

**JULIAN SANTIAGO ET AL., APPLICANTS AND APPELLANTS, VS.
PEDRO SANTOS ET AL., OPPONENTS. PEDRO SANTOS, APPELLEE.***G.R. No. 31568. March 19, 1930*

Ponente: VILLAMOR, J.

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In G. R. No. 31568, Julian Santiago and others apply for the registration of the land described in the application, and are opposed by Pedro Santos and others; and in G. R. No. 31569, Pedro Santos y Bautista is the applicant, and Julian Santiago and others are the opponents. The two cases were heard together, and after due trial, the court dismissed the application filed, by Julian Santiago and his coapplicants, and decreed the registration of parcel A; designated parcel 13-1 in G. R. No. 31568, one-half of it, that is, lot 1-B of plan Exhibit 4-A in the name of Pedro Santos y Bautista, and the remaining half, or lot 1-A of said Exhibit 4-A, in the name of Eugenia Rivera and Severina Buzon, to whom Pedro Santos had transferred his title and real rights to this half. From this judgment Julian Santiago and others appealed, assigning eight errors referring to the possession and ownership of the land which both parties seek to register.

It appears of record that the appellee Pedro Santos was in possession of the land in controversy ever since he purchased it of Dionisia Tiongson through a deed executed January 5, 1904, and designated Exhibit 1. In December, 1915, he was disturbed in his possession by the appellant Julian Santiago, which gave rise to an action filed by said Pedro Santos against Julian Santiago and others in the court of the justice of the peace of Hagonoy, for unlawful detainer. The case was appealed to the Court of First Instance of Bulacan, and later to this court by Pedro Santos. The Supreme Court on September 9, 1918 (G. R. No. 12208)[1] reversed the judgment of the lower court and ordered the defendant Julian Santiago to restore to the plaintiff the land in question and to pay him the amount of ₱600 as indemnity for each year from December 15, 1915 until such restoration is made. In pursuance of this judgment Pedro Santos was reinstated in the possession of the land by the sheriff of Bulacan on December 9, 1918. Pending this case of unlawful detainer, Julian Santiago and others, on October 28, 1918 filed a complaint for the recovery of the same property against Pedro Santos and others. This case was decided by the Court of First Instance on January 5, 1925, absolving Pedro Santos from the complaint on the ground that the plaintiffs' evidence did not sufficiently support the allegations of their complaint. This judgment was appealed to the Supreme Court by Julian Santiago et al., and on December 31, 1925, it was affirmed with costs against the appellants (G. R. No. 24003).[2]

During the pendency of the second case, for the recovery of the property, Pedro Santos on the one side, and Eugenia Rivera and Severina Buzon on the other, proceeded, by means of the deed executed on September 27, 1926, Exhibit 4, to the partition of the land with its improvements, allotting the half facing the southeast, and marked lot 1-B on plan Exhibit 4-A to Pedro Santos, and the other half, facing the northeast, marked lot 1-A on said plan, to Eugenia Rivera and Severina Buzon.

In regard to the question of possession, we are of opinion that the decision of this court in civil case G. R. No. 12208 is res adjudicata as between the parties. On this point the appellants contend that the land disposed of by

the decision is not the same which was the object of the action for the recovery of real property, but another case. The appellee maintains that the land in question in both cases is one and the same, as shown by the boundaries thereof in the two said cases. The boundaries consist of creeks and rivers, and it is a well-known rule that these, rather than the area, identify the land. As the appellee Pedro Santos testified, the difference between the area of the land as stated in "his complaint for unlawful detainer and as set forth in the subsequent action for the recovery of real property, is due to the fact that the portion then detained by the appellant was about 39 hectares, according to his calculation. But the very best proof that the land in question in both cases is the identical land now in controversy, is the complaint filed by the appellants herein in the action for the recovery of real property, which describes it as containing 54 hectares, 84 ares, and 26 centares, and that it is held by the appellee Pedro Santos, and is the same land dealt with in the unlawful detainer case.

In the case of *Penalosa vs. Tuason* (22 Phil.. 30S), this court Held:

"Section 87 of the Code of Civil Procedure does not limit or restrict the application of the above set out general rules based on the doctrine of *res judicata* as developed in Anglo-American jurisprudence in reliance on judgments in forcible entry and detainer actions, save only so far as that section expressly provides that such actions shall not be a bar to another action respecting title to real estate, and so far as it provides further that the facts found in the judgment in such an action shall not be conclusive in another action between the parties upon a different claim or demand, or upon a different cause of action."

As to question of ownership, the contending counsel argue energetically from wholly different points of view as to the effect of the judgment rendered in the civil case for the recovery of real property. The appellants contend that the judgment of the Supreme Court, affirming the decision appealed from in the action for the recovery of real property, is no bar to the appellant's presentation of new evidence upon his alleged ownership; while the appellee maintains that that judgment is a bar to the appellant's raising again the question of ownership in the registration proceeding. The appellants' contention is untenable. In said case of the recovery of real property, the ownership of the land was the very essence of the controversy, and it is now the basis of Julian Santiago's application in the registration proceeding. In the case of *Palanca Tanguinlay vs. Quiros* (10 Phil., 360), it was held:

"Under the general American rule a former judgment for the same cause operates between parties thereto and their privies as a bar to all matters which might have been litigated therein; whereas one for a different cause bars matters' only actually litigated. It seems that this rule is not changed by sections 306 and 307 of the Code of Civil Procedure."

In the course of the opinion rendered on that case, the court stated: "The law of *res judicata* is well settled in the United States and is laid down in a series of decisions of the Supreme Court to the effect that as between the parties to the first judgment and their privies it operates as a bar to a second action upon the same claim, not only as to issues actually in litigation but also as to all matters which might have been litigated therein, whereas in an action between them upon a different cause it is a bar only as to matters actually litigated. (*Cromwell vs. County of Sac.*, 94 U. S., 351; *Werlein vs. New Orleans*, 177 U. S., 390; *United States vs. California Co.*, 192 U. S., 355; *Fayerweather vs. Ritch*, 195 U. S., 276, 299; *N. P. Railway Co. vs. Slaght*, 205 U. S., 122.)

"These cases, as well as many others cited therein, indicate that the tendency of jurisprudence is to broaden the doctrine rather than to narrow it, on the ground that both public and private interests demand a cessation of litigation, requiring the litigants to avail themselves once and for all of the remedies open to them in a pending action.

"Section 306 of the Philippine Code of Civil Procedure provides that in cases other than those in rem—

"* * * the judgment so ordered is, in respect to the matter directly adjudged, conclusive between the parties and

their successors in interest by title subsequent to commencement of the action or special proceedings, litigating for the same thing and under the same title and in the same capacity.'

"And section 307—"

"That only is deemed to have been adjudged in a former judgment which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.'

"It is not probable that the compilers of our Code, by the restrictive language of these sections, sought to change the general rule as laid down by the cases cited from the Supreme Court. Indeed it is to be assumed that they did not, as these sections were taken by them bodily from sections 1908 and 1911 of the Code of the State of California, of which they are reproductions, and which have been construed by the courts of that State in harmony with the general rule. (Taylor vs. Castle, 42 Cal., 367; Phelan vs. Gardner, 43 Cal., 306, 311; Woolvertori vs. Baker, 98 Cal., 628; Toomy vs. Hale, 100 Cal., 172; Reed vs. Cross, 116 Cal., 473; Bingham vs. Kearney, 136 Cal., 175; Estate of Harrington, 147 Cal., 124,128.)

"In Bingham vs. Kearney the court said (p. 177):

" 'It is a rule, long recognized in this country, that a judgment between the same parties is conclusive, not only as to the subject matter in controversy in the action upon which it is based but also in all other actions involving the same question, and upon all matters involved in the issues which might have been litigated and decided in the case, the presumption being that all such issues were met and decided. It is the policy of the law to put an end to litigation, and to aid the vigilant and not those who sleep upon their rights. It is not the policy of the law to allow a new and different suit between the same parties, concerning the same subject matter, that has already been litigated; neither will the law allow the parties to trifle with the courts by piecemeal litigation.' "

And in Peñalosa vs. Tuason, supra, this court, speaking of the doctrine laid down in the aforesaid Tanguinlay case, adds: "Courts of the present day are not concerned so much with the form of actions as with their substance,' and that despite a difference in the form of the action, nevertheless, the doctrine of res judicata would be applicable where it appeared that the parties in the two suits were in truth "litigating for the same thing."

"It is a well-settled rule, and one that is supported by a multitude of authorities, that a party cannot, by varying the form of action, or adopting a different method of presenting his case, escape the operation of the principle that one and the same cause of action shall not be twice litigated between the same parties or their privies.' (Black on Judgments, par. 729, and many cases cited.)

As stated in Hardin vs. Palmerlee (28 Minn., 450), the rule is:

"That the remedy sought, or the mere form of action, may be different, does not prevent the estoppel of the former adjudication. If, upon the facts in issue in the former action, the plaintiff was entitled in that action to a remedy such as the law awards as compensation or redress for the alleged wrong, or if, upon those facts, he was entitled to no remedy, adjudication of his right to recover in that action bars his right to afterwards seek a different remedy upon the same facts or cause of action."

In the instant case, the parties discuss in both registration proceedings the ownership of the land sought to be registered, and the same parties having heretofore litigated for the same land in the case for the recovery of real property, in accordance with the doctrines cited, the decision in that case constitutes, as we have said, res judicata in these proceedings. In like manner, the decision of this court in the case of unlawful detainer is res judicata on the matter of the possession of the land now litigated.

The judgment appealed from being in conformity with the law, is hereby affirmed, with costs against the appellants. So ordered.

Johnson, Malcolm, Ostrand, Johns, Romualdez and Villa-Real, JJ., concur.

[1]38 Phil., 575. [2] 48 Phil., 567.

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