

ZANSIBARIAN RESIDENTS ASSOCIATION FOR AND IN BEHALF OF ITS MEMBERS, PETITIONER, VS. THE MUNICIPALITY OF MAKATI, THE NATIONAL HOUSING AUTHORITY AND THE HUMAN SETTLEMENTS REGULATO...

G.R. No. 62136. February 28, 1985

Ponente: CUEVAS, J.

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CUEVAS, J.:

Petitioner Zansibarian Residents Association, through the instant petition for "Prohibition and Mandamus with Preliminary Injunction" prays that respondents be ordered –

- (a) to cease and desist from subdividing the land in question and distributing them to beneficiaries or persons other than the members of petitioner association;
- (b) to restore its members to the possession and occupancy of their respective lots, rebuilding their houses and restoring them to their condition prior to their demolition at the expense of respondent Municipality of Makati; and
- (c) to permanently subdivide the land in question and award them to its members pursuant to law.

Petitioner further prays that a temporary restraining order be issued against the respondents Municipality of Makati, the Human Settlements Regulatory Commission and the National Housing Authority, ordering them to cease and desist from subdividing the land in question and distributing them to beneficiaries or persons who are not listed in their petition.

In our Resolution dated November 2, 1982, We required respondents to comment on the petition. In another Resolution dated November 16, 1982, We issued a temporary restraining order enjoining the respondents or any person or persons acting in their place or stead from (1) doing any acts designed to deprive the members of the herein petitioner association of their rights over the subject land or any part thereof; (2) making any constructions, buildings or improvements on the land or any part thereof; and (3) issuing any mayor's permit and other municipal permits or licenses to any person, party or entity desiring to make any constructions, buildings or improvements on the land or any part thereof, or if such has been issued, to restrain its effectivity pending final resolution of the instant case.

Zansibarian Residents Association is composed of members who allegedly occupy parcels of land located in Barangay San Isidro, Makati, Metro Manila, particularly those bounded by Uruguay Street on the North; Arthur Street on the East; Zansibarian Street on the South; and Batangas Street on the West.[1] Relying on and invoking Presidential Decree No. 1517 (proclaiming urban land reform in the Philippines and providing for the implementing machinery thereof), the association now maintains that its members cannot be ejected from the premises they respectively occupy.

The record, however, discloses that this petition is not the first case filed by petitioner and/or its members against

respondents, particularly respondent Municipality of Makati. As early as October 1978, the same residents of the area in question filed an action for INJUNCTION, to enjoin respondent Gregorio Villanueva, Chief of the Demolition and Relocation Department of respondent Municipality of Makati, from demolishing their houses. The case was docketed as Civil Case No. 31141 of the Court of First Instance of Rizal, Branch XV, Makati, Metro Manila.

On January 16, 1980, the Hon. Florelia Castro-Bartolome, then presiding Judge of the Court of First Instance of Rizal, Branch XV, finding that "plaintiffs admittedly are staying on the subject property without any color of title whatsoever" dismissed the case with prejudice.[2]

On October 6, 1980, another complaint for INJUNCTION was again filed by the same residents, the Zansibarian Residents, Inc. and San Isidro, Makati Settlers Association, Inc. against Carlos Calpo as officer-in-charge of the Demolition and Relocation Department of the Municipality of Makati, and docketed as Civil Case No. 38811 of the Court of First Instance of Rizal, Branch X Pasig, Metro Manila.

On motion of defendants, the said case was dismissed in an Order dated March 31, 1982 on ground of res judicata. The pertinent portion of that order reads –

"In Civil Case No. 31146 entitled Nazareno, et al versus Gregorio Villanueva, et al., filed before Branch XV of this Court, said case was dismissed with prejudice on January 16, 1980. The cause of action of said Civil Case No. 31146 is injunction which is the same as the instant case. The plaintiffs herein are the same as the plaintiffs in Civil Case No. 31146 as admitted by the plaintiffs in paragraph 4 of the instant complaint wherein it was alleged that the Municipality of Makati through its demolition and relocation department ordered the demolition of plaintiffs' members houses but was restrained by the Hon. Court when a complaint was filed against the said office docketed as Civil Case No. 31146 and as signed to Branch XV of this Court. Likewise, the defendants in both cases are the same being members of the Demolition and Relocation Department of the Municipality of Makati, Metro Manila."[3]

On October 21, 1982, petitioner filed the instant petition before this Court with the prayers as herein earlier stated.

We find the petition devoid of merit. Consequently, its dismissal is in order.

Section 6 of Presidential Decree No. 1517 provides –

"Section 6 - Land Tenancy in Urban Land Reform Areas - Within the Urban Zones, legitimate tenants who have re-sided in the land for ten years or more, who have built their house on the land, and residents who have "legally occupied the land by contract continuously for the last ten years shall not be dispossessed of the land and shall be all owed the right of first refusal to purchase the same within a reasonable time and at reasonable prices, under terms and conditions to be determined by the Urban Zone Expropriation and Land Management Committee created by Section 8 of this Decree." (Underscoring supplied)

Under the aforequoted provision of the Urban Land Reform Law relied upon by petitioner, only legitimate tenants are envisaged therein.[4] Undoubtedly, petitioner's members are not legitimate tenants, neither do they legally occupy the subject parcel of land by contract.

Upon the other hand, the authority of respondent Municipality of Makati to demolish the shanties of the petitioner's members is mandated by Presidential Decree No. 772 and Letter of Instruction No. 19. Section 1 of Letter of Instruction No. 19 orders certain public officials, one of whom is the Municipal Mayor "to remove all illegal constructions including buildings on and along esteros and river banks, those along railroad tracks and those built without permits on public or private property."

But more importantly, this present action is already barred by the prior judgments rendered in Civil Case No.

31146 and Civil Case No. 38811, both for injunction principally to enjoin or restrain defendants from ejecting petitioner-members and/or demolishing their houses.

There is "bar by prior judgment" when, between the first case where the judgment was rendered, and the second case which is sought to be barred, there is identity of parties, subject matter and cause of action. The judgment in the first case constitutes an absolute bar to the subsequent action. It is final as to the claim or demand in controversy, including the 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 to any other admissible matter which might have been offered for that purpose and of all matters that could have been adjudged in that case.[5]

The records show that between this present case and the two previous cases for injunction (Civil Case Nos. 31146 and 38811) there is identity of parties, identity of subject matter and identity of causes of action. The first two cases were filed by the same occupants who filed the present case against the same defendant, respondent Municipality of Makati. The inclusion of additional parties will not affect the application of the principle of res judicata. The subject matter of all these three (3) cases is the same parcel of land and the cause of action is likewise the same - the ejectment of petitioner's members and/or demolition of their houses. There is also no question that the Court of First Instance of Rizal had jurisdiction to hear and determine the petitioner's complaints for injunction and the dismissal of the said cases was in the exercise of that jurisdiction. No appeal having been taken from their orders of dismissal, the same became final and may no longer be reopened much less modified or reversed.

A plaintiff who deliberately selects his forum and then unsuccessfully presents his proofs is bound by such adverse judgment. To hold otherwise, would allow repeated litigation of identical issues. Litigations must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that once a judgment has become final, the issues raised therein should be laid at rest.[6]

IN VIEW OF THE FOREGOING CONSIDERATIONS, the petition is DISMISSED. The restraining order previously issued is hereby ordered lifted. No pronouncement as to costs.

SO ORDERED.

Teehankee, Makasiar, Aquino, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., and De la Fuente, JJ., concur.
Fernando, C.J., no part.

[1] Annex "B", Petition, page 18, Rollo.

[2] Annex "A", Comments of Respondent Municipality of Makati, page 98, Rollo.

[3] Annex "B", Comments of Respondent Municipality of Makati, page 99, Rollo.

[4] Aquino vs. IAC, G.R. No. 65102, September 28, 1984.

[5] Rule 39, Section 49, Rules of Court; Gitgano vs. Hon. Borromeo, G.R. No. L-40429, November 29, 1984; Sy Kao vs. Court of Appeals, G.R. No. L-61752, September 28, 1984; Vda. de Bacang vs. Court of Appeals, 125 SCRA 138; Vda. de Sta. Romana vs. PCIB, 118 SCRA 330; Valera vs. Bañez, 116 SCRA 648.

[6] Gonzales vs. Hon. Secretary of Labor, 116 SCRA 573.

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