

**MARIA BUKID, MIGUEL CASTILLO AND MANUEL CARANDANG,
PETITIONERS, VS. HON. ALBERTO A. REYES, JUDGE OF THE COURT
OF AGRARIAN RELATIONS, BRANCH II, SEVENTH REGIONAL
DISTRICT; CRISAN...**

G.R. No. L-43521. August 10, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

Presented for resolution in these special civil actions of certiorari and prohibition is the question of whether the Court of Agrarian Relations, Lipa City Branch, gravely abused its discretion in not allowing Maria Bukid and her sons, Miguel Castillo and Manuel Carandang, to intervene in CAR Case No. 1800 "Crisanto Salazar vs. Laureano Macalintal and Irene Acapio". That question has to be decided on the basis of the ultimate facts found in the pleadings.

Crisanto Salazar alleged in his amended complaint that the spouses Laureano Macalintal and Irene Acapio are the owners of two parcels of land located at Barrio Maugat, Padre Garcia, Batangas. In 1957 or after Salazar married Macalintal's sister, he became a tenant of the Macalintal spouses on their six-hectare-parcel of land. When the Macalintal spouses acquired a one-hectare coconut land in 1960, Salazar became also the tenant thereof. He planted on the land coconut, coffee and mango trees and banana plants.

Salazar also alleged that sometime after the permanent trees had been planted, he allowed Miguel Castillo, at the request of his mother Maria Bukid and with the consent of the Macalintal spouses, to plant seasonal crops on the portion of the land that was not planted to fruit-bearing trees. Manuel Carandang, another son of Maria Bukid, succeeded Castillo as a tiller of the land. In 1972, when Salazar separated from his wife, he asked the Macalintal spouses to pay for the price of the trees which he had planted. The spouses did not honor their contractual commitment. They dispossessed him of the land and "asked Maria Bukid to administer the landholdings" (Par. 12, page 10, Rollo).

Salazar prayed that the Macalintal spouses be ordered to account for the produce of the land and to pay him his corresponding share thereof up to the time the possession of the land is restored to him or that he be paid the value of the permanent trees planted by him, plus disturbance compensation and damages.

The Macalintal spouses in their answer alleged that Salazar was their tenant up to 1967 when he surrendered or abandoned the land and he and his wife moved to San Antonio, Quezon Province. It was then that Maria Bukid became their overseer and her two sons became their tenants. Six years later, Salazar separated from his wife and stayed with his children who were residing at Barrio Maugat. In February, 1975 Salazar surreptitiously occupied the house of the spouses on the said land. They filed an ejectment suit against Salazar in the municipal court of Padre Garcia. The Macalintal spouses prayed for the dismissal of Salazar's complaint.

On December 10, 1975 Maria Bukid and her sons, pursuant to the lower court's order filed an intervention

complaint in CAR Case No. 1800. They alleged that since 1967 they have been the overseer and tenants, respectively, of the Macalintal spouses on the landholdings in question and that in February, 1975 Salazar forcibly entered the house of the Macalintal spouses located on the said land and dislodged Maria Bukid therefrom. The intervenors prayed that Salazar and the Macalintal spouses be ordered to recognize Maria Bukid as the overseer, and her two sons, Castillo and Carandang, as the tenants of the said land.

Salazar opposed the motion for intervention. (The Macalintal spouses manifested on November 28, 1975 that they interposed no objection to the motion for intervention). The lower court denied the motion in a minute order dated February 20, 1976. The intervenors filed a motion for reconsideration and an amended complaint in intervention. The lower court denied the motion for reconsideration in its minute order dated March 23, 1976. A copy of that order was served on the intervenors on April 1. On April 12, they filed the petition herein.

Respondent Judge's CAR counsel justified his denial of the motion for intervention by alleging that the intervenors have no cause of action against Salazar and the Macalintal spouses. The CAR counsel contended that the status of Maria Bukid as an overseer would not be affected by any decision on Salazar's complaint. As to her grievance that she was ejected by Salazar from the house occupied by her, she could secure relief in the ejectment case pending in the municipal court.

The CAR counsel also contended that since Salazar and the Macalintal spouses have not attempted to oust Castillo and Carandang from the land in question, they have no cause of action against the said persons and no right to intervene in the litigation between them. Respondent Judge's counsel observed that Maria Bukid and her sons should have filed an answer in intervention because they "have a common cause" with the Macalintal spouses in resisting Salazar's claim. Or they should file a separate action.

Taking into account the foregoing factual allegations and considering that the proceedings in the Agrarian Court are governed by the Rules of Court (Sec. 155, Code of Agrarian Reforms);

Considering that Salazar wants to take the place of Castillo and Carandang as tenants and desires to be restored to the possession of the landholdings in question, which since 1967 have allegedly been under the control of the intervenors;

Considering that Salazar's demand for his share of the produce during the time that the land has been in the possession of Maria Bukid and her sons (or, alternatively, for the price of the permanent trees) would adversely affect their own shares in the products thereof (already received and to be received) as well as their rights, if any, to the plantings thereon;

Considering that the intervenors have an interest in the subject matter of Salazar's action and that complete relief cannot be granted therein without hearing their side of the controversy; that any adjudication in Salazar's favor would prejudice them; that their interest in the CAR case is actual and material, direct and immediate and not merely contingent and inchoate (*Garcia vs. David*, 67 Phil. 279; See secs. 2, 7 and 8, Rule 3 in relation to Rule 12 of the Rules of Court), and that their intervention will not unduly delay or prejudice the adjudication of the rights of Salazar and the Macalintal spouses:

The Court resolved to set aside the court's order denying the motion for intervention of Maria Bukid and her sons, Castillo and Carandang, and to direct that, in justice to them, their intervention complaint be admitted and thus obviate duplicity of suits (*Toledo vs. Court of Agrarian Relations*, 62 O. G. 4765, 8 SCRA 499). That order was issued with grave abuse of discretion. No costs.

SO ORDERED.

Fernando, Acting C.J., Barredo, Antonio, and Concepcion, Jr., JJ., concur.

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