



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES represented by the PHILIPPINE RECLAMATION AUTHORITY (PRA),
Petitioner,

G.R. No. 213960

Members:

PERALTA, C.J., Chairperson,
CAGUIOA,
LAZARO-JAVIER,
LOPEZ, and
GAERLAN, JJ.

-versus-

Promulgated:

RIA S. RUBIN,
Respondent.

OCT 07 2020

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DECISION

LAZARO-JAVIER, J.:

The Case

This Petition for Review on Certiorari assails the following issuances of the Court of Appeals in CA-G.R. SP No. 128537 entitled “*Republic of the Philippines, represented by the Philippine Reclamation Authority v. Honorable Judge Emily R. Aliño-Geluz, Presiding Judge, Regional Trial Court, Branch 255, Las Piñas City and Ria S. Rubin.*”

- 1) Decision¹ dated January 24, 2014, affirming the denial of petitioner’s Omnibus Motion: (i) For Intervention; and (ii) to Admit Attached

¹ Penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Romeo F. Barza and Ramon A. Cruz, all members of the Sixth Division, *rollo*, pp. 35-42.

Answer-in-Intervention² dated July 9, 2012 in Civil Case No. LP-11-0036; and

- 2) Resolution³ dated August 26, 2014, denying petitioner's motion for reconsideration.

Antecedents

On February 4, 1977, President Ferdinand E. Marcos issued Presidential Decree No. 1085⁴ (PD 1085), Series of 1977, decreeing among others, that the "*land reclaimed in the foreshore and offshore areas of Manila Bay*" is "*hereby transferred, conveyed and assigned to the ownership and administration of the Public Estates Authority (now petitioner Philippine Reclamation Authority).*" PD 1085 further directed that a "*[s]pecial land patent/patents shall be issued by the Secretary of Natural Resources in favor of the Public Estates Authority.*"⁵

On December 8, 1988, petitioner Philippine Reclamation Authority (PRA) submitted to the Department of Environment and Natural Resources – National Capital Region (DENR-NCR) its Survey Plan SWO -13-000623 for the purpose of securing a Special Land Patent on a reclaimed land identified as Lot Nos. 1 and 2, located along the Manila Cavite Coastal Road, Las Piñas City,⁶ with a total area of 45,440 square meters.

² *Id.* at 118-123.

³ *Id.* at 11.

⁴ "CONVEYING THE LAND RECLAIMED IN THE FORESHORE AND OFFSHORE OF THE MANILA BAY (THE MANILA-CAVITE COASTAL ROAD PROJECT) AS PROPERTY OF THE PUBLIC ESTATES AUTHORITY AS WELL AS RIGHTS AND INTERESTS WITH ASSUMPTIONS OF OBLIGATIONS IN THE RECLAMATION CONTRACT COVERING AREAS OF THE MANILA BAY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE CONSTRUCTION AND DEVELOPMENT CORPORATION OF THE PHILIPPINES."

⁵ "The land reclaimed in the foreshore and offshore areas of Manila Bay pursuant to the contract for the reclamation and construction of the Manila-Cavite Coastal Road Project between the Republic of the Philippines and the Construction and Development Corporation of the Philippines dated November 20, 1973 and/or any other contract or reclamation covering the same area is hereby transferred, conveyed and assigned to the ownership and administration of the Public Estates Authority established pursuant to P.D. No. 1084, provided, however, that, the rights and interest of the Construction and Development Corporation of the Philippines pursuant to the aforesaid contract shall be recognized and respected.

Henceforth, the Public Estates Authority shall exercise the rights and assume the obligations of the Republic of the Philippines (Department of Public Highways) arising from, or incident to, the aforesaid contract between the Republic of the Philippines and the Construction and Development Corporation of the Philippines.

In consideration of the foregoing transfer and assignment, the Public Estates Authority shall issue in favor of the Republic of the Philippines the corresponding shares of stocks in said entity with an issued value of _____ . Said shares of stock shall be deemed fully paid and non-assessable.

The Secretary of Public Highways and the General Manager of the Public Estates Authority shall execute such contracts or agreements, including appropriate agreements with the Construction and Development Corporation of the Philippines, as may be necessary to implement the above.

Special land patent/patents shall be issued by the Secretary of Natural Resources in favor of the Public Estates Authority without prejudice to the subsequent transfer to the contractor or his assignees of such portion or portions of the land reclaimed or to be reclaimed as provided for in the abovementioned contract. On the basis of such patents, the Land Registration Commission shall issue the corresponding certificate of title."

⁶ *Rollo*, p. 12.

Pending issuance of a Special Land Patent in its favor, petitioner, on September 8, 1993, entered into a Memorandum of Agreement with Manila Electric Company (MERALCO). There, petitioner granted MERALCO permission to construct and maintain a substation on a 10,000 square meter portion of the lots.⁷

By Letter dated January 15, 2001, MERALCO informed petitioner that DENR-NCR had lost Survey Plan SWO -13-000623 and that another survey plan identified as Survey Plan SWO-00-001324, covering Lot Nos. 32153-B and 32153-C, was approved on May 15, 1996. In turn, under Letter dated February 12, 2001, petitioner inquired from DENR-NCR why Survey Plan SWO-00-001324 was approved without securing a clearance from PRA considering that the lots are actually part of the reclaimed land. DENR-NCR did not reply.⁸

Per its own investigation, petitioner discovered that on May 23, 1996, a certain Espinili Laderas filed a Miscellaneous Sales Application (MSA) No. 0076-01-28 over Lot 32153-B (918 square meters) under Survey Plan SWO-00-001324 located on E. Aldana, Las Piñas City. The DENR-NCR approved the application and awarded Lot 32153-B to Espinili Laderas *via* Miscellaneous Sales Patent No. MP-007601-00-5854 dated July 26, 1999.⁹

Petitioner also discovered that a certain Edna Laborte filed Miscellaneous Sales Application No. 0076-01-28 over Lot 32153-C (899 square meters). The lot is likewise located in Las Piñas City and included in Survey Plan SWO-00-001324. The DENR-NCR, too, approved the application and awarded Lot 32153-C to Edna Laborte through Miscellaneous Sales Patent No. MP-007601-99-5855.¹⁰

In 2005, the Land Registration Authority (LRA) informed DENR-NCR that a portion of Lot 32153-B overlapped with three (3) other lots: Psu-109396 Amd., Psu – 167025 Amd., and Psu-982 Amd.; and a portion of Lot 32153-C. Per subsequent verification survey, Lot 32153-B and Lot 32153-C to Lot 12 and Lot 13, were renumbered.¹¹

As a result, the DENR-NCR, through Order dated June 21, 2007, cancelled Miscellaneous Sales Patent No. MP-007601-99-5854 in Espinili Laderas' name, and issued in its stead, Miscellaneous Sales Patent No. MP-007601-07-9211 bearing a statement that Lot 32153-B had been renumbered as Lot 12 and its area had been reduced from 918 square meters to 560 square meters.¹²

By separate Order dated June 21, 2007, Miscellaneous Sales Patent No. MP-007601-99-5855 in Edna Laborte's name was also cancelled, and in its

⁷ *Id.*

⁸ *Id.* at 12-13.

⁹ *Id.* at 13.

¹⁰ *Id.*

¹¹ *Id.* at 14.

¹² *Id.*

place, Miscellaneous Sales Patent No. MP-007601-07-9212 was issued. The newly-issued patent showed that Lot 32153-C was renumbered to Lot 13, and its area, reduced from 899 square meters to 608 square meters.¹³

On September 13, 2007, the Register of Deeds of Las Piñas City registered both patents and issued OCT No. O-14 covering Lot 12 in the name of Espinili Laderas, and OCT No. O-15 covering Lot 13, in the name of Edna Laborte.¹⁴

On even date, Espinili Laderas sold Lot 12 to respondent Ria S. Rubin through a Deed of Absolute Sale for ₱150,000.00. On September 26, 2007, the Registry of Deeds of Las Piñas City cancelled OCT No. O-14 and issued TCT No. T-107910 in respondent's name.¹⁵

On respondent's request, the Registry of Deeds subdivided Lot 12 into two (2). Consequently, TCT No. T-107910 was cancelled and TCT No. T-110051 (Lot 12-A, 290 square meters) and TCT No. T-110051 (Lot 12-B, 270 square meters), issued.¹⁶

Meanwhile, Edna Laborte, too, sold Lot 13 through a Deed of Absolute of Sale dated September 2007 to respondent for ₱150,000.00. OCT No. O-15 was cancelled and TCT No. T-107914 was issued in respondent's name.¹⁷

Respondent, thereafter, filed before the Regional Trial Court (RTC) – Las Piñas City an Amended Complaint dated June 21, 2011 against MERALCO, for *accion reivindicatoria*. It was docketed Civil Case No. LP-11-0026. Respondent prayed that MERALCO immediately vacate and surrender the lots to her.¹⁸ The case was raffled to Branch 255.

On May 31, 2012, petitioner, for its part, filed with the same court a Complaint dated March 9, 2012 entitled "*Republic of the Philippines v. Ria S. Rubin, et al.*," for cancellation of the miscellaneous sales patents, original certificates of title, and transfer certificates of title, plus, reversion. It was docketed LRC Case No. 12-0057. The complaint also sought to enjoin respondent, her agents, assigns, and successors-in-interest from exercising acts of possession or ownership over the lots.¹⁹ It was raffled to Branch 198.

Relevant Proceedings before Branch 255

In its Omnibus Motion: (i) For Intervention; and (ii) to Admit Attached Answer-in-Intervention²⁰ dated July 9, 2012, petitioner, represented by the

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 15.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 16.

¹⁹ *Id.*

²⁰ *Id.* at 118-124.

Office of the Solicitor General (OSG),²¹ asserted that it is the absolute owner of the lots pursuant to PD Nos. 1084 and 1085. Since it has actual, substantial, material, direct, and immediate interest in subject lots, it should be allowed to intervene.

In her Opposition²² dated August 13, 2012, respondent riposted that petitioner did not present any direct evidence proving its legal interest in, let alone, ownership of, the disputed lots. Petitioner has no standing to intervene in this case as it can ventilate its alleged claim of ownership elsewhere. The present case is not the proper forum where petitioner can assert its claim. She holds valid titles and the same cannot be collaterally attacked through a mere intervention. Petitioner should initiate a separate proceeding for this purpose. By seeking to intervene in the case, petitioner is engaging in forum shopping.

In its Comment²³ dated August 30, 2012, MERALCO argued that its right to possess the lots emanated from the lease contract it had with petitioner. When petitioner executed the lease contract, it did so in the exercise of its ownership right conferred by PD Nos. 1084 and 1085. Consequently, when respondent filed the complaint for *accion reivindicatoria*, she had already violated petitioner's ownership rights. Petitioner's right as a lessor can only be fully protected if it is allowed to intervene.

The Ruling of Branch 255

By its first Order²⁴ dated September 11, 2012, Branch 255 denied petitioner's omnibus motion to intervene and admit answer-in-intervention. The court ruled that petitioner had no authority to pre-empt another branch of the same court, that is, Branch 198, of the latter's power to hear and adjudicate the claims that were already pending before it. Petitioner's intervention in this case would amount to a redundancy of its cause of action for nullification of respondent's title over the lots in question.

Petitioner's motion for reconsideration was denied by the trial court through its second Order²⁵ dated November 22, 2012.

Proceedings Before the Court of Appeals

Through a special civil action for certiorari, petitioner faulted the trial court with grave abuse of discretion for issuing its twin Orders dated September 11, 2012 and November 22, 2012. It underscored that in respondent's complaint below, she herself claimed to be the absolute owner

²¹ Through Solicitor General Francis Jardeleza, Assistant Solicitor General Roman Del Rosario, State Solicitor Mirasol Dychingco, State Solicitor Melanie Quimbo, Associate Solicitor Jose Covarrubias III, and Associate Solicitor Rowena Mutia.

²² *Rollo*, pp. 127-130.

²³ *Id.* at 131-133.

²⁴ *Id.* at 149-151.

²⁵ *Id.* at 151-152.

of subject lots by virtue of TCT Nos. T-107914 and T-110052. It is this claim of ownership which she invoked to oust MERALCO from the lots. Since petitioner is also claiming ownership of these lots, it has the right to intervene in the case to defend MERALCO's right to possess these lots by virtue of the lease agreement between MERALCO and itself. Even though it had filed a reversion case (LRC Case No. 12-0057) against respondent involving the same lots, its interest would still be affected if an adverse decision is rendered in the *accion reivindicatoria* case. It would certainly amount to an invasion of its ownership rights. Besides, an action for reversion has a different cause of action from *accion reivindicatoria*.²⁶

On the other hand, respondent maintained that petitioner lacked legal interest in the *accion reivindicatoria* case. The cause of action here is for recovery of ownership and possession. Since petitioner is neither an owner nor in possession of the lots, it has no legal interest to speak of. If allowed to intervene, petitioner would be committing forum shopping since the reversion case it had filed already attacks the validity of her twin titles.²⁷

The Ruling of the Court of Appeals

By its assailed Decision²⁸ dated January 24, 2014, the Court of Appeals affirmed. It ruled that petitioner has not shown such kind of legal interest that would be directly affected by whatever judgment may be rendered in the *accion reivindicatoria* case. Petitioner has not been granted a special land patent over subject lots, thus, its interest is at best inchoate. Further, petitioner would be guilty of forum shopping if it is allowed to intervene in the case below. The Court of Appeals further explained:

Noteworthy is the fact that in the case pending with RTC, Branch 198, one of the reliefs sought by petitioner was to enjoin private respondent from exercising acts of possession or ownership over the subject lots. Since petitioner recognized the jurisdiction of RTC, Branch 198 to protect its interest in the subject reclaimed lands, it should have desisted from pursuing a similar remedy or relief before RTC, Branch 255 inasmuch as the decision issued by the latter Branch would have the effect of pre-empting the authority of RTC, Branch 198, to act and decide upon the cancellation of patents and land titles of private respondent in LRC Case No. 12-0057.²⁹

Petitioner's motion for reconsideration was denied under Resolution³⁰ dated August 26, 2014.

The Present Petition

²⁶ *Id.* at 149-164.

²⁷ *Id.* at 170-175.

²⁸ *Id.* at 35-42.

²⁹ *Id.* at 41.

³⁰ *Id.* at 11.

Petitioner now seeks affirmative relief from the Court *via* Rule 45 of the Rules of Court. It reiterates its arguments below in support of its present petition.³¹

On the other hand, respondent posits that petitioner has no legal interest in the case and to allow petitioner to intervene would amount to a collateral attack on her titles. Also, Branch 255, through Order dated October 1, 2015, had *motu proprio* suspended its proceedings while awaiting the final and conclusive adjudication of the reversion case pending before Branch 198,³² thus:

x x x

The rationale of the Supreme Court in the aforementioned cases could be applied by analogy in the instant case **where plaintiff's prayer for the recovery of possession of the subject properties is anchored on the existence of TCT Nos. T-107914 and T-110052, which are both registered in her name, but have both already been declared null and void in the Decision dated 27 November 2014 rendered in Civil Case No. LP-12-0081 entitled "Republic of the Philippines represented by the Office of the Solicitor General and the Philippine Reclamation Authority vs. vs. Ria S. Rubin, Espenili M. Laderas, and Edna Laborte" by Branch 198 of this Court, although the same had not yet attained finality. This Court deemed it more practical and sensible to await the finality of the aforementioned decision for if the Court upholds and gives weight to plaintiff's titles and later on the decision of Branch 198 declaring the same titles as null and void is affirmed by a higher court, then there would be the existence of conflicting decisions not to mention the possible complications that would arise in the execution of the said decisions.** At this point, the Court would like to stress that, as previously pointed out in the assailed order, the decision in the instant case would affect not only one individual but all the existing consumers of the defendant. On the other hand, if the said decision – that rendered by Branch 198 – is reversed by a higher court, then this Court would decide the instant case in accordance with the evidence presented before it. In sum, the finality of the decision rendered by Branch 198 is determinative of the issue raised in the instant case for the plaintiff's claim of her right to possess the subject properties is anchored on the assailed titles. Thus, faced with these possibilities, the Court is justified in issuing the assailed order.

As to the plaintiff's argument that this Court committed an error in considering the decision rendered in Branch 198 without the same being formally offered by the defendant, suffice it to say that plaintiff has already made a judicial admission of the existence thereof in her Opposition dated December 23, 2014.³³(Emphasis supplied)

x x x

³¹ Represented by the OSG, through Solicitor General Florin T. Hilbay, Assistant Solicitor General Eric Remegio O. Panga and Associate Solicitor Ma. Felina C. B. Yu and Associate Solicitor Rowena F. Mutia, *Id.* at 9-25.

³² *Id.* at 216-219.

³³ *Id.* at 218.

Petitioner replies that by virtue of PD No. 1085, it has been vested exclusive ownership and administration of all reclaimed lands that have been transferred, conveyed, and assigned to it. It had taken DENR's place as the agency charged with leasing or selling reclaimed lands of the public domain.³⁴

ISSUE

Is petitioner's omnibus motion to intervene and admit answer-in-intervention in Civil Case No. LP-11-0026 proper?

Ruling

Intervention is a remedy by which a third party, not originally impleaded in the proceedings, becomes a litigant therein to enable him or her to protect or preserve a right or interest which may be affected by such proceedings. It is, however, settled that intervention is not a matter of right, but is instead addressed to the sound discretion of the courts and can be secured only in accordance with the terms of the applicable statute or rule.³⁵ Rule 19 of the Rules of Court reads:

Sec. 1. Who may intervene. - A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or 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 may, with leave of court, be allowed to intervene in the action. The court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intervenor's rights may be fully protected in a separate proceeding.

Sec. 2. Time to intervene. - The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties.

What qualifies a person to intervene is his or her possession of a legal interest in the matter in litigation or in the success of either of the parties, or an interest against both; or when he or she is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or an officer thereof. As regards legal interest as qualifying factor, the Court has ruled that such interest must be of a direct and immediate character so that the intervenor will either gain or lose by the direct legal operation of the judgment. The interest must be actual and material, a concern which is more than mere curiosity, or academic or sentimental desire; it must not be indirect and contingent, indirect and remote, conjectural, consequential or collateral. As stated, however, notwithstanding the presence of a legal interest,

³⁴ *Id.* at 238-242.

³⁵ *Office of the Ombudsman v. Bongais*, G.R. No. 226405, July 23, 2018.

permission to intervene is subject to the sound discretion of the court, the exercise of which is limited by considering whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties and whether or not the intervenor's rights may be fully protected in a separate proceeding.³⁶

In sum, to allow intervention, (a) it must be shown that the movant has legal interest in the matter in litigation, or is otherwise qualified; and (b) consideration must be given as to whether the adjudication of the rights of the original parties may be delayed or prejudiced, or whether the intervenor's rights may be protected in a separate proceeding or not. Both requirements must concur, as the first is not more important than the second.³⁷

The first element is present here. Petitioner definitely has a legal interest in the subject matter of Civil Case No. LP-11-0026 (*for accion reivindicatoria*) over which it asserts its claim of ownership and possession in conflict with or adverse to that of respondent. Although in paper, the case is directed against MERALCO, it is in reality a suit against petitioner being itself the lessor which authorized MERALCO's use and occupancy of the disputed lots. In reality, too, it is an attack on petitioner's asserted ownership and possession thereof. To be sure, whatever decision is rendered in that case would directly affect such asserted right and interest of petitioner.

As for the second element - - whether petitioner's right may be protected in a separate proceeding, the reversion case necessarily comes into play. In that case, petitioner seeks to annul respondent's titles and to have subject lots reverted to the State. As it was, Branch 198 had already resolved the case in favor of petitioner by Decision dated November 27, 2014. Although the decision may not have attained finality yet, there is no denying that petitioner's asserted right or interest in the lots has so far been more than amply protected. In fact, even Branch 255 itself has recognized, in no uncertain terms, the existence and legal consequence of that Decision on the pending *accion reivindicatoria* case before it. It is precisely for this reason that Branch 255 promptly ordered the suspension of the proceedings before it pending finality of the aforesaid Decision. We quote anew the Order dated October 1, 2015, *viz.*:

X X X

The rationale of the Supreme Court in the aforementioned cases could be applied by analogy in the instant case **where plaintiff's prayer for the recovery of possession of the subject properties is anchored on the existence of TCT Nos. T-107914 and T-110052, which are both registered in her name, but have both already been declared null and void in the Decision dated 27 November 2014 rendered in Civil Case No. LP-12-0081 entitled "Republic of the Philippines represented by the Office of the Solicitor General and the Philippine Reclamation Authority vs. vs. Ria S. Rubin, Espenili M. Laderas, and Edna**

³⁶ *Executive Secretary v. Northeast Freight Forwarders, Inc.*, 600 Phil. 789 (2009).

³⁷ *Supra.*

Laborte” by Branch 198 of this Court, although the same had not yet attained finality. This Court deemed it more practical and sensible to await the finality of the aforementioned decision for if the Court upholds and gives weight to plaintiff’s titles and later on the decision of Branch 198 declaring the same titles as null and void is affirmed by a higher court, then there would be the existence of conflicting decisions not to mention the possible complications that would arise in the execution of the said decisions. At this point, the Court would like to stress that, as previously pointed out in the assailed order, the decision in the instant case would affect not only one individual but all the existing consumers of the defendant. On the other hand, if the said decision – that rendered by Branch 198 – is reversed by a higher court, then this Court would decide the instant case in accordance with the evidence presented before it. In sum, the finality of the decision rendered by Branch 198 is determinative of the issue raised in the instant case for the plaintiff’s claim of her right to possess the subject properties is anchored on the assailed titles. Thus, faced with these possibilities, the Court is justified in issuing the assailed order.

As to the plaintiff’s argument that this Court committed an error in considering the decision rendered in Branch 198 without the same being formally offered by the defendant, suffice it to say that plaintiff has already made a judicial admission of the existence thereof in her Opposition dated December 23, 2014.³⁸ (Emphasis supplied)

X X X

Indeed, when Branch 255 deferred to Branch 198 and declared that it would await the final resolution of the reversion case, it recognized that the parties’ dispute will be effectively and fully settled in the reversion case. This is evident in its disquisition that “[t]his Court deemed it more practical and sensible to await the finality of the aforementioned decision for if the Court upholds and gives weight to plaintiff’s titles and later on the decision of Branch 198 declaring the same titles as null and void is affirmed by a higher court, then there would be the existence of conflicting decisions not to mention the possible complications that would arise in the execution of the said decisions.” So must it be.

Verily, therefore, both the trial court and the Court of Appeals correctly denied petitioner’s omnibus motion to intervene and admit answer-in-intervention.

ACCORDINGLY, the petition is **DENIED**. The Decision dated January 24, 2014 and Resolution dated August 26, 2014 of the Court of Appeals in CA-G.R. SP No. 128537 are **AFFIRMED**.

SO ORDERED.

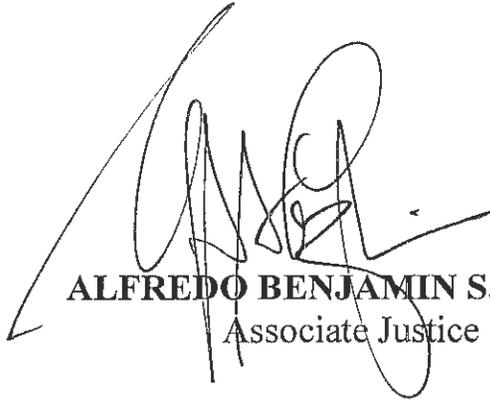

AMY C. LAZARO-JAVIER
Associate Justice

³⁸ *Rollo*, p. 218.

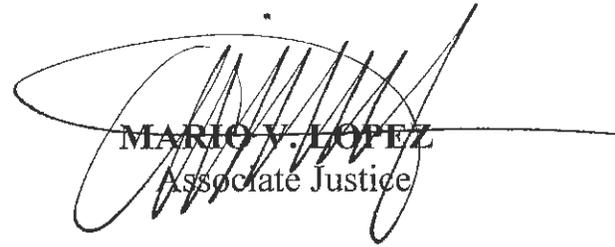
WE CONCUR:



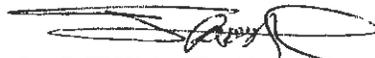
DIOSDADO M. PERALTA
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice

