

**JORGE WEE SIT, AND LUCIA WEE SIT, PETITIONERS, VS.
HONORABLE OMAR U. AMIN, DISTRICT JUDGE, COURT OF FIRST
INSTANCE, BRANCH III, ZAMBOANGA CITY, JESUS AQUINO AND
CARMEN BENITO, R...**

G.R. No. 62341. October 28, 1988

Ponente: PARAS, J.

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PARAS, J.:

Petitioners seek to review by certiorari the Order of the Court of First Instance of Zamboanga City in Civil Case No. 2701 (247-III-82)[1] dated August 9, 1982 dismissing their amended complaint for quieting of title (originally a complaint for Recovery of House or Value thereof) and the Order dated September 28, 1982, denying the Motion for Reconsideration of the same.

The factual backdrop of this case may be traced to Case No. 21 (971)[2] of the Court of First Instance of Zamboanga City Branch II where among other things, to private respondent Jesus Aquino was ceded, in an "Amended Compromise Agreement" dated February 9, 1976,[3] Lot 651-A, situated at Canelar Street, Zamboanga City and more particularly described in Transfer Certificate of Title No. T-31207 of the Registry of Deeds of Zamboanga in full and complete settlement of his claim for ten percentum (10%) of the estate of the late Juan S. Wee Sit representing his honorarium or attorney's fees and approved by the court in its order dated March 3, 1976.[4] Among the salient provisos of said agreement are the following:

"b) That although Lot No. 651-A described in Transfer Certificate of Title No. T-31, 207 of the Registry of Deeds for the City of Zamboanga has been ceded to Atty. Aquino by dacion in payment for obligation of the estate which have been judicially approved, yet Atty. Aquino hereby grants Mrs. Lucia Hao Vda. de Wee Sit and any and all of her children occupation of the house used as residence on said lot without payment of any rental for a period of two years from today. For sentimental reason, if Mrs. Lucia Hao Vda. de Wee Sit chooses to remain on the house which is her present residence, she is given such right during her life time free from any rental whatsoever;

"c) If and when Mrs. Lucia Hao Vda. de Wee Sit will vacate the premises of Lot No. 651-A, she is entitled to remove all the materials of her house, the fences, and other improvements without paying Atty. Aquino;

"d) Atty. Aquino realizing the financial plight of Mrs. Lucia Hao Vda. de Wee Sit hereby further grants and authorizes her to collect all the rentals due from all the present tenants who erected building on said Lot No. 651-A within two years from today. All such collections or accruals thereof shall be her personal property and she is not obliged to account to Atty. Aquino;

"e) Atty. Aquino notwithstanding such grants described in the preceeding paragraphs further grants unto said Mrs. Lucia Hao Vda. de Wee Sit free payment of the real property tax on said lot for the two years period from today. Atty. Aquino shall pay all the real property tax without any obligations on the part of Mrs. Lucia Hao Vda. Wee Sit to contribute to such payment of real property tax;

“f) All real property taxes that have accrued on Lot No. 651-A before today shall be paid by Atty. Aquino without any obligation on the part of the estate of the late Juan S. Wee Sit or Mrs. Lucia Hao Vda. de Wee Sit to refund, reimburse or contribute;

“g) All expenses, materials, taxes, documentary stamps, science fund stamps, registration, etc., in the transfer of Lot No. 651-A shall be borne by Atty. Aquino without any obligations on the part of the estate of the late Juan S. Wee Sit or Mrs. Lucia Hao Vda. de Wee Sit to refund, reimburse or contribute;

“h) The Heirs hereby accept such beneficence from Atty. Aquino, and they shall forever be grateful for such beneficence and liberality of Atty. Aquino.”

The court to whom the compromise agreement was submitted then gave its approval as follows:

“WHEREFORE, the Court finding the said Amended Compromise Agreement not to be contrary to law, morals, good customs, public order or public policy, and that it will redound to the best interest of the estate of the late Juan S. Wee Sit, the said amended compromise agreement is hereby approved as full and complete settlement of the claims of Atty. Jesus A. Aquino no against the estate of the late Juan S. Wee Sit, and the Register of Deeds of Zamboanga City is hereby directed to cancel all the annotation on all the other Certificates of Title of the lots of the estates of the late Juan S. Wee Sit constituting the liens or encumbrances in favor of Atty. Jesus A. Aquino, and to cancel Transfer Certificate of Title No. T-31, 207 of the Registry of Deeds for the City of Zamboanga and to issue a new one in lieu there-for in the name of Atty. Jesus A. Aquino, married to Carmen Benito, which Certificate of Title shall have full faith and credit as the one cancelled.

“SO ORDERED.

“Given in open Court of Zamboanga City, Philippines, this 20th day of March, 1976.

ALBERTO V. SENERIS
District Judge”

After a period of 2 years from March 20, 1976, Jesus Aquino filed a complaint for ejectment against Jorge Wee Sit when he failed to comply with the terms of the afore-mentioned agreement; the suit was docketed as Special Case NO. 2689 (261) of the City Court of Zamboanga, and a decision^[5] was rendered in favor of Jesus Aquino. On appeal to the Court of First Instance of Zamboanga the said decision was affirmed and it became final on February 15, 1981. A review of the same decision brought to Us by Jorge Wee Sit was denied for lack of merit as embodied in Our resolutions dated May 13, 1981 and July 15, 1981.

Meanwhile on February 22, 1980, while the said case was pending in the lower court, Jorge Wee Sit, Lucia Wee Sit and Antonio Wee Sit filed a complaint against private respondents in the Court of First Instance of Zamboanga docketed as Civil Case No. 2300 where they sought to reco-ver Lot 651-A. It was dismissed by the lower court in its Order dated October 16, 1980,^[6] its dispositive portion reading as follows:

“WHEREFORE, considering that the subject matter of the complaint filed in the above enti-tled case had been compromised by plaintiffs and defendants in an amended compromise agreement dated February 9, 1976 and the said compromise agreement was duly approved by the court in an order dated March 20, 1976, the said compromise agreement constitute res judicata between the plaintiffs and defendants and can no longer be set aside and/or annulled, and the complaint filed in the above-entitled case is hereby DISMISSED for failure to state a cause of action.” (p. 134, Rollo)

Plaintiffs (the Wee Sit heirs) in said case filed their Motion for Reconsideration and defendants filed their opposition thereto. The lower court denied the motion for review for lack of merit. Thereafter, plaintiffs filed before Us their Petition (G.R. No. 56112) seeking to review by certiorari said ruling of the trial court. We

dismissed said petition as per Our resolution dated February 10, 1982.[7] A Motion for Reconsideration, a Sup-plemental Motion for Reconsideration, and a second Supplemental Motion for Reconsideration were filed by plain-tiffs-petitioners (Wee-Sit heirs) which were all denied by Us in Our resolution dated July 14, 1982[8] for lack of merit. Again petitioners stubbornly or persistently filed another Motion for Reconsideration of Our Resolution dated July 14, 1982 which We also consistently denied for lack of merit as per Our resolution dated September 22, 1982.[9] Said ruling of February 10, 1982 became final and executory on November 9, 1982 as shown by the duly certified "Entry of Judgment." [10]

All in all, there are 4 separate cases filed concern-ing the same parties and same subject matter, to wit: 1) Special Case No. 21 (971) wherein, Atty. Jesus Aquino was ceded Lot 651-A in full payment of his attorney's fees; 2) Special Case No. 2689 (261) of the City Court of Zamboanga City for ejectment against Jorge Wee Sit (also docketed on appeal to Court of First Instance of Zamboanga City as Civil Case No. 518 (2193) and before Us upon petition for review by certiorari docketed as G.R. No. 56549) wherein judgment in favor of plaintiffs Jesus Aquino and Carmen Aquino was rendered ordering Jorge Wee Sit to vacate the premises; 3) a complaint filed by the heirs of Juan Wee Sit to recover Lot 651-A from spouses Jesus Aquino and Carmen Aquino docketed as Civil Case No. 2300 before the Court of First instance of Zamboanga City wherein decision was rendered in favor of defendants-spouses Aquinos, (docketed as G.R. No. 56112 before Us wherein We dismissed said petition of plaintiffs as aforementioned and it became final and executory on Novem-ber 9, 1982 and 4) the instant petition before Us seeking a review of the trial court's dismissal of the case on the ground of res judicata, with said court ruling:

"WHEREFORE, premises considered, the above-entitled complaint is hereby ordered DISMISSED on the ground of res judicata between plaintiffs and the defendants and the defendants conform-ably as provided by Sec. 1 (f) in relation to Sec. 1 (g), Rule 16 of the Rules of Court in that the cause of action in the instant case is already barred by prior two (2) judgments, and consequently, the plaintiffs failed to state a cause of action. Perforced, the motion to amend complaint is DENIED and the amended complaint DISMISSED.

"With cost against the plaintiffs.

"SO ORDERED." (p. 15, Rollo)

Motion for Reconsideration of the same was denied, hence the present Petition filed by the heirs of the deceased Juan Wee Sit, alleging that the trial court which issued the Order of Dismissal, dated August 9, 1982, deci-ded a question of substance not theretofore determined by the Supreme Court, and in a way not in accord with law and applicable decisions of the Supreme Court.

The petition is palpably unmeritorious.

The requisites of res judicata judgments are all present in the instant case, to wit:

1)

Two (2) final judgments on the merits were rendered by two (2) courts of competent jurisdiction, ordering the petitioners to vacate the premi-ses, and sustaining as valid the amended compromise, incorporated in the compromise judgment.

2)

Identity of subject matter - same lot (Lot 651-A) and the house found within said lot.

3)

Identity of parties - heirs of deceased Juan Wee Sit and spouses Jesus Aquino and Carmen Aquino.

4)

Identity of cause of action.

In the instant case, petitioners admit the ownership of Lot 651-A by private respondents. However they claim that the ownership of the house found within the premises was retained by them. A cursory reading of the Amended Compromises Agreement shows that the terms set down in said Agreement dated February 9, 1976 in Special Case No. 21 (971) are very clear and explicit as to the ownership of the house and lot in question stating that both belong to private respondents. It was duly signed by the petitioners and their counsel, and was later on approved by the Court in its Order dated March 20, 1976.

The ruling that petitioners must vacate the house and lot, owned as they are by the private respondents, has long been final and executory.

WHEREFORE, the instant petition is hereby DISMISSED, with double costs, payable by petitioners' counsel. The petitioners are hereby ordered to vacate the house and lot involved and this decision is immediately executory. No extension of the period within which to file a motion for reconsideration will be granted.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, and Sarmiento, JJ., concur.
Regalado, J., no part; did not participate in the deliberations.

[1] Penned by Judge Omar U. Amin; Annex "A", p. 16 Rollo of G.R. No. 62341

[2] Penned by Judge Alberto V. Seneris

[3] Annex "I", p. 145 Rollo or Annex "E", p. 109 Rollo *ibid*.

[4] Annex "M", p. 46, Rollo, *Ibid*.

[5] Penned by Judge Luis R. Ruiz.

[6] Penned by then District Judge Abdulwahid A. Bidin, now Associate Justice of the Supreme Court.

[7] Page 87, Rollo G.R. No. 56112

[8] Page 111, Rollo, *Ibid*.

[9] Page 113, Rollo, *Ibid*.

[10] Page 132, Rollo, *Ibid*.

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