

**JOSE AGREGADO, ADMINISTRATOR OF THE INTESTATE ESTATE OF
P. MONTALVO ET AL., PLAINTIFF AND APPELLEE, VS. VICENTE
MUÑOZ, JUANA MACALALAD, AND ANDRES MAGADIA, DEFENDANTS
AND APPELL...**

G.R. Nos. 8648 and 8649. December 29, 1913

Ponente: TORRES, J.

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TORRES, J.:

The appeals filed in these cases, through an unprinted bill of exceptions, were made by counsel for the defendants, authorized to sue as paupers, from the judgment of January 22, 1913, rendered in both cases, whereby the justice of the peace of the provincial capital, P. Joya Admana, acting as judge of First Instance, sentenced the defendants in both cases to deliver to the plaintiff the respective portions of land detained and claimed by them respectively in two complaints, with all the costs in favor of the plaintiff.

On November 20, 1911, Jose Agregado, the administrator of the intestate estate of the deceased Prospero Montalvo and Sixta Madlanbayan, brought suit in the Court of First Instance of Batangas against the spouses Vicente Muñoz and Juana Macalalad, alleging that the said deceased spouses Prospero Montalvo and Sixta Madlanbayan possessed during their lifetime for thirty-five years, and after their death their heirs for more than twenty years had been holding as owners pro indiviso and in common, a tract of land about 250 cavanos of seed rice in area, situated in the barrio of Talumpoc of the pueblo of Batangas and bounded on the east by the rivers named Balatgan and Putingbato, on the west by the Baquis River, on the north by the property of the heirs of Toribio, Placido and Teodoro Macalalad, and on the south by that of Potenciano Lontok, Monico Alvarez and the heirs of Demetrio Borillo; which land had been acquired partly by inheritance and partly by purchase; that, in the year 1906, the defendants unlawfully appropriated to themselves a portion of the said land, to wit, an area of about 10 cavanos of seed rice, situated on its eastern side and bounded on the north by the land of Simeon Macalalad, on the west by that of the heirs of the deceased Montalvo and Madlanbayan, now detained by Andres Magadia, on the south by the land of Igmidio Lontok, and on the west by that of the heirs of the said deceased; that, notwithstanding the friendly steps he had taken to the end that the defendants might return the usurped land, he had not succeeded in his purpose, since the defendants, without good reason had refused to restore the property to him, whereby he had suffered losses and damages to the amount of P875. It was therefore prayed that judgment be rendered herein, finding that the land in litigation had been the exclusive property of the deceased spouses Montalvo and Madlanbayan, and that the defendants be ordered to return the same to the plaintiff and pay P875 as losses and damages, and the costs of the suit.

Counsel for the defendants Muñoz and Macalalad denied in his answer each and all of the paragraphs of the complaint and in special defense alleged that the land claimed by the plaintiff was bounded on the northeast by that of Igmidio Lontok and the Inuman River, on the northwest by property of Andres Magadia and the deceased Prospero Montalvo, on the southeast by Mount Talim, and on the southwest by the Putingbato River and the lands of Luciano Suarez; that the said land had in fact an area of 10 cavanos of seed rice, had belonged to Placido

Macalalad and at his death passed to his heirs, Narciso, Cipriano, Victoria, Dorotea, Tomas, Juan, Justo, Toribio, Domingo, Valeriana, Modesta, Melchora, and Juana, the latter now one of the defendants, all of the surname of Macalalad, to which heirs it belonged pro indiviso, although the defendants had been holding and cultivating it for more than thirty years as the coowners of the persons above named; and that during the said period of thirty years the defendants had never been disturbed in their quiet and public possession of the land in question, which never had belonged to the deceased Montalvo and Madlanbayan. Said counsel therefore prayed that judgment be rendered in his clients' favor and against the plaintiff, by dismissal of the complaint and the assessment of the costs upon the latter.

By a written complaint of November 20, 1911, the administrator of the intestate estate of the said Prospero Montalvo and Sixta Madlanbayan brought suit in the Court of First Instance of Batangas against Andres Magadia and alleged that the said spouses, then deceased, had held as owners during their lifetime for a period of more than thirty-five years and after their death their heirs had been holding for more than twenty years pro indiviso and in common a tract of land, the situation, boundaries and area of which were set forth in the complaint; that the defendant Magadia unlawfully seized a portion of the said land, comprising an area of about 7 cavanos of seed rice, situated on the eastern side of the said larger tract and bounded on the north by the land of Simeon Macalalad, on the east by the Balatgan River and the land of Igmidio Lontok, on the south by the land of this latter, and on the west by that of the heirs of Montalvo and Madlanbayan, then detained by Juana Macalalad; that, notwithstanding the friendly steps taken by the plaintiff, he had not succeeded in obtaining the recovery of the parcel of land detained, since the defendant, without just reason, refused to return the same to him, on which account the plaintiff had suffered losses and damages in the sum of P612; and he therefore prayed that judgment be rendered by holding that the disputed land was of the exclusive ownership of the said spouses Montalvo and Madlanbayan and by ordering the defendant Magadia to restore the said portion of land to the plaintiff and to pay him P612 as losses and damages, and the costs.

The defendant, Andres Magadia, denied in his answer each and all of the paragraphs of the complaint and as a special defense alleged that the land in question was bounded on the northeast by the Balatgan River and the lands of Igmidio Lontok, on the northeast by a ravine and the lands of the heirs of Placido Macalalad and of Simeon Macalalad, on the southeast by the land of the heirs of Placido Macalalad, and on the southeast by that which belonged to the deceased Prospero Montalvo; that the land in question had in fact an approximate area of 7 cavanos of seed, had belonged to Teodoro Macalalad and, upon his death, was inherited by his children and from them passed into the possession of his grandchildren and great-grandchildren; that its present owners were Crisanta and Eugenio Macalalad, grandchildren of Teodoro Macalalad, and Eulogio Macalalad, Patricio Candor and Andres Magadia, the latter the defendant, great grandchildren of the said Teodoro Macalalad; that the said land still remained pro indiviso among its coowners, although Andres Magadia had been holding and cultivating it for more than fifteen years, as it had likewise been held and cultivated for more than twenty years by Vicente Magadia, the father of the defendant Andres; and that during the lapse of more than thirty-five years neither Vicente nor his son Andres, the defendant, had ever been disturbed in their quiet and public possession of the said land, which did not belong and had never belonged to the deceased Montalvo and Madlanbayan. He therefore asked that judgment be rendered against the plaintiff, by absolving the defendant from the complaint, with the costs against the plaintiff.

After the hearing of both cases, consolidated by agreement of the parties, and the introduction of evidence by both sides, the court rendered in both cases the judgment aforementioned, to which the defendants excepted and moved for a rehearing. These motions were denied and an exception to the ruling was taken by the defendants and appellants.

The demand made in these two consolidated cases is for the recovery of possession of two parcels of land which form a part of a large tract about 250 cavanes of seed rice in area, belonging to the heirs of the deceased Prospero Montalvo and Sixta Madlanbayan, one of which parcels, with an area of about 10 cavanes of seed, was usurped by Vicente Munoz and Juana Macalalad, and the other of them, with an area of some 7 cavanes of seed, by Andres Magadia, who both claim to be the owners of these two parcels of land respectively held by them, for the reason that they inherited them from their ancestors.

The trial court, after due consideration of the allegations made and proved by both parties and after carefully weighing the evidence introduced by both sides, held that there was a preponderance of evidence in support of the claim made by the plaintiff and that the two parcels of land demanded in the two complaints filed, against Vicente Muñoz and Juana Macalalad in case No. 8648 and against Andres Magadia in No. 8649, certainly and undoubtedly belonged to the heirs and successors of their original owners, Prospero Montalvo and Sixta Madlanbayan.

The record in fact shows that the said large tract of land is still undivided; that, upon the death of its original owners, Antonino Montalvo succeeded in the possession, management and cultivation of this property; that the latter died a bachelor and was succeeded by a nephew of his, Domingo Montalvo, in the name and representation of such nephew's coheirs, since the whole of the said land still remained pro indiviso; that the possession of this land, counting from the time it was held by its original owners, covered a period of more than sixty years; and that the defendants usurped the respective portions thereof which they now occupy, only six years before the date of the complaint. Such was the testimony of the witnesses Aniceto Magnaye and Marcelino Almares, the first of whom was a son of an employee of the Montalvo family and the second was the owner of a piece of land adjacent to the parcels of land in dispute.

Domingo Montalvo stated in his sworn testimony that after his grandparents, Prospero Montalvo and Sixta Madlanbayan, had been in possession of the land as owners for more than forty-five years, they were succeeded by his uncle, Antonino Montalvo, who cultivated the land during a period of more than twenty years and, upon his death, was succeeded by the witness in the possession and management of the said land in the name of his coheirs; that only in the year 1906 did the defendant unlawfully enter upon the parcels of land which they still detained; that when the witness and several companions of his went to the sitio of Talumpoc, the defendants, Vicente Munoz and Juana Macalalad, visited the house of Elias Mendoza, where the witness and his companions were stopping, and begged him to allow them to continue working the land which they were occupying and promised to pay him rent therefor the next year, which request, made in the presence of the administrator of the intestate estate and five other witnesses, his companions, was granted by the witness, in view of the fact that Juana Macalalad was a relative of his; that Andres Magadia also met witness in the town, on account of the former's having been questioned as to why he was working the piece of land which he had usurped, and that Magadia replied to him that he had bought this land from Agustin Macalalad for P25; that witness then told Magadia that he, the latter, had purchased the land from one who was not its owner, whereupon Magadia agreed to continue working the land under the condition that he should deliver to witness, as its owner, one-third of its products. Witness added that many years ago there was a lawsuit between Lino Macalalad and Antonino Montalvo over the same large tract of land aforementioned, whereupon the plaintiff presented the record in the civil case alluded to, decided in favor of Antonino Montalvo, judgment in which was affirmed by the Real Audiencia of Manila and afterwards by the supreme court of Spain. The two witnesses, Julian Suarez and Apolinario Manalo, who were present at the time Muñoz and his wife made their request, corroborated the testimony of Domingo Montalvo and testified, as well also as another witness, that the lands in question belonged to the Montalvos.

The defendants denied the facts stated by Domingo Montalvo and alleged possession of their respective parcels of

land for a long period of time ranging from fifteen to thirty-five years, that they had inherited them from their ancestors and that they were allotted to them in the partition that was made among their coowners. Without exhibiting any document whatever to prove their right, they presented witnesses who corroborated their allegations, but the testimony of two of these, Luciano Suarez and Fausto Baes, appears to be contradicted by the declaration of ownership made by Suarez himself in the document Exhibit 7, wherein it is set forth that west of the land concerned in the same are the lands of Toribio Montalvo, not those of Andres Magadia, and the Balatgan River, and the witness Simeon Macalalad, who in his testimony contradicts that of the aforementioned Suarez and Baes, also contradicts his own declaration wherein he states that the land declared to be his own is bounded on the west by that of Antonio Montalvo, not by that of Andres Magadia. The witness Fabian Lontok testified that Juana Macalalad, jointly with her husband, had held the land in question ever since witness could remember and that it had previously been held by Andres Magadia about fifteen years after the death of the latter's father.

Beyond the testimony aforementioned, none of the litigants has proved his allegations concerning the parcels of land in question, although their predecessors in interest had, for more than twenty-five years, carried on suits relative to nearly the whole of the land of which the portions in dispute in this case form a part.

From the two records of proceedings, marked as Exhibits 2 and 3, which the plaintiff presented at the trial, it is disclosed that Lino Macalalad maintained a long litigation against Antonino Montalvo concerning the ownership of the large tract of land before referred to, of which the two parcels in dispute form a part, and that judgment was therein rendered by the Court of First Instance of Batangas, absolving Antonio or Antonino Montalvo from the complaint and imposing perpetual silence upon the plaintiff, Lino Macalalad, and his coplaintiffs, who were sentenced to pay the costs.

Upon the said records being forwarded to the Real Audiencia of Manila, on October 29, 1888, through appeal from the civil branch of the lower court, the following decision was rendered:

"Whereas we have reviewed the present records of the ordinary civil proceedings prosecuted in the Court of Batangas by Don Lino Macalalad and coplaintiffs against Don Antonio Montalvo, in re the partition and adjudication of certain lands of common ownership, which records were forwarded to this court through the appeal raised by the plaintiffs from the judgment of December 20, 1883, whereby Don Antonio Montalvo is absolved from the complaint and perpetual silence is enjoined upon Don Lino Macalalad and his coplaintiffs, who are sentenced to pay all the costs of the suit; and

"Whereas we accept the statement of facts, the grounds of law and the dispositive part of the judgment appealed from; and

"Whereas the estimation of the evidence, in accordance with the merits of the case, pertains to the trial court, as held in the decision of the supreme court of February 5, 1855, and, under this concept, the evidence should not be offered in vague and general terms, but must be presented with the specificness and clearness required by Law 6, Title 10, Book 11, of the Novisima Recopilacion, as established in others of its decisions; and

"Whereas it cannot be invoked as a principle of law that trial judges should, in their qualification and estimation of the evidence, rely upon the number of the witnesses presented, but upon the value of their testimony; and, especially, when the estimation of the oral evidence pertains exclusively to the trial court, and it deems the plaintiff's evidence insufficient, it should, acting within the powers peculiar to it, acquit the defendant and absolve him from the complaint,

"Therefore we are of the opinion that we should, as we do hereby, affirm the judgment appealed from; wherefore, declaring the complaint not proved, we should, and do hereby, absolve Don Antonio Montalvo therefrom, with the costs of both instances against the plaintiffs, upon whom we enjoin perpetual silence, and the trial judge shall order the proper person to restore the paper unduly used in the proceedings. Let the record

be remanded to the court whence it came, accompanied by a certificate of this decision. So finally adjudging upon review, Justice Don Daniel Calleja speaking for the court in place of the justice of the same rank, Don Estanislao Chavez, because of the latter's absence, we pronounce, order and sign this decision."

The plaintiff, Lino Macalalad, having filed an appeal to the supreme court of Spain from the above quoted decision of the of Manila, Chamber III of that high tribunal, on December 17, 1899, declared that the right to the said appeal had lapsed and been lost, in accordance with the provisions of article 296 of the Ley de Enjuiciamiento Civil in force in these Islands, assessed the costs against the appellant, and ordered that proper certification be made to the Audiencia of Manila,

In view of the language of the aforementioned judgment of the Audiencia of Manila, affirming that rendered by the Court of First Instance of Batangas—a judgment of affirmation which became final and executory—and of the fact that the two parcels of land now claimed from the defendants are comprised within the large tract of land which was the subject matter of that former suit maintained by Lino Macalalad against Antonino Montalvo, and of the further fact that if the defendants are the successors in interest of Lino Macalalad and his fellow litigants, and if Antonino Montalvo, in turn, is the successor in interest of the original owners, Prospero Montalvo and his wife, of the land then in dispute, it is undeniable that all questions that may arise, relative to the whole or a part of the aforesaid land, between the successors in interest of the litigants in that former suit now terminated by final judgment, are barred by res adjudicata and must be perpetually respected.

Article 1252 of the Civil Code contains the following provisions applicable to the case at bar:

"In order that the presumption of the res adjudicata may be valid in another suit, it is necessary that, between the case decided by the sentence and that in which the same is invoked, there be the most perfect identity between the things, causes, and persons of the litigants, and their capacity as such.

"In questions relating to the civil status of persons, and in those regarding the validity or nullity of testamentary provisions, the presumption of the res adjudicata shall be valid against third persons, even if they should not have litigated.

"It is understood that there is identity of persons whenever the litigants of the second suit are legal representatives of those who litigated in the preceding suit, or when they are jointly bound with them or by the relations established by the indivisibility of prestations among those having a right to demand them, or the obligation to satisfy the same."

These two consolidated cases concern two parcels of land claimed by the administrator of the property belonging to the intestate estate of the deceased spouses, Prospero Montalvo and Sixta Madlanbayan, from the defendants, Vicente Munoz and Juana Macalalad, on the one hand, and Andrea Magadia, on the other, all successors in interest of the plaintiffs, Lino. Macalalad and other coowners, in that former suit already finally decided in favor of Antonino Montalvo, as the successor in interest of his two deceased parents, Montalvo and Madlanbayan, and as one of the heirs of these latter. The two aforementioned parcels of land form a part of the large tract of land that was the subject matter of that old suit. The defendants set out in their defense that they are in possession of the said parcels in the capacity of owners by virtue of the hereditary right that binds them to their predecessors in interest, the said plaintiffs in the previous suit, and the administrator's claim is founded on the right of ownership held by the deceased original owners of the property now in the possession pro indiviso of their successors in interest, one of them being Antonino Montalvo, now deceased, who, in his own name and in that of his coheirs, was absolved from the complaint filed by those of the surname of Macalalad, and was recognized as the owner, jointly with others, of the land in litigation. For all these reasons, it is incontrovertible that, in accordance with the provisions of the aforequoted article of the Civil Code, the judgment rendered in that former suit, which became executory and final, produces the effect and is of the nature of res adjudicata.

It would be neither proper nor lawful to hold in the present case that the two parcels of land in litigation belong to the defendants, the successors in interest of Lino Macalalad and others, after it was decided by a final judgment that the whole tract of land belonged to Antonino Montalvo, the successor in interest of its original owners, the said two parcels of land being comprised entirely within that large tract.

For the foregoing reasons, deemed to be a refutation of the errors assigned to the judgment appealed from, the said judgment should be, and is hereby, affirmed, with the costs against the appellants in equal parts.

Arellano, C. J., Johnson and Moreland, JJ., concur.

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