

HACIENDA BIGAA, INC., PETITIONER, VS. EPIFANIO V. CHAVEZ (DECEASED), SUBSTITUTED BY SANTIAGO V. CHAVEZ, RESPONDENT.

G.R. No. 174160. April 20, 2010

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-174160/>

BRION, J.:

This petition for review on certiorari [1] challenges the Court of Appeals (CA) decision of May 31, 2001[2] and resolution of August 2, 2006[3] in CA-G.R. SP No. 46176, affirming in toto the judgments of both the Municipal Trial Court (MTC) of Calatagan and the Regional Trial Court (RTC) of Batangas dismissing the complaint for forcible entry in Civil Case No. 129.

THE FACTS

We summarize below the factual antecedents of the present case based on the records before us.

On June 5, 1996, petitioner Hacienda Bigaa, Inc. (Hacienda Bigaa) filed with the Municipal Trial Court (MTC) of Calatagan, Batangas a complaint[4] for ejectment (forcible entry) and damages with application for writ of preliminary injunction against respondent Epifanio V. Chavez (Chavez), docketed as Civil Case No. 129. The complaint alleged that Chavez, by force, strategy and/or stealth, entered on April 29, 1996 the premises of Hacienda Bigaa's properties covered by Transfer Certificate of Title (TCT) Nos. 44695 and 56120 by cutting through a section of the barbed wire fence surrounding the properties and destroying the lock of one of its gates, subsequently building a house on the property, and occupying the lots without the prior consent and against the will of Hacienda Bigaa.

The records show that the lots were originally covered by TCT No. 722 owned by Ayala y Cia[5] and/or Alfonso, Jacobo and Enrique Zobel, with an area of 9,652.583 hectares, known as Hacienda Calatagan. Ayala and/or the Zobels expanded TCT No. 722 to cover an additional 2,000 hectares of land consisting, among others, of beach, foreshore and bay areas, and navigable waters (excess areas), making it appear that these excess areas are part of Hacienda Calatagan's TCT No. 722. The Ayalas and/or the Zobels later ordered the subdivision of the hacienda, including these excess areas, and sold the subdivided lots to third parties.[6]

Among the buyers or transferees of the expanded and subdivided areas was Hacienda Bigaa which caused the issuance of titles - TCT Nos. 44695 and 56120 - under its name covering the purchased subdivided areas. Thus, in his answer before the MTC of Calatagan, then defendant (now respondent) Epifanio V. Chavez alleged that then plaintiff (now petitioner) Hacienda Bigaa is the successor-in-interest of Ayala y Cia, Hacienda Calatagan, Alfonso Zobel, Jacobo Zobel and Enrique Zobel - the original titular owners of TCT No. 722.

Portions of the same lands - foreshore lands - were leased out by the Republic, through the Bureau of Fisheries, to qualified applicants in whose favor fishpond permits were issued. The government-issued fishpond permits pertaining to lands covered by titles derived from TCT No. 722 of Ayala y Cia and/or the Zobels, gave rise to ownership and/or possessory disputes between the owners of Hacienda Calatagan and their privies and/or

successors-in-interest, on the one hand, and the Republic or its lessees or fishpond permittees, on the other.

Suits were filed in various courts in Batangas for the recovery of the areas in excess of the area originally covered by TCT No. 722, which suits ultimately reached the Supreme Court. In the Court's 1965 decisions in *Dizon v. Rodriguez* [7] (for quieting of title) and *Republic v. Ayala y Cia and/or Hacienda Calatagan, et al.* [8] (for annulment of titles), the excess areas of TCT No. 722 were categorically declared as unregistrable lands of the public domain such that any title covering these excess areas are necessarily null and void. In these cases, the Ayalas and the Zobels were found to be mere usurpers of public domain areas, and all subdivision titles issued to them or their privies and covering these areas were invalidated; the wrongfully registered public domain areas reverted to the Republic. In *Dizon*, the Court declared as void the Zobels' TCT No. 2739 and its derivative titles covering subdivision Lots 1 and 49 - areas sold to the Dizons - as areas in excess of TCT No. 722 and are properly part of the public domain. In *Ayala y Cia*, the Court invalidated TCT No. 9550 and "all other subdivision titles" issued in favor of Ayala y Cia and/or the Zobels of Hacienda Calatagan over the areas outside its private land covered by TCT No. 722. These areas, including the lots covered by TCT No. 9550, reverted to public dominion.[9]

The pronouncement in the above cases led to the Court's 1988 decision in *Republic v. De los Angeles*, [10] a case covering the same excess areas under a reivindicatory claim of the Republic aimed at recovering lands usurped by the Ayalas and the Zobels and at placing the Republic's lessees and fishpond permittees in possession. The Court effectively held that as owner of the excess lands, the Republic has the right to place its lessees and fishpond permittees - among them Zoila de Chavez, predecessor-in-interest of Chavez - in possession. The Court invalidated TCT Nos. 3699 and 9262 for being among the "other subdivision titles" declared void and ordered reverted to public dominion.

To return to the forcible entry case, then defendant (now respondent) Chavez alleged in his answer before the MTC of Calatagan that his mother, Zoila de Chavez (who died intestate on September 14, 1979) was a fishpond permittee/lessee under Fishpond Permit Nos. F-4572-0 and F-24735 issued by the Bureau of Fisheries on April 21, 1959 and June 3, 1966, respectively; that the areas covered by the permits are the same parcels of land which he presently occupies as Zoila's successor-in-interest and which Hacienda Bigaa also claims.

Chavez likewise asserted that Hacienda Bigaa is the successor-in-interest of Ayala y Cia, Hacienda Calatagan, Alfonso Zobel, Jacobo Zobel and Enrique Zobel who owned land with an area of 9,652.583 hectares, covered by TCT No. 722 in the Registry of Deeds of Batangas; that Ayala y Cia, the Zobels, or Hacienda Calatagan, illegally expanded the original area of TCT No. 722 by 2,000 hectares; that suits were filed to recover the expanded area; that these suits reached the Supreme Court which declared that these excess areas are part of the public domain and ordered their reversion to the Republic; that the Supreme Court likewise declared certain TCTs covering the subdivision lots outside the area of TCT No. 722 and issued to transferees as null and void; therefore, Hacienda Bigaa's titles - TCT Nos. 44695 and 56120 - carry no probative value as they are of dubious origins and have been nullified by the Supreme Court.[11]

Chavez further argued that the suit is barred by prior judgment in two prior cases - (1) Civil Case No. 78, a suit for unlawful detainer filed by the Zobels against Chavez's predecessor-in-interest, Zoila de Chavez, before the then Justice of the Peace Court (now Municipal Trial Court) of Calatagan, Batangas; and (2) Civil Case No. 653, a case of *accion reivindicatoria* with prayer for preliminary mandatory injunction filed by the Republic, Zoila de Chavez, and other lessees or fishpond permittees of the Republic, against Enrique Zobel (Hacienda Bigaa's predecessor-in-interest) before the then Court of First Instance of Batangas. This case reached this Court as G.R. No. L-30240 entitled "*Republic of the Philippines v. De los Angeles, Enrique Zobel, et al.*" [12] and was decided in 1988. Chavez asserts that the subject matter and the issues involved in these cases are squarely similar and/or

identical to the subject matter and issues involved in the present forcible entry suit; the rulings in these two cases, therefore constitute *res judicata* with respect to the present case.

The MTC held a preliminary conference where the parties stipulated and identified the issues in the forcible entry case, viz: (1) who between the parties has a better right of possession over the premises in question; (2) whether there is *res judicata* ; and (3) whether the parties are entitled to damages.[13] These are essentially the same basic issues that are before us in the present petition.

The MTC, the RTC and the CA's Decision

The MTC rendered a decision[14] dismissing Hacienda Bigaa's complaint, holding that the disputed lots form part of the areas illegally expanded and made to appear to be covered by TCT No. 722 of Hacienda Bigaa's predecessors-in-interest (Ayala y Cia and/or the Zobels of Hacienda Calatagan); hence, the Hacienda's title are null and void. In so ruling, the MTC applied this Court's pronouncements in the antecedent cases of *Dizon v. Rodriguez*,[15] *Republic v. Ayala y Cia and/or Hacienda Calatagan, Zobel, et al.*,[16] and *Republic v. De los Angeles*. [17]

The MTC added that since Hacienda Bigaa did not present proof to counter Chavez's claim that the disputed lots form part of the illegally expanded areas of Hacienda Calatagan, these lots are deemed to be the same lots litigated in the previous cases. The MTC also found prior possession in favor of Chavez, as revealed by the antecedent cases - particularly, *De los Angeles* where Chavez's mother, Zoila de Chavez, had been ousted by the Zobels from the fishpond lots she occupied. The MTC reasoned out that Zoila could not have been ousted from the premises had she not been in prior possession. Since Epifanio succeeded Zoila in the possession of the property, he inherited the latter's prior possession and cannot now be ousted by Hacienda Bigaa.

The MTC likewise rejected Hacienda Bigaa's contention that the subdivision titles covering the disputed lots - TCT Nos. 44695 and 56120 which were not specifically canceled by the previous decisions of the Court - should be given probative value. The MTC ruled that the subsequent issuance of a certificate of title in favor of the plaintiff does not vest title on it as the lands belong to the public domain and cannot be registered.[18] The MTC stressed that the titles of Hacienda Bigaa were among the "other subdivision titles" declared void in the case of *Ayala y Cia* as areas not legitimately covered by TCT No. 722 and which are therefore part of the public domain. As ordered in the three antecedent cases of *Dizon*,[19] *Ayala y Cia*,[20] and *De los Angeles*,[21] they should revert to the Republic. The MTC opined that Hacienda Bigaa has the burden of proving that the subject lots are not part of the illegally expanded areas; Hacienda Bigaa failed to discharge this duty when it did not present proof to controvert Chavez's allegation that the lots covered by Hacienda's TCTs are among the lots litigated in the cited cases. The MTC reiterated the following ruling of the Court in *Republic v. De los Angeles*:

x x x [F]or almost 23 years now execution of the 1965 final judgment in G.R. No. L-20950, ordering the cancellation of the subdivision titles covering the expanded areas outside the private lands of Hacienda Calatagan, is being frustrated by respondent Zobel, the Ayala and/or Hacienda Calatagan. As a consequence, the mass usurpation of lands of public domain consisting of portions of the territorial sea, the foreshore, beach and navigable water bordering the Balayan Bay, Pagaspas Bay and the China Sea, still remain unabated. The efforts of Ayala and Zobel to prevent execution of said final judgment are evident from the heretofore-mentioned technical maneuvers they have resorted to.

Clearly, the burden of proof lies on respondent Zobel and other transferees to show that his subdivision titles are not among the unlawful expanded subdivision titles declared null and void by the said 1965 judgment. Respondent Zobel not only did not controvert the Republic's assertion that his titles are embraced within the phrase "other subdivision titles" ordered canceled but failed to show that the subdivision titles in his name

cover lands within the original area covered by Ayala's TCT No. 722 (derived from OCT No. 20) and not part of the beach, foreshore and territorial sea belonging and ordered reverted to public dominion in the aforesaid 1965 judgment. [22] x x x (Emphasis supplied.)

Based on the above disquisition and taking into account the consistent efforts of Hacienda Bigaa's predecessors-in-interest in "thwarting the execution" of the Court's decision in the antecedent cases, the MTC declared that the Chavezes, as the Republic's lessees/permittees, should have been in possession long ago. The MTC held:

Thus, the court holds that the land now in litigation forms part of the public dominion which properly belongs to the State. Suffice it to say that when the defendant [Epifanio V. Chavez] entered and occupied the same on April 29, 1996, it was in representation of the State being the successor-in-interest of Zoila de Chavez, a government fishpond permittee and/or lessee. It should be recounted that Zoila de Chavez was in actual physical possession of the land until she was ousted by Enrique Zobel by bulldozing and flattening the area.

The recovery of this public land in favor of the State is long overdue. Zoila de Chavez or her successor-in-interest should have been in actual and adequate possession and occupation thereof long time ago by virtue of the Supreme Court decisions anent the matter in 1965 which were reiterated in 1988 had not the plaintiff and its predecessors-in-interest succeeded in defeating the enforcement of the said decisions. To allow the plaintiff to retain possession of these usurped public lands by ousting the government's fishpond permittees and/or lessees such as the defendant is to further frustrate the decisions of the Supreme Court on the matter. (Emphasis supplied.)

The MTC finally ruled that the elements of res judicata are present. The forcible entry case before it shared an identity of parties with Civil Case No. 78 for unlawful detainer and Civil Case No. 653 (the Delos Angeles case) of accion reivindicatoria because all of these cases involve the predecessors-in-interest of the present parties. In Civil Case No. 78, the plaintiff was Enrique Zobel, predecessor of Hacienda Bigaa, and the defendant was Zoila de Chavez, mother and predecessor of Epifanio V. Chavez. In Civil Case No. 653 which reached and was decided by this Court in 1988 as Republic vs. De los Angeles, Zoila de Chavez was one of the plaintiffs and Enrique Zobel was one of the defendants.[23] The MTC also found identity of subject matter because the forcible entry case shared with the previous cases the same subject matter, i.e., the same lands adjudged by the Supreme Court as part of the public domain usurped by the Zobel, et al. through their illegally expanded titles.[24] As to identity of causes of action, the MTC held that although the previous cases were for unlawful detainer and accion reivindicatoria while the case before it was for forcible entry, an identity of issues existed because all these cases involved conflicting claims of ownership, occupation and possession of the property which have long been settled by the Supreme Court. It recognized that under the concept of conclusiveness of judgment, res judicata merely requires an identity of issue, not an absolute identity of causes of action.[25]

On October 1, 1996, Hacienda Bigaa appealed the MTC's decision to the Regional Trial Court (RTC) of Batangas[26] which affirmed in toto the appealed decision.

On February 16, 1998, Hacienda Bigaa filed its petition for review[27] with the Court of Appeals (CA), docketed as CA-G.R. SP No. 46716. The CA in its decision of June 1, 2001 dismissed the petition for review, totally affirming the RTC and MTC decisions.[28] Hacienda Bigaa timely filed a motion for reconsideration. However, while the motion was pending, Associate Justice Salvador J. Valdez, Jr., the ponente of the decision sought to be reconsidered, retired from the Judiciary. As a result, the motion "slipped into hibernation" for five years.[29]

The CA, on August 2, 2006, this time through Associate Justice Juan Q. Enriquez, Jr., rendered its resolution on the motion for reconsideration.[30] It denied reconsideration on the reasoning that the grounds and arguments raised were mere iterations of those already raised in the petition for review.

THE PETITION

Hacienda Bigaa is now before us via a petition for review under Rule 45 of the Rules of Court to assail the CA ruling. Among other things, it argues that the CA's Resolution is patently erroneous because the grounds and arguments raised in its motion for reconsideration were not mere reiterations; it claims, as one of the grounds in its motion for reconsideration, that the "final determination of the scope and extent" of the area allegedly in excess of that covered by TCT No. 722 of Ayala y Cia - was made only after the petition for review was filed on February 16, 1998.

In its petition, Hacienda Bigaa raises the following issues of law:

- WHETHER THE REGISTERED OWNER OF LAND IN POSSESSION OF A TORRENS CERTIFICATE OF TITLE MUST ENJOY THE OWNERSHIP AND POSSESSION, AMONG OTHERS, OF THE LAND COVERED THEREBY, WHERE THE SAID TITLE HAS NOT BEEN DECLARED NULL AND VOID, SUCH THAT THE TITLE MUST BE GIVEN PROBATIVE VALUE.
- WHETHER IT IS PETITIONER HACIENDA BIGAA OR ZOILA DE CHAVEZ (OR HER SUCCESSOR, RESPONDENT EPIFANIO V. CHAVEZ) WHO HAS A BETTER RIGHT OF POSSESSION OVER THE SUBJECT LOTS.

THE COURT'S RULING

We find the petition unmeritorious.

We note at the outset that the objection on the delineation of the scope and extent of the excess areas of TCT No. 722 came too late in the day; it is an issue that the Hacienda admits to have raised for the first time when it sought reconsideration of the CA decision. We significantly note, too, that this issue involves a question of fact whose determination is improper in a Rule 45 proceeding before this Court.

Thus, to our mind, the only real questions appropriate for resolution at this stage of the case are: (1) Do the TCTs of Hacienda Bigaa have probative value in determining the issues of ownership and possession of the disputed lots? (2) Is Chavez - as successor-in-interest of government lessee or fishpond permittee Zoila de Chavez - entitled to possession of these lots? In these lights, the resolution of this case hinges on the question of better title - who, between the petitioner and the respondent, has the better right of possession of the disputed lots.

Are these issues misplaced in a forcible entry case?

To answer this, we hark back to the origins of the present case - a complaint for forcible entry that the MTC of Calatagan, Batangas dismissed. Both the RTC and the CA subsequently affirmed this dismissal. As a forcible entry suit, the threshold question presented is: was the prior possession of the then plaintiff (now petitioner) Hacienda Bigaa over the disputed lots sufficiently established to give it cause for the ejectment of then defendant (now respondent) Epifanio Chavez?

We recall in this regard that the MTC issued a pre-trial order identifying the issues of (1) who has the better right of possession; and (2) *res judicata*.^[31] On the issue of possession, the MTC found the need to determine the question of title or ownership in passing upon the question of possession after Chavez raised the issue of ownership at that level. As a general rule in forcible entry cases, ownership or title is inconsequential; the primordial issue is possession *de facto* and not possession *de jure*. The court, however, may tackle the issue of ownership or title, if raised, if this issue is indispensable in resolving the issue of possession.^[32] Since Chavez raised the question of ownership or title in his answer, the issue of ownership became a material consideration in the lower court's inquiry into the character, nature and extent of the parties' claimed possession.

The MTC tackled the issue of prior possession by taking judicial notice of our factual determination in *De los Angeles* that Zobel of Hacienda Calatagan - Hacienda Bigaa's predecessor-in-interest - had ousted Zoila de Chavez - Chavez's predecessor-in-interest - from the lots she occupied as a holder of government-issued fishpond permits. The MTC in this regard held -

[T]he court holds that the land now in litigation forms part of the public dominion which properly belongs to the State. Suffice it to say that when [respondent Chavez] entered and occupied the [premises] on April 29, 1996, it was in representation of the State being the successor-in-interest of Zoila de Chavez, a government fishpond permittee and/or lessee. It should be recounted that Zoila de Chavez was in actual physical possession of the land until she was ousted by Enrique Zobel by bulldozing and flattening the area. (Emphasis supplied.)

Zoila de Chavez's ouster from the premises became the basis of the MTC's conclusion that she had prior possession as she could not have been ousted from the premises had she not been in prior possession. This point was reiterated in the present petition by Chavez who died pending the resolution of this case and has been substituted by his brother, Santiago V. Chavez.[33] The respondent's comment before us states:[34]

Of note, as hereafter shown, [in the case of *Republic vs. De los Angeles*, G.R. No. L-30240, March 25, 1988], the Supreme Court explicitly recognized the priority of possession of the respondent [Chavez] over the subject lots:

[Respondent therein] Zobel had ousted Zoila de Chavez, a government fishpond permittee, from a portion of subject fishpond lot described as Lot 33 of Plan Swo-30999 (also known as Lots 55 and 56 of subdivision TCT No. 3699) by bulldozing the same, and [threatening] to eject fishpond permittees Zoila de Chavez, Guillermo Mercado, Deogracias Mercado, and Rosendo Ibañez from their respective fishpond lots described as Lots 4, 5, 6, and 7, and Lots 55 and 56, of Plan Swo-30999, embraced in the void subdivision titles TCT No. 6399 and TCT No. 9262 claimed by said respondent. Thus, on August 2, 1967, the Republic filed an Amended Complaint captioned "Accion Reinvidicatoria with Preliminary Injunction" against respondent Zobel and the Register of Deeds of Batangas, docketed as Civil Case No. 653, for cancellation of Zobel's void subdivision titles TCT No. 3699 and TCT No. 9262 and the reconveyance of the same to the government; to place aforementioned fishpond permittees in peaceful and adequate possession thereof; to require respondent Zobel to pay back rentals to the Republic, and to enjoin said respondent from usurping and exercising further acts of dominion and ownership over the subject land of public domain.[35] (Emphasis supplied.)

This argument on the direct issue of prior possession is separate from the issue of ownership that Chavez raised as an issue determinative of possession. The issue of ownership shifts our determination to who, between the parties, has title and the concomitant right of possession to the disputed lots.

The issue of possession, as it relates with the ownership of the disputed property, has been conclusively resolved in the antecedent cases.

As framed above, the case before us inevitably brings to memory the antecedent decided cases touching on the ownership of the vast tract of land in Calatagan, Batangas, covered by Transfer Certificate of Title (TCT) No. 722 in the name/s of Ayala y Cia, Alfonso Zobel, Jacobo Zobel and Enrique Zobel and/or Hacienda Calatagan - the predecessors-in-interest of petitioner Hacienda Bigaa. We ruled in the antecedent cases of *Dizon*,[36] *Ayala y Cia*,[37] and *De los Angeles*,[38] that: (1) all expanded subdivision titles issued in the name of Ayala y Cia, the Zobel and/or Hacienda Calatagan covering areas beyond the true extent of TCT No. 722 are null and void because they cover areas belonging to the public domain; (2) Ayala y Cia and the Zobel of Hacienda Calatagan are mere usurpers of these public domain areas; and that (3) these areas must revert to the Republic. Significantly, we declared in *De los Angeles* that the Republic, as the rightful owner of the expanded areas - portions of the

public domain - has the right to place its lessees and permittees (among them Zoila de Chavez) in possession of the fishpond lots whose ownership and possession were in issue in the case.

These antecedent cases lay to rest the issues of ownership and of possession as an attribute thereof, which we both ruled to be in favor of the Republic and its lessees or permittees.

The present case is a stark repetition of scenarios in these cases. The protagonists remain virtually the same - with petitioner Hacienda Bigaa taking the place of its predecessors-in-interest Ayala y Cia and/or the Zobels of Hacienda Calatagan, and respondent Epifanio V. Chavez taking the place of his predecessor-in-interest Zoila de Chavez whose possession was under bona fide authority from the Republic. Considering that in this case the disputed lots are among those litigated in the antecedent cases and the issues of ownership and possession are again in issue, the principle of res judicata inevitably must be considered and applied, if warranted.

The doctrine of res judicata is set forth in Section 47 of Rule 39 of the Rules of Court, which in its relevant part reads:

Sec. 47. Effect of judgments or final orders. -- The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

x x x x

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

This provision comprehends two distinct concepts of res judicata: (1) bar by former judgment and (2) conclusiveness of judgment. Under the first concept, res judicata absolutely bars any subsequent action when the following requisites concur: (a) the former judgment or order was final; (b) it adjudged the pertinent issue or issues on their merits; (c) it was rendered by a court that had jurisdiction over the subject matter and the parties; and (d) between the first and the second actions, there was identity of parties, of subject matter, and of causes of action. [39]

Where no identity of causes of action but only identity of issues exists, res judicata comes under the second concept - i.e., under conclusiveness of judgment. Under this concept, the rule bars the re-litigation of particular facts or issues involving the same parties even if raised under different claims or causes of action.[40] Conclusiveness of judgment finds application when a fact or question has been squarely put in issue, judicially passed upon, and adjudged in a former suit by a court of competent jurisdiction. The fact or question settled by final judgment or order binds the parties to that action (and persons in privity with them or their successors-in-interest), and continues to bind them while the judgment or order remains standing and unreversed by proper authority on a timely motion or petition; the conclusively settled fact or question furthermore cannot again be litigated in any future or other action between the same parties or their privies and successors-in-interest, in the same or in any other court of concurrent jurisdiction, either for the same or for a different cause of action. Thus, only the identities of parties and issues are required for the operation of the principle of conclusiveness of judgment.[41]

While conclusiveness of judgment does not have the same barring effect as that of a bar by former judgment that

proscribes subsequent actions, the former nonetheless estops the parties from raising in a later case the issues or points that were raised and controverted, and were determinative of the ruling in the earlier case.[42] In other words, the dictum laid down in the earlier final judgment or order becomes conclusive and continues to be binding between the same parties, their privies and successors-in-interest, as long as the facts on which that judgment was predicated continue to be the facts of the case or incident before the court in a later case; the binding effect and enforceability of that earlier dictum can no longer be re-litigated in a later case since the issue has already been resolved and finally laid to rest in the earlier case.[43]

a. Identity of Parties

As already stated above, the parties to the present case are virtually the same as those in the antecedent cases. Specifically in *De los Angeles*, the parties were Enrique Zobel, the predecessor-in-interest of petitioner Hacienda Bigaa, and Zoila de Chavez, the mother and predecessor-in-interest of Chavez.

b. Identity of Subject Matter

Hacienda Bigaa and Chavez are litigating the same properties subject of the antecedent cases inasmuch as they claim better right of possession to parcels of land covered by subdivision titles derived from Hacienda Calatagan's TCT No. 722 and by government-issued fishpond permits. Specifically in *De los Angeles*, the Zobel and Zoila de Chavez litigated the disputed lots covered by subdivision titles in Zobel's name and by fishpond permits the Republic issued in favor of de Chavez.

In ruling that the subject lots are the same lots litigated in the previously decided cases, the courts below based their findings on *De los Angeles* that in turn was guided by our rulings in *Dizon* and *Ayala y Cia*. For emphasis, we reiterate our ruling in *De los Angeles*: all areas the Ayalas and/or the Zobel made to appear to be covered by TCT No. 722 are owned by the Republic because they form part of the public domain; specifically, portions of the navigable water or of the foreshores of the bay converted into fishponds are parts of the public domain that cannot be sold by the Ayalas and/or the Zobel to third parties.

In his answer before the MTC, Chavez asserted that the areas covered by the fishpond permits of Zoila de Chavez are the same parcels of land that he now occupies as Zoila's successor-in-interest. Given the rulings in the antecedent cases that Chavez invoked, Hacienda Bigaa never bothered to object to or to rebut this allegation to show that the presently disputed lots are not part of the expanded areas that, apart from the specifically described titles, *Ayala y Cia* described as "other subdivision titles" covering unregistrable lands of the public domain that must revert to the Republic.[44] Hacienda Bigaa should have objected as we held in *De los Angeles* that the onus is on Ayala and the Zobel - Hacienda Bigaa's predecessors-in-interest - to show that their titles do not cover the expanded areas whose titles were declared null and void.[45] We find no cogent reason to depart from our past rulings in the antecedent cases, and from the ruling of the courts below in this case that the lots claimed by Hacienda Bigaa are the same lots covered by our rulings in the antecedent cases.

c. Identity of Issues

This case and the antecedent cases all involve the issue of ownership or better right of possession. In *Ayala y Cia*, we affirmed an RTC decision that decreed:

WHEREFORE, judgment is hereby rendered as follows:

(a) Declaring as null and void Transfer Certificate of Title No. T-9550 (or Exhibit "24") of the Register of Deeds of the Province of Batangas and other subdivision titles issued in favor of *Ayala y Cia* and/or Hacienda de Calatagan over the areas outside its private land covered by TCT No. 722, which, including the lots in T-9550 (lots 360, 362, 363 and 182) are hereby reverted to public dominion.[46] (Emphasis supplied, italics in

the original.)

Consequently, lots and their titles derived from the Ayala's and the Zobels' TCT No. 722 not shown to be within the original coverage of this title are conclusively public domain areas and their titles will be struck down as nullities.

Thus, De los Angeles [47] effectively annulled the subdivision titles disputed in the case for being among the "other subdivision titles" declared void for covering public domain areas, and ordered their reversion to the Republic. De los Angeles recognized, too, the right of the Republic's lessees and public fishpond permittees (among them Zoila de Chavez, mother and predecessor-in-interest of Chavez) to possess the fishpond lots in question because they derive their right of possession from the Republic - the rightful owner of these lots.

We reject, based on these discussions, Hacienda Bigaa's position that there could be no *res judicata* in this case because the present suit is for forcible entry while the antecedent cases adverted were based on different causes of action - i.e., quieting of title, annulment of titles and *accion reivindicatoria*. For, *res judicata*, under the concept of conclusiveness of judgment, operates even if no absolute identity of causes of action exists. *Res judicata*, in its conclusiveness of judgment concept, merely requires identity of issues. We thus agree with the uniform view of the lower courts - the MTC, RTC and the CA - on the application of *res judicata* to the present case.

Hacienda Bigaa's Titles

Carry No Probative Value

Hacienda Bigaa contends that the rulings in the antecedent cases on the nullity of its subdivision titles should not apply to the present case because the titles - TCT Nos. 44695 and 56120 - have not been specifically declared void by court order and must be given probative value. It likewise posits that Chavez failed to introduce evidence before the MTC that the land subject matter of the suit is the same land covered by the decision of the Supreme Court in the antecedent cases.

We reject this contention in light of our holding in the Ayala y Cia and De los Angeles cases that apart from those expressly litigated and annulled, all "other subdivision titles" over the excess areas of Hacienda Calatagan must be nullified for covering unregistrable lands of the public domain that must revert to the Republic.[48] To reiterate, lots and their titles derived from the Ayala's and the Zobels' TCT No. 722 not shown to be within the original coverage of this title are conclusively public domain areas and their titles will be struck down as nullities. What could have saved Hacienda Bigaa, as successor-in-interest of the Ayalas and the Zobels, is competent evidence that the subdivision titles in its possession do not fall within the excess areas of TCT No. 722 that are null and void because they are lands of the public domain. Hacienda Bigaa however failed to discharge this burden.

Therefore, the Court of Appeals, citing Ayala y Cia and De los Angeles, correctly held that -

x x x [S]uffice it to state that as heretofore shown, the Supreme Court took cognizance of the fact that Zoila de Chavez's fishpond permit is within the land covered by the cited decision. Moreover, the Supreme Court has shifted the burden of proof in this regard to Zobel or Ayala y Cia when it declared that, "Clearly, the burden of proof lies on respondent Zobel and other transferees to show that his subdivision titles are not among the unlawful expanded subdivision titles declared null and void by the said 1965 judgment." [49] (Emphasis supplied.)

In any event, Hacienda Bigaa can never have a better right of possession over the subject lots above that of the Republic because the lots pertain to the public domain. All lands of the public domain are owned by the State - the Republic. Thus, all attributes of ownership, including the right to possess and use these lands, accrue to the Republic. Granting Hacienda Bigaa the right to possess the subject premises would be equivalent to "condoning

an illegal act" by allowing it to perpetuate an "affront and an offense against the State" - i.e., occupying and claiming as its own lands of public dominion that are not susceptible of private ownership and appropriation.[50] Hacienda Bigaa - like its predecessors-in-interests, the Ayalas and the Zobels - is a mere usurper in these public lands. The registration in Hacienda Bigaa's name of the disputed lots does not give it a better right than what it had prior to the registration;[51] the issuance of the titles in its favor does not redeem it from the status of a usurper. We so held in *Ayala y Cia* and we reiterated this elementary principle of law in *De los Angeles*.^[52] The registration of lands of the public domain under the Torrens system, by itself, cannot convert public lands into private lands.^[53]

As our last word, we find it particularly relevant to state here that we issued on October 6, 2008 a Resolution in relation with the execution of our decision in the antecedent cases of *Ayala y Cia* and *De los Angeles*.^[54] In this Resolution, we emphasized that the decision we consistently affirmed ordered the following: (1) the nullification of all subdivision titles that were issued in favor of *Ayala y Cia* and/or Hacienda Calatagan (and their successors-in-interest) over the areas outside its private land covered by TCT No. 722; and (2) the declaration that all lands or areas covered by these nullified titles are reverted to the public domain. This should write finis to Hacienda Bigaa's claim that its titles are beyond the reach of our decision in the antecedent cases.

In sum, we find no reversible errors of law in the appealed decision of the Court of Appeals.

WHEREFORE, we DENY the present petition and AFFIRM the Court of Appeals' decision of May 31, 2001 and resolution of August 2, 2006. We accordingly DISMISS WITH FINALITY the complaint for forcible entry in Civil Case No. 129 before the Municipal Trial Court of Calatagan.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, Abad, and Perez, JJ., concur.

[1] Under Rule 45 of the RULES OF COURT, rollo pp. 10-51.

[2] In CA-G.R. SP No. 46716, rendered by the Seventeenth Division through Associate Justice Salvador J. Valdez, Jr. and concurred in by Associate Justices Wenceslao I. Agnir, Jr. and Juan Q. Enriquez, Jr.; id. at 120-131.

[3] Rendered by the Special Former Seventeenth Division, penned by Associate Justice Juan Q. Enriquez, Jr. and concurred in by Associate Justices Edgardo P. Cruz and Vicente Q. Roxas; id. at 161-163.

[4] Rollo, pp. 62-67.

[5] For convenience, the abbreviation of "Compania" or "Cia." shall be written simply as "Cia" without a period.

[6] Decision of the Municipal Trial Court, September 4, 1996, rollo, pp. 68-83.

[7] 121 Phil 681 (1965).

[8] 121 Phil 1052 (1965).

[9] Ibid.

[10] G.R. No. L-30240, March 25, 1988, 159 SCRA 264; this case originated from an accion reivindicatoria with preliminary injunction filed by the Republic against Zobel for cancellation of Zobel's void subdivision titles and the reconveyance of the same to the government; to place the fishpond permittees - Zoila de Chavez included - in peaceful and adequate possession thereof. In his Answer with counterclaim, Zobel argued that he has a valid title

to the lands. The RTC dismissed the complaint and found for Zobel as regards his counterclaim. We reversed the RTC.

[11] Decision of the Municipal Trial Court, *infra* note 13, at 71.

[12] *Supra* note 9.

[13] Decision of the Municipal Trial Court, *infra*, at 73.

[14] Rollo, pp. 68-83.

[15] *Supra* note 7.

[16] *Supra* note 8.

[17] *Supra* note 10.

[18] See note 13, at 77-78.

[19] *Supra* note 7.

[20] *Supra* note 8.

[21] *Supra* note 10.

[22] *Supra* note 13, at 78-79, citing *Republic v. De los Angeles*; *supra* note 10, at 284 and 287.

[23] See note 13, at 80.

[24] *Ibid*.

[25] *Id.* at 81-82.

[26] Branch IX.

[27] *Supra* note 1.

[28] *Supra* note 2.

[29] Petition for Review; *supra* note 1, at 29.

[30] *Supra* note 3.

[31] Decision of the Municipal Trial Court, *supra* note 13, at 73; see p. 5 of this decision.

[32] *Wilmon Auto Supply v. Court of Appeals*, G.R. No. 97637, April 10, 1992, 208 SCRA 108; see also Sec. 33 (2), *Batas Pambansa Bilang 129*, eff. Aug. 14, 1981, otherwise known as "The Judiciary Reorganization Act of 1980," which provides that the Municipal Trial Court, among others, has "x x x [e]xclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession; x x x"

[33] Notice of Death and Substitution of Party Respondent, rollo, pp. 205-206, received by this Court on February 23, 2007.

[34] Comment of Respondent Chavez, *id.* at 209-222.

[35] *Id.* at 212-213, citing *Republic v. De los Angeles*; *supra* note 10, at 274-275.

[36] Supra note 7.

[37] Supra note 8.

[38] Supra note 10.

[39] Sta. Lucia Realty and Development v. Cabrigas, 411 Phil 369 (2001)

[40] Ibid.

[41] Calalang v. Register of Deeds, G.R. No. 76265, March 11, 1994, 231 SCRA 88

[42] Camara v. Court of Appeals, 369 Phil 858, 868 (1999).

[43] See Miranda v. Court of Appeals, 225 Phil 261, 265-266 (1986).

[44] See Republic v. De los Angeles, supra note 10, at 284.

[45] Id. at 301-302.

[46] Republic v. Ayala y Cia, supra note 8, quoted in Republic v. De los Angeles, supra note 10, at 284.

[47] Supra note 10.

[48] Supra note 44.

[49] Decision of the Court of Appeals, May 31, 2001, supra note 2, at 127-128, citing Republic v. De los Angeles, supra note 10.

[50] Republic v. De los Angeles, supra note 10, at 297.

[51] Avila v. Tapucar, G.R. Nos. 93832 and 45947, August 27, 1991, 201 SCRA 148.

[52] Republic v. Ayala y Cia, supra note 8, at 263, citing Dizon v. Bayona, 98 Phil 942, 948-949 (1956) and Dizon v. Rodriguez, supra note 7.

[53] Ibid.

[54] G.R. Nos. L-26612 and L-30240, Resolution dated October 6, 2008, 567 SCRA 722.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.