

MARIA BALDO, ET AL., PLAINTIFFS AND APPELLANTS VS. PEDRO GUERRERO, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-15593. November 29, 1960

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal from the order of March 20, 1959 of the Court of First Instance of Zambales (Civil Case No. 2050) dismissing plaintiffs' complaint and from the order of April 2, 1959 denying reconsideration of the first order.

In a complaint filed against defendants on September 14, 1958, plaintiffs, numbering twelve (12) in all, sought to recover the possession and ownership over certain parcels of land therein described. Maria Baldo claims title in fee simple over the first and second described parcels; Feliciano, Marcelo and Isabelo, all surnamed Blanco, over the third parcel; Francisco Abrajano, Braulio Abrajano, Enrica Abrajano, Benjamin Abrajano and Julita Abrajano, over the fourth, fifth and sixth parcels; and Apolonio Farrales over parcels seven and eight. The complaint alleges that around March and April of 1954, defendants, by themselves or through others, unlawfully fenced off and took possession of the properties in question from the plaintiffs, thereby excluding the latter from the use and enjoyment thereof. Defendants' answer denied⁴ the material averments of the complaint, raised affirmative defenses, and interposed a counter-claim.

On February 25, 1959, defendants filed a "motion to correct misjoinder and nonjoinder of parties", urging the court to order plaintiffs to "separate their (plaintiffs) different causes of action into different and separate complaints with the proper parties thereto" and "to include and join in all the complaints the Director of Lands as an indispensable party co-defendant". Over plaintiffs' objection, the court, acting upon the motion, dismissed the complaint, "without prejudice to the plaintiffs' filing separate action for each case." A motion to reconsider the order of dismissal having been denied, the plaintiffs appealed to this Court on questions of law.

We find merit in the appeal. Section 6, Rule 3 of the Rules of Court provides that—

"All persons in whom or against whom any right to relief in respect to or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, may, except as otherwise provided in these rules, join as plaintiffs or be joined as defendants in one complaint, where any question of law or fact common to all such plaintiffs or to all such defendants may arise in the action; * * *."

Commenting on this particular rule, former Chief Justice Moran opines:

"The principle contained in this provision amplifies the old procedure. Formerly, it was only community of interest in the same subject which constituted a ground for joinder of parties; now, it is also the existence of a common question of fact or of law, provided the relief sought for or against the several parties arises from the same transaction or series of transactions whether jointly, severally, or in the alternative. In this connection, the term 'transaction' means not only a stipulation of agreement, but any event resulting in wrong, without regard to whether the wrong has been done by violence, neglect or breach of contract. And the term 'series of transactions' is equivalent to 'transactions connected with the same subject of the action.' " (Comments on the

Rules of Court, Moran, Vol. 1, 1957 ed., p. 49[1]

In this case, the pleadings submitted, but more particularly the complaint, presented for resolution material questions of fact and law common to all the plaintiffs. The suitors' right to relief arose out of the same transactions or series of transactions, when defendants, by themselves and through their agents and tenants, sometime in March and April, 1954, allegedly started to construct fences around the parcels of land and deprive the plaintiffs of the rightful enjoyment thereof, which the latter assert as theirs, in view of their ownership and prior possession. Their prayer was the same—to have themselves restored to their respective landholdings and to enjoin the defendants from further acts of molestation and deprivation, with damages. Upon these premises, the joinder of the plaintiffs clearly merits judicial approval.

The result is not changed merely because the lower court, in dismissing the complaint, did so without prejudice to the filing of separate or independent complaints, if in the opinion of the plaintiffs, either for legal or practical reasons, their joinder would be more advantageous to them.

"The purposes of this provision, as far as they concern actions for tort, are to avoid a multiplicity of suits for the same wrongful act, to prevent apparently inconsistent verdicts on the same issue, to save the unnecessary expenditure of the public moneys for repeated trials of the same, question, and to protect defendant from a multiplication of costs in repeated defenses of the same issue." (Karcher vs. Downes, 31 B Dits. & Co., 386; see note 6, 67 C.J.S., p. 939)

Appellees warn that a situation might arise during the proceedings when some of the parties would have no interest therein to protect and, therefore, would remain idle in the meanwhile that the incident is pending; but this matter is well safeguarded by the Rules, thus—

"* * *; but the court may make such orders as may be just to prevent any plaintiff or defendant from being embarrassed or put to expense in connection with any proceedings in which he may have no interest." (Sec. 6, Rule 3, Rules of Court)

As to the alleged non-joinder of the Director of Lands as a co-party defendant to the case, the court a quo, if it really deemed it proper, could have well ordered his inclusion without having to dismiss the action (De los Santos, et al., vs. Provincial Sheriff of Rizal, et al., 64 Phil., 193, 198, and the cases cited therein).

Penultimately, Section 11 of Rule 3 of the said Rules of Court expresses:

"Misjoinder and non-joinder of parties.—Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately."

The dismissal ordered by the court was obviously final in character and correctible only on appeal (see Veloso vs. Ang Song Teng, 2 Phil., 622); and while it was made without prejudice to the filing of separate actions, such step, however, plainly will not be a mere question of refileing the original complaint. On this score, our ruling in the case of Lazaro vs. Mariano, 59 Phil., 628, does not apply.

Wherefore, the orders appealed from are reversed, and the case is hereby ordered remanded to the lower court for further proceedings. Costs in this instance against defendants-appellees.

Paras, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Gutierrez David, Paredes, and Dizon, JJ., concur.

Orders reversed.

[1] See also Emilio Abrasaldo vs. Compañia Maritima, G. R. No. L-11918, July 31, 1958, and cases cited therein; Montes vs. Castro, G.R. No. L-12372, April 30, 1959.

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