REPUBLIC OF THE PHILIPPINES, (REPRESENTED BY THE PHILIPPINE HUMAN RESOURCES DEVELOPMENT CENTER AND CONSTRUCTION MANPOWER DEVELOPMENT FOUNDATION), PETITIONER, VS. HON. CESAR A. M...

G.R. No. 130907. November 27, 2001

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-130907/

QUISUMBING, J.:

This petition for certiorari assails the Orders issued by Hon. Cesar A. Mangrobang, presiding judge of the Regional Trial Court of Imus, Cavite, Branch 22, in Civil Case No. 055-96. Petitioner seeks to annul and set aside the order[1]dated April 14, 1997, consolidating Civil Case No. 055-96 with Civil Case No. 1277-96, pending before the Regional Trial Court of Imus, Cavite, Branch 20; and the order[2] dated August 26, 1997 denying petitioner's motion for reconsideration.

The factual antecedents to this petition are as follows:

Private respondent Helena Z. Benitez, a former Senator, is the owner of two parcels of land located in Barangay Salawag, Dasmariñas, Cavite, covered by TCT No. 14701, with an area of 483,331 square meters more or less.

On March 30, 1983, petitioner Republic of the Philippines, through the Philippine Human Resources Development Center (PHRDC), signed a Memorandum of Agreement with Benitez whereby the latter undertook to lease her property in favor of PHRDC, for a period of 20 years and/or sell a portion thereof which shall be no less than ten hectares. PHRDC in turn agreed to lease within the same period and/or buy said property site.

On September 22, 1983, private respondent Philippine Women's University (PWU) and Benitez granted a permit to PHRDC to occupy and use the land in question and to undertake land development, electrical and road network installations and other related works necessary to attain the latter's objectives. Pursuant thereto, the Construction Manpower Development Foundation (CMDF)[3]took possession of the property and erected buildings and other related facilities necessary for its operations.

A lease contract was thereafter signed by PWU and PHRDC on a ten-hectare portion of the land which stipulated, among others, a rental of P200,000.00 per annum for an initial term of four years, from January 1, 1984 to January 1, 1988, with an option granted to PHRDC to renew the lease upon agreement of both parties, for a further period of up to but not exceeding 20 years from the expiration of the initial term thereof.

PWU's participation in the above transactions stemmed from its being a donee of the property involved, as embodied in a deed of donation, which deed was executed by Benitez in its favor only in December 1984.

At the end of the initial four-year term of the lease, negotiations began for the purchase of a seven-hectare portion of the property. In a series of letters,[4] Benitez made the offer to sell the property at a price of P70.00 per square meter.

In view of the on-going negotiations for the eventual sale of the lot, Benitez and PHRDC, through its General Manager Juvenal Catajoy, Jr., agreed that the payment of rentals would cease effective July 1, 1989.[5] Benitez however contends that no such agreement was entered into; in fact, she said petitioner simply failed to pay rentals from July 1, 1989 up to the present despite repeated and friendly demands made by private respondents.[6]

PHRDC had by then already prepared a Deed of Absolute Sale, for the signature of Benitez as vendor, and PHRDC and CMDF as vendees. However, Benitez refused to sign the Deed of Absolute Sale since, according to her, there was never any perfected contract or agreement to sell the property.[7]

In a letter dated August 15, 1995, Benitez and PWU demanded from PHRDC the payment of rentals and to vacate the premises within thirty days from notice.

Thereafter, on December 14, 1995, Benitez and PWU filed an ejectment case based on alleged unlawful detainer[8] against PHRDC and CMDF before the Municipal Trial Court of Dasmariñas, Cavite.

In the meantime, petitioner, through the Department of Trade and Industry, to which the CMDF is attached, instituted a complaint for Eminent Domain, pursuant to the provisions of Executive Order No. 1035,[9] which case is now pending before the RTC, Branch 20 of Imus, Cavite and docketed as Civil Case No. 1277-96.

The MTC of Dasmariñas rendered a decision[10] dated September 2, 1996 in favor of PWU and Benitez, ordering the defendants therein to vacate the premises, pay arrearages in rentals, reasonable compensation for their continued stay in the premises and attorney's fees.

The decision was appealed by PHRDC and CMDF to the RTC of Imus, Cavite, where it was docketed as Civil Case No. 055-96, raffled off and assigned to the RTC, Branch 22, which was presided over by respondent Judge Mangrobang.

On October 24, 1996, PWU and Benitez filed a Petition for Consolidation[11] of the appealed Civil Case No. 055-96 with Civil Case No. 1277-96. PHRDC and CMDF opposed[12] the petition.

On April 14, 1997, respondent Judge issued the Order[13] granting the petition for consolidation, the dispositive portion of which reads:

> WHEREFORE, let this case be, as it is hereby referred to Branch 20 of RTC, Imus, Cavite to be jointly tried/resolved together with Civil case No. 1277-96 entitled Republic of the Philippines (represented by the Department of Trade and Industry) vs. Helena Z. Benitez.
>
> SO ORDERED.[14]

PHRDC and CMDF filed a Motion for Reconsideration[15] of the above order. Respondent Judge denied the same through an Order[16] dated August 26, 1997.

Petitioner is now before us with this petition on the ground that:

> RESPONDENT JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN, WITHOUT ANY LEGAL AND FACTUAL BASIS, HE ORDERED THE CONSOLIDATION/JOINT TRIAL OF THE TWO (2) CASES, NOTWITHSTANDING THE FACT THAT THEY INVOLVED DIFFERENT CAUSES OF ACTION, ISSUES AND EXERCISE OF JURISDICTION.

For resolution is whether or not an appealed case emanating from the decision of a Municipal Trial Court in an ejectment case and now pending before a Regional Trial Court can be consolidated with an original action for eminent domain pending before another branch of the RTC.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

The legal basis of an order for consolidation of two cases is Section 1, Rule 31 of the Rules of Civil Procedure, which states:

> Section 1. Consolidation. - When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Petitioner argues against consolidation, contending that the ejectment case is an appealed case where the RTC exercises its appellate jurisdiction, while the case for eminent domain is an original action where the RTC exercises original and exclusive jurisdiction. Moreover, the issue in the ejectment case is only of possession while the expropriation case will involve the issue of ownership. In addition, petitioner contends that the trial stage of the ejectment case was already over in the MTC while the expropriation case has yet to begin trial before the RTC.

Thus, petitioner contends that since the two cases are separate, distinct and independent from each other, whatever decision will be given in the appealed ejectment case will not affect proceedings in the eminent domain case.[17]

In moving for consolidation, private respondents contend that there is no requirement found in the rules that both cases should be of the same nature and cause of action, nor that they should involve a similar exercise of jurisdiction.[18]

Both parties submit that at the very least Rule 31, Section 1, requires that there be common questions of fact or law between the cases sought to be consolidated.

Respondent Judge cites judicial economy, convenience of the parties, as well as the avoidance of the issuance of conflicting decisions by two (2) branches of the RTC as reasons for granting the motion for consolidation. According to him, consolidation would insure a more orderly proceeding and administration of justice. He states that both refer to a common or similar issue, which is possession of the same property.[19]

In Presidential Commission on Good Government v. Sandiganbayan,[20] we declared:

> The main object of consolidation is to avoid multiplicity of suits, guard against oppression or abuse, prevent delay, clear congested dockets, simplify the work of the trial court and save unnecessary costs and expense.[21]

While nothing in the rules expressly prohibits the consolidation of an appealed case with a case being heard originally, consolidation of the two cases involved herein would serve none of the purposes cited above.

First, it would only delay the resolution of the two cases. Note that by itself ejectment is summary in nature for it involves "perturbation of social order which must be restored as promptly as possible."[22] Similarly, speedy action is essential in expropriation, hence the rule that the plaintiff in an expropriation case may already take or enter upon possession of the property after depositing with an authorized government depositary an amount equivalent to the assessed value of the property.[23] But consolidation of these two diverse cases would not necessarily expedite either of them.

The ejectment case instituted by private respondents against PHRDC and CMDF was decided by the municipal trial court on September 2, 1996. Now the resolution of the appeal before the RTC remains pending notwithstanding the lapse of over five years. In regard to the case for eminent domain, we have already ruled on the propriety of the issuance of a writ of possession in favor of herein petitioner, in the case of Republic v. Tagle, decided in 1998. Three years have already passed despite the urgent nature of the case. To begin consolidation of

the two cases at this time would only exacerbate the delay.

Second, as pointed out by petitioner, the two cases raise dissimilar issues, though the facts are evidently intertwined. In the ejectment case, the issue is possession of the disputed property, while in the eminent domain case, the issue is the taking by the State of the property by virtue of its power of eminent domain. Note, however, that the decision in one will not necessarily affect the decision in the other.

Third, it does not appear certain that consolidation is a wise step where one or both cases had already been partially heard. It might just complicate procedural requirements. The judge to whom the consolidated case will be assigned would not have had the opportunity to observe first-hand the witnesses in one of the cases.[24] Fairness and due process might be hampered rather than helped if these cases were consolidated.

As a general proposition, the propriety of consolidation rests upon the sound discretion of the trial court judge. But in this instance, however, we are of the considered view that the exercise of such discretion in order to consolidate the ejectment case with the eminent domain case was less than judicious. We are constrained to agree with petitioner that, given the circumstances herein cited, public respondent's discretion has been gravely abused.

WHEREFORE, the instant petition is GRANTED. The Orders dated April 14 and August 26, 1997, issued by public respondent are hereby SET ASIDE. Let the cases for ejectment and for eminent domain proceed independently and be resolved with despatch separately.

No pronouncement as to costs.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

---

[1] Rollo, p. 23.

[2] Id. at 25.

[3] An agency created by the PHRDC to implement its programs.

[4] Letters dated August 31, 1989 and February 4, 1991.

[5] Supra, note 1 at 9.

[6] Id. at 61.

[7] Id. at 9.

[8] On grounds of expiration of lease period, non-payment of rentals and violation of the contract of lease. Records, Vol. I, p. 2.

[9] Entitled "Providing the Procedures and Guidelines for the Expeditious Acquisition by theGovernment of Private Real Properties or Rights Thereon for Infrastructure and Other Government Development Projects", effective June 25, 1985, 81 O.G. 3721 (August 26, 1985).

[10] Records, Vol. I, pp. 159-163.

[11] Supra, note 1 at 27-28.

[12] Id. at 29-31.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[13] Id. at 23.

[14] Ibid.

[15] Id. at 32-37.

[16] Id. at 25.

[17] Id. at 35-36.

[18] Id. at 51.

[19] Id. at 23 and 25.

[20] G.R. Nos. 102370-71, 209 SCRA 844 (1992).

[21] Id. at 849-850.

[22] J.Y. FERIA and M.C.S. NOCHE, Civil Procedure Annotated Vol. 2, p. 615 (2001 ed.).

[23] RULES OF COURT, Rule 67, Section 2.

[24] Supra, note 20 at 850.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.