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FIRST DIVISION

[G.R. No. L-45168. September 25, 1979]

DIRECTOR OF LANDS, *petitioner, vs.* **COURT OF APPEALS, ET AL.,** *respondents,* **GREENFIELD DEVELOPMENT CORP.,** *intervenor,* **ALABANG DEVELOPMENT CORPORATION and RAMON D. BAGATSING,** *intervenors.*

SYLLABUS

1. REMEDIAL LAW; RULES OF COURT; CREATED NOT TO HINDER AND DELAY BUT FACILITATE AND PROMOTE THE ADMINISTRATION OF JUSTICE.— 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.

2. ID.; ACTIONS; INDISPENSABLE PARTIES; JOINDER THEREOF IS COMPULSORY UNDER ANY AND ALL CONDITIONS; CASE AT BAR.— There is the basic and fundamental requirement under the Rules of Court, Section 7, Rule 3, that "Parties in interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants." The joinder of indispensable parties is compulsory under any and all conditions, their presence being a *sine qua non* of the exercise of judicial power. The herein movants, Greenfield Development Corporation, Alabang Development Corporation, Ramon D. Bagatsing, and all buyers from them, at least those with ostensible proprietary interests as the MERALCO, Alabang Hills Subdivision, Cielito Homes Subdivision, Tahanan Village, the Ministry of Highways insofar as the South Super Highway is affected, are indispensable parties

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to these proceedings as it has been shown affirmatively that they have such an interest in the controversy or subject matter that a final adjudication cannot be made, in their absence, without injuring or affecting such interest. The joinder must be ordered in order to prevent multiplicity of suits, so that the whole matter in dispute may be determined once and for all in one litigation. The evident aim and intent of the Rules regarding the joinder of indispensable and necessary parties is a complete determination of all possible issues, not only between the parties themselves but also as regards to other persons who may be affected by the judgment. A valid judgment cannot even be rendered where there is want of indispensable parties.

RESOLUTION

GUERRERO, *J.*:

Two motions for leave of court to intervene in the above-entitled case are before Us, the first by Greenfield Development Corporation, claiming to be the registered owner of seven (7) parcels of land adjoining that of private respondent, situated in the Barrio of Cupang, Municipality of Muntinlupa, Province of Rizal (now portion of Metro Manila), with an aggregate area of 783,367 square meters with TCT Nos. 366292, S-38660, S-38661, S-43229, 43230 and 93980 in the name of the movant, which land was originally registered on September 20, 1913 in the registration book of the Office of the Register of Deeds of Rizal, Vol. A-7, page 84, as Original Certificate of Title No. 684, pursuant to Decree No. 4552 issued on August 27, 1910 in the name of the "Government of the Phil. Island" covering and embracing the land otherwise known as the "Muntinlupa Estate."

Movant alleges that upon comparison of the technical descriptions set forth in TCT No. 42449 sought to be reconstituted by the private respondent Demetria Sta. Maria Vda. de Bernal consisting of two parcels of land located in Barrio San Dionisio, Parañaque, Rizal with an aggregate area of 143 hectares, more or less, and designated as Lots 1 and 3 of Plan II-4374, with those described in the certificates of title of the movant, it appears

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that the land supposedly covered by the certificate sought to be reconstituted overlapped and included substantial portions of movant's land, the location and extent of the overlapping having been platted on the basis of the respective technical descriptions referred to in the plan marked Annex 8 attached to the motion; that movant therefore claims a substantial, material, proprietary and legal interest in the subject matter of the instant petition which will directly and adversely affect the petition for reconstitution of the respondent.

Movant also alleges that among those overlapped by and adjacent to the land supposedly covered by the title to be reconstituted aside from the movant are the residences within the Alabang Hills Subdivision, Cielito Homes Subdivision, Tahanan Village, portion of the South Super Highway, Meralco Substation, factories as well as roads and infrastructures which respondent allegedly omitted to name and to give notice of her petition for reconstitution.

It is further contended that if reconstitution is granted, other title holders and possessors overlapped by the land covered by the title sought to be reconstituted stand to be deprived of their property rights and that greater injury shall be inflicted to the Torrens system of registration for there will be two holders of certificates of title overlapping each other thereby negating the very purpose of the Torrens system and imperiling the indefeasibility and stability of the same such that when this happens "the chaos that it will create will be unimaginable."

The second motion for intervention filed by Alabang Development Corporation and Ramon D. Bagatsing likewise prays for leave of court to intervene on substantially the same grounds: I. That the Honorable Court *a quo* has no jurisdiction to grant the petition for reconstitution; II. That granting *arguendo*, that the title sought to be reconstituted is valid, which it is not, the same cannot prevail over the earlier title of herein intervenors or their predecessors-in-interest; and III. That intervenors stand to be divested of their property and thereby suffer special, immediate, direct and irreparable injury in their proprietary rights, if reconstitution is granted.

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These second movants allege that they are the registered owners of parcels of land located at Cupang, Muntinlupa, Metro Manila covered and evidenced by Transfer Certificates of Title issued by the Register of Deeds of the Province of Rizal which were transfers from Original Certificate of Title No. 684 registered in the name of "The Government of the Phil. Islands" originally registered on Sept. 20, 1913, per survey in 1907 pursuant to Decree No. 4552 issued on August 27, 1910; that being registered owners and persons in actual possession and as adjoining owners they were not personally notified of the petition for reconstitution and that copies of the notices of hearing were not posted on Lots 1 and 3 of the respondent before the hearing as required by the trial court so that if reconstitution will be carried out, they stand to be divested of their property by the overlapping of the area of the title sought to be reconstituted on the land owned and actually in the possession of the movants and their successors-in-interest, which overlapping are shown in the certified plans, Annexes 1 and 2 of the motion.

Movants further allege that a portion of the land in dispute was covered by TCT No. 45397 (Lot 398-B) and 45398 (Lot 398-A) in the name of movant Ramon D. Bagatsing and Toribio G. Reyes with an area of 815,317 sq. meters and 201,591 sq. meters, respectively, the same being transfers from TCT No. 14812 in the name of Toribio G. Reyes which in turn was a transfer from OCT No. 684 in the name of "The Government of the Phil. Islands" originally registered on Sept. 20, 1913 pursuant to Decree No. 4552 issued on August 27, 1910; that subsequent transfers by movant Ramon D. Bagatsing of portions of the land were made to Meralco, to Alabang Development Corporation which in turn sold to some 36 innocent purchasers for value in the Alabang Hills Subdivision.

It is also averred that movant Alabang Development Corporation obtained from the Court of First Instance of Rizal, Branch XIII an order dated April 19, 1969 for the issuance of certificates of title numbering 92 titles over said parcels of land now surrounded by a high perimeter wall on its boundaries which were sold to innocent purchasers in good faith for valuable consideration who were not personally notified of the pendency

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of the reconstitution case not only as adjoining owners but as actual possessors thereof.

Private respondent separately opposed both motions, the first motion on the ground that the supposed TCTs of the intervenor are of the 1972 vintage so that if same are true that titles are the ones that overlap that of private respondent which was procured as early as November 13, 1942 and that of her mother-predecessor issued on Sept. 29, 1942; that the motion to intervene constitutes a mere annoyance tending merely to derail and delay the proceedings; that petitioner is guilty of laches and that to grant the motion after trial and judgment rendered comes out of time as an abuse of judicial discretion and that whatever interest or right movants are supposed to have may be fully protected by a separate proceeding.

Before resolving both motions for intervention, a brief recital of the antecedent facts is necessary.

In an amended petition filed on November 12, 1970 before the Court of First Instance of Rizal, private respondent Demetria Sta. Maria Vda. de Bernal sought the reconstitution of her Transfer Certificate of Title No. 42449 of the Registry of Deeds of Rizal alleged to have been lost or destroyed during the last war, covering two parcels of land described as follows: (a) Lot 1 of plan II-4374 situated in the Barrio of San Dionisio, Municipality of Parañaque (now Muntinlupa), Province of Rizal, with an aggregate area of 717,523 sq. m., and (b) Lot 3 of plan II-4374 situated in the Barrio of San Dionisio, Municipality of Parañaque, Province of Rizal, with an aggregate area of 717,539 sq. m. Presented as the basic source of the title sought to be reconstituted was the owner's duplicate of Transfer Certificate of Title No. T-42449 issued in the name of herein private respondent.

Opposition to the petition for reconstitution was filed by the Director of Lands, Pedro de la Peña, Leodegario R. Alba, Jr., Angel Cruz, Aurora Favila, Democrito R. Favila and Eufracia R. Favila, some of whom withdrew or never appeared or abandoned their claims and after trial, the Court of First Instance of Rizal on November 19, 1973 denied the petition for

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reconstitution of Transfer Certificate of Title No. T-42449 for insufficiency of evidence. Private respondent moved for reconsideration of the Order, or in the alternative, for the vacation thereof and for a new trial on the ground of newly discovered evidence. The motion for new trial was granted. After the hearing on the newly discovered evidence, the court issued on September 18, 1974 an Order again denying reconstitution of private respondent's original Transfer Certificate of Title No. T-42449, declaring that "(T)he Court still entertains doubt as to the authenticity and genuineness of Transfer Certificate of Title No. 42449 (Exhibit C) which is sought to be reconstituted."

On appeal to the respondent Court of Appeals[1] filed by private respondent, the same court in its decision promulgated on October 1, 1976 reversed the appealed Orders.

On October 21, 1976, the remaining oppositor, the Director of Lands, thru the Office of the Solicitor General, filed with the respondent court a Motion for New Period to File Motion for Reconsideration alleging excusable negligence on his part for his failure to file an extension of the period within which to file a motion for reconsideration, to which herein private respondent filed her Opposition. On November 2, 1976, without waiting for the resolution of the above motion, the Director of Lands filed a Motion to Admit Motion for Reconsideration attaching thereto his Motion for Reconsideration dated October 1, 1976. Opposition thereto was likewise filed by herein private respondent. On November 11, 1976, respondent Court issued its Resolution denying herein petitioner's motions on the ground that the decision sought to be reconsidered had become final and executory.

Hence, the petition at bar filed by the Director of Lands which was given due course by this Court in the Resolution dated April 22, 1977.

On June 14, 1978, the case was submitted for decision. Thereafter, the herein two motions to intervene were separately filed on December 7, 1978 and December 29, 1978.

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[1] Pascual, *J., ponente*; Bautista, *J.* and Santiago, Jr., *J.*, concurring.

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Rule 12, Section 2 of the Rules of Court provides the procedure for intervention. According to Section 2 thereof, which reads:

"Sec. 2. Intervention. — A person may, before or during a trial, be permitted by the court, in its discretion, to intervene in an action, if he has legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or when he is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof."

It is quite clear and patent that the motions for intervention filed by the movants at this stage of the proceedings where trial has already been concluded, a judgment thereon had been promulgated in favor of private respondent and on appeal by the losing party, the Director of Lands, 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 the aforecoded Section 2, Rule 12 of the Rules of Court.

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.[2]

The denial of the motions for intervention arising from the strict application of the Rule due to alleged lack of notice to, or the alleged failure of, movants to act seasonably will lead the Court to commit an act of injustice to the movants, to their

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[2] *Manila Railroad Co. vs. Attorney-General,* 20 Phil. 523, 525.

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successors-in-interest and to all purchasers for value and in good faith and thereby open the door to fraud, falsehood and misrepresentation, should intervenors' claims he proven to be true. For it cannot be gainsaid that if the petition for reconstitution is finally granted, the chaos and confusion arising from a situation where the certificates of title of the movants covering large areas of land overlap or incroach on properties the title to which is being sought to be reconstituted by private respondent, who herself indicates in her Opposition that, according to the Director of Lands, the overlapping embraces some 87 hectares only, is certain and inevitable. The aggregate area of the property claimed by respondent covering Lot 1 and Lot 2 is 1,435,062 sq. meters which is situated in a fast-growing, highly residential sector of Metro Manila where growth and development are in rapid progress to meet the demands of an urbanized, exploding population. Industries, factories, warehouses, plants, and other commercial infrastructures are rising and spreading within the area and the owners of these lands and the valuable improvements thereon will not simply fold their hands but certainly will seek judicial protection of their property rights or may even take the law into their own hands, resulting to multiplicity of suits.

This Tribunal can take judicial notice of innumerable litigations and legal controversies spawned by overlapping and encroaching boundaries, each party relying on certificates of titles issued under the Torrens System or the Spanish registration laws or other deeds and documents which *prima facie* show their lawful interests or ownership therein. To the ordinary land purchaser not fully acquainted with the intricacies of the law nor the validity much less the authenticity of these instruments which in many instances are found to be forged or simply reconstituted with areas that have increased in "table surveys" with the cooperation of unscrupulous officials, the courts by hastily stamping their approval on reconstituted titles have wittingly and unwittingly aided and abetted these fraudulent transactions resulting in the wiping out of the life-savings of many a poor, unlettered and inexperienced lot buyer. The court must guard against such haste and carefully take due precautions that the public interest be protected.

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In the case at bar, the sprawling area of the property in question where various subdivisions, residential houses and homes and infrastructures have mushroomed and the great number of people living or having proprietary rights and interests in such a vast property would certainly bring about the swamping of the courts and the clogging of their dockets with cases involving not only the original parties and the movants but also their successors-in-interest. This litigation will have no end, which this Court will not allow nor tolerate.

But over and above these considerations and circumstances which We have pointed out, there is the basic and fundamental requirement under the Rules of Court, Section 7, Rule 3, that "Parties in interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants." The joinder of indispensable parties is compulsory under any and all conditions, their presence being a *sine qua non* of the exercise of judicial power.[3]

The herein movants, Greenfield Development Corporation, Alabang Development Corporation, Ramon D. Bagatsing, and all buyers from them, at least those with ostensible proprietary interests as the MERALCO, Alabang Hills Subdivision, Cielito Homes Subdivision, Tahanan Village, the Ministry of Highways insofar as the South Super Highway is affected, are indispensable parties to these proceedings as it has been shown affirmatively that they have such an interest in the controversy or subject matter that a final adjudication cannot be made, in their absence, without injuring or affecting such interest. The joinder must be ordered in order to prevent multiplicity of suits, so that the whole matter in dispute may be determined once and for all in one litigation.[4] The evident aim and intent of the Rules regarding the joinder of indispensable and necessary parties is a complete determination of all possible issues, not only between the parties themselves but also as regards to other persons who may be

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[3] *Borlasa vs. Polistico*, 47 Phil. 345, 348.

[4] *Palarca vs. Baquisig*, 38 Phil. 177, 178.

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affected by the judgment.[5] A valid judgment cannot even be rendered where there is want of indispensable parties.[6]

We agree with the movants that the indefeasibility and stability of the Torrens System will be imperiled should reconstitution be granted, resulting into two holders of certificates of title to areas that overlap each other. And where the overlapping area embraces 87 hectares or 870,000 sq. meters as alleged, it becomes essential and imperative to preserve the efficacy and integrity of our registration system. This aspect of the case which commands the joinder of indispensable parties to allow them to uphold their interests based upon the Torrens titles they hold overrides any question of late intervention.

The crux of the matter, however, lies in ascertaining whether there really is overlapping of boundaries of the properties of the movants for intervention and that of the private respondent. As We scrutinize carefully the claim of each party based on survey readings and plattings appearing on the plans submitted as annexes, We find that the same have not passed the rigid test of accuracy and authenticity as should be determined by precision instruments duly verified by accredited surveyors. Indeed, each claim may appear to be as good and self-serving as the other. And since the Supreme Court is not a trier of facts, the veracity and correctness of the alleged overlapping is better left to those scientifically qualified, trained and experienced and whose integrity is beyond question and dispute.

PREMISES CONSIDERED, in view of the higher and greater interest of the public and in order to administer justice consistent with a just, speedy and inexpensive determination of the respective claims of the parties and their numerous successors-in-interest, the motions for intervention are hereby granted.

The Court directs the Chief of the Survey Division of the Bureau of Lands or his duly authorized representative with due

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[5] *Puentebella vs. Feati, et al.*, 94 Phil. 644.

[6] 49 C.J.S. 67.

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notice to the parties and in their presence or that of their duly authorized representatives to conduct a relocation of the respective boundaries of the properties claimed by the movants and the private respondent within 90 days after notice and his fees shall be borne equally by the parties and thereafter to submit to this Court the result of such relocation survey, indicating therein such overlapping as he may have found and determined and the location of such industries, factories, warehouses, plants and other commercial infrastructures, residential buildings and other constructions, public or private roads; and other landmarks found within the areas concerned.

SO ORDERED.

Teehankee, Acting C.J. (Chairman), Fernandez, De Castro, and *Melencio-Herrera, JJ.*, concur.

Makasiar, J., is on leave.

FIRST DIVISION

[G.R. No. L-49829. September 25, 1979]

LAMBERTO FUNTILA, *petitioner, vs.* **HON. COURT OF APPEALS and LOLITA MARTIN,** *respondents.*

SYLLABUS

REMEDIAL LAW; RULES OF COURT; OPERATION THEREOF MAY BE SUSPENDED BY THE SUPREME COURT WHENEVER THE PURPOSES OF JUSTICE REQUIRE IT; CASE AT BAR.— Due to the very peculiar circumstances obtaining in this case, therefore, the Petition for Relief may be considered as having substantially complied with the Rules and, therefore, seasonably filed. Petitioner's minor daughter had suffered injuries. He was almost through with the presentation of his evidence except