

HEIRS OF LUISA VALDEZ: FRANCISCO MAMUYAC, ET AL.; HEIRS OF MA. CONSORCIA VALDEZ: JONATHAN PAMBID, ET AL.; AND HEIRS OF ALFONSO VALDEZ: ALEJANDRO VALDEZ, ET AL., PETITIONERS, VS....

G.R. No. 74992. March 28, 1988

Ponente: NARVASA, J.

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NARVASA, J.:

By this decision we hope at long last to write finis to a case that first reached the courts thirty-seven (37) years ago.

The case was instituted in 1951 in the Court of First Instance of La Union. The action, which was for partition and damages, docketed as Civil Case No. 510, was brought by Luisa Valdez, Maria Consorcía Valdez and the heirs of Alfonso Valdez -- Alejandro, Camilo, Alfredo and Carlos. The defendant was Venancio Valdez, brother of the aforementioned Luisa, Ma. Consorcía and Alfonso. Subject of the action was six (6) parcels of land. [1]

The action resulted in a judgment rendered on June 30, 1964 ordaining the division of the six (6) parcels of land in equal shares among the plaintiffs and the defendant. That judgment was, on appeal, affirmed by the Court of Appeals on November 20, 1972.

The judgment having in due course become final and executory, the Trial Court issued an order of execution on May 28, 1976. However, instead of putting an end to the action, this order of execution paradoxically gave birth to another controversy. This came about when reconsideration of said order was sought by Milagros Valdez, daughter of the defendant Venancio Valdez. Milagros claimed that she had bought the undivided shares of Luisa and Maria Consorcía Valdez, and that of her own father, Venancio, in the six (6) parcels of land owned in common. The motion was denied, by Order dated August 6, 1976. A writ of execution then issued on November 17, 1976 to carry out the Order of May 28, 1976.

What Milagros Valdez did was to file, on November 2, 1977, a separate suit -- docketed as Civil Case No. A-561 -- to recover title to the parcels of land on the same basis previously asserted in her motion for reconsideration in Civil Case No. 510, i.e., that she had purchased them from Luisa and Maria Consorcía Valdez, and her own father. Impleaded as defendants were three (3) groups of defendants, namely: (1) the heirs of Luisa Valdez -- Francisco Mamuyac, Natividad Boada, Cirilo Valdez, Epifanio Valdez, Maximo Valdez; (2) the heirs of Ma. Consorcía Valdez -- Jonathan Pambid, Rosita Pambid, Evelyn Pambid Chan; and (3) the heirs of Alfonso Valdez -- who have already been earlier mentioned: Alejandro, Camila, Alfredo and Carlos, all surnamed Valdez. In her complaint, Milagros prayed that she be declared exclusive owner of the lots in question or, alternatively, "of 3/4 of the six parcels of land described in the decision" in Case No. 510. These parcels were identified during the pre-trial of said Case No. A-561 as being comprised of Parcels I and IV, described in the Order (of execution) promulgated on May 28, 1976 in the aforestated Civil Case No. 510. [2]

On October 31, 1983 the Trial Court (since renamed Regional Trial Court in virtue of B.P. Blg. 129) rendered judgment dismissing Milagros's complaint for being "dilatory", and holding her liable to the defendants for damages for her "litigiousness and persistent efforts at circumventing or frustrating the final decision of the former Court of Appeals." She appealed to the Intermediate Appellate Court. [3]

In the Appellate Court, the judgment of the Trial Court was reversed by a decision rendered on June 5, 1986 by a divided Division. [4] The Court of Appeals pronounced Milagros Valdez the owner of the lots known as Parcels I and IV, and directed the Court of origin to substitute her in lieu of the heirs of Luisa, Ma. Consorcia and Alfonso Valdez in the partition of the common properties, said Parcels I and IV. It was the Appellate Court's view that Milagros Valdez had satisfactorily proved her purchase of Parcel I from her father, Venancio, and the latter's sisters, Luisa and M. Consorcia. As regards Parcel IV, the Court adverted to the Affidavit of Release of Mortgage, presented in evidence in the Court below as Exhibit C, which inter alia declared that the mortgage debt of P650.00 subject thereof had been fully paid by Milagros in February, 1972, [5] and to the fact that she was in possession of both parcels adversely to the other ostensible co-owners and hence, legally presumed to be the owner thereof pursuant to Article 541 of the Civil Code. [6]

This judgment of the Appellate Court we are now asked to overturn by the petitioners herein, Milagros Valdez's adversaries: the aforementioned heirs of Luisa Valdez, Ma. Consorcia Valdez and Alfonso Valdez. As grounds for the reversal for which they pray, they submit that -

1)

the judgment in Civil Case No. 510 is a bar to Civil Case No. A-561;

2)

there was no basis to adjudicate exclusive ownership of Parcel IV to respondent Milagros Valdez, whose only claim thereto was her being a redemptioner thereof;

3)

the Appellate Court's decision deprived the heirs of Alfonso Valdez of their predecessor's undivided one-fourth (1/4) share in Parcels I and IV as not an iota of proof was ever adduced to prove Milagros' acquisition of their share and that fact was never pleaded in the complaint as a cause of action;

4)

the appealed decision contained misleading findings of fact.

The petitioners' invocation of res adjudicata is unavailing. Quite obviously, not all the requisites of res judicata are present. Those requisites are well known: (a) the prior judgment cited as a bar to the subsequent action is final and executory; (b) it was rendered by a competent court (having jurisdiction of the parties and the subject matter of the suit); (c) it is a judgment on the merits; and (d) between the actions involved, there is identity of parties, of subject matter and of causes of action.

There is, between Civil Case No. 510 and the later Civil Case No. A-561, no identity of parties. Milagros Valdez was not a party in the first. She had never been impleaded as party, whether as a defendant, or a third-party defendant, or a defendant on a counterclaim or cross-claim. She had never been allowed to intervene in said Civil

Case No. 510. Her attempt to come into the picture by the filing of a motion for reconsideration of the order so that she might prove her claim to the properties in dispute had been spurned by the Trial Court; the attempt had come much too late, the judgment being already executory; moreover, she of course had no standing to question the proceedings, and, not being bound by said judgment, was perfectly free to ventilate her claims in a separate appropriate action.

There is, too, between said two cases, no identity of cause of action either, although they both involve the same parcels of land. Civil Case No. 510 was for partition of the land among admitted co-owners. On the other hand, Civil Case No. A-561 was for the enforcement of a subsequent sale of the co-owners' undivided shares in the common property, a transaction which in the premises was completely alien and immaterial to the first suit.

Petitioners' arguments disputing the existence of the mortgage over Parcel IV cannot stand in the face of the explicit factual finding of the Appellate Court of the actuality of the encumbrance and Milagros' redemption of the mortgaged property "to salvage the land from falling into the hands outside the family," this finding being binding on this Court absent any cause of sufficient importance to warrant a review and reversal thereof. In fine, the pronouncement in the appealed judgment that Milagros Valdez had acquired title to the disputed properties as against her aunts, Luisa Valdez and Ma. Consorcia Valdez, and, of course, their heirs, and had since then and with full awareness of the latter, assumed exclusive possession and exercised acts of dominion over the land, not having been shown to be lacking in adequate evidentiary support, may not now be reviewed. [7]

The error in the appealed decision, as this Court perceives it, lies in the conclusion that Milagros Valdez had also acquired the one-fourth (1/4) share and interest in the land in question of the heirs of Alfonso Valdez and hence, she should be substituted in their place. The record discloses no evidence whatever to establish any mode by which Milagros Valdez could have validly obtained title to those heirs' rights in the properties. Indeed, in the complaint filed by her in Civil Case No. A-561, she made no allegation whatsoever of having acquired the one-fourth (1/4) share of said heirs of Alfonso Valdez; in fact, the prayer of her complaint sought alternatively a declaration of her ownership of three fourths (3/4) of the parcels of land in question, the implicit acknowledgment being that she had acquired only the shares of her two (2) aunts and that of her father (making a total of three-fourths (3/4), but not the remaining fourth (1/4) pertaining to the heirs of Alfonso Valdez.

WHEREFORE, the decision of the Intermediate Appellate Court of June 5, 1986 is REVERSED in part, only in so far as it declares Milagros Valdez exclusive owner of the parcels of land in dispute, it being hereby ADJUDGED AND DECLARED that the heirs of Alfonso Valdez continue to be and should be recognized as owners in fee simple of an undivided one-fourth (1/4) share in said property and hence, entitled to participate in the partition of the common property to that extent. In all other respects, said decision of the Appellate Tribunal is AFFIRMED. No pronouncement as to costs.

Teehankee, C.J., Cruz, Gancayco, and Griño-Aquino, JJ., concur.

[1] Rollo, p. 41

[2] Id., p. 65

[3] Id., p. 62

[4] Ines-Luciano, J., ponente, with whom concurred Gaviola, Jr., Caguioa and Jurado, JJ.; Quetolio-Losa and Bidin, JJ.; dissented

[5] Rollo, p. 69, the Court referring to the testimony of Dominga Kuan (TSN, March 24, 1982, pp. 35-39) and that

of Demetria Manaois (TSN, Jan. 28, 1982, pp. 24-32)

[6] Id., p. 70, the Court citing Art. 541 of the Civil Code to the effect that "a possessor in the concept of owner has in his favor the legal presumption that he possesses with a just title and he cannot be obliged to show or prove it."

[7] SEE *Cu Bie v. IAC*, G.R. No. 63855, Oct. 9, 1987; *Maclan v. Santos*, G.R. No. 55074, Dec. 17, 1987; *Verdant Acres v. Hernandez*, G.R. No. 51352, Jan. 29, 1988

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