

SECOND DIVISION

[G.R. No. 106194, August 07, 1997]

**SANTIAGO LAND DEVELOPMENT CORPORATION, PETITIONER,
VS. THE HONORABLE COURT OF APPEALS AND THE HEIRS OF
NORBERTO J. QUISUMBING, RESPONDENTS.**

R E S O L U T I O N

MENDOZA, J.:

Petitioner has filed a motion for reconsideration to which private respondents, heirs of Norberto J. Quisumbing, have filed an opposition. Petitioner has in turn filed a reply. Petitioner maintains that, as purchaser pendente lite of the land in litigation in Civil Case No. 10513 of the Makati Regional Trial Court, entitled "Norberto J. Quisumbing v. Philippine National Bank," petitioner has a right to intervene under Rule 12, §2.

First. Petitioner points out that Sen. Vicente J. Francisco's book on the Rules of Court (Vol. 1, page 719), which the Court cited in its decision, in turn cites Moore's Federal Practice (Vol. 2, page 2307) which actually supports petitioner's right to intervene. Petitioner states:

9. Prof. Moore, in his above-cited treatise, cites among others a case decided by the Supreme Court of California for the proposition that intervention of a purchaser pendente lite is recognized by the U.S. courts. (Ibid., Chapter 24.03, page 19, note 49; See, e.g., Dutcher v. Haines City Estate, 26 F. 2d 669 [CCA Fla., 1928]; State ex rel. Thelen v. District Court for Toole County, 17 P. 2d 57, 93 Mont. 149 [S.C. Mont., 1932]; Bily v. Board of Property Assessment Appeals & Review, 44 A. 2d 250, 353 Pa. 49 [S.C. Penn., 1945]; Miracle House Corp. v. Haige et al., 96 So. 2d 417 [S.C. Fla., 1957]).

The Court cited Sen. Francisco's work on the Rules of Court only for the proposition, not disputed by petitioner, that the purpose of Rule 12, §2 on intervention is to enable a stranger to an action to become a party to protect his interest and the court to settle in the process all conflicting claims. Since petitioner is not a stranger in the action between Quisumbing and the PNB, petitioner in fact having stepped into the shoes of PNB in a manner of speaking, it follows that it cannot claim any further right to intervene in the action.

Nor do we find the cases said to be cited in Moore's Federal Practice supportive of petitioner's right to intervene in this case. The first three cases (Dutcher v. Haines City Estate, 26 F.ed 669 (CCA Fla., 1928); State ex rel. Thelen v. District Court, 17 P.2d 57, 93 Mont. 149 (S.C. Mont., 1932) and Bily v. Board of Property Assessment Appeals and Review, 44 A.2d 250, 353 Pa. 49 (S.C. Penn. 1945)) involve purchasers pendente lite in execution or sheriff's sales, not in voluntary transactions. The difference is important. In voluntary sales or transactions, the vendor can be