

JUAN BAYANG, PETITIONER, VS. HON. COURT OF APPEALS AND BENIGNO BIONG, RESPONDENTS.

G.R. No. 53564. February 27, 1987

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-53564/>

CRUZ, J.:

Sometime in November 1969, Juan Bayang filed a complaint for quieting of title with damages against Benigno Biong in the Court of First Instance of Surigao del Norte, Branch I, docketed as Civil Case No. 1892.[1] In 1970, while the case was pending, Biong succeeded in dispossessing the plaintiff of the land in question and remained there until January 25, 1978.[2] On February 21, 1972, the case was decided in favor of Biong, but the Court of Appeals on December 8, 1977, reversed the trial court, declaring in the dispositive portion of its decision:

"WHEREFORE, the judgment appealed from is reversed and appellants are hereby declared owner of the property in litigation, and defendant-appellee are (sic) hereby ordered to pay appellant the sum of P56.40 as the latter's share in the proceeds from the sale of the copra derived from the third harvest of coconuts from the same land, and 1,000.00 as attorney's fees, and costs of litigation."[3]

This decision became final on February 2, 1978.

On February 6, 1978, Bayang filed a second case, docketed as Civil Case No. 2589, with the CFI of Surigao del Norte, Branch II, seeking to recover from Biong the incomes earned from the same land from 1970 up to the quarterly incomes from 1978 until the said land was delivered to the plaintiff.[4] At the pre-trial conference held on July 10, 1978, the counsel for Bayang admitted that as of January 25, 1978, Biong had already surrendered possession of the land in question to Bayang.[5] On August 16, 1978, Biong filed a motion for summary judgment, reiterating the affirmative defense of *res judicata* raised in his answer dated April 12, 1978, insofar as it related to the incidents concerning the case prior to January 25, 1978.[6] An opposition to this motion was duly filed by Bayang.[7]

The trial court, after considering the arguments of the parties, granted the motion and rendered a summary judgment on October 30, 1978.[8] The said decision was sustained by the Court of Appeals, and Bayang is now before us in this petition for review by *certiorari* under Rule 45 of the Rules of Court.

His assignment of errors raises two basic submissions, to wit:

- Civil Case No. 2589 should not have been decided by summary judgment.
- The judgment in CA-G.R. No. 54720-R (appeal from judgment in Civil Case No. 1892) did not constitute *res judicata* as to bar Civil Case No. 2589.

Both contentions are incorrect. We rule for the respondents.

In its decision, the Court of Appeals quoted the following excerpt from *Singleton v. Philippine Trust Co.*[9] on the nature and functions of the summary judgment:

"Summary judgment is one of the methods sanctioned in the present Rules of Court for a prompt disposition of civil actions wherein there exists no serious controversy. The procedure may be availed of not only by claimants, but also by defending parties who may be the object of unfounded claims. A motion for summary judgment assumes that scrutinizing of the facts will disclose that the issues presented by the pleadings need not be tried because they are so patently unsubstantial as not to be genuine issues, or that there is no genuine issue as to any material facts or where the facts appear undisputed and certain from the pleadings, depositions, admissions and affidavits."

We hold that there was no genuine or triable issue of fact raised by the parties, in view particularly of the affirmative defense of *res judicata* invoked by the private respondent. That defense is sustained.

A long line of decisions has consistently held that for *res judicata* to apply: a) the former judgment must be final; b) it must have been rendered by a court having jurisdiction over the subject matter and the parties; c) it must be a judgment on the merits; and d) there must be between the first case and the second case identity of parties, identity of subject matter and identity of cause of action.[10]

The decision in Civil Case No. 1892 became final and executory on February 2, 1978. There is no dispute that the trial court which rendered that decision had jurisdiction over the subject-matter and the parties to the proceeding. The case was tried on the merits. The parties to Civil Case No. 1892 and the subsequent Civil Case No. 2589 are the same petitioner and private respondent now before us.

The petitioner would draw a distinction between the land in dispute in Civil Case No. 1892 and the income from that land being claimed in Civil Case No. 2589. But that is in our view splitting hairs to split a cause of action. The subject-matter is essentially the same in both cases as the income is only a consequence or accessory of the disputed property. We cannot agree that there are involved here two causes of action calling for two separate cases. The claim for the income from the land was incidental to, and should have been raised by Bayang in his earlier claim for, ownership of the land.

We note that while the first case was pending, the private respondent, by the petitioner's own account, "succeeded in dispossessing" him of the disputed land[11] and that at the pre-trial conference on Civil Case No. 2589, Bayang's counsel admitted that Biong had vacated the said property as of January 25, 1978.[12] This means that from 1970 to the date the respondent surrendered the property in 1978, Biong was presumably collecting and enjoying the income therefrom to the exclusion of the petitioner.

Civil Case No. 1892 was commenced in November 1969 and was finally decided only on February 2, 1978. The private respondent entered the disputed property in 1970 and left it only in 1978. For about seven years, therefore, the petitioner made no move at all to amend his complaint to include a claim for the income supposedly received by the private respondent during that period.

Under Rule 10, Section 6, of the Rules of Court:

"Sec. 6. Matters subject of supplemental pleadings. — Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplemental pleading setting forth transactions, occurrence or events which have happened since the date of the pleading sought to be supplemented. If the court deems it advisable that the adverse party should plead thereto, it shall so order, specifying the time therefor."

In the case of *Jalandoni v. Martin-Guanzon*,[13] this Court declared through Justice J.B.L. Reyes:

"As to the value of the plaintiff's share in the products of the land during the time that the former action was pending (which are the damages claimed under the second cause of action), their recovery is now barred by the previous judgment. These damages are but the result of the original cause of action, viz., the continuing refusal

by defendants in 1941 to recognize the plaintiff's right to an interest in the property. In the same way that plaintiffs claimed for their share of the produce from 1941 to 1947, these later damages could have been claimed in the first action, either in the original complaint (for their existence could be anticipated when the first complaint was filed) or else by supplemental pleading. To allow them to be recovered by subsequent suit would be a violation of the rule against multiplicity of suits, and specifically of sections 3 and 4 of Rules 2 of the Rules of Court, against the splitting of causes of action, since these damages spring from the same cause of action that was pleading (sic) in the former case No. 573 between the same parties (*Blossom & Co., Inc. v. Manila Gas Corporation*, 55 Phil. 226; *Santos v. Moir*, 36 Phil. 350; *Pascua v. Sideco*; 24 Phil. 26; *Bachrach Motor Co. v. Icarangal*, 68 Phil. 287)."

And in another case,[14] the same jurist declared:

"Urtula, as defendant in the expropriation case, could have raised the matter of interest before the trial court even if there had been no actual taking yet by the Republic and the said court could have included the payment of interest in its judgment but conditioned upon the actual taking, because the rate of interest upon the amount of just compensation (6%) is a known factor, and it can reasonably be expected that at some future time, the expropriator would take possession of the property, though the date be not fixed. In this way, multiple suits would be avoided. Moreover, nothing prevented appellee from calling the attention of the appellate courts (even by motion to reconsider before judgment became final) to the subsequent taking of possession by the condemnor, and asking for allowance of interest on the indemnity since that followed the taking as a matter of course, and raised no issue requiring remand of the records to the Court of origin.

"As the issue of interest could have been raised in the former case but was not raised, *res judicata* blocks the recovery of interest in the present case. (*Tejedor vs. Palet*, 61 Phil. 494; *Phil Engineering Corp., et al. vs. Ceniza, etc., et al.*, L-17834, 29 Sept. 1962). It is settled that a former judgment constitutes a bar, as between the parties, not only as to matters expressly adjudged, but all matters that could have been adjudged at the time (*Rule 39, sec. 49; Corda vs. Maglinti*, L-17476, Nov. 30, 1961; *Rodriguez vs. Tan*, 48 Off. Gaz. 3330)."

Clearly, then, Civil Case No. 2589 is barred by the previous judgment in Civil Case No. 1892. This being so, it should follow that the trial judge committed no grave abuse of discretion in deciding the latter case by summary judgment.

We are not unmindful of the argument that affirmance of the challenged decision of the respondent court will result in the unjust enrichment of Biong at the expense of Bayang. This assumes, of course, that the petitioner could have proved his right to the income he now claims belatedly. The point is that he did not make the proper claim at the proper time and in the proper proceedings, and he cannot do it now. Whatever right he might have had is now deemed waived because of his neglect.

Nemo debet bis vexare pro una et eadem causa. This has to be so if litigants are to be spared the annoyance, anxiety and expense that could otherwise be inflicted upon them endlessly by capricious, malicious or vindictive suitors.

WHEREFORE, the petition is dismissed, and the appealed decision is affirmed. Costs against the petitioner.

SO ORDERED.

Yap, (Chairman), Narvasa, Melencio-Herrera, Feliciano, Gancayco, and Sarmiento, JJ., concur.

[1] Rollo, p. 33.

[2] *Ibid.*, pp. 9, 33.

[3] Id., pp. 24, 33.

[4] Annex A, Petition; Rollo, p. 33.

[5] Rollo, pp. 33, 83.

[6] Ibid.; Annex E, Petition

[7] Rollo, pp. 7, 33; Annex F, Petition.

[8] Rollo, pp 34, 83.

[9] 52 O.G. 3948.

[10] San Diego v. Cardona, 70 Phil. 281; Valdez v. Pineda, 89 Phil. 547; Lapid v. Lawan, 101 Phil. 1243; Nater v. CIR, 4 SCRA 727; Malvar v. Pallingayan, 18 SCRA 121; Yusingco v. Ong Hing Lian, 42 SCRA 589; Santos v. Gabriel, 45 SCRA 488; Aroc v. PHHC, 81 SCRA 350.

[11] Annex A, Petition.

[12] Rollo, pp 33, 83.

[13] 102 Phil. 859.

[14] Urtula vs. Republic, 22 SCRA 481.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.