

TWELFTH DIVISION

[CA-G.R. SP. No. 113451, June 23, 2014]

WIGBERTO R. GONZALEZ^{*}, PETITIONER, VS. HONORABLE SERAFIN CRUZ IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT THIRD JUDICIAL REGION, BRANCH 86 CABANATUAN, AND HEIRS OF PAQUITO CHAVEZ, RESPONDENTS.

DECISION

ELBINIAS, J.:

Subject of disposition is a Petition for Certiorari^[1] filed under Rule 65 of the Rules of Court. The Petition assails the Order^[2] dated September 25, 2007 issued by public respondent Hon. Serafin Cruz of the Regional Trial Court ("respondent court" for brevity) of Cabanatuan City, Branch 86 in Civil Case No. 5093 for "Injunction, Annulment of Sale/Title and Damages With Urgent Prayer For Issuance of Writ of Temporary Restraining Order and/or Preliminary Injunction"^[3]. The Petition also questions respondent court's Order^[4] dated February 4, 2010, which denied petitioner's eventual Motion for Reconsideration^[5].

The antecedent facts are as follows:

Paquito Chavez ("Chavez" for brevity), who is now deceased and is represented by private respondents who are the Heirs of Paquito Chavez ("private respondents Heirs of Chavez" or "private respondents" for brevity), filed before respondent court, an "AMENDED COMPLAINT"^[6] for "Injunction, Annulment of Sale/Title and Damages With Urgent Prayer For Issuance of Writ of Temporary Restraining Order and/or Preliminary Injunction"^[7] against Herminigildo Lopez ("Lopez" for brevity), petitioner Wigberto Gonzalez ("petitioner Gonzalez" or "petitioner" for brevity), Serafin A. Ramirez, Jr. ("Ramirez" for brevity), the Presiding Judge of the Municipal Trial Court of Cabanatuan City, Branch 1, and the Register of Deeds of Cabanatuan City.

Chavez's "AMENDED COMPLAINT"^[8] sought to annul the Deed of Absolute Sale^[9] dated June 6, 2003 executed by petitioner Gonzalez in favor of Lopez, as well as the Deed of Absolute Sale^[10] dated February 11, 2005 executed between petitioner Gonzalez and Ramirez. The Deeds of Sale covered a parcel of land ("subject property" for brevity) which was allegedly under the possession of Chavez.^[11]

Ramirez and petitioner Gonzalez then filed before respondent court, an "OMNIBUS MOTION"^[12] seeking that their names be dropped from the Amended Complaint. The rest of the facts are those as stated in respondent court's Order^[13] dated September 25, 2007, to wit:

"For Resolution is an Omnibus **Motion filed by Defendants Wigberto Gonzales** (*petitioner here*) and Serafin A. Ramirez xxx;

It sought for an Order to have separate trials for the alleged misjoined causes of action (pars. 11 up to 21, inclusive, of the complaint) on the ground that they are already subject of Civil Case No. 5028 which is also pending before this Court;

It sought, in the alternative, that the names of Defendants Wigberto Gonzales (*petitioner*) and Serafin Ramirez be dropped from the Complaint herein on the ground that the issues referred to in said pars. 11 up to 21, inclusive, of the complaint are already subject of Civil Case No. 5028 above mentioned.

Plaintiff (*private respondent here*), thru counsel, opposed the motion at bar claiming that there is no misjoinder [of] causes of action;"^[14] (*Emphasis Supplied*)

On September 25, 2007, respondent court issued its first assailed Order^[15] which denied Ramirez and petitioner Gonzalez's "OMNIBUS MOTION"^[16] for lack of merit.^[17]

Petitioner Gonzalez then filed a Motion for Reconsideration^[18] of respondent court's Order^[19] dated September 25, 2007. The rest of the facts are continued in respondent court's assailed Order^[20] dated February 4, 2010, as follows:

"The Motion for Reconsideration is anchored on the ground that **the Court erred in not dropping Gonzales (*petitioner*) from the Complaint since he does not possess any interest that can be prejudiced or injured by a judgment in the case, citing Section 2, Rule 3 of the 1997 Rules of Civil Procedure.**"^[21] (*Emphasis Supplied*)

After petitioner Gonzalez's Motion for Reconsideration^[22] of respondent court's Order^[23] of September 25, 2007 was denied by respondent court in its assailed Order^[24] dated February 4, 2010, petitioner filed the Petition^[25] at bench, praying as follows:

"WHEREFORE, it is respectfully prayed that this Honorable Court reverse the Order of the HONORABLE SERAFIN CRUZ dated 4 February 2010 and dismiss the Amended Complaint in Civil Case docketed as No. 5093 as against Wigberto R. Gonzalez as party defendant therein, with prejudice.

Other just and equitable reliefs are likewise prayed for."^[26]

Petitioner raised this sole ground:

"PUBLIC RESPONDENT, HONORABLE JUDGE SERAFIN CRUZ, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO EXCESS OF JURISDICTION IN NOT DROPPING PETITIONER APPELLANT, WIGBERTO GONZALEZ, FROM THE COMPLAINT SINCE

HE DOES NOT POSSESS ANY INTEREST THAT CAN BE PREJUDICED OR INJURED BY A JUDGMENT IN THE CASE.”^[27] (*Emphasis was made in the original*)

Contrary to petitioner Gonzalez's arguments in his *sole assigned ground*, petitioner was properly considered by respondent court as a real party-in-interest in Civil Case No. 5093.

Petitioner Gonzalez had argued the following:

“1. Petitioner respectfully manifests that the Honorable Judge Serafin Cruz committed grave abuse of discretion in ruling against dropping Petitioner Gonzales as defendant. The Honorable Judge Serafin Cruz committed a reversible error amounting to excess of jurisdiction because **he overlooked the fact that, based on the allegations made in the Amended Complaint, Gonzalez is not and cannot be considered a party-in-interest in this action, for the simple reason that he does not possess any interest that can be prejudiced or injured by the judgment in this action.** On this fundamental basis alone, Gonzalez must be dropped as a party defendant in Civil Case no. 5093.

2. xxx **The Prayer of the Complaint pleads no relief whatsoever against Gonzalez'[s] title.** xxx Since the very prayer of the Complaint seeks no relief whatsoever against Gonzalez's title, then contrary to the initial impressions of Honorable Judge Serafin Cruz, **Gonzalez will not be injured or damaged by any judgment the Honorable Judge Serafin Cruz may render because the Honorable Court had no jurisdiction to render any judgment that would affect the title of Gonzalez.** xxx

3. In this connection, **the only allegations made in the Amended Complaint in respect of Gonzalez's title are paragraphs 11 to 21.** In summary, these **allegations say that the title of original defendant Lopez is flawed because Gonzalez, the person who sold him the property in question, was not properly authorized** xxx. Thus, based on these allegations, **plaintiff argued that because Gonzalez had no authority to sell, the title of Lopez is flawed.**

xxx

7. In short, **there is no allegation in the Complaint that establishes any obligation on the part of Petitioner Gonzales in favor of the Respondents that can be made the basis for any judgment against Gonzalez.** xxx

8. In conclusion, the Honorable Judge Serafin's judgment in this action should be limited to what is prayed for in the Amended Complaint. **Since the language of the said Amended Complaint failed to state any allegation which (a) establishes a cause of action against Gonzalez; and/or (b) asks for the annulment of Gonzalez's title, then there can be no basis for a judgment which can prejudice or injure Gonzalez's interest.** Therefore, in accordance with the definition

provided by the Rules, **Gonzalez cannot be deemed as a party in interest. Not being a party in interest in this action, there is no reason to keep Gonzalez as a party defendant in the Civil Case under caption 5093.**^[28] (*Italics and underscoring were made in the original; emphasis supplied*)

Defeating petitioner Gonzalez's arguments however, is that petitioner Gonzalez was a real party-in-interest in the case. This is because in his "AMENDED COMPLAINT"^[29], Chavez questioned the authority of petitioner Gonzalez to execute the subject Deeds of Sale^[30] in favor of Lopez and Ramirez, which Deeds of Sale^[31] in turn, covered the property that was being claimed by Chavez. Petitioner Gonzalez could therefore be made liable to Chavez if respondent court made the determination that petitioner Gonzalez had no authority to execute the Deeds of Sale^[32] that were sought to be annulled by Chavez. Petitioner Gonzalez's participation in the execution of the Deeds of Sale^[33] was sufficiently shown in the "AMENDED COMPLAINT"^[34] filed by Chavez himself as the plaintiff below. The pertinent portions of the "AMENDED COMPLAINT"^[35] read as follows:

"2c. Both defendants **Wigberto Gonzalez** and **Serafin A. Ramirez, Jr.** are **being impleaded as indispensable parties in this action**;

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11. It is noticeable from the **Deed of Absolute Sale** (Annex 'H') dated June 06, 2003 **executed by Wigberto Gonzalez** and Herminigildo Lopez that there is no second page of the said deed of absolute sale attached to the Complaint for forcible entry (Annex 'G') and the plaintiff has no way of knowing if this deed of sale is notarized such that it will not bind third persons like the plaintiff to this deed of sale (Annex 'H');
12. On April 19, 2005, defendant **Herminigildo Lopez and Serafin Ramirez, Jr. executed a 'Deed of Absolute Sale' on Lot 32** covered by TCT 118713 with an area of 1,173 sq. m. xxx
13. The title TCT No. 118713 in the name of Serafin Ramirez, Jr. covering Lot 32 with an area of 35,597 sq. m. originated from TCT No. T-37761 in the name of Lilia Gonzalez De Ramirez, et al., xxx
- 13a. TCT No. T-33761 (Annex 'K') was cancelled and [in] its place TCT No. T-118713 covering Lot 32 was issued to defendant Serafin A. Ramirez, Jr. This was subdivided into three (3) lots, now covered by TCT T-119507, T-119515 & T-119516;
14. **Likewise Serafin Ramirez, Jr. and Wigberto Gonzalez executed a separate 'Deed of Absolute Sale' on Lot 32** with an area of 35,597 sq. m. covered by TCT T-33761, xxx;
15. **Wigberto Gonzalez, at the time of the sale, had no authority to sell the entire lot** covered by TCT T-33761 as