfer of the tax declaration from the Estate of Mariano San Pedro to the name of the plaintiff corporation.
>
> It is not controverted that the plaintiff is in possession of the property in litis for more than thirty (30) years, the possession of its predecessor-in-interest having been tacked to plaintiff's possession when it acquired it by purchase on August 14, 1996. Indisputably, the plaintiff has clear interest over the property in litigation (citation omitted). And, the refusal to accept tender of payment is a "claim" sufficient to cast a cloud on the title of the plaintiff. Moreover, authorities said "(t)he claim constituting the alleged cloud must be such as to cause a reasonable fear that it may at some time be asserted against the owner vexatiously or injuriously (citation omitted).
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> x x x
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> c)
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> The cause of action herein is not barred by prior judgment. The property under Titulo de Propriedad No. 4136 covered a vast tract of land which may include the property in litigation. Nevertheless, the present controversy dwells NOT on the ownership of the land but on the issue of whether the defendants through the Municipal Treasurer of Gen. Nakar, Quezon, should accept the tender of payment of taxes by the plaintiff and thus be compelled by mandamus to do so.
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> x x x
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> Finally, this court holds the claim of the plaintiff as innocent purchaser for value should be proven by evidentiary proof, and the extent of the subject property allegedly within/covered by Titulo de Propriedad No. 4136 should be established with definiteness and certainty. These matters should be ventilated and resolved in a full-blown trial on the merits.
>
> WHEREFORE, premises considered, the motion to dismiss is DENIED for lack of merit.
>
> SO ORDERED.[5]

Petitioners' motion for reconsideration having been denied, they brought this petition before us on the following grounds:

> I. THE RESPONDENT JUDGE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN DISOBEYING THE DECISION OF THIS HONORABLE TRIBUNAL IN G.R. NO. 106496.
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> II. THE RESPONDENT JUDGE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN MAKING AS ISSUE THE FACT THAT THE LAND BOUGHT BY THE

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RESPONDENT CORPORATION FROM THE ESTATE OF MARIANO SAN PEDRO, IS COVERED WITHIN TITULO DE PROPRIEDAD NO. 4136.

III. THE RESPONDENT JUDGE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN RESOLVING THAT THE COMPLAINT IN CIVIL CASE NO. 329-1 IS NOT BARRED BY PRIOR JUDGMENT OR RES JUDICATA.

In determining whether the trial court gravely abused its discretion amounting to lack of jurisdiction, we must resolve the following issues:

1) Did the parties dispute the coverage of the land under Titulo de Propriedad No. 4136?

2) Is Civil Case No. 329-1 barred by our decision in G.R. No. 106496?

On the first issue, petitioners claim that private respondent categorically admitted in its complaint that the land which it bought from the Estate of Don Mariano San Pedro y Esteban was covered by Titulo de Propriedad No. 4136. This is evidenced by paragraph 5 of the complaint which states that the conveyance is embodied in a Deed of Absolute Sale with Quitclaim.[6] The latter in turn describes the subject land as a "parcel of land situated at General Nakar and Infanta, Quezon, principally, and at Laguna and Rizal provinces, consisting of 50,497 hectares, more or less, covered under Titulo de Propriedad No. 4136 dated April 29, 1894."[7]Further, in paragraph 21 of the complaint, private respondent defended the Estate's acquisition of the subject land through a Spanish grant by saying that the Estate did not violate any prohibition on private acquisition of forest lands, as embodied in the 1935, 1973 and 1986 Philippine Constitution, because the Estate acquired the subject property prior to the effectivity of the said laws.[8]

Private respondent counters in its comment that the matters raised by petitioners are devoid of merit and deserve scant consideration. It said that the trial court's making as an issue the coverage of the land under Titulo de Propriedad No. 4136 should not be taken out of context but should underscore the need for trial.

On record, we find that there was no basis for the trial court to declare as one of the issues of the case, the matter concerning the coverage of the subject land under Titulo de Propriedad No. 4136. As shown by petitioners, private respondent admitted in its complaint that the parcel of land it purchased from the Estate of Don Mariano San Pedro was covered by Titulo de Propriedad No. 4136. Nowhere in the comment and memorandum submitted before us does private respondent deny said fact. Petitioners on the other hand, did not dispute said coverage. Hence, the coverage of the land purportedly under Titulo de Propriedad No. 4136 was not controverted by the parties. The trial court, therefore, gravely abused its discretion when it declared as an issue, that needed to be resolved in a full-blown trial, the coverage of the land under the so-called Spanish title. This declaration is totally devoid of support in the record.[9]

On the second issue, is the filing of the complaint in Civil Case No. 329-1 barred by our decision in G.R. No. 106496 consolidated with G.R. No. 102737? Petitioners submit that the trial court, in determining whether the allegations in a complaint establish a cause of action, must take cognizance of all the decisions of this Court. In G.R. No. 106496 entitled Engracio San Pedro et al. vs. Court of Appeals, 265 SCRA 733 (1996), we expressly resolved the nullity of Titulo de Propriedad No. 4136, on which private respondent, allegedly as successor-in-interest of the Estate of Don Mariano San Pedro, based its claim of title and ownership in its complaint for quieting of title. Hence, according to petitioners, the complaint must be dismissed for lack of cause of action and res judicata because the alleged title on which private respondent based its claim had already been declared null and void in a previous decision of the Supreme Court.

Private respondent counters that res judicata is not applicable in this case for it applies only where there is identity

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of parties, issues and causes of action. There is no identity of issue between G.R. No. 106496 and Civil Case No. 329-1 for in the first, the issue is the validity of Titulo de Propriedad No. 4136, while in the second, the issue is the doubt cast on private respondent's interest on the subject property, which, according to private respondent, is based not on Titulo de Propriedad No. 4136 but on its possession for more than thirty years, its possession being tacked to that of its predecessor-in-interest.

We are not persuaded by the latter argument. The four elements of res judicata are: (1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be between the first and second action, identity of parties, subject matter and causes of action.[10] The parties do not dispute the existence of the first three conditions. It is the fourth condition which private respondent claims as non-existent, i.e., there's no identity of causes of action.

The ultimate test to determine identity of causes of action lies not in the form of an action but on whether the same evidence would support and establish the former and the present causes of action.[11] We find that the instant case meets this test because the same issue of the validity of Titulo de Propriedad No. 4136 remains the issue in the instant case.

Although, at first glance, it seems that private respondent's claim on the subject property is based on the 30-year adverse possession allegedly by the Estate of Don Mariano, this claim is belied by the records of the case. In its complaint, private respondent alleged that it purchased the subject property from Don Mariano's Estate. As an evidence, private respondent attached a deed of sale executed purportedly by the representative of said estate describing the property as covered by Titulo de Propriedad No. 4136 in the name of Don Mariano. Note that the estate never claimed the property based on its alleged adverse possession but on its Spanish title. This is shown by the fact that despite the effectivity of Presidential Decree No. 892 issued on February 16, 1976, an act prohibiting the use of Spanish title to prove ownership over real property, and the decision dated November 17, 1978 of the defunct Court of First Instance of Bulacan, Fifth Judicial District, Branch IV, in Special Proceeding No. 312-B, from which originated G.R. No. 106496 and which originally declared Titulo de Propriedad No. 4136 as null and void, the estate still initiated on August 15, 1988 an action for recovery of possession based on its so-called Spanish title. Also in its complaint, private respondent defended the Spanish title of its predecessor-in-interest as valid. Why the need to defend its validity, if private respondent's claim lies on something other than that? Lastly, private respondent's claim of more than 30 years of adverse possession is hinged allegedly on the payment of the real property tax by its predecessor-in- interest. But private respondent clearly admitted in its complaint that since 1963, the estate has not been paying the said tax.

Undeniably from the above disquistion, private respondent's claim over the subject property is made to rest on the so-called Titulo de Propriedad No. 4136, and is therefore barred by our judgment in G.R. No. 106496. At this point, it must be stressed that a party cannot evade the application of res judicata by simply varying the form of the action or by adopting a different mode of presenting its case, as was done here.[12] Given the circumstances in this case, we find that the trial court gravely abused its discretion when it denied the motion to dismiss and completely disregarded our ruling in G.R. No. 106496.

WHEREFORE, the petition is GRANTED. The resolution of public respondent dated March 17, 1999, denying petitioners' motion to dismiss, and its order dated June 22, 1999, denying the motion for reconsideration, are REVERSED and SET ASIDE. The Regional Trial Court of Infanta, Quezon, Branch 65, is hereby ordered to dismiss Civil Case No. 329-1. Costs against private respondents.

SO ORDERED.

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

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[1] Rollo, pp. 11-28.

[2] Id. at 29-34.

[3] Id. at 35-37.

[4] 265 SCRA 733, 767-768 (1996).

G.R. No. 106496 was consolidated with G.R. No. 103727, Intestate Estate of the Late Mariano San Pedro y Esteban v. Court of Appeals (2[nd] Division).

In G.R. No. 103727, the petition was also dismissed, and the decision of the Court of Appeals dated January 20, 1992, was AFFIRMED.

In G.R. No. 106496, judgment is hereby rendered as follows:

(1) Titulo de Propriedad No. 4136 is declared null and void and, therefore, no rights could be derived therefrom;

(2) All lands covered by Titulo de Propriedad No. 4136 are excluded from the inventory of the estate of the late Mariano San Pedro y Esteban;

(3) The petition for letters of administration, docketed as Special Proceedings No. 312-B, should be, as it is, hereby closed and terminated.

(4) The heirs, agents, privies and/or anyone acting for and in behalf of the estate of the late Mariano San Pedro y Esteban are hereby disallowed to exercise any act of possession or ownership or to otherwise, dispose of in any manner the whole or any portion of the estate covered by Titulo de Propriedad No. 4136; and they are hereby ordered to immediately vacate the same, if they or any of them are in possession thereof.

This judgment is IMMEDIATELY EXECUTORY.

SO ORDERED.

[5] RTC Records, pp. 136-137.

[6] RTC Records, p. 2.

[7] Id. at 11.

[8] Id. at 7.

[9] Estrella Real Estate Corporation vs. Court of Appeals, G.R. No. 128862, 315 SCRA 650, 657 (1999).

[10] Victorio Esperas vs. Court of Appeals, et al, G.R. No. 121182, October 2, 2000, p. 6.

[11] Cruz vs. Court of Appeals, G.R. No. 135101, 332 SCRA 747, 754 (2000).

[12] Victoria Esperas vs. Court of Appeals, supra at pp. 6-7; Widows & Orphans Association, Inc. v. Court of Appeals, G.R. No. 91797, 212 SCRA 360, 380-381, (1992).

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