

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

RAMON D. OCHO,
Petitioner,

-versus-

**G.R. No. 137908
November 22, 2000**

**BERNARDINO, ERNESTO, PERFECTA,
TEOSITA, MANUEL, EPIFANIO, JR and
DELFIN, all surnamed CALOS,**
Respondents.

X-----X

D E C I S I O N

KAPUNAN, J.:

Petitioner Ramon D. Ocho files this Petition for Review on Certiorari seeking to reverse and set aside the Decision, dated 27 August 1998, of the Court of Appeals in CA-G.R. SP No. 43976 insofar as it directed petitioner and Vicente Polinar to restore and return to the government their respective subject lands as they are not qualified to be farmer-beneficiaries under the Comprehensive Agrarian Reform Law (Republic Act No. 6657). Likewise sought to be reversed and set aside is the appellate court's Resolution, dated 19 February 1999, which denied petitioner's motion for reconsideration.

The antecedent facts are as follows:

Spouses Epifanio and Valentina Calos (now both deceased), together with their children, Bernardino, Ernesto, Teosita, Perfecta, Manuel, Epifanio, Jr., and Delfin, all surnamed Calos (respondents), filed a complaint before the Department of Agrarian Reform Provincial Adjudicator in Cagayan de Oro City entitled “Annulment of Deeds of Assignment, Emancipation Patents and Transfer Certificate of Titles, Retention and Recovery of Possession and Ownership.” Aside from herein petitioner, the other respondents named therein were: Jenny Liza Dorman, Alejandro Capephe, Susanito Capaphe, Apolonio Samellano, Vicente Polinar, Ambrocio Ricablanca, Alberto Pasiliao, Procopio Tampepe, The Heirs of Pelagio Salmorin, Roberto Salmorin, Margarito Noveno, Virgilio Hoy, Saturnino Medidas, Jr., Donato Pasiliao, Jaime Dotosme, Amado Flores, Eliseo Arcojada, Silvino Dumaguing, Gonzalo Go, the Land Bank of the Philippines, Register of Deeds of Bukidnon and Municipal Agrarian Reform Officer of Valencia, Bukidnon. The case was docketed as DARAB Case No. (X) 014.

In their amended complaint, the Caloses averred that their parents, Epifanio and Valentina, were the original owners of a parcel of land with an area of 23.7109 hectares located in Valencia, Malaybalay, Bukidnon (now Hagcol, Valencia, Bukidnon), and covered by Original Certificate of Title No. P-2066 issued by virtue of Homestead Patent No. V-42876 on 2 December 1955. Pursuant to Presidential Decree No. 27, the said land was placed under the Operation Land Transfer and subsequently distributed to qualified farmer-beneficiaries. The original farmer-beneficiaries,^[1] however, allegedly unlawfully conveyed their respective rights over the lands granted to them to third persons. The amended complaint thus sought the nullification of the Emancipation Patents and Transfer Certificates of Title issued to these third persons, including petitioner, to wit:

1. TCT-No. ET-5217 issued by virtue of Emancipation Patent No. A-163402 issued on January 13, 1989, to Pelagio N. Salmorin Sr. containing an area of 25,586 square meters;
2. TCT-ET-5218 issued by virtue of Emancipation Patent No. A-162990 issued on January 13, 1989 to Susanito H. Capephe containing an area of 10,956 square meters;

3. TCT-No. ET-5219 issued by virtue of Emancipation Patent No. A-162995 issued on January 13, 1989 to Alejandro V. Capephe containing an area of 50,001 square meters;
4. TCT-No. ET-5221 issued by virtue of Emancipation Patent No. A-162997 issued on January 13, 1989 to Apolonio B. Samellano containing an area of 30,639 square meters;
5. TCT-No. ET-5222 issued by virtue of Emancipation Patent No. A-162991 issued on January 13, 1989 to Jennyliza B. Dorman with an area of 36,487 square meters;
6. TCT-No. ET-5223 issued by virtue of Emancipation Patent No. A-163405 issued on January 16, 1989 to Ramon D. Ocho with an area of 22,708 square meters;
7. TCT-No. ET-5224 issued by virtue of Emancipation Patent No. A-163403 issued on January 16, 1989 to Alberto F. Pasillao with an area of 400 square meters;
8. TCT-No. ET-5220 issued by virtue of Emancipation Patent No. A-162999 issued on January 13, 1989 to Ambrocio T. Ricablanca with an area of 1,181 square meters;
9. TCT-No. T-28281 to Vicente Polinar with an area of 600 square meters issued on 4 April 1989;
10. TCT-No. T-28282 to Vicente Polinar with an area of 2,061 square meters issued on April 4, 1989;
11. TCT-No. T-28283 to Vicente Polinar with an area of 600 square meters issued on 4 April 1989;
12. TCT-No. T-29284 to Vicente Polinar with an area of 1,568 square meters issued on April 4, 1989;
13. TCT-No. T-29605 with an area of 1,384 square meters of Gonzalo Go;

14. TCT-No. T-29606 with an area of 1,779 square meters of Gonzalo Go;
15. TCT-No. T-29607 with an area of 4,844 square meters of Gonzalo Go;
16. TCT-No. T-28288 to Vicente Polinar with an area of 1,720 square meters issued on April 4, 1989;
17. TCT-No. T-28289 to Vicente Polinar with an area of 1,663 square meters issued on April 4, 1989;
18. TCT-No. T-28290 to Vicente Polinar with an area of 5,145 square meters issued on April 4, 1989;
19. TCT-No. T-28291 to Vicente Polinar with an area of 1,989 square meters issued on April 4, 1989.^[2]

The Caloses also posited in their amended complaint that the subject land was beyond the coverage of the agrarian reform law as the same was covered by a homestead patent. Accordingly, they maintained that they have the right to recover the homestead land of their deceased parents Epifanio and Valentina.

After all the parties had been heard, the Provincial Adjudicator rendered his decision, dated 24 May 1993, the dispositive portion of which reads:

WHEREFORE, PREMISES ABOVE CONSIDERED, judgment is hereby rendered:

1. All Emancipation Patents, Certificates of Land Transfer, Transfer for Certificates of Titles or other titles issued involving the land under litigation, bearing Original Certificate of Title No. P-2066 issued by virtue of Homestead Patent No. V-42876, are hereby ordered cancelled and/or revoked for being null and void ab initio;

2. Defendant Vicente Polinar is hereby ordered to reimburse defendant Gonzalo Go for the amount he has paid for the purchase of the three (3) parcels of land herein involved, with interest and all expenses for the transfer of ownership;
3. Complainants are hereby ordered to reimburse the Land Bank of the Philippines for whatever amount they received as payment of the land in litigation;
4. The Land Bank of the Philippines is hereby ordered to pay the Complainants for whatever amortization amount the original beneficiaries paid to the LBP, representing rental of the land; and
5. All persons, respondents, beneficiaries or otherwise, in occupation, possession, cultivation or otherwise of subject land are hereby ordered to turn over the same land to the Complainants, and vacate subject land.

SO ORDERED.^[3]

From the decision of the Provincial Adjudicator, petitioner, together with Jennylyza Dorman, Alejandro Capephe, Susanito Capephe, Apolonio Samellano, Saturnino Medidas, Jr., Amado Flores, Vicente Polinar, Virgilio Hoy, Eliseo Arcojada, Ambrocio Ricablanca and the Municipal Agrarian Reform Officer (MARO), elevated the case to the Department of Agrarian Reform Adjudication Board (DARAB). The case was docketed as DARAB Case No. 1859 and consolidated with several other cases involving substantially similar facts and issues. After considering the pleadings filed by the parties, the DARAB reversed the decision of the Provincial Adjudicator. With respect to the case at hand, the DARAB upheld the validity of the Emancipation Patents and their corresponding Transfer Certificates of Title, including that of petitioner. The dispositive portion of the decision of the DARAB reads:

WHEREFORE, finding reversible errors committed by the Honorable Adjudicator a quo, the decisions appealed from are hereby REVERSED as follows:

1. Maintaining the validity of all Emancipation Patents and their corresponding Transfer Certificates of Title which have been ordered cancelled;
2. Ordering the Register of Deeds for the Province of Bukidnon, as well as Zamboanga del Sur, with respect to the case of Moras, et. al. vs. Hon. Secretary of Agrarian Reform, DARAB Case No. 1781, not to cancel the subject Emancipation Patents;
3. Maintaining the validity of Certificates of Land Transfer issued by the Department of Agrarian Reform in the names of Defendants-Appellants and other identified tenants-beneficiaries who are Defendants-Appellants in those cases and they shall be maintained in their peaceful possession and cultivation, and if they have effectively been ejected, they shall be restored to their possession under the same terms and conditions prevailing at the time of their ejection;
4. Ordering the DARAB Sheriffs for the Province of Bukidnon, and Zamboanga del Sur with respect to DARAB Case No. 1781, as well as the concerned Municipal Agrarian Reform Officers, with the assistance of the PNP Command in the locality concerned, if necessary, to implement this decision.

SO ORDERED.^[4]

The Caloses then appealed the decision of the DARAB to the CA. The appellate court substantially affirmed the decision of the DARAB as it (CA) upheld the titles over the subject lands of some of the respondents therein except that of petitioner and of Vicente Polinar. The CA found that petitioner and Vicente Polinar are not qualified to be farmer-beneficiaries as they are already owners of other agricultural lands. Accordingly, the CA ordered petitioner and Vicente Polinar to restore and return to the government their respective subject lands. The dispositive portion of the CA decision reads:

WHEREFORE, the assailed decision is AFFIRMED insofar as the petitioners and the following private respondents are concerned:

JENNY LIZA DORMAN, ALEJANDRO CAPEPHE, SUSANITO CAPEPHE, APOLONIO SAMELLANO, VIRGILIO HOY, SATURNINO MEDIDAS, JR., AMADO FLORES, ELISEO ARCOJADA, AMBROCIO RICABLANCA and the MUNICIPAL AGRARIAN REFORM OFFICER.

The same judgment is REVERSED and SET ASIDE as to RAMON OCHO and VICENTE POLINAR, and another one entered directing the said respondents to restore and surrender to the government their landholdings under TCT No. ET-5223 in the case of Ramon Ocho and TCT Nos. T-28281, T-28282, T-28283, T-28284, T-28288, T-28289, T-28290 and T-28289l in the case of Vicente Polinar. The D.A.R. is directed to re-distribute the same to qualified beneficiaries, giving preference to herein petitioners.

The appeal is DISMISSED as to:

ALBERTO PASILIAO, ALEJANDRO TAMPEPE, HEIRS OF PELAGIO SALMORIN, DONATO PASILIAO, JAIME DOTOSME, SILVINO DUMAGUING and GONZALO GO.

SO ORDERED.^[5]

Both the Caloses and petitioner filed their respective motions for reconsideration but these were denied by the CA for lack of merit in its Resolution of 19 February 1999.^[6]

Petitioner now assails the decision of the CA raising the following arguments:

- I. The second action docketed as DAR Adm. Case No. (X) 014 filed by the Caloses before Honorable Provincial

Adjudicator Fidel H. Borres, Jr. is barred by the Final Resolution rendered in their first action docketed as DAR Adm. Case No. 006-90 before DAR Provincial Legal Officer, Atty. Francisco L. Vasig, Jr.;

- II. The Claim of the Caloses that Ramon Ocho is owner of three (3) parcels of land which matter was already determined and decided with finality in the Resolution of DAR Adm. Case No. 006-90 [cannot] be subject to review by any court; and
- III. The Caloses in filing this second action DAR Adm. Case No. (X)-014 after the Resolution in DAR Adm. Case No. 006-90 had lapsed into Finality were engaged in Forum-Shopping.^[7]

In support of the foregoing arguments, petitioner avers that prior to the filing of the Caloses of the complaint a quo, i.e., “Annulment of Deeds of Assignment, Emancipation Patents and Transfer Certificate of Titles, Retention and Recovery of Possession and Ownership,” they (Caloses) already instituted a complaint for alleged “Anomalies/Irregularities in OLT Transfer Action and Other Related Activities,” also involving the same parties and subject lands. The case was docketed as Adm. Case No. 006-90. The Hearing Officer in Adm. Case No. 006-90 issued a Resolution, dated 11 February 1991, with the following pertinent findings:

Complainant’s claim that Ramon Ocho is a big landowner or owns other lands before acquiring the land now covered by TCT No. ET-5223 in his name is untrue. The records show that the parcel of land located at Impalutao, Impasugong, Bukidnon with an area of 50,000 square meters more or less, is owned by his daughter, Rona D. Ocho and covered by Transfer Certificate of Title No. T-25754 in the name of the latter. Likewise, the other parcel of land situated in Malaybalay, Bukidnon with an area of 77,053 square meters is owned by his son Rico D. Ocho being covered by TCT No. 25756 in the latter’s name.^[8]

Petitioner essentially contends that the above findings constitute res judicata as the said resolution already became final and executory and

the issue of his ownership of other agricultural lands may no longer be relitigated. The CA allegedly erred when it made a finding that he (petitioner) is the owner of other agricultural lands and directed him to return to the government his subject lands as he is not qualified to be a farmer-beneficiary under R.A. No. 6657.

The instant petition is meritorious.

The doctrine of res judicata as embodied in Section 47, Rule 39 of the Rules of Court states:

SECTION 47. Effect of judgments or final orders.— The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

- (a) x x x
- (b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and
- (c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a forma judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

It must be pointed out at this point that, contrary to the insistence of the Caloses, the doctrine of res judicata applies to both judicial and quasi-judicial proceedings.^[9] The doctrine actually embraces two (2) concepts: the first is “bar by prior judgment” under paragraph (b) of Rule 39, Section 47, and the second is “conclusiveness of judgment” under paragraph (c) thereof.^[10] In the present case, the second

concept — conclusiveness of judgment — applies. The said concept is explained in this manner:

A fact or question which was in issue in a former suit and was there judicially passed upon and determined by a court of competent jurisdiction, is conclusively settled by the judgment therein as far as the parties to that action and persons in privity with them are concerned and cannot be again litigated in any future action between such parties or their privies, in the same court or any other court of concurrent jurisdiction on either the same or different cause of action, while the judgment remains unreversed by proper authority. It has been held that in order that a judgment in one action can be conclusive as to a particular matter in another action between the same parties or their privies, it is essential that the issue be identical. If a particular point or question is in issue in the second action, and the judgment will depend on the determination of that particular point or question, a former judgment between the same parties or their privies will be final and conclusive in the second if that same point or question was in issue and adjudicated in the first suit.^[11]

Although the action instituted by the Caloses in Adm. Case No. 006-90 (Anomalies/Irregularities in OLT Transfer Action and Other Related Activities) is different from the action in Adm. Case No. (X)-014 (Annulment of Deeds of Assignment, Emancipation Patents and Transfer Certificate of Titles, Retention and Recovery of Possession and Ownership), the concept of conclusiveness of judgment still applies because under this principle “the identity of causes of action is not required but merely identity of issues.”^[12]

Simple put, conclusiveness of judgment bars the relitigation of particular facts or issues in another litigation between the same parties on a different claim or cause of action. In *Lopez vs. Reyes*,^[13] we expounded on the concept of conclusiveness of judgment as follows:

The general rule precluding the relitigation of material facts or questions which were in issue and adjudicated in former action

are commonly applied to all matters essentially connected with the subject matter of litigation. Thus it extends to questions 'necessarily involved in an issue, and necessarily adjudicated, or necessarily implied in the final judgment, although no specific finding may have been made in reference thereto, and although such matters were directly referred to in the pleadings and were not actually or formally presented. Under this rule, if the record of the former trial shows that the judgment could not have been rendered without deciding the particular matter, it will be considered as having settled that matter as to all future actions between the parties, and if a judgment necessarily presupposes certain premises, they are as conclusive as the judgment itself. Reasons for the rule are that a judgment is an adjudication on all the matters which are essential to support it, and that every proposition assumed or decided by the court leading up to the final conclusion upon which such conclusion is based is as effectually passed upon as the ultimate question which is solved.^[14]

There is no question that the issue of whether petitioner is the owner of other agricultural lands had already been passed upon by the proper quasi-judicial authority (the hearing officer of the DAR) in Adm. Case No. 006-90. Said decision became final and executory when the Caloses failed to file an appeal thereof after their motion for reconsideration was denied.^[15] Applying the rule on conclusiveness of judgment, the issue of whether petitioner is the owner of other agricultural lands may no longer be relitigated.

As held in *Legarda vs. Savellano*:^[16]

It is a general rule common to all civilized system of jurisprudence, that the solemn and deliberate sentence of the law, pronounced by its appointed organs, upon a disputed fact or a state of facts, should be regarded as a final and conclusive determination of the question litigated, and should forever set the controversy at rest. Indeed, it has been well said that this maxim is more than a mere rule of law; more even than an important principle of public policy; and that it is not too much to say that it is a fundamental concept in the organization of every jural system. Public policy and sound practice demand

that, at the risk of occasional errors, judgments of courts should become final at some definite date fixed by law. The very object for which courts were constituted was to put an end to controversies.^[17]

The findings of the Hearing Officer in Adm. Case No. 006-90, which had long attained finality, that petitioner is not the owner of other agricultural lands foreclosed any inquiry on the same issue involving the same parties and property. The CA thus erred in still making a finding that petitioner is not qualified to be a farmer-beneficiary because he owns other agricultural lands.

WHEREFORE, premises considered, the petition is given **DUE COURSE**. The Decision, dated 27 August 1998, and Resolution, dated 19 February 1999, of the Court of Appeals are **REVERSED** insofar as it directs petitioner Ramon Ocho to restore and return to the government his subject land. Petitioner's TCT No. ET-5223 is hereby declared **VALID**.

SO ORDERED.

Davide, Jr., C.J., Puno, Pardo and Ynares-Santiago, JJ., concur.

[1] Namely, Pelagio Salmorin, Apolonio Salmorin, Roberto Salmorin, Margarito Noveno and Procopio Tampepe.

[2] Rollo, pp. 85-86.

[3] *Id.*, p. 126.

[4] *Id.*, pp. 196-197.

[5] *Id.*, pp. 50-51. Emphases in the original.

[6] *Id.*, pp. 52-53.

[7] *Id.*, pp. 21-22.

[8] *Id.*, p. 67.

[9] *A.G. Development Corp. vs. CA*, 281 SCRA 155, 160 (1997).

[10] *Camera, et al. vs. Court of Appeals, et al.*, 310 SCRA 608 (1999).

[11] *Calalang vs. Register of Deeds of Quezon City*, 231 SCRA 88 (1994).

[12] *Id.*, p. 99.

[13] 76 SCRA 179 (1977).

[14] *Id.*, p. 186-187. Emphasis supplied.

[15] Rollo, pp. 79-80.

[16] 158 SCRA 194 (1988).

[17] Id., p. 200.

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