

BENIGNA I. CBUZ AND PEDRO I. CRUZ, PLAINTIFFS AND APPELLANTS, VS. FRANCISCA CRUZ, AS ADMINISTRATRIX OF THE ESTATE OF PABLO I. CRUZ, DEFENDANT AND APPELLEE.

G.R. No. 22574. December 15, 1924

Ponente: OSTRAND, J.

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OSTRAND, J.:

This is an action in ejectment, the plaintiffs also asking damages in the sum of P9,250. It appears from the evidence that the land in question originally was the property of Raymundo Inza Cruz, the father of the plaintiffs. In 1888 Raymuixdo Inza Cruz sold the land under pacto de retro for the term of two years to one Canuto Sanchez. Raymundo failed to repurchase the land and in 1896 Canuto Sanchez sold it in fee simple to Raymundo's brother Pablo Inza Cruz, executing a notarial deed dated June 8, 1896, therefor. Pablo Inza Cruz remained in possession of the land until his death and the defendant succeeded him in possession as administratrix of his estate.

The plaintiffs are the only heirs of Raymundo Inza Cruz who died on March 28, 1896. On September 22, 1915, they filed an application in the Court of First Instance of Pampanga for the registration of the land. The then administrator of the estate of Pablo Inza Cruz opposed the registration; the Court of First Instance sustained the opposition and denied the application, and upon appeal to this court the decision of the Court of First Instance was affirmed in a decision promulgated April 4, 1918, in R. G. No. 12135 [1].

In the meantime and under the date of August 26, 1915, the plaintiffs sold the land with pacto de retro for the term of ten years to Alipio Lansangan who, on May 31, 1916, brought an action in ejectment against the estate of Pablo Inza Cruz. At the trial of the case the plaintiff herein, Benigna Inza Cruz, testified in favor of Lansangan.

On April 20, 1917, the Court of First Instance rendered judgment in favor of the defendant finding that the sale to Lansangan was fictitious and that the land was the property of the estate of Pablo Inza Cruz. No appeal was taken from that judgment.

The present action was brought on March 2, 1920, the plaintiffs alleging that the purchase of the land by Pablo Inza Cruz from Canuto Sanchez in 1896 was intended as a redemption of the land from the sale with pacto de retro in 1888 and was made for the benefit of the plaintiffs, with the understanding that Pablo Inza Cruz would turn the land over to them as soon as he had recovered the money paid by him for the land from the income thereof.

The court below found that the evidence did not sustain the contention of the plaintiffs and rendered judgment in Inza de la Cruz and Inza de la Cruz vs. Guevara, not reported. favor of the defendant, with the costs. From this judgment the plaintiffs appeal to this court.

We agree with the court below that the evidence presented by the plaintiffs is not sufficient to overcome the force of the absolute deed of sale executed by Canuto Sanchez in favor of Pablo Inza Cruz in 1896. It may also be noted that though the former decisions in regard to the same land may not constitute *res adjudicata* in the strict sense of

the term, the findings of fact contained in them are nevertheless entitled to some weight; in the land registration case the plaintiffs were the petitioners, and in the Lansangan case they had notice of the proceedings, one of the plaintiffs testifying as a witness in the case.

The judgment appealed from is affirmed, with the costs against the appellants. So ordered.

Johnson, Street, Malcolm, Avancena, Villamor, Johns and Romualdez, JJ., concur.

[1] Inza de la Cruz and Inza de la Cruz vs. Guevara, not reported.

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