

REPUBLIC OF THE PHILIPPINES, PLAINTIFF, VS. CLEOFE RAMOS, ET AL., DEFENDANTS. CLEOFE RAMOS, ET AL., THIRD-PARTY PLAINTIFFS-APPELLANTS, VS. FELIPE ASUNCION, ET AL., THIRD-PARTY D...

G.R. No. L-18911. April 27, 1967

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Plaintiff, Republic of the Philippines, filed a complaint containing two causes of action: (1) for the annulment of the registration of Lot No. 2 of Plan Psu-117285 and of the corresponding original certificate of title issued by the Register of Deeds for the province of Bulacan in the name of defendants (and third-party plaintiffs-appellants), and for the reversion of said lot to the plaintiff as part of the public domain; and (2) for an order prohibiting defendants from further excavating the Wawang Dapdap River and from constructing works on the land covered by their Foreshore Lease Application bordering said river, as well as for recovery of damages occasioned by such illegal excavations and appropriation of the public domain.

Defendants filed their answer with counterclaim, denying the alleged illegal excavations and constructions on the Wawang Dapdap River, but admitting that they are the registered owners of Lot No. 2 of Plan Psu-117285. In the same answer, defendants countered that if there are any illegal excavations and constructions they were made and are being made not by defendants but by third-party defendants. Thus, paragraph 5 of defendants' answer reads:

"5. That they specifically deny the allegation in par. 7 of the first cause of action in the complaint to the effect that they have illegally appropriated unto themselves through artificial means portion of the Wawang Dapdap River flow-ing out of the Manila Bay, by systema-tically filling the banks of said river adjacent to Lot No. 2 as described in Plan Psu-117285. They also deny the rest of the allegation in said paragraph as it is imaginary, fanciful, and made with-out any basis in fact and in law and in-spired by Felipe F. Asuncion x x x who is the very same person who has in fact sys-tematically reduced not only the width of the river but also of Manila Bay through, artificial accretion by putting stakes and adobe stone right on the bed of said river and for which reason the herein defendants will respectfully request this Honorable Court to bring him as third-party defendant, he having increased the inherited holding of his wife artificially and illegally from a mere twenty-seven (27) hectares of fishpond to almost 200-hectares with a length of almost two (2) kilometers, thereby considerably reducing the width of the Wawang Dapdap River and appropriating a great portion of Manila Bay to the great prejudice of the public."

Accordingly, with prior leave of court, defendants filed a third-party complaint against third-party defendants, alleging among other things that it is not defendants and third-party plaintiffs "who have illegally appropriated through artificial and illegal means portion of the Wawang Dapdap River and Manila Bay, but the third-party defendants Felipe F. Asuncion and his wife who have increased their holdings from a mere 27-hectare to around 200-hectares occupying almost half of the Wawang Dapdap River throughout its length of about two (2) kilometers, and a big portion of Manila Bay x x x; that had it not been for the said illegal and wrongful

appropriation on the part of the third-party defendants of the greater portion of the Wawang Dapdap River, who have placed stakes and adobe stones (cascajo) and constructed dikes on the very bed of the said Wawang Dapdap River x x x, (it) would not have bent toward third-party plaintiff's property and become shallower and narrower."

Defendants and third-party plaintiffs prayed that "the third-party defendants be ordered to remove their dikes - throughout the length of two (2) kilometers x x x and to remove all the stakes and adobe stones (cascajo) that they placed on the bed of the Wawang Dapdap River illegally to a width of around 30 to 40 meters away from the river bed. x x x"

Third-party defendants filed a motion to dismiss the third-party complaint. Over the opposition of defendants and third-party plaintiffs, the lower court granted the motion, and reconsideration of the order having been denied, appeal was seasonably made by them to this Court.

The motion to dismiss filed by third-party defendants and sustained by the lower court enumerated three grounds, to wit:

- "1. That the third-party complaint is improper and the third-party defendants have been improperly brought into this action;
- "2. That the third-party plaintiffs have no legal capacity to file the third-party complaint;
- "3. That the third-party complaint states no cause of action."

From the welter of pleadings filed by the contending parties, the fundamental issue herein presented is the propriety or impropriety of the third-party complaint.

Rule 6, Sec. 12 of the Rules of Court, provides:

"Third-party complaint. - A third party-complaint is a claim that a defend-ing party may, with leave of court, file against a person not a party to the action, called the third-party defendant, for con-tribution, indemnity, subrogation or any other relief, in respect of his opponent's claim."

Defendants and third-party plaintiffs' position is anchored on the proposition that the third-party complaint is "also related to the claim of the plaintiff because third-party defendants have made the plaintiff believe and claim that (Lot No. 2 of Psu-117285) is a part of the public domain resulting from their own acts of illegal appropriation of the Wawang Dapdap River which caused the latter to bend towards the property of the herein defendants -third-party plaintiffs."

The complaint filed by the plaintiff is for the recovery of a specific parcel of land, Lot No. 2 of Psu-117285, which is said to form part of the public domain. Its claim for damages is based on certain allegedly illegal acts of defendants, namely, the excavations they had made in the Wawang Dapdap River and the illegal works constructed by them on the land covered by their foreshore lease application along the same river.

On the propriety of the third-party complaint the lower court observed:

"x x x Now the third-party plaintiffs would like to make this Court be-lieve that because of the illegal con-structions by the third-party defendants they are facing the risk for answering the damages to the plaintiff although the ones at fault are really the third-party defendants. There is no showing that if the third-party complaint is permitted and thereby bring into liti-gation the persons of Felipe Asuncion and Basilia Gonzales who have no rela-tion or in any way related to the claim of the plaintiff the third-party plaintiffs would be exempt or absolved from the claim of the plaintiff. If the third-party plaintiffs could be held answerable for damages as per allegation in the complaint of the plaintiff, it is due to their own acts and not due to the act of third-party defendants. The latter have no interest in Lot No. 2, Psu--117285. Under the guise of avoiding

multiplicity of suits the third-party plaintiffs would like the third-party defendants be brought into the litigation in order that the issues which affect them should be resolved in one style proceeding." (underlining supplied)

And the lower court concluded:

"x x x If the third-party plaintiffs could be held liable for damages it is due to their own acts where the third-party defendants have no participation either directly or indirectly. The third-party plaintiffs can be held answerable for damages to the plaintiff on the allegations of the complaint. The Court will not be powerless to adjudicate third-party plaintiffs exempt from the liability if they can prove that the fault does not lie with them but with other persons."

Rule 6, Sec. 12, allows third-party complaints in order to minimize the number of lawsuits and avoid the necessity of bringing two or more actions involving the same subject-matter. Thus, if it appears probable that a second action will result if the plaintiff prevails, but that this could be avoided if the third-party defendant were retained in the case, a motion to dismiss the third-party complaint should be denied. Yet the desirability of avoiding multiplicity of suits should not operate so as to consolidate in a single proceeding, under the supposed authority of Rule 6, Sec. 12, matters which are or should be appropriately threshed out separately. A third-party defendant may not be impleaded if the effect would be to introduce a new and separate controversy into the action.

In this case, as the lower court said, "if the third-party plaintiffs could be held answerable for damages as per allegation in the complaint of the plaintiff, it is due to their own acts and not due to the acts of third-party defendants." As far as may be gathered from the pertinent allegations in the pleadings, plaintiff's causes of action against defendants are unrelated to those of the latter against third-party defendants. A declaration that the land described in the complaint is part of the public domain and that excavations and constructions were made by defendants therein would not necessarily make for a cause of action in their favor and against third-party defendants. The latter would be liable, if at all, on an entirely separate ground, namely, that the illegal constructions and excavations allegedly made by them on a parcel of land which was altogether different had caused damages to third-party plaintiffs. There is no averment that the latter's illegal acts were induced or rendered necessary by the illegal acts of third-party defendants; or more specifically, that if no constructions or excavations had been made by third-party defendants, Lot No. 2 Psu-117285, would not be part of the public domain at all. True, it is alleged in the third-party complaint that if not for those acts the river "would not have bent toward third-party plaintiffs' property and become shallower and narrower." But it is not alleged how this circumstance could affect plaintiff's cause of action against defendants, or render third-party defendants liable for "contribution, indemnity, subrogation or any other relief" in respect of plaintiff's claim.

The allowance of a third-party complaint is predicated on the need for expediency and the avoidance of unnecessary lawsuits. But it should not be considered as an excuse for indiscriminately filing any claim which a defendant may have against a third-party defendant, although unrelated to the main action.

Having found that there is no legal basis for the filing of the third-party complaint against third-party defendants, the determination of the other grounds invoked by third-party defendants becomes unnecessary.

WHEREFORE, the order of the lower court sustaining third-party defendants' motion to dismiss is hereby affirmed. Costs against the appellants.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Bengzon, J.P., Zaldivar, Sanchez, and Castro, JJ., concur.

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