

BRAULIO BALAGTAS ET AL., PLAINTIFFS AND APPELLANTS, VS. CIRIACA ARGUELLES, DEFENDANT AND APPELLEE.

G.R. No. 37874. September 22, 1933

Ponente: IMPERIAL, J.

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IMPERIAL, J.:

This is an appeal taken by the thirty-two (32) plaintiffs from the judgment rendered by the Court of First Instance of Laguna on June 20, 1932, sustaining the defendant's demurrer and dismissing the complaint, with costs against the aforesaid plaintiffs.

According to their complaint, the appellants brought the action to recover from the appellee the sum of P25,709 representing the value of the houses and materials belonging to them and constructed on the land of the appellee, which is registered in her name, pursuant to the decree issued in case No. 190, G. L. R. O. Record No. 12386, which houses and materials were ordered destroyed by the aforesaid appellee through the sheriff and therefore no longer exist on the said land, because the appellee has appropriated them for her own use. In other words the action is for damages.

As the counsel for the appellee states, this is the third action instituted by the same appellants against the appellee. The first action was decided in the aforementioned Record No. 190 wherein the appellants opposed the registration of the land in question in the name of the herein appellee, who finally succeeded in obtaining the decree of registration thereof.[1] The second action was docketed as civil case No. 5396 of the Court of First Instance of Laguna, G. R. No. 35029[2] of this court, wherein final judgment was rendered declaring that the appellants were not entitled to claim the value of the improvements they made on the land in question, on the ground that they did not enforce or reserve such right during the registration proceedings.

In deciding the last case, however, the court said:

"There is, nevertheless, a certain detail which merits the consideration of this court and which demands a favorable finding for the appellees, to wit, that the appellant repeatedly stated during the trial that she was willing to return to the appellees the houses constructed thereon and, consequently, the materials from those destroyed by virtue of the execution of the writ of possession. The statement appearing in the decision appealed from to the effect that the appellant bound herself to pay to the appellees the value of the improvements is incorrect. (Bill of Exceptions, pp. 12 and 13). On the contrary, she denied having bound herself to pay to the said appellees the value of the improvements claimed by them. (T. s. n. pp. 65 and 66.)"

It is for this reason that in the judgment therein rendered, a concession was granted in favor of the appellants, reading as follows:

"The judgment appealed from is hereby reversed and the complaint filed by the appellees dismissed, reserving to them, however, the right to remove from the land in question the houses respectively constructed by them thereon and the materials from those destroyed by virtue of the execution of the writ of possession, without special pronouncement as to costs of both instances."

Upon the ground that their houses and the materials from those destroyed by the sheriff can no longer be found on the land in question because the appellee had appropriated or disposed of them, the appellants herein brought the third action, from which this appeal originated, to collect indemnity for damages, as hereinbefore stated.

We are of the opinion and so hold that the appellants have no cause of action in this case. Their alleged right to an indemnity for the improvements they made on the land has already been decided adversely to them and the final judgment rendered on that question constitutes *res judicata*. They cannot exercise the same right of action over again under the pretext that the houses and materials in question have disappeared, inasmuch as it was already stated in the decision rendered in case G. R. No. 35029 that they were not entitled to an indemnity for the improvements alleged to have been made on the said land. If they were given permission to remove their houses and the materials therefrom, it was merely through a concession of the owner thereof, the herein appellee. It should be understood that the concession granted to the herein appellants also ceased to exist from the moment the houses and materials disappeared. To hold otherwise would be tantamount to prolonging litigations indefinitely thus putting no end to questions raised by the litigants for the decision of the courts.

Wherefore, we are of the opinion that the court *a quo* acted correctly in sustaining the demurrer, in view of the fact that the existence of *res judicata* may be inferred from the allegations of the complaint, and therefore the action instituted by the appellants for the third time is untenable and cannot prosper.

The judgment appealed from is hereby affirmed, without special pronouncement as to costs of both instances, inasmuch as it positively appears that the appellants are destitute litigants. So ordered.

Malcolm, Villa-Real, Abad Santos, and Hull, JJ., concur.

[1]G. R. Nos. 30267, 30316-30335. Arguelles vs. Natividad, promulgated August 15, 1929, not reported.

[2]Balagtas vs. Arguelles, 56 Phil., 849.

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