

LITTIE SARAH A. AGDEPPA, LYNN SARAH A. AGDEPPA, LOUELLA JEANNE A. AGDEPPA, AND LALAIN LILIBETH A. AGDEPPA, PETITIONERS, VS. HEIRS OF IGNACIO BONETE, REPRESENTED BY DOROTEA BONE...

G.R. No. 164436. January 15, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

Before this Court is a Petition for Review on Certiorari,[1] seeking the reversal of the Court of Appeals (CA) Decision,[2] dated December 27, 2002, which reversed and set aside the Order,[3] dated May 21, 1990, issued by the Regional Trial Court (RTC), Branch 18, of Midsayap, Cotabato.

The factual and procedural antecedents of the case are as follows:

In 1979, respondent Dorotea Bonete (Dorotea), widow of the late Ignacio Bonete and mother of respondents Hipolito Bonete, Milagros Bonete, Mauricio Bonete, Fernando Bonete, and Ophelia Bonete (respondents), obtained a loan in the amount of P55,000.00 from Development Bank of the Philippines (DBP), Cotabato City Branch, in order to buy farm implements. A parcel of agricultural land, known as Lot No. (1144) H-207865 with an area of 18.00 hectares, covered by Transfer Certificate of Title (TCT) No. T-56923,[4] issued in the name of Dorotea and situated in Demapaco, Libungan, Cotabato (subject property), was used as collateral to secure the said loan.

In 1982, respondents, through Dorotea, received a notice of collection from DBP. Respondents alleged that herein petitioner and counsel, Atty. Little Sarah A. Agdeppa (Little Sarah), expressed deep concern and sympathy for them. Consequently, Little Sarah accompanied Dorotea to DBP and obligated herself to pay the loan. Thereafter, Dorotea was allegedly made to sign a document as Little Sarah's security for the amount which the latter paid to DBP in connection with the said loan. Further, respondents alleged that, since 1982, Little Sarah and her representatives had been gradually easing them out of the subject property and that they were ordered to stop the cultivation of their respective ricefields. Eventually, respondents were forcibly ejected from the subject property.

Further, Little Sarah planted corn and put up duck-raising projects on the subject property.

On this account, respondents inquired from the Register of Deeds and found that the title to the subject property, which was in the name of respondents' predecessor-in-interest, the late Ignacio Bonete, had already been canceled and transferred to Little Sarah under TCT No. T-75454 by virtue of a purported deed of sale. According to Dorotea, Little Sarah took advantage of her by letting her sign a contract, ostensibly as security for the loan from DBP, which later turned out to be a deed of sale. Thus, respondents filed a Complaint[5] for Recovery of Ownership and Possession and/or Annulment of Deed of Sale of the Subject Property with Damages, docketed as Civil Case No. 484 before the RTC.

Little Sarah filed a Motion to Dismiss[6] the Complaint based on the following grounds: 1) that respondents had

no legal capacity to sue; 2) that respondents were not the real parties in interest; 3) that the Complaint stated no cause of action; and 4) that the claim or demand set forth in the Complaint had already been waived and extinguished.

Later, the Complaint was amended, impleading herein petitioners Lynn Sarah Agdeppa, Louella Jeanne Agdeppa, and Lalaine Lilibeth Agdeppa, together with Little Sarah, as defendants (petitioners).[7] Respondents also filed an Opposition to the Motion to Dismiss. [8]

On May 21, 1990, the RTC issued an Order dismissing the Amended Complaint with costs against respondents. It held that the Amended Complaint did not show the character and representation that respondents claimed to have. TCT No. T-56923, covering the subject property, was not in the name of the late Ignacio Bonete but in Dorotea's name. Thus, the RTC held that respondents were not real parties in interest. Respondents filed a Motion for Reconsideration[9] which the RTC denied in its Order[10] dated January 12, 1991. Therein, the RTC held that respondents lacked the personality to sue; thus, a valid basis to grant the motion to dismiss on the ground that the complaint did not state a cause of action.

Aggrieved, respondents went to the CA.[11] On December 27, 2002, the CA reversed and set aside the RTC Order, and remanded the case to the RTC for further proceedings because Dorotea, being the former owner of the subject property, was a real party in interest.

Petitioners filed their Motion for Reconsideration,[12] which the CA denied in its Resolution[13] dated April 28, 2004.

Hence, this Petition assigning the following errors:

THE HONORABLE COURT OF APPEALS IN REVERSING THE ORDER OF DISMISSAL ISSUED BY THE REGIONAL TRIAL COURT, ACTED CONTRARY TO LAW AND JURISPRUDENCE; DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS; GRAVELY ERRED AND GRAVELY ABUSED ITS DISCRETION TANTAMOUNT TO LACK OF JURISDICTION; AND LAID DOWN A VERY BAD PRECEDENT, AS FOLLOWS:

A. BY VIOLATING SPECIFICALLY THE PROVISIONS OF THE RULES OF COURT, PARTICULARLY SECS. 2 AND 3 OF RULE 3 OF THE RULES OF COURT, ON PARTIES-PLAINTIFFS TO CIVIL ACTIONS AND REAL PARTIES IN INTEREST;

B. BY UPHOLDING THE LEGAL CAPACITY OF THE PLAINTIFFS HEIRS OF IGNACIO BONETE TO SUE AND TO FILE THIS CASE WHEN THE HONORABLE COURT OF APPEALS ITSELF EVEN RIGHTFULLY FOUND THAT TCT NO. T-56923 WAS ALREADY REGISTERED IN THE NAME OF DOROTEA BONETE, WHEN IT WAS SOLD TO HEREIN DEFENDANTS, SUCH THAT IGNACIO BONETE OR THE HEIRS OF IGNACIO BONETE [HAD] NOTHING TO DO WITH THE SAID PROPERTY- THUS[,] NOT THE REAL PARTY IN INTEREST AND [HAD] NO LEGAL PERSONALITY TO SUE AND LIKEWISE [HAD] NO CAUSE OF ACTION AGAINST DEFENDANTS (PETITIONERS HEREIN);

C. THAT THE DECISION OF THIS HONORABLE COURT OF APPEALS WAS ISSUED CONTRARY TO LAW AND JURISPRUDENCE AND CONTRARY TO THE TRUE, ACTUAL AND EXISTING FACTS OF THIS CASE AND EVEN TO THE VERY FINDINGS OF THE HONORABLE COURT OF APPEALS ITSELF, BECAUSE WHILE THE HONORABLE COURT OF APPEALS RULED THAT DOROTEA BONETE AS REGISTERED OWNER IS A PARTY IN INTEREST, THIS CASE IS NOT PROSECUTED IN THE NAME OF DOROTEA BONETE, BUT IN THE NAME OF THE HEIRS OF IGNACIO BONETE, AND IF EVER THE NAME OF DOROTEA BONETE IS MENTIONED IT WAS MERELY [AND] ALLEGEDLY IN REPRESENTATION OF THE HEIRS OF IGNACIO BONETE AND NOT IN HER OWN

PERSONAL CAPACITY; BUT WHICH REPRESENTATION IS NOT EVEN ALLEGED IN THE COMPLAINT, THUS STILL A VIOLATION OF THE RULES OF COURT;

D. THAT THE REMANDING OF THIS CASE TO THE REGIONAL TRIAL COURT FOR FURTHER PROCEEDINGS WITH THE PARTY PLAINTIFF "HEIRS OF IGNACIO BONETE" NOT BEING A REAL PARTY IN INTEREST VIOLATES THE WELL ESTABLISHED "GENERAL RULE [THAT] ONE HAVING NO RIGHT OR INTEREST TO PROTECT CANNOT INVOKE THE JURISDICTION OF THE COURT AS A PARTY PLAINTIFF IN AN ACTION. (Ralla v. Ralla, 199 SCRA 495 [1991])" AND "THE GENERAL RULE OF x x x COMMON LAW x x x THAT EVERY ACTION MUST BE BROUGHT IN THE NAME OF THE PARTY WHOSE LEGAL RIGHT HAS BEEN INVADED OR INFRINGED";

E. IT WILL CREATE A VERY BAD AND IMPROPER PRECEDENT NOT WARRANTED UNDER THE PROVISIONS OF THE RULES OF COURT; [AND]

F. WILL UNNECESSARILY CAUSE THE PARTIES UNDUE DELAY AND EXPENSES FOR AFTER ALL THE PARTIES-PLAINTIFFS THEREIN ARE NOT THE REAL PARTIES IN INTEREST[.][14]

The instant Petition is bereft of merit.

While it is true that respondents committed a procedural infraction before the RTC, such infraction does not justify the dismissal of the case.

Misjoinder of parties does not warrant the dismissal of the action.[15] Rule 3, Section 11 of the Rules of Court clearly provides:

Sec. 11. Misjoinder and non-joinder of parties. -- Neither misjoinder nor non-joinder of parties is ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action and on such terms as are just. Any claim against a misjoined party may be severed and proceeded with separately.

It bears stressing that TCT No. T-56923, covering the subject property, was issued in the name of Dorotea. This is established by the record, and petitioners themselves admit this fact. However, because TCT No. T-75454, allegedly issued in favor of Little Sarah, and the purported deed of sale, allegedly executed by Dorotea in favor of Little Sarah, are not on record. Considering the allegations in the pleadings, it is best that a trial on the merits be conducted.

We fully agree with the apt and judicious ruling of the CA, when it said:

As the former owner of the subject property, the same having been titled in her name under TCT No. T-56923, Dorotea Cariaga Bonete, being the real party [in] interest, has the legal capacity to file the instant case for reconveyance and annulment of deed of sale. The complaint was filed by the [respondents] precisely to question the issuance of TCT No. T-75454 in the name of Little Sarah Agdeppa as the transaction allegedly contemplated was only to secure Dorotea's loan.

Why the property became the subject of the deed of sale which is being disputed by Dorotea should be threshed out in a full-blown trial on the merits in order to afford the contending parties their respective days in court. As held in *Del Bros. Hotel Corporation vs. Court of Appeals*, 210 SCRA 33, the complaint is not supposed to contain evidentiary matters as this will have to be done at the trial on the merits of the case.

A final note.

A liberal construction of the Rules is apt in situations involving excusable formal errors in a pleading, as long as the same do not subvert the essence of the proceeding, and they connote at least a reasonable attempt at compliance with the Rules.[16] The Court is not precluded from rectifying errors of judgment, if blind and

stubborn adherence to procedure would result in the sacrifice of substantial justice for technicality. To deprive respondents, particularly Dorotea, of their claims over the subject property on the strength of sheer technicality would be a travesty of justice and equity.

WHEREFORE, the instant Petition is DENIED and the assailed Court of Appeals Decision is AFFIRMED. The Regional Trial Court, Branch 18 of Midsayap, Cotabato, is hereby directed to resolve this case on the merits with deliberate dispatch. Costs against petitioners.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Peralta, and Mendoza, JJ., concur.

[1] Rollo, pp. 18-37.

[2] Penned by then Associate Justice Elvi John S. Asuncion, with then Associate Justices Condrado M. Vasquez, Jr. and Mario L. Guariña III, concurring; id. at 40-43.

[3] Rollo, pp. 7-10.

[4] Records, pp. 8-9.

[5] Id. at 1-6.

[6] Id. at 16-22.

[7] Id. at 37-42.

[8] Id. at 47-50.

[9] Id. at 59-67.

[10] Id. at 74-75.

[11] Id. at 77.

[12] CA rollo, pp. 92-94.

[13] Id. at 99.

[14] Supra note 1, at 29-31.

[15] Autocorp Group v. Intra Strata Assurance Corporation, G.R. No. 166662, June 27, 2008, 556 SCRA 250, 265.

[16] Maranan v. Manila Banking Corporation, G.R. No. 164398, March 30, 2007, 519 SCRA 572, 580.

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