

EUGENIO TOLENTINO, PLAINTIFF AND APPELLANT, VS. ANACLETO ILAGAN AS EXECUTOR OF THE TESTATE ESTATE OF IGNACIO ILAGAN, DECEASED, DEFENDANT AND APPELLEE. MODESTA TOLENTINO AND HER ...*G.R. No. 23409. October 01, 1925*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-23409/>**STATEMENT**

This case had its origin during the Filipino Revolution against the Spanish sovereignty. It is claimed that Ignacio Ilagan had the plaintiff arrested on a charge of stealing his, Ilagan's, carabaos. That at the time Tolentino was a large property holder, and based upon the charge, he was thrown into the provincial jail of Batangas in September, 1895, where he remained without trial until January, 1896, That Ilagan, now deceased, agreed to compound the alleged felony with Tolentino and withdraw the charge and procure his release, provided the latter would sign a contract for the sale of the land here in question to and in favor of Ilagan. That Tolentino signed the contract, known in the record as Exhibit G, on January 25, 1896, in and by which Ilagan was to pay and Tolentino was to receive P3,000. It is claimed that the money was never paid, and that for such reason, Tolentino refused to deliver to Ilagan either the land or the original title of it. That from January 25, 1896, until December, 1910, Tolentino continued to remain in the open, notorious possession of the land, at which latter date Ilagan had Tolentino again arrested and thrown into prison in the municipality of Tuy, Batangas, on the trumped-up charge of stealing bamboo from the land in question, and that Ilagan's possession of the land dates from December, 1910. It also appears that in January, 1907, Ilagan commenced an action against Tolentino for possession of the land, which case was decided in favor of the defendant. In 1907 Ilagan brought another case against Tolentino which was decided in favor of Ilagan. It is alleged that the intervenor, Modesta Tolentino, was born October 23, 1882, and that she is the legitimate daughter of the plaintiff, Eugenio Tolentino, and that she seeks to intervene in this suit, because she is the only heir of her mother of the land in question.

The real question involved here is, Who is the legal owner and entitled to possession of the land?

The defendant Anacleto Ilagan filed the following answer:

"Comes now the defendant, through the undersigned attorneys, and in answer to the above-entitled complaint, alleges:

"1. That he admits paragraph 1 of the complaint and the identity of the land in question described in paragraph 3 thereof.

"2. That he denies specifically and determinated each and every one of the remaining paragraphs of said complaint.

"As special defense alleges:

"(a) That the land in question belongs in fee simple to the heirs of the deceased Ignacio Ilagan, father of the defendant, since several years ago.

"(b) That Ignacio Ilagan acquired said land by purchase, first, from the defendant, and then by valid and final judgment of our Honorable Supreme Court, which is now subject to execution, against the herein plaintiff, who was defendant before, under date of September 21, 1907; about the title to the land now described in his complaint, civil case No. 185 of the docket of this court. (See order of the same court under date of October 5, 1907, signed by the then Judge of First Instance of Batangas, who was then Honorable J. S. Powell.)

"(c) That the plaintiff is in estoppel by judgment.

"(d) That the action now brought by the plaintiff, as set forth in his complaint, constitutes *res judicata*, between the parties, their successors in interest and privies.

"(e) That the action now brought by the plaintiff has already prescribed.

"For all of the foregoing, the defendant, through his undersigned attorneys, prays the court to absolve him from the present complaint, with the costs of the suit against the plaintiff.

"He also prays for such further relief as may be deemed proper in law and justice."

The case was tried upon such issues, and the lower court rendered judgment in favor of the defendant, from which the plaintiff and intervenors appeal, contending that the lower court erred in holding that the decision of the Court of First Instance of Batangas in civil case No. 185 settled the title to the land, and in holding that the plea of prescription should be sustained either against the plaintiff or the intervenors, and in holding that the prescription commenced to run from the death of the mother, and in holding that the property rights of the intervenors have prescribed, and in refusing to permit proof of the annual products of the land and their value, and in deciding the case in favor of the defendant.

JOHNS, J.:

The record presents a peculiar situation. Both parties rely upon separate decisions of the same judge. It appears that the case on which the plaintiff and intervenors rely had its origin in the justice of the peace court of Baiayan, Province of Batangas, and was brought by Ignacio Ilagan against the plaintiff to recover possession only of the land now in question, which case was later appealed to the Court of First Instance, where a decision was rendered in favor of the defendant Tolentino. That is known as civil case No. 155. In that action, the only question tried was one of possession, and in which both parties claimed possession. No other question was litigated. The case having its origin in a justice of the peace court, no other question could have been litigated. That decision was rendered by Judge J. S. Powell.

March, 1907, Ignacio Ilagan commenced an action in the Court of First Instance against the plaintiff here in which he claimed that he was the actual owner of the land, and that as owner, he was entitled to possession of it. In that case the plaintiff here filed an answer in which he denied Ignacio's title to the land, and claimed that he was the owner of it, and in an exhaustive opinion, the same judge, who rendered the former decision, decided the case in favor of Ignacio Ilagan, and that judgment long since became and is now final. It was rendered in what is known as civil case No; 185, and that is the judgment upon which Anacleto Ilagan now relies and based upon which he pleads *res judicata*.

Assuming all the facts to be true, as alleged in plaintiff's complaint, it may be that the decision in case No. 185 is wrong, and that the plaintiff at one time had a just cause of grievance. Be that as it may, the court in that case decided that for a consideration of P3,000 the plaintiff had sold the land in question to Ignacio Ilagan, and that Ignacio Ilagan was the owner of the land, and it is through him that the defendant here derails title. The court held that:

"All the proofs in this cause being considered in conjunction with the surrounding circumstances, conclusively

show that plaintiff (Ignacio Ilagan) must recover this land."

That decision is now binding not only upon the plaintiff but upon the intervenors.

It appears that Modesta Tolentino was born October 31, 1882. She sought to intervene in this action on November 15, 1920, at which time she was nearly 38 years old, and she testified that her mother, Maria Asuncion, died, leaving six parcels of land, and she does not claim to have been in possession of the land since 1910.

At this time there is no merit in her claim to the land in question, and there is no legal principle upon which it could be sustained.

The judgment of the lower court is affirmed, with costs. So ordered.

Avanceña, C. J., Malcolm, Street, Villamor, Ostrand, Romualdez, and Villa-Real, JJ., concur.

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