

LA COMPAÑIA GENERAL DE TABACOS DE FILIPINAS, PLAINTIFF AND APPELLANT, VS. THE SHERIFF OF OCCIDENTAL NEGROS, ARTURO CUADRA, ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 8699. March 07, 1914*

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8699/>**CARSON, J.:**

The only ground upon which the defendants and appellants rest their claim of error in the judgment of the court below is the alleged erroneous denial of their plea of *res adjudicata* by the trial judge. We are of opinion however that the trial judge properly disregarded their contentions in this respect. Without examining the contentions of the plaintiff as to alleged failure of defendants to plead the former adjudication in due form and as to the lack of complete identity of the subject matter in the present and the former action, it is a sufficient answer to the plea of *res adjudicata* to say that the question of the right of the plaintiffs to the return of the money prayed for in their complaint was not and could not have been put in issue in the former action. The true force and effect of the former adjudication is not to bar the claim of the plaintiff to recover the money paid out by them pending the former proceedings, but rather to establish their right to recover upon proof of their allegations as to the fact of payment, and the circumstances under which they were compelled to make such payment, in order to avoid unnecessary loss and injury flowing from the levy of execution which was held to have been "null, for the reason that the court was without jurisdiction to issue the same," We conclude therefore that the trial judge correctly disposed of the principal question at issue in the court below.

We think however that plaintiff's appeal from his ruling denying interest on the moneys paid out by them is well taken. As counsel well says, had the appellant, whose land was actually sold under a, wrongful execution in this case, been deprived of the use of the land by reason of said sale, there can be no doubt of its right to recover, as damages for the wrong, compensation for the loss of the use of the land. Instead of standing idly by and suffering the unnecessary infliction of such damage, the appellant avoided the loss of the use of its land, by depositing in its place, under due protest, its established equivalent in money. In other words, the appellant, being threatened with the wrongful deprivation of the use of its land, took the necessary steps to avoid such deprivation, and underwent, instead, the deprivation of the use of an equivalent sum of money. This was done in pursuance of the obligation which rests upon every member of the community who is the victim of a tort, to do all within his power to diminish the resultant damage. It was an act done for the benefit of the tortfeasor, who thereby became liable to compensate for the lost use of the money, instead of the lost use of the land. It goes without saying, of course, that no such act could be done to the prejudice of the tortfeasor, in increase of the resultant damages, and if it had been shown that the use of the money was of greater value than the use of the land, the liability of the tortfeasor would be limited to compensation for the lesser sum. But no such contention is here made, and no such question is involved. The appellant substituted money, in place of land, and suffered the loss of use of the former instead of loss of use of the latter. By the amount of the loss of said use the appellant has been damaged and is entitled to compensation.

The judgment of the lower court should therefore be modified by allowing, in addition to the amount awarded to the plaintiff therein, interest at the rate of 6 per cent per annum on the money turned over to the sheriff.

Arellano, C. J., Moreland, Trent, and Araullo, JJ., concur.

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.