

CONCORDIO A. TRAZO, PETITIONER, VS. MANILA PENCIL CO., INC., ET AL., RESPONDENTS.*G.R. No. L-16501. January 31, 1961*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4f2204cad352/>**LABRADOR, J.:**

On October 19, 1959, Judge Arsenio Solidum of the Court of First Instance of Manila rendered judgment in Civil Case No. 39864 of said court, entitled "Manila Pencil Company, Inc., petitioner, versus, the Director of Lands, respondent," ordering the respondent Director to execute a deed of sale in favor of the petitioner therein of Lots Nos. 11 and 79 of the San Lazaro Friar Lands. From this decision, the Director appealed to the Supreme Court, which appeal is docketed as G. R. No. L-16272, but said appeal was dismissed upon motion of the Solicitor General. (Memorandum of Respondent Manila Pencil Company dated May 6, 1960) On November 6, 1959, Concordio A. Trazo, petitioner herein, filed in said case an "Omnibus Motion for Leave of Court to Intervene To Set Aside the Decision of October 19, 1959 and for New Trial", alleging that he, not the respondent herein Manila Pencil Company, is the actual occupant of 200 square meters of Lot No. 79; that he occupied the same since 1949, by virtue of a contract of sublease with the Manila Pencil Company; that the decision in Civil Case No. 39864 was obtained by means of fraud, because the Manila Pencil Company misrepresented that it actually occupied said lot and furthermore because said company failed to give him notice of the pendency of said civil case; that the Director of Lands likewise acted in bad faith in admitting actual occupancy of the lot by the company. Trazo admits, however, that he received a letter dated August 17, 1959, notifying him of the pendency of the case in the Court of First Instance, but he claims to have received it only on the first week of October, 1959. On November 7, 1959, Judge Solidum denied the omnibus motion filed by Trazo, for the reason that intervention in a case is no longer permitted after judgment has been rendered. In the same order, respondent judge approved the record on appeal presented by the Director of Lands.

The present petition for mandamus and certiorari was filed in this Court by Concordio A. Trazo to annul the judgment of the respondent court in Civil Case No. 39864, to suspend the proceedings in said case, and to reopen the case, allowing petitioner herein to intervene. In his petition, Trazo reiterates the allegations in his omnibus motion to intervene, and contends that, being an indispensable party, his intervention should have been allowed, citing the case of *Falcasantos vs. Falcasantos*, G. R. No. L-4627, May 13, 1952.

Respondent Director of Lands and Manila Pencil Company filed separate answers to the petition. Respondent Director alleges that his co-respondent, the Manila Pencil Company, filed a sales application with the Bureau sometime in 1958, earlier than that of petitioner herein, and the latter's application was treated only as a protest, that in the case of "*The Philippine Consolidated Freight Lines vs. Emiliano Ajon, et al.*, (103 Phil., 318; 55 Off. Gaz., [1] 22), the Supreme Court confirmed possession of Lots Nos. 11 and 79 in the Philippine Consolidated Freight Lines, which is the predecessor-in-interest of the respondent company; that the Director personally notified petitioner herein by mail of the case pending before the Court of First Instance. The Director, however, has no objection to the suspension of the proceedings, nor to petitioner's intervention in the case.

In its answer to the petition, respondent company alleges, as a special defense, that petitioner herein is only a tenant of the company, and as such he cannot deny the company's title; that as decided by the Supreme Court in the case of "The Philippine Consolidated Freight Lines vs. Ajon, etc., supra, sublessees have no right better than the original lessee; that petitioner's occupancy of the area in question inures to the benefit of the respondent company. Claiming further that the respondent court did not abuse its discretion in denying the motion for intervention, respondent company prays for dismissal of the petition.

The petition is without merit. Sections 1 and 3 of Rule 13 of the Rules of Court provide, as follows:

"Section 1. A person may, at any period of a trial, be permitted by the court, in its discretion, to intervene in an action, if he has legal interest in the matter in litigation, or an interest against both, or when he is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof."

"Section 3. In allowing or disallowing a motion for intervention, the court, in the exercise of discretion, shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties and whether or not the intervenor's rights may be fully protected in a separate proceeding."

The case of petitioner herein does not come within the purview of the above-quoted provisions of the rule he invoked in the court below. Section 1 of Rule 13 provides that intervention may be permitted "at any period of a trial". The phrase "at any period of a trial" has been construed to mean the period for the presentation of evidence by both parties (*Felismeno vs. Gloria*, 47 Phil. 967; *Bool vs. Mendoza*, 92 Phil., 892). Therefore, intervention may not be permitted after trial has been concluded (*Goan vs. Azores*, 76 Phil., 363; *El Hogar Filipino vs. National Bank*, 64 Phil., 582). The motion for intervention was filed after the trial and decision of the original case and therefore out of time.

It is not true that petitioner is an indispensable party with respect to the right of action of the Manila Pencil Company against the Director of Lands. Petitioner had absolutely no part in the agreement between these two. It is evident therefore, that the intervention of petitioner would unduly delay or prejudice the adjudication of the rights of the original parties. Furthermore, the decision in Civil Case No. 39864 is already final and executory, the said case has been dismissed in this Court.

If the herein petitioner has any right of action at all, his rights can be fully protected in a separate proceeding. If he feels aggrieved, he should file an independent action to protect the same.

The petition is hereby denied. With costs against petitioner.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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.