

BIG COUNTRY RANCH CORPORATION, PETITIONER, VS. COURT OF APPEALS, MAX B. PALARCA AND GOLDEN FLAME SAWMILL CORPORATION, RESPONDENTS.

G.R. No. 102927. October 12, 1993

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-102927/>

REGALADO, J.:

The instant petition stems from the order issued on July 16, 1991 by the Regional Trial Court of Manila, Branch 3, in Civil Case No. 91-57097, entitled "Max B. Palarca vs. Capt. Arturo Y. Capada, PN," denying petitioner's motion for leave to intervene therein.[1]

The said case was initiated by private respondent Palarca in a complaint filed on May 9, 1991 for the recovery of two barges named "Bangsi" and "Dangsol" from the possession of the First Coast Guard District, Philippine Coast Guard, and seeking the issuance of a writ of replevin for that purpose.

On May 21, 1991, the lower court, after the filing by said private respondent of the requisite bond of P600,000.00, executed in favor of therein defendant and private respondent Golden Flame Sawmill Corporation, as defendant-intervenor, issued a writ of replevin for the seizure of the two barges.

Thereafter, the implementing sheriff submitted a report to the trial court, dated May 27, 1991, to the effect that the barges in the custody of the Philippine Coast Guard were "BCRC I" and "BCRC II," allegedly with descriptions different from "Bangsi" and "Dangsol." In order to properly determine the correct identities of the two barges in the custody of the Philippine Coast Guard, the trial court ordered the re-admeasurement thereof by the Marine Surveyor of the Philippine Coast Guard in the presence of the representatives of both parties.

Meanwhile, private respondent Golden Flame Sawmill Corporation filed an urgent motion for intervention, claiming ownership over the two barges which it allegedly acquired from herein petitioner in a public auction sale, as evidenced by a certificate of sale thereof. On May 30, 1991, the trial court issued an order allowing respondent Golden Flame Sawmill to intervene in said case.

On July 8, 1991, herein petitioner also filed a motion in the trial court seeking leave to likewise intervene in the case on the ground that it is the owner of the two barges in question on the strength of xerox copies of certain documents issued by the Philippine Coast Guard consequent to its purchase of four barges from Mahogany Products (Phil.) Inc. on May 30, 1979. Respondent Golden Flame Sawmill Corporation filed an opposition thereto.

As earlier stated, on July 16, 1991 the trial court issued an order denying petitioner's motion for leave to intervene and ordering the release of the two barges, whether identified as "Bangsi" and "Dangsol" or "BCRC I" and "BCRC II", to respondent Palarca upon the security of the replevin bond of P600,000.00 that he had filed. The pertinent part of the order reads:

"x x x it appearing that the said movant (petitioner) has not alleged any legal interest over the matter in

litigation, which are the two barges involved, or in the success of either of the plaintiff, defendant or defendant-intervenor, or legal interest against all of them, or that said movant is so situated as to be adversely affected by a distribution or disposition of the said property (2 barges) now in the custody of the Court; and considering the claim of defendant-intervenor that the two barges were already sold at public auction sometime in April, 1989, due to the failure of the said movant to pay a loan, for which the said barges were pledged, thereby divesting movant of any right over said barges, and finally, considering that the said motion will not only unduly delay this case or prejudice the adjudication of the rights of the original parties, but also the said movant may protect its rights, if it has any rights at all, in a separate proceedings (sic), the Court is constrained to deny the motion for lack of merit." [2]

Not satisfied therewith, petitioner filed a petition for certiorari before respondent Court of Appeals which, however, dismissed said petition on August 30, 1991 in CA-G.R. SP No. 25474.[3] Hence this appeal, wherein petitioner impugns the correctness of the judgment of respondent court and, for good measure albeit improperly, contends that the Court of Appeals gravely abused its discretion in affirming the order of the court a quo which denied petitioner's motion for leave to intervene.

We do not agree, in light of settled principles on which we shall essay a restatement.

The right to intervene is not an absolute right. The statutory rules or conditions for the right of intervention must be shown.[4] The procedure to secure the right to intervene is to a great extent fixed by the statute or rule, and intervention can, as a rule, be secured only in accordance with the terms of the applicable provision.[5] Under our rules on intervention, the allowance or disallowance of a motion to intervene is addressed to the sound discretion of the court.[6]

Section 2(a), Rule 12 of the Rules of Court provides that "(a) person may, before or during 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 in the success of either of the parties, 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."

The permissive tenor of the provision on intervention shows the intention of the rules to give to the court the full measure of discretion in permitting or disallowing the same.[7] The discretion of the court, once exercised, cannot be reviewed by certiorari nor controlled by mandamus save in instances where such discretion has been so exercised in an arbitrary or capricious manner.[8] As a general guide in determining whether a party may intervene, the court 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.[9]

In the present case, there is no showing of grave abuse of discretion on the part of the trial court. It denied petitioner's motion for intervention by reason of its findings, which were affirmed by respondent Court of Appeals, that the intervention would only unduly delay the case and prejudice the adjudication of the rights of the original parties; that herein petitioner has no legal interest in the matter in litigation; and that at any rate, his rights, if any, can be ventilated and protected in a separate action.

The said findings of the trial court are not without rational bases. It is admitted by petitioner that the two barges which are the subject of the litigation have already been sold to defendant-intervenor, herein respondent Golden Flame Sawmill Corporation, in a public auction held on April 17, 1989.[10] In fact, the corresponding certificates of sale therefor have been issued in the name of said respondent corporation. These certificates of sale constituted the very reason why it was allowed to intervene in the main case.

Petitioner's claim that the public sale was attended by some irregularities and was, therefore, invalid could

evidently be better threshed out in an independent proceeding. To allow petitioner to intervene in the replevin suit, which is primarily on the issue of possession, would only make the proceedings therein unnecessarily complicated. New and unrelated issues on conflicting claims of ownership, authenticity of documents of title and regularity in the mode of acquisition thereof could expectedly be raised and inevitably cause delay in the adjudication of the rights claimed by the original parties. This is not the policy of our procedural law on the matter.

It is firmly settled in this jurisdiction that intervention will not be allowed when it will unduly delay or prejudice the adjudication of the rights of the principal parties, especially if intervenor's rights may be fully protected in a separate proceeding.[11] Intervention is not intended to change the nature and character of the action itself,[12] or to stop or delay the placid operation of the machinery of the trial.[13] The remedy of intervention is not proper where it will have the effect of retarding the principal suit or delaying the trial of the action.[14]

Also, in general, an independent controversy cannot be injected into a suit by intervention,[15] hence such intervention will not be allowed where it would enlarge the issues in the action and expand the scope of the remedies.[16] It is not proper where there are certain facts giving intervenor's case an aspect peculiar to himself and differentiating it clearly from that of the original parties; the proper course is for the would-be intervenor to litigate his claim in a separate suit.[17]

Coming back to the petition at bar, it is to be noted that, at this point, there is no pending principal action wherein petitioner may intervene. A decision was already rendered therein by the trial court and no appeal having been taken therefrom, the judgment in that main case is now final and executory.[18] Intervention is legally possible only "before or during a trial," hence a motion for intervention filed after trial -- and, a fortiori, when the case has already been submitted, when judgment has been rendered, or worse, when judgment is already final and executory -- should be denied.[19]

Petitioner would do well to reflect on the doctrinal rule that an intervention is merely collateral or accessory or ancillary to the principal action, and not an independent proceeding; it is an interlocutory proceeding dependent on or subsidiary to the case between the original parties. Where the main action ceases to exist, there is no pending proceeding wherein the intervention may be based.[20]

Also, in taking its grievance to the Court of Appeals through a petition for certiorari, it apparently ignored the sine qua non for such recourse that there should be no other adequate remedies available to it. Indeed, as pithily observed by respondent court, petitioner could very well have sought reconsideration of the challenged order by pointing out and proving that the barges "BCRC I" and "BCRC II" are different from its barges "Bangsi" and "Dangsol"; or it could have filed a third-party claim over the barges under Section 7 of Rule 60; or, of course, it could have instituted the proper action to vindicate its claim to said barges under the same provision of the aforecited rule.

ACCORDINGLY, the petition at bar is hereby DENIED and the assailed judgment of respondent Court of Appeals is AFFIRMED, with costs against petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Nocon, and Puno, JJ., concur.
Padilla, J., on leave.

[1] Per Judge Clemente M. Soriano.

[2] Rollo, 38.

[3] Ibid., 58-61.

[4] 59 Am. Jur. 2d, Parties, 657.

[5] Elliot vs. Superior Court of San Diego County, 144 Cal 501; Public Water Supply Dist. No. 2 vs. Davis (Mo App) 607 SW 2d 835.

[6] Philippine National Construction Corporation vs. Republic, et al., 188 SCRA 775 (1990).

[7] Garcia, etc., et al. vs. David, et al., 67 Phil. 279 (1939).

[8] Republic vs. Sandiganbayan, et al., 184 SCRA 382 (1990).

[9] Sec. 2(b), Rule 12; Balane, et al. vs. De Guzman, et al., 20 SCRA 177 (1967).

[10] Rollo, 46.

[11] Rizal Surety and Insurance Co., Inc. vs. Tan, 83 Phil. 732 (1949); Peyer vs. Martinez, etc., et al., 88 Phil. 72 (1951); Banco Filipino Savings and Mortgage Bank vs. The Monetary Board, et al., G.R. 70054, Resolution En Banc, March 3, 1990.

[12] Garcia, etc., et al. vs. David, supra; Reliance Commercial Enterprises, Inc. vs. Board of Tax Appeals, 97 Phil. 1001 (1955).

[13] Reay vs. Butler, 7 P. 669, 671; 33 C.J. 477.

[14] 67A C.J.S., Parties, 805.

[15] Ibid., 823.

[16] Fireman's Fund Ins. Co. vs. Gerlach, 128 Cal. Rptr. 39656 C.A. 3d 299.

[17] Del.-Keller vs. Wilson & Co., 194 A. 45, 22 Del. Ch. 175.

[18] Rollo, 91-97.

[19] Spouses Oliva vs. Court of Appeals, et al., 166 SCRA 632 (1988).

[20] Ordoñez vs. Gustilo, etc., et al., 192 SCRA 469 (1990).

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.