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SECOND DIVISION

[G.R. No. L-47074. January 31, 1978]

LAPERAL DEVELOPMENT CORPORATION, HEIRS OF PABLO ROMAN, PABLO OCAMPO & JOSE ROJAS, *petitioners*, *vs.* **HON. ABRAHAM P. VERA, Judge, Court of First Instance of Bataan, Branch I and ASCARIO TUAZON and REYNALDO ANGELES**, *respondents*.

SYLLABUS

REMEDIAL LAW; ACTIONS; CONSOLIDATION OF CASES. — An incident in the cadastral proceedings for the correction of the technical description appearing in the original certificates of title may be consolidated with an ordinary civil case between the same parties for cancellation of said certificates of title, in order that they may be decided together, with the consequence that further action on the incident in the cadastral case shall be made subject to the final decision in such consolidated cases by the judge having cognizance of the civil case.

APPEARANCES OF COUNSEL

Filoteo T. Banzon for petitioners.
Cesar E. Palma for private respondent.

D E C I S I O N

BARREDO, *J.*:

Petition for *certiorari* and prohibition to set aside the order of respondent court of January 15, 1976 granting private respondents' motion for correction of the technical description appearing on Original Certificates of Title Nos. 233 and 234 in the names of said respondents, petitioners claiming that (1) it is premature to act on said motion, there being an ordinary civil action still pending in the same Court of First Instance of

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Bataan, Civil Case No. 3918, filed by petitioners against respondents to cancel the above-mentioned original certificate of title upon the ground that the laud covered thereby overlaps with properties of petitioners previously registered under Original Certificate of Title No. 80 (subsequently superseded by Transfer Certificates of Title Nos. 13403 and 13412) and (2) they, the petitioners, were not served with notice of the motion which, furthermore, is based on a plan not bearing any evidence of approval by the Bureau of Lands. In their answer, respondents maintain that since petitioners were not parties in the original registration proceedings, they are not entitled to notice, since they have no actual interest that could be affected by the proposed correction.

At the hearing of this case held on January 13, 1978, upon questioning by the members of the Court, both parties admitted that it would be best for all concerned that further action on the order for correction in question be made dependent upon the result of Civil Case No. 3918 and that to that end, the incident of respondents' subject motion in Cad. Case No. 19, LRC Cad. Rec. No. 1097, Lot No. 622-F should be consolidated with said civil case for final disposition.

WHEREFORE, upon agreement of the parties, it is hereby ordered that the incident of respondents' motion in the abovementioned cadastral proceedings be consolidated with Civil Case No. 3938, between the same parties, in order that they may be decided together, with the consequence that the implementation of respondent court's order of January 15, 1976 shall be made subject to the final decision in such consolidated cases by the judge having cognizance of said civil case. No costs.

Fernando (Chairman), Antonio, Aquino, and *Concepcion Jr., JJ.*, concur.

Santos, J., is on leave.