

SECOND DIVISION

[G.R. No. 204222, July 04, 2016]

**NEPTUNE METAL SCRAP RECYCLING, INC., PETITIONER, VS.
MANILA ELECTRIC COMPANY AND THE PEOPLE OF THE
PHILIPPINES, RESPONDENTS.**

DECISION

BRION, J.:

We resolve the petition for review on *certiorari* challenging the **March 20, 2012** and **October 19, 2012** resolutions^[1] of the Court of Appeals (CA) in CA-G.R. SP No. 119642. The CA denied the motion for leave to intervene and to admit the comment-in-intervention filed by Neptune Metal Scrap Recycling, Inc. (*Neptune*) due to lack of legal interest to intervene and late filing of the intervention.

THE FACTS

Neptune traces its roots to the criminal case filed against Rolando Flores (*Flores*) and Jhannery Hupa (*Hupa*) (*the accused*). On August 10, 2010, the accused were driving a trailer truck with a container van towards the Manila International Container Port when men from the Criminal Investigation and Detection Group flagged them down on suspicion that they were illegally transporting electric power transmission scrap copper wires owned by the Manila Electric Company (*Meralco*). The police seized the truck with its contents and detained the accused.

The accused were charged before the Regional Trial Court (RTC) of Malabon with theft of electric power transmission lines and materials under Section 3 of Republic Act (RA) No. 7832.^[2] The case was docketed as Criminal Case No. 10-1419.

The accused filed a motion to quash the information alleging that the facts charged in the information do not constitute an offense.

Neptune filed its **entry of special appearance with motion for leave to permit the inspection, examination, and photographing of the seized container van** (*entry with motion*). Neptune argued that it owned the contents of the container van, specifically, the thirteen (13) bundles of scrap copper wires worth around Eight Million Pesos (P8,000,000.00). Neptune presented several documents to prove its claim of ownership.^[3]

The RTC granted Neptune's motion and ordered the inspection of the container van and its contents. A second inspection was done to allow Meralco's representatives to inspect the same.

Neptune continued to participate in the RTC proceedings. It filed several pleadings before the RTC such as: (a) a manifestation on the results of the first inspection; (b)

a motion to deposit the keys to the container van with the court; (c) a supplement to the motion to deposit the keys; (d) a memorandum of authorities on "birch cliff copper"; (e) a manifestation on the results of the second inspection; (f) a motion for the release of the goods; and (g) the comment to Meralco's compliance.^[4] Neptune also took part in the clarificatory hearing on the inspection.

On January 3, 2011, the RTC ordered the quashal of the information.^[5] The RTC noted that no Meralco power transmission scrap copper wires were found in the container van during the two ocular inspections. **The RTC also ordered the return of the keys and the container van to Neptune.** Neptune recovered three remaining bundles of scrap copper wires.

Meralco filed a motion for reconsideration which the RTC denied. Meralco then filed a **petition for certiorari before the CA** asking to reinstate the information; it did not include Neptune as a party. Thus, Neptune filed a **motion for leave to intervene and to admit its comment-in-intervention.** Meralco opposed this motion claiming that the subject matter of the offense, *i.e., the electric power transmission scrap copper wires*, is different from the birch cliff copper wires claimed by Neptune.

The CA denied Neptune's motion for leave to intervene. The CA ruled that: (a) Neptune failed to demonstrate its legal interest on the subject matter in litigation; (b) the intervention will unduly delay or prejudice the case; and (c) Neptune failed to timely file a motion for intervention before the RTC and to directly and actively participate in the RTC proceedings. The CA added that Neptune may vindicate its rights in a separate action.

The CA also denied Neptune's motion for reconsideration; hence, this petition.

THE PARTIES' ARGUMENTS

In its petition, Neptune argues that it has legal interest over the subject matter in litigation - the scrap copper birch cliff found in the container van; in fact, it was persistent in asserting its right of ownership even before the RTC. If the RTC's order is reversed, Neptune stands to lose the three recovered bundles of copper scrap worth approximately P2,000,000.00 because Articles 25 and 45 of the Revised Penal Code (*RPC*) provide for the forfeiture of the instruments and proceeds of an offense in favor of the government. Neptune adds that the owner of a property subject of the litigation has a right to intervene.

Neptune also argues that the intervention would not delay the adjudication of the parties' rights, and in fact would facilitate the administration of justice in determining whether the accused are liable for the crime charged.

Neptune stresses that its entry with motion was effectively a motion for intervention timely filed before the RTC. The RTC, it adds, also recognized Neptune's intervention by allowing it to participate in the proceedings by filing numerous pleadings and appearing in court hearing.

Assuming that the motion for intervention was belatedly filed, Neptune argues, the CA should still have allowed Neptune's intervention. As a general rule, intervention

is allowed only before or during a trial. However, in several cases, the Court has allowed intervention even after rendition of judgment if the facts and merits of the case warrant it.^[6]

In its comment,^[7] the Office of the Solicitor General (OSG), representing the People of the Philippines, argues: first, that Neptune's petition raises questions of fact which are not allowed in a Rule 45 petition. The issue of whether Neptune complied with the requirements for intervention requires the Court to scrutinize the evidence.

Second, the OSG insists, that Neptune has no legal interest to justify the intervention for three reasons: (1) Neptune has no legal interest in the subject matter of the case. The subject matter in the present case is the transmission copper wires owned by Meralco, not the birch cliff copper wires claimed by Neptune. (2) Neptune has no interest in the success of either party or against both parties because it cannot be prejudiced by a court's finding of guilt of the accused. (3) Neptune cannot be adversely affected by the distribution or disposition of the property in the court's custody. The OSG notes that the container van is not in the court's custody as it has not yet been offered in evidence.

Third, the OSG argues that the motion for intervention was belatedly filed. It emphasizes that Neptune filed only an entry with special appearance, not a motion for intervention, before the RTC. The entry of special appearance could not be considered a motion for intervention because it had no pleading-in-intervention attached to it as required under Section 19 of the Rules of Court (*Rules*). The motion for leave to permit inspection, examination, and photographing of the seized container van does not constitute a pleading-in-intervention. Thus, the RTC gravely abused its discretion when it took cognizance of Neptune's motions and pleadings despite the absence of personality to take part in the proceedings.

In its reply,^[8] Neptune reiterates its arguments and adds that the legal question raised in the petition is whether the entry and its accompanying motion were effectively a motion for intervention under Rule 19 of the Rules. Even assuming that the petition raises a pure question of fact, the Court may still take cognizance of the case as it falls under the two exceptions: (a) the CA's findings of fact are conclusions without citation of specific evidence; and (b) the CA's findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record.

Neptune also clarifies that the transmission wires claimed by Meralco are part of the scrap copper wires claimed by Neptune. In fact, the RTC found no Meralco property inside the container van. Meralco also failed to present any evidence to show that it owns the copper wires.

THE COURT'S RULING

We find the petition **meritorious**.

The issue before the Court is whether the CA erred in denying Neptune's motion for intervention.

Intervention is a remedy by which a third party, who is not originally impleaded in a