

**ZOSIMO GODINEZ, ELIZABETH GODINEZ AND EDWIN GODINEZ,
PETITIONERS, VS. THE COURT OF APPEALS, HON. OSCAR G. TIROL
IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT,
BRANCH ...**

G.R. NO. 154330. February 15, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Certiorari assailing the Decision[1] of the Court of Appeals promulgated on February 22, 2002 in CA-G.R. SP No. 65445.

The facts are:

On August 30, 2000, Delfina Village Subdivision Homeowners Association (DVSHA), respondent, filed with the Regional Trial Court, Tagum City, Davao del Norte, an amended complaint for injunction and damages against spouses Zosimo and Elizabeth Godinez and their son Edwin, petitioners, docketed as Special Case No. 383. The complaint alleges that petitioners were operating a mineral processing plant in the annex of their residential house located within Delfina Village. The village has been classified by Municipal Ordinance No. 63, s. 1993 as a “medium-density residential district.”

On September 13, 2000, petitioners filed their answer raising the following affirmative defenses: a) the complaint states no cause of action; b) respondent DVSHA has no capacity to sue; c) it is not a real party in interest; d) the complaint fails to implead the real parties in interest; and e) respondent failed to refer the case for conciliation to the barangay before filing its complaint.

On April 3, 2001, the trial court issued an Order directing respondent to amend its complaint and attach thereto proofs showing that it is a juridical person with capacity to sue and that it is the real party in interest.

On April 16, 2001, respondent submitted its amended complaint impleading, as additional plaintiffs, its officers and members, and attaching thereto its Certificate of Registration with the Home Insurance and Guaranty Corporation, as well as its Articles of Incorporation and By-Laws.

On April 27, 2001, petitioners filed a motion for reconsideration of the trial court’s Order dated April 3, 2001, but it was denied on May 21, 2001, prompting them to file a petition for certiorari with the Court of Appeals, docketed as CA-G.R. SP No. 65445.

On February 22, 2002, the Court of Appeals rendered its assailed Decision dismissing the petition for certiorari.

The Court of Appeals held that the trial court did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in directing respondent to amend its complaint. The purpose of the trial court was to determine whether respondent is a juridical person and whether it is a real party in interest. In sum, its intention was to ensure respondent’s compliance with the procedural rules.

Petitioners timely filed their motion for reconsideration, but in its Resolution[2] dated June 26, 2002, the Court of Appeals denied the same.

Hence, this recourse.

The only issue for our resolution is whether the Court of Appeals erred in sustaining the trial court's April 3, 2001 Order directing respondent to amend its complaint in Special Case No. 383.

In resolving this issue, we are guided by two principles. First, there is nothing sacred about processes or pleadings and their forms or contents, their sole purpose being to facilitate the application of justice to the rival claims of contending parties.[3] Hence, pleadings as well as procedural rules should be construed liberally.[4] Second, the judicial attitude has always been favorable and liberal in allowing amendments to a pleading in order to avoid multiplicity of suits and so that the real controversies between the parties are presented, their rights determined, and the case decided on the merits without unnecessary delay.[5]

Here, we find no reason to deviate from the foregoing dicta. It is on record that in its first amended complaint, respondent DVSHA alleged that it is a registered association. However, it failed to attach to its complaint the supporting certificate of registration, as well as its articles of incorporation and by-laws. In their answer, petitioners promptly assailed respondent's lack of personality to sue. The trial court, desiring to determine if indeed respondent has the capacity to sue, directed respondent to amend its complaint anew by attaching thereto the necessary documents.

Sections 1 and 4, Rule 10 of the 1997 Rules of Civil Procedure, as amended, provide:

SEC. 1. Amendments in general. – Pleadings may be amended by adding or striking out an allegation or the name of any party, or by correcting a mistake in the name of a party or a mistaken or inadequate allegation or description in any other respect, so that the actual merits of the controversy may speedily be determined without regard to technicalities, and in the most expeditious and inexpensive manner.

SEC. 4. Formal amendments. – A defect in the designation of the parties and other clearly clerical or typographical errors may be summarily corrected by the court at any stage of the action, at its initiative or on motion, provided no prejudice is caused thereby to the adverse party.

Here, the amendment of respondent's complaint at the instance of the trial court merely involves the designation of respondent as a proper party, i.e., whether it has a juridical personality and, therefore, can sue or be sued. We note that when respondent amended its complaint by attaching the required supporting documents, such amendment did not change its cause of action. Nor was its action intended to prejudice petitioners. Verily, the Court of Appeals correctly ruled that the RTC did not gravely abuse its discretion when it ordered the amendment of the complaint.

Anent petitioners' contention that respondent is not a real party in interest, the same is without merit. Section 2, Rule 3 of the same Rules defines a real party in interest as "the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of a suit." In its complaint, respondent alleged that it will be prejudiced by petitioners' act complained of. Even assuming it will not suffer an injury from the alleged unlawful act of petitioners, its members or homeowners may sustain such injury. In this jurisdiction, an association has a standing to file suit for its members despite lack of interest if its members are directly affected by the action.[6]

WHEREFORE, we DENY the petition and AFFIRM the Decision of the Court of Appeals in CA-G.R. SP No. 65445. Costs against the petitioners.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Rollo, pp. 21-25. Ponencia by Associate Justice Eliezer R. De los Santos (deceased), with Associate Justice Buenaventura J. Guerrero (retired) and Associate Justice Rodrigo V. Cosico concurring.

[2] *Id.*, pp. 26-27.

[3] *Domingo v. Scheer*, G.R. No. 154745, January 29, 2004, 421 SCRA 468, 485, citing *Alonso v. Villamor*, 16 Phil. 315 (1910).

[4] *Anama v. Court of Appeals*, G.R. No. 128609, January 29, 2004, 421 SCRA 338, 345, citing *Luzon Stevedoring Corp. v. Court of Industrial Relations*, 122 Phil. 1037 (1965).

[5] *Contech Construction Technology & Development Corp. v. Court of Appeals*, G.R. No. 79903, July 23, 1992, 211 SCRA 692, 696.

[6] *Executive Secretary v. Court of Appeals*, G.R. No. 131719, May 25, 2004, 429 SCRA 81, 96, citing *Maite v. Chicago Board of Education*, 415 NE2d 1034 (1980), *DeWitt County Taxpayers Association v. The County Board of Deliot Country*, 445 NE2d 509 (1983).

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