

## **THIRD DIVISION**

**[ G.R. No. 91486, September 10, 2003 ]**

**ALBERTO G. PINLAC, ATTY. ERIBERTO H. DECENA, RODOLFO F. REYES, FELIPE BRIONES, JUANITO METILLA, JR., FELIPE A. FLORES, HERMINIO ELEVADO, NARCISO S. SIMEROS, PETITIONERS, VS. COURT OF APPEALS, ATTY. CORAZON A. MERRERA, ATTY. JEAN MAKASIAR-PUNO, SERGIO ACABAN, REPRESENTED BY ATTY. RAMON GERONA, ATTY. ROGELIO VELASCO, MARTINA S. NONA, OVIDEO MEJICA, ALFREDO ITALIA, MARIANO GUEVARRA, JESUS YUJUICO, DOMINADOR RIVERA, SATURNINA SALES, REPRESENTED BY ATTY. CONSOLACION SALES-DEMONTANO, FRED CHUA, SONIA SY CHUA, LAWRENCE CHUA, CAROLINA C. RUBIO, REPRESENTED BY TESSIE SEBASTIAN, GEORGE G. GUERRERO, BEATRIZ TANTOCO, REPRESENTED BY FILOMENA CERVANTES, ATTY. MARCELA CELESTINO-GARCIA, FEDERICO GARCIA, ILDEFONSO MORALES, LEONCIA VELASCO, OCRAVIO F. LINA, ANA MARIA JARAMILLO, ESTRELLA BASA, JOSE ESTEVA, JR., CIRILO GONZALES, VILLY TOBIAS, MIGUEL DELA PAZ, RUBEN GUILLERMO, FAUSTO YADAO, REPRESENTED BY JEREMIAS PANLILIO, RICARDO YAP, ROSAURO/PATRICK MARQUEZ, REPRESENTED BY EMMANUEL MARQUEZ, MODESTA FABRIG AND MAXIMINO SALCEDA, MELIA LATOMBO, TERESITA PANGILINAN-RIVERO, ARCH. DANILO C. DE CASTRO, JOSE S. LEDESMA, JAIME P. ANG, VEICENTE P. ANG, MAURO U. GABRIEL, ATTY. VIRGINIA GOMEZ, GIL S. BONILLA, LOURDES BLANCO, REPRESENTED BY CATALINA BLANCO, JOSEFA SANCHEZ AND ROSALINA VILLEGAS, REPRESENTED BY HEIDI BOBIS, SHIRLEY BUCAG, QUIRINA O. TIVERA, REPRESENTED BY WILFREDO OREJUROS, GREGORIO AVENTINO, REPRESENTED BY ENRICO AVENTINO, LEONARDO L. NICOLAS, NICOMEDES PENARANDA, FRANCISCA MEDRANO, OFELIA IGNACIO, ROSENDO ABUBO, REPRESENTED BY SANTOS CHAVEZ, SOLEDAD BAUTISTA DE COLUMNA, REPRESENTED BY ZENAIDA VALLE, MARQUITA/ SEBASTIAN LOPEZ, REPRESENTED BY EMMANUEL MARQUEZ, DELIA DORION, GERARDO L. SANTIAGO, FIDEL PANGANIBAN, REPRESENTED BY MANUEL DELA ROCA, MATEO AND OFELIA INOVEJAS, REMEDIOS C. DOVAS, REPRESENTED BY JOSEFA CAPISTRANO, DOMINGO ALTAMIRANO AND SPOUSES ROLANDO ALTAMIRANO AND MINERVA FETALVERO, BEATRIZ RINGPIS, ROSARIO DE MATA, RUFINA CRUZ, REPRESENTED BY JOSEFA MANABAT, SPOUSES ANITA SALONGA-CAPAGCUAN AND MAYNARD CAPAGCUAN, DISCORA YATCO, REPRESENTED BY VICTORINA Y. FIRME, AND CONSUELO YATCO, GENEROSA MEDINA VDA. DE NOGUERA, REPRESENTED BY ATTY. RAYMUNDO M. NOGUERA, BEATRIZ SALANDANAN AND LOURDES ALONTE-VASQUEZ, PEDRO COSIO AND VICTORINA**

**CARINO, RUTH C. ZARATE, PRECIOSISIMA V. YAPCHULAY,  
BASILISA B. YAPCHULAY, OFELIA B. YAPCHULAY, FELISA B.  
YAPCHULAY, FE B. YAPCHULAY, WILMA B. YAPCHULAY, FELIX B.  
YAPCHULAY, MARIANO B. YAPCHULAY, GEN. ALFREDO LIM, AND  
OTHER REGISTERED OWNERS OF VILAR-MALOLES (VILMA)  
SUBDIVISION, RESPONDENTS.**

**REPUBLIC OF THE PHILIPPINES, INTERVENOR.**

**WORLD WAR II VETERANS LEGIONARIES OF THE PHILIPPINES,  
INTERVENOR.**

***RESOLUTION***

**SANDOVAL-GUTIERREZ, J.:**

This resolves the Petition-In-Intervention<sup>[1]</sup> filed by the Republic of the Philippines, represented by the Land Registration Authority and the Motion for Clarification<sup>[2]</sup> filed by respondents.

The facts may be briefly restated as follows: The controversy stemmed from a Petition for Quieting of Title filed by petitioners over 3 vast parcels of land known as Lot Nos. 1, 2 & 3. Lot No. 1 is covered by TCT No. 5690, while Lot Nos. 2 and 3 were originally covered by OCT No. 614 and OCT No. 333, respectively. On March 21, 1988, the trial court rendered a Partial Decision<sup>[3]</sup> in favor of petitioners and against the defendants who were declared in default, including respondent owners of Vilmar-Maloles (Vilma) Subdivision whose properties were within Lot No. 2. The dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of petitioners and against the defaulted respondents:

- 1) Declaring petitioners through the principal petitioners hereof, to wit: Alberto G. Pinlac, Atty. Eriberto H. Decena, Rodolfo T. Reyes, Felipe Briones and Juanito S. Metilla as absolute owners in fee simple title of the aforesaid Lots 1, 2 & 3 hereof by virtue of extra-ordinary prescription, with the exception of the lands covered by the respective transfer certificate of title belonging to the non-defaulted respondents;
- 2) Declaring Original Certificate of Title No. 614, TCT No. 5690 and TCT No. 3548 of the Register of Deeds of Quezon City, and the subsequent TCTs issued therefrom, with the exception of those titles belonging to the non-defaulted respondents, as null and void ab initio;
- 3) Ordering the Register of Deeds of Quezon City to cancel OCT No. 614, TCT No. 5690 and TCT No. 3548 as well as the subsequent TCTs issued and emanating therefrom, with the exception of those titles belonging to the non-defaulted respondents, from its record;
- 4) Declaring the area of TCT No. 333 in excess of its true and actual area of 4,574 Sq. Meters, as well as the TCTs subsequently issued by the Register of Deeds of Quezon City, covering the area in excess of said

actual area, with the exception of those belonging to non-defaulted respondents, as null and void ab initio;

5) Ordering the Register of Deeds of Quezon City to cancel all TCTs subsequently issued based on OCT No. 333 in excess of the actual area of 4,574 Sq. Meters, with the exception of those titles belonging to the non-defaulted respondents;

6) Declaring the writ of preliminary injunction dated August 7, 1985, in so far as those areas covered by the cancelled OCTs and TCTs hereof are concerned, as permanent;

7) Ordering the Register of Deeds of Quezon City to issue herein petitioners the corresponding individual transfer certificate of titles upon proper application made thereof.

SO ORDERED.

On May 17, 1989, the defaulted title owners of Vilma filed with the Court of Appeals a Petition to Annul the Partial Decision of the trial court, which was granted in a decision<sup>[4]</sup> dated November 15, 1989. The appellate court ruled that the court *a quo* did not acquire jurisdiction over the person of respondents because of defective service of summons by publication. Petitioners' motion for reconsideration of the said decision was denied; hence, they filed this petition for *certiorari*.

On January 19, 2001, we rendered a Decision denying the petition and affirming the Judgment of the Court of Appeals. The dispositive portion thereof reads:

WHEREFORE, in view of all the foregoing, the decision of the Court of Appeals in CA-G.R. SP No. 17596 is AFFIRMED and the instant petition is DENIED for lack of merit.

SO ORDERED.<sup>[5]</sup>

Petitioners filed a Motion for Reconsideration<sup>[6]</sup> contending, *inter alia*, that the disposition of the trial court with respect to Lot No. 3, should not have been annulled by the Court of Appeals because the petition for annulment of judgment filed by the respondents concerned only Lot No. 2. They prayed that the January 19, 2001 decision of the Court which affirmed the decision of the Court of Appeals be reconsidered insofar as Lot No. 3 is concerned.

On November 20, 2001, the Court issued a Resolution partially granting petitioner's motion for reconsideration by reinstating paragraphs 4 and 5 of the dispositive portion of the trial court's Partial Decision pertaining to Lot No. 3, thus –

WHEREFORE, the Motion for Reconsideration is PARTIALLY GRANTED and our Decision promulgated on January 19, 2001 is MODIFIED as follows:

- (1) reinstating paragraph (4) and (5) of the Partial Decision of the court *a quo*; and
- (2) affirming the Decision of the Court of Appeals in CA-G.R. No. 17596 in all other respects.

SO ORDERED.<sup>[7]</sup>

On July 22, 2002, the Republic of the Philippines, represented by the Land Registration Authority (LRA), thru the Office of the Solicitor General (OSG), filed a motion for intervention and a Petition-In-Intervention praying that judgment be rendered declaring:

- 1) That OCT No. 333 is a valid and existing title in line with the decisions this Honorable Court had already rendered;
- 2) That OCT No. 333 was never expanded from its original area of 52,949,737 square meters;
- 3) That the land occupied by petitioners is not forest land and is covered by OCT No. 333;
- 4) That the proceedings conducted in Civil Case No. Q-35673 with respect to OCT No. 333 are null and void; and
- 5) That the proceedings conducted in Civil Case No. Q-35672 is null and void, no notice of the hearings/proceedings having been sent to the Republic and other interested parties.

The Republic likewise prays for such other relief as may be just and equitable under the circumstances.<sup>[8]</sup>

The rule on intervention, like all other rules of procedure is intended to make the powers of the Court fully and completely available for justice. It is aimed to facilitate a comprehensive adjudication of rival claims overriding technicalities on the timeliness of the filing thereof.<sup>[9]</sup> Indeed, in exceptional cases, the Court has allowed intervention notwithstanding the rendition of judgment by the trial court. In one case, intervention was allowed even when the petition for review of the assailed judgment was already submitted for decision in the Supreme Court.<sup>[10]</sup>

In *Mago v. Court of Appeals*,<sup>[11]</sup> intervention was granted even after the decision became final and executory, thus –

...The permissive tenor of the provision on intervention shows the intention of the Rules to give to the court the full measure of discretion in permitting or disallowing the same. But needless to say, this discretion should be exercised judiciously and only after consideration of all the circumstances obtaining in the case.

But it is apparent that the courts a quo only considered the technicalities of the rules on intervention and of the petition for relief from judgment. The denial of their motion to intervene arising from the strict application of the rule was an injustice to petitioners whose substantial interest in the subject property cannot be disputed. It must be stressed that the trial court granted private respondent's petition for prohibition with injunction without petitioners being impleaded, in total disregard of their right to be heard, when on the face of the resolution of the Community Relations and Information Office (CRIO) sought to be enjoined, petitioners were the ones directly to be affected. We need not belabor the point that petitioners are indeed indispensable parties with such an interest in the controversy or subject matter that a final adjudication

cannot be made in their absence without affecting, nay injuring, such interest.

In *Director of Lands v. Court of Appeals* where the motions for intervention were filed when the case had already reached this Court, it was declared:

It is quite clear and patent that the motions for intervention filed by the movants at this stage of the proceedings where trial had already been concluded x x x and on appeal x x x the same was affirmed by the Court of Appeals and the instant petition for certiorari to review said judgment is already submitted for decision by the Supreme Court, are obviously and manifestly late, beyond the period prescribed under x x x Section 2, Rule 12 of the Rules of Court [now Rule 19, Section 2 of the 1997 Rules on Civil Procedure].

But Rule 12 of the Rules of Court, like all other Rules therein promulgated, is simply a rule of procedure, the whole purpose and object of which is to make the powers of the Court fully and completely available for justice. The purpose of procedure is not to thwart justice. Its proper aim is to facilitate the application of justice to the rival claims of contending parties. It was created not to hinder and delay but to facilitate and promote the administration of justice. It does not constitute the thing itself which courts are always striving to secure to litigants. It is designed as the means best adopted to obtain that thing. In other words, it is a means to an end.

In *Tahanan Development Corp. v. Court of Appeals*, this Court allowed intervention almost at the end of the proceedings. Accordingly, there should be no quibbling, much less hesitation or circumvention, on the part of subordinate and inferior courts to abide and conform to the rule enunciated by the Supreme Court.<sup>[12]</sup>

The Solicitor General summarized the interest of the Republic in Lot No. 3 (originally covered by OCT No. 333), as follows:

On March 5, 1979, then President Marcos issued Proclamation No. 1826 "reserving for national government center site a parcel of land situated in the Constitution Hill, Quezon City, Metro Manila, containing an area of four million for hundred forty thousand FOUR HUNDRED SIXTY-SIX SQUARE METERS." In a certification [Annex "F", Rollo, p. 1415] issued by the Land Registration Authority, it attested to the fact that the National Government Center described in Proclamation No. 1826 "is within the area covered by GLRO Record No. 1037 (**OCT-333**) and GLRO Record No. 5975 as plotted in our Municipal Index Sheet (MIS) Nos. 2574-C, 5707-B, 5708-A, 5708-B and 3339-D."

In a letter [Annex "B-2", Rollo, p. 1330], the Housing and Urban Development Coordinating Council certified that within the Project site/jurisdiction of the National Government Center Housing Project (NGCHP) and the NGC-EASTSIDE DEVELOPMENT PROJECT, the following