

EMILIO DAMASCO, PLAINTIFF-APPELLANT, VS. TERESA DAMASCO, DEFENDANT-APPELLANT.

G.R. No. L-36770. August 09, 1988

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/02be880f7374/>

MELENCIO-HERRERA, J.:

This case was certified to us by the Court of Appeals, the sole question being one of law namely, whether or not the then Court of First Instance of Cagayan (Aparri)[*] erred in dismissing the complaint filed before it in the case entitled "Emilio Damasco vs. Teresa Damasco."

The facts disclose that plaintiff and defendant are co-owners, in equal shares, as the only compulsory heirs of their deceased father, Jose Damasco of a parcel of land situated in Barrio Cabiraoan, Gonzaga, Cagayan, containing an area of nineteen (19) hectares, more or less, covered by Original Certificate of Title No. 1573.

Jose Damasco died intestate in July 1945 in Buguey, Cagayan. After his death, several demands were made by the plaintiff on defendant to have the said property extrajudiciary partitioned between them but said defendant refused.

It turns out that on 23 May 1953, an Affidavit of Extrajudicial Settlement was executed by defendant stating, among other things, that she is the only heir of Jose Damasco. By virtue of said document, defendant was able to secure, on 24 October 1953, Transfer Certificate of Title No. T-1619 covering the whole property in her name.

On 30 April 1961, defendant sold the disputed property in favor of Jose Clemencia, TCT No. T-4624 was issued in the latter's name on 3 August 1961.

On 17 September 1965, Jose Clemencia, in turn, sold the disputed property for P8,000.00 in favor of Bruno Mauricio, and Transfer Certificate of Title No. T-7616 was issued in the latter's name on 22 April 1966. The Damascos, however, remained in possession of this property.

On 26 April 1968, Bruno Mauricio filed a complaint against the Damasco, in Civil Case No. 1471, for "reivindicacion with damages," entitled "Bruno Mauricio vs. Emilio Damasco, et al." before the Court of First Instance of Cagayan.

On 14 February 1969, Emilio Damasco instituted this action against his sister, defendant Teresa Damasco, for partition and cancellation of Affidavit of Extrajudicial Settlement, Deeds of Sale, and Transfer Certificates of Title before the then Court of First Instance of Cagayan.

Defendant failed to answer the complaint so that on 8 May 1969 she was declared in default and the Trial Court allowed plaintiff to adduce his evidence before the Clerk of Court.

On 16 May 1969 Bruno Mauricio filed a Motion to Intervene in this case contending that he was an indispensable party. Plaintiff opposed intervention.

The Trial Court denied the Motion to Intervene "on the ground that the defendant Teresa Damasco has already been declared in default and that pursuant to the order of this Court the plaintiff had already presented his evidence." (pp. 37-38, Record on Appeal)

On 14 July 1969, the Trial Court rendered its Decision dismissing plaintiff's action on the ground that Bruno Mauricio is an indispensable party.

Plaintiff appealed to the Court of Appeals, which, as heretofore stated certified the suit to this Court.

We hold that the Trial Court committed two reversible errors: (1) in denying Bruno Mauricio's Motion to Intervene and (2) in dismissing the Complaint despite its realization that he was an indispensable party.

As the registered owner of the land in question, Bruno Mauricio is, indeed, an indispensable party. The disputed property is no longer in defendant's name but in his. Any judgment which might be obtained by any party in this case would not have any binding effect against Mauricio. Neither could any definitive determination of the controversy be had unless he were made a party. His joinder was thus indispensable under any and all conditions:

"Compulsory Joinder of Indispensable Parties. - Parties in interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants." (Section 7, Rule 3, Rules of Court)

It behooved the Trial Court, therefore, not to have dismissed the case, non-joinder of parties not being a ground for dismissal of an action. Instead, Bruno Mauricio should have been allowed to intervene for an expeditious and complete determination of the controversy, or, the two (2) cases could have been consolidated as also prayed for by the plaintiff.

Ordinarily, this case would have been remanded to the lower Court for further proceedings, but the necessity therefor has been obviated since Civil Case No. 1471 was resolved on the merits by the Trial Court on 18 August 1973; by the Court of Appeals in CA-G.R. No. 56183-R on 23 December 1978, on appeal; and by this Court, on review, in G.R. No. L-49770, on 7 January 1980.

ACCORDINGLY, the assailed Decision of the Trial Court is hereby SET ASIDE. No costs.

SO ORDERED.

Paras, Padilla and Sarmiento, JJ., concur.

[*] Judge Alfredo C. Florendo, Presiding.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.