

LUIS ALMEDA, PLAINTIFF AND APPELLANT, VS. ANASTACIA MANRILLA, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 16097. May 31, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Plaintiff brought this action before the Court of First Instance of Laguna praying that defendants be ordered to execute a deed of reconveyance in his favor of the land described in the complaint.

Defendants denied the material allegation of the complaint and set up the special defense that there is another action pending between the same parties for the same cause which had been elevated to the Court of Appeals where, because of the dismissal of the appeal, the decision appealed from became final thus barring the present action under the principle of *res judicata*.

Plaintiff claims that he is the only son of Catalino Almeda who died on November 12, 1953; that among the properties left by his father was a lot in Calamba, Laguna, which is the subject of the present litigation; that sometime in 1930 he saw Marcelino Odpaga deliver a document to his father and since then his father took possession of said lot until he died, that his father declared the property for taxation purposes in his name, and from time to time had been paying the land taxes thereon; that upon the death of Catalino Almeda the property passed to his possession as his only heir; that one day he went to the Bureau of Lands and saw for the first time from its records an affidavit of defendant Anastacia Manrilla wherein she stated that she was in actual possession of the land in question.

On the other hand, defendant Anastacia Manrilla testified that she is the widow of Marcelino Odpaga who died on September 8, 1934; that the deceased left a piece of land known as Lot No. 4695 of the Calamba Friar Lands Estate containing an area of 240 square meters; that said land was bought on installment basis by Marcelino Odpaga; that Catalino Almeda originally offered to buy the land but Marcelino Odpaga refused to sell it; that as they were neighbors, Marcelino permitted Catalino to use the land on condition that the latter would pay the land taxes with the understanding that at any time the owner would need the property Catalino would vacate the same; that after the death of Catalino Almeda, Anastacia Manrilla demanded from plaintiff the return of the land but he refused on the ground that he was the owner thereof having inherited it from his father; that the property in question is covered by Transfer Certificate of Title No, T-11791 which was issued on July 24, 1957 in the name of Marcelino Odpaga; and that after the issuance of said title defendants caused the property to be declared for taxation purposes and began to pay the taxes thereon.

On the basis of the evidence presented by both parties, the trial court rendered judgment for defendants thereby dismissing plaintiff's complaint, at the same time ordering him to vacate the land in question and to turn over its possession to defendants and, in the meantime, plaintiff was ordered to pay defendants the sum of P2.00 every month beginning November, 1953 until the delivery of the land is effected, and to pay the sum of P300.00 as attorney's fees, aside from the costs. Plaintiff has appealed.

The main issue to be determined is whether Catalino Almeda should be declared owner of the land in litigation it appearing that he took possession thereof sometime in 1930 up to the date the present action was instituted and since then he declared the same for taxation purposes in his name and had been paying the land taxes thereon to the extent that he leased portions thereof to several persons and the lessees paid to him the corresponding rentals contrary to the claim of defendants that they are the owners thereof as heirs of Marcelino Odpaga who bought said land from the government and to whom Transfer Certificate of Title No. T-11791 was issued on July 24, 1957. The trial court found the claim of plaintiff untenable and declared defendants to be the owners of the land. This is now claimed as error.

After a careful consideration of the facts found by the trial court, we are constrained to uphold its finding that defendants are the owners of the land in question. To begin with, it appears that prior to the instant case plaintiff had filed before the same court against the same defendants herein Civil Case No. B-142 seeking the annulment of the title issued in the name of Marcelino Odpaga, which was decided adversely to plaintiff for which reason he appealed to the Court of Appeals but that because of the failure of appellant to file his brief on time the appeal was dismissed. On this point the trial court made the following comment:

"A comparison between the complaint filed in Civil Case No. B-142 and that in the present action discloses the following facts: the parties are exactly the same—Luis Almeda being the plaintiff while Anastacia Manrilla, Reynaldo Odpaga and Nicasio Odpaga are the parties defendants; the subject matter in the two cases is identical namely Lot No. 4695 of the Calamba Friar Lands Estate; and the cause of action in the first and second action is one and the same, to wit, that the plaintiff claims to be the owner of the said parcel of land, having inherited it from Catalino Almeda, who purchased it from Marcelino Odpaga, and that from 1930, Catalino Almeda had been in continuous possession of the property until he died when it passed to the possession of the plaintiff. The evidence, testimonial and documentary, presented in the former case were all reintroduced in the present action. The only difference between the two cases is in the prayer because in Civil Case No. B-142, the plaintiff asked for the cancellation of the title issued in the name of Marcelino Odpaga whereas in the present action it was prayed that the defendants be ordered to reconvey the property covered by said title to the plaintiff. In the light of all these facts, it is apparent that the decision rendered in Civil Case B-142 on the ownership of Lot No. 4695 of the Calamba Friar Lands Estate is now conclusive and bars the present action. (Sec. 44, Rule 39 of the Rules of Court). The judgment in the former case is final; this Court had jurisdiction of the subject-matter and of the parties; it was a judgment on the merits and as between the two cases, there is identity of parties, subject-matter and cause of action. While it is true that the relief in the two cases are not the same, but as both remedies arose from the same cause of action, there is *res adjudicata*. (Juan vs. Go Co Tay, 26 Phil., 328.)"

We can hardly add to what the trial court has stated regarding the effect of the dismissal of the appeal in the former case which in our opinion constitutes a bar to the present action under the principle of *res judicata*. We fully agree to the reasons advanced by the trial court.

Regarding the merits of the controversy, we also find the conclusion reached by the trial court to be supported by the evidence. Thus, it appears that the land in question was known as Lot No. 4695 of the Calamba Friar Lands Estate containing an area of 240 square meters; that said land was bought on installment basis from the government by Marcelino Odpaga; that after completing the payment of said installments, a deed of absolute sale was executed in favor of Odpaga and thereafter Transfer Certificate of Title No. T-11791 was issued in his favor on July 24, 1957; and that after the issuance of said title, defendants declared the same for taxation purposes and since then had paid the taxes thereon.

Plaintiff has not presented any evidence to contradict these facts other than a supposed document which he claims to have been delivered by Marcelino Odpaga to his father sometime in 1930 but which the trial court found to be

self-serving and immaterial for the same is shown to be merely an assignment of a sales certificate made on August 24, 1929 by one Felix Natividad in favor of Marcelino Odpaga. Nowhere in said document is any mention made of any transfer by Odpaga of his right, title or interest in the land in favor of his father.

It is true that, as claimed by plaintiff, from 1930 to 1953 Catalino Almeda had been in possession of the land and had been paying the taxes thereon, but such possession cannot serve as basis of his claim of ownership not only because the land formed part of the Calamba estate which belonged to the government but because his possession of the property was merely based upon tolerance on the part of Marcelino Odpaga and with the understanding that at any time the owner would need it it would be returned. The testimony of Anastacia Manrilla on this point was not contradicted by plaintiff. Besides, this is a finding of the trial court which we cannot now look into.

Wherefore, the decision appealed from is affirmed, with costs against appellant.

Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, De Leon and Natividad, JJ., concur.
Bengzon, C.J., concurs in the result.

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