

PRUDENCIA CHUA TAN ET AL., PLAINTIFFS AND APPELLANTS, VS. LUCIA DEL ROSARIO, ADMINISTRATRIX OF THE ESTATE OF THE DECEASED, CHUA TOCO, DEFENDANT AND APPELLEE.

G. R. No. 35903. October 27, 1932

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

This is an appeal by the plaintiffs, Prudencia Chua Tan and others, from the judgment of the Court of First Instance of Manila finally dismissing their complaint and absolving the defendant, Lucia del Rosario, as administratrix of the intestate estate of Chua Toco, with costs against said appellants.

In support of their appeal the appellants assign the following alleged errors as committed by the trial court in its decision, to wit:

"1. The lower court erred in sustaining the defendant-appellee's defense of *res judicata*, on the ground that this case has already been decided by the Supreme Court of the Philippine Islands on May 14, 1927 in civil case G. R. No. 26258, No. 25797 of the Court of First Instance of Manila, instituted by Benedicta Santa Juana, as administratrix of the intestate estate of Chua Piaco against Lucia del Rosario, also as administratrix of the intestate estate of Chua Toco.

"2. The lower court also erred in holding that the P20,000 belonged to Chua Toco exclusively, when the evidence shows, beyond a reasonable doubt, that Chua Toco received part of this sum of money from his adoptive father, Chua Piaco, the predecessor-in-interest of the herein plaintiffs- appellants; and that this sum of P20,000 deposited in a current account bearing¹ interest at twelve per cent per annum, with the firm Ty Cameo Sobrino, amounted to P77,118.90 on April 24, 1913 when the liquidation was made; which sum is the exclusive property of Chua Piaco and Chua Toco, father and son.

"3. The lower court also erred in not finding that the sum of P38,559.30 which is one-half of the P77,118.60 that Chua Toco had used to purchase a piece of land on Antonio Rivera Street, expropriated by the Manila Railroad, Company, in civil case No. 12832 of the Court of First Instance of Manila, belongs to the herein plaintiffs-appellants as surviving spouse and heirs of the late Chua Piaco, and to the Intestate Estate of Chua Toco, as adopted son of Chua Piaco.

"4. The lower court likewise erred in finally dismissing the complaint filed by the herein plaintiffs-appellants, and in sentencing the latter to pay the costs of the trial.

"5. The lower court erred in denying the motion for a new trial filed in this case by the plaintiffs-appellants."

Before entering into the merits of the case, we must decide the question of procedure raised by the plaintiffs in their first assignment of error quoted above, namely, that the trial court erred in holding that the question here raised has already been finally decided in civil case No. 25797 of the Court of First Instance of Manila, and is *res judicata*.

Section 306 of the Code of Civil Procedure provides:

"SEC. 306. Effect of judgment-The effect of a judgment or final order in an action or special proceeding before a court or judge of the Philippine Islands or of the United States, or of any State or Territory of the United States, having jurisdiction to pronounce the judgment or order, may be as follows:

* * * * *

"2. In other cases 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 proceeding, litigating for the same thing and under the same title and in the same capacity."

And section 307 of the same Code of procedure reads:

"SEC. 307. What is deemed to have been adjudged in a former judgment-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."

In *Penalosa vs. Tuason* (22 Phil., 303), this court, interpreting the provisions quoted above, held:

"1. 'RES ADJUDICATA' ; ESTOPPEL BY JUDGMENT.-The two main rules based on the doctrine of res judicata or estoppel by judgment as known to Anglo-American jurisprudence are as follows:

"(a) That judgment rendered by a court of competent jurisdiction on the merits is a bar to any future suit between the same parties or their privies upon the same cause of action, so long as it remains unreversed;

"(b) A point which was actually and directly in issue in a former suit, and was there judicially passed upon and determined by a domestic court of competent jurisdiction, cannot be again drawn in question in any future action between the same parties or their privies, even when the causes of action in the two suits are wholly different.

"2. ID.; ID.; A DISTINCTION.-The difference between the effect of a judgment as a bar or estoppel against the prosecution of a second action upon the same claim or demand, and its effect as an estoppel in another action between the same parties upon a different claim or cause of action, is that in the former case the judgment, if rendered upon the merits, constitutes an absolute bar to a subsequent action, and is a finality as to the claim or demand in controversy, concluding parties and those in privity with them, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which might have been offered for that purpose. While in the latter case the judgment in the prior action operates as an estoppel only as to those matters in issue or points controverted upon the determination of which the finding or judgment was rendered."

There is no question that in civil case No. 25797 of the Court of First Instance of Manila, the question there raised was finally decided by a final judgment of dismissal, affirmed by this court on appeal.[1]

The first question to decide is whether there is identity of parties in that case and in this one.

In civil case No. 25797 the plaintiff was *Benedicta Santa Juana*, as judicial administratrix of the intestate estate of *Chua Piaco*, and the defendant was *Lucia del Rosario*, as administratrix of the intestate estate of *Chua Toco*. In the present case the plaintiffs are the presumptive heirs of the late *Chua Piaco* and the defendant is *Lucia del Rosario*, as administratrix of the intestate estate of *Chua Toco*.

It is the duty of the administrator of the testate or intestate estate of a deceased to present an inventory of the real estate and all goods, chattels, rights, and credits of the deceased which have come into his possession or knowledge, in accordance with the provisions of section 668 of the Code of Civil Procedure, and to manage them

according to section 643 of the same Code; and in order that he may have in his power and under his custody all such property, section 702 of the aforesaid Code authorizes him to bring such actions for the purpose as he may deem necessary. Section 642 in providing for the appointment of an administrator where there is no will or the will does not name an executor, seeks to protect not only the estate of the deceased but also the rights of the creditors in order that they may be able to collect their credits, and of the heirs and legatees in order that they may receive the portion of the inheritance or legacy appertaining to them after all the debts and expenses chargeable against the deceased's estate have been paid. Under the provisions of the law, therefore, the judicial administrator is the legal representative not only of the testate or intestate estate, but also of the creditors, and heirs and legatees, inasmuch as he represents their interest in the estate of the deceased.

Benedicta Santa Juana, as administratrix of the intestate estate of the late Chua Piaco, was the legal representative not only of said estate but also of its creditors and heirs. In view of this relation of agent and principal between her and the plaintiffs in the present case, the decision rendered against Benedicta Santa Juana, as such administratrix, in the former case is conclusive and binding upon said plaintiffs in the present case, in accordance with section 306 of the Code of Civil Procedure cited above. (Spaths vs. Hanley, 85 Cal., 155; Schwarz vs. Bohle, 47 Cal. Ap., 445; Cunningham vs. Ashley, 45 Cal., 485; Lloyd vs. Ball, 77 Fed., 365.) With reference to the parties plaintiffs, then, while there is no real identity between the plaintiff in civil case No. 25797 of the Court of First Instance of Manila, and the plaintiffs in the present case, nevertheless, there exists between them the relation of legal representation by virtue of which the decision rendered in such case against the former binds the latter.

With respect to the parties defendant, there is no question that the defendant in the first case is the same in the present and appears in the same capacity.

The second question to decide is whether or not there is identity of subject matter. In the former case the petition was for the rendering of an accounting of certain funds alleged to have been delivered in trust by the late Chua Piaco to his adopted son, the late Chua Toco. In the present case the petition is for the partition of those same funds and their fruits between the heirs of both deceased. Therefore, the subject matter of the litigation is the same, and, consequently, there is perfect identity of subject matter.

As to whether or not there is identity of cause of action, in the former case it was alleged that the late Chua Piaco had delivered in trust to his adopted son, the late Chua Toco, certain funds and that the judicial administratrix of the latter's intestate estate had refused to render an accounting of said funds and the fruits thereof. In the present case the plaintiffs include the same allegation of trust, and the defendant makes the same denial, except that instead of a rendition of accounts, the partition of said funds and the products thereof is asked.

The cause of action in the former case is therefore identical with the cause of action in the present case, and is predicated on one and the same alleged right of action arising out of an alleged trust, and the same general denial and special defense.

It is true that the relief sought, the rendition of accounts in the former case, is different from the relief sought in the case now before us, which is the partition of funds, but the question at issue, upon the determination of which depended the granting or denial of such relief, is the same, namely, whether Chua Piaco or Chua Toco was the owner of said funds. This question was definitely decided in favor of the defendant and against the plaintiff, the complaint having been finally dismissed, wherein the latter had alleged, as we have stated, that the aforesaid funds and the products thereof belonged to the late Chua Piaco, who had delivered the principal to his adopted son, Chua Toco, by way of trust. Therefore, the relief sought in both cases necessarily involves, as a main question, the ownership of the aforementioned funds and its products.

Briefly: (1) While there is no identity between the plaintiff in the former case and the plaintiffs in the present case,

there is the relation of representation between them; (2) there is identity of cause of action; (3) there is identity of subject matter; and (4) there is identity of issue, upon which depends the granting or denial of the relief sought in each of said cases, and this issue has been impliedly decided in the former case. Therefore, all the elements of res judicata in accordance with the aforecited legal provisions are present.

In view of the foregoing considerations we are of the opinion and so hold that a final judgment upon the merits rendered against the judicial administratrix of an intestate estate, as such, in a case where she is plaintiff and the administratrix of another intestate estate, as such, is the defendant, in which she seeks to secure an accounting of funds alleged to have been delivered in trust by the deceased, represented by the plaintiff administratrix, to the other deceased, represented by the defendant administratrix, constitutes res judicata in another case where the heirs of the alleged donor are plaintiffs and the administratrix of the supposed trustee is defendant, and in which the partition of the same funds and the products thereof is sought between the heirs of both, under the same allegation of trust, the alleged trustee being the adopted child of the donor.

Having reached this conclusion, we deem it unnecessary to discuss and decide the questions raised in the remaining assignments of error.

Wherefore, finding no error in the judgment appealed from, it is hereby affirmed in toto, with costs against the appellants. So ordered.

Malcolm, Villamor, Ostrand, Abad Santos, Hull, Vickers, Imperial, and Butte, JJ., concur.

[1]50 Phil., 110

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