

ELY QUILATAN & ROSVIDA QUILATAN-ELIAS, PETITIONERS, VS. HEIRS OF LORENZO QUILATAN, NAMELY NENITA QUILATAN-YUMPING, LIBRADA QUILATAN-SAN PEDRO, FLORENDA QUILATAN-ESTEBRAN AND GOD...

G.R. No. 183059. August 28, 2009

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

The issue for resolution is whether the Court of Appeals correctly reversed the decision of the Regional Trial Court (RTC) of Pasig City, Branch 266, and ordered the dismissal without prejudice of Civil Case No. 67367 on the ground of failure to implead all the indispensable parties to the case.

On August 15, 1999, petitioners Ely Quilatan and Rosvida Quilatan-Elias filed Civil Case No. 67367 for nullification of Tax Declaration Nos. D-014-00330 and D-014-00204 and Partition of the Estate of the late Pedro Quilatan with damages against respondent heirs of Lorenzo Quilatan. They claim that during his lifetime, Pedro Quilatan owned two parcels of land covered by Tax Declaration Nos. 1680 and 2301, both located in Taguig, Metro Manila; that sometime in 1998,[1] they discovered that said tax declarations were cancelled without their knowledge and new ones were issued, to wit: Tax Declaration No. D-014-00204 and D-014-00330, under the names of Spouses Lorenzo Quilatan and Anita Lizertiquez as owners thereof.[2]

On June 22, 2004, the trial court rendered its decision declaring as void the cancellation of Tax Declaration Nos. 1680 and 2301. At the same time, it ordered the partition of the subject properties into three equal shares among the heirs of Francisco, Ciriaco and Lorenzo, all surnamed Quilatan.

On appeal, the Court of Appeals reversed without prejudice the decision of the trial court on the ground that petitioners failed to implead other co-heirs who are indispensable parties to the case. Thus, the judgment of the trial court was null and void for want of jurisdiction.[3] Petitioners filed a motion for reconsideration[4] but it was denied.

Hence, this petition for review where petitioners argue that the issue of failure to implead indispensable parties was a mere afterthought because respondents did not raise the same in their Answer to the complaint, but only for the first time in their Motion for Reconsideration of the June 22, 2004 decision of the trial court.[5] Petitioners further argue that the order of dismissal without prejudice and the re-filing of the case in order to implead the heirs of Ciriaco only invite multiplicity of suits since the second action would be a repetition of the first action, where the judgment therein rightly partitioned the subject properties into three equal shares, apportioning each share to the heirs of the children of Pedro Quilatan.[6]

The petition lacks merit.

Records show that Pedro Quilatan died intestate in 1960 and was survived by his three children, namely, Ciriaco, Francisco and Lorenzo, all of whom are now deceased. Ciriaco was survived by his children, namely Purita

Santos, Rosita Reyes, Renato Quilatan, Danilo Quilatan, and Carlito Quilatan; Francisco was survived by herein petitioners and their two other siblings, Solita Trapsi and Rolando Quilatan; while Lorenzo was survived by his children, herein respondents.

In the complaint filed by petitioners before the trial court, they failed to implead their two siblings, Solita and Rolando, and all the heirs of Ciriaco, as co-plaintiffs or as defendants. It is clear that the central thrust of the complaint filed in Civil Case No. 67367 was to revert the subject properties back to the estate of Pedro Quilatan, thereby making all his heirs pro indiviso co-owners thereof, and to partition them equally among themselves; and that all the co-heirs and persons having an interest in the subject properties are indispensable parties to an action for partition, which will not lie without the joinder of said parties.

Respondents could not be blamed if they did not raise this issue in their Answer because in an action for partition of real estate, it is the plaintiff who is mandated by the Rules to implead all the indispensable parties, considering that the absence of one such party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even as to those present.[7]

Thus, the Court of Appeals correctly applied Section 1, Rule 69 and Section 7, Rule 3 of the Rules of Court, which read:

SECTION 1. Complaint in action for partition of real estate. -- A person having the right to compel the partition of real estate may do so as in this rule prescribed, setting forth in his complaint the nature and extent of his title and an adequate description of the real estate of which partition is demanded and joining as defendants all the other persons interested in the property. (Emphasis supplied)

SECTION 7. Compulsory joinder of indispensable parties. -- Parties in interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants.

In *Moldes v. Villanueva*,[8] the Court held that:

An indispensable party is one who has such an interest in the controversy or subject matter that a final adjudication cannot be made, in his absence, without injuring or affecting that interest. A party who has not only an interest in the subject matter of the controversy, but also has an interest of such nature that a final decree cannot be made without affecting his interest or leaving the controversy in such a condition that its final determination may be wholly inconsistent with equity and good conscience. He is a person in whose absence there cannot be a determination between the parties already before the court which is effective, complete, or equitable. In *Commissioner Andrea D. Domingo v. Herbert Markus Emil Scheer*, the Court held that the joinder of indispensable parties is mandatory. Without the presence of indispensable parties to the suit, the judgment of the court cannot attain real finality. Strangers to a case are not bound by the judgment rendered by the court. The absence of an indispensable party renders all subsequent actions of the court null and void, with no authority to act not only as to the absent party but also as to those present. The responsibility of impleading all the indispensable parties rests on the petitioner/plaintiff.

Likewise, in *Metropolitan Bank and Trust Company v. Hon. Floro T. Alejo*, the Court ruled that the evident aim and intent of the Rules regarding the joinder of indispensable and necessary parties is a complete determination of all possible issues, not only between the parties themselves but also as regards to other persons who may be affected by the judgment. A valid judgment cannot even be rendered where there is want of indispensable parties.

On the issue of multiplicity of suits, the Court of Appeals correctly ordered the dismissal of Civil Case No. 67367 without prejudice for want of jurisdiction. The dismissal could have been avoided had petitioners, instead of merely stating in their complaint the unimpleaded indispensable parties, joined them as parties to the case in order to have a complete and final determination of the action. As aptly observed by the appellate court:

Indeed, a perusal of the records will show that plaintiffs-appellees did not implead their other co-heirs, either as plaintiffs or defendants in the case. Their complaint squarely stated that Pedro Quilatan had three children, namely, Ciriaco Quilatan, Francisco Quilatan, and Lorenzo Quilatan, who are now all deceased. Ciriaco Quilatan is survived by his children, namely, Purita Santos, Rosita Reyes, Renato Quilatan, Danilo Quilatan, and Carlito Quilatan. Defendants-appellants are the children of Lorenzo Quilatan. The plaintiffs-appellees, along with Solita Trapsi and Rolando Quilatan, are the children of Francisco Quilatan. However, Purita Santos, Rosita Reyes, Renato Quilatan, Danilo Quilatan, Carlito Quilatan, Solita Trapsi, and Rolando Quilatan were not joined as parties in the instant case.[9]

The rationale for treating all the co-owners of a property as indispensable parties in a suit involving the co-owned property is explained in *Arcelona v. Court of Appeals*: [10]

As held by the Supreme Court, were the courts to permit an action in ejectment to be maintained by a person having merely an undivided interest in any given tract of land, a judgment in favor of the defendants would not be conclusive as against the other co-owners not parties to the suit, and thus the defendant in possession of the property might be harassed by as many succeeding actions of ejectment, as there might be co-owners of the title asserted against him. The purpose of this provision was to prevent multiplicity of suits by requiring the person asserting a right against the defendant to include with him, either as co-plaintiffs or as co-defendants, all persons standing in the same position, so that the whole matter in dispute may be determined once and for all in one litigation.

In fine, the absence of an indispensable party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even as to those present. Hence, the trial court should have ordered the dismissal of the complaint.

WHEREFORE, the Petition for Review on Certiorari is hereby DENIED. The Decision of the Court of Appeals dated March 17, 2008 in CA-G.R. CV No. 88851 which reversed the decision of the Regional Trial Court of Pasig City, Branch 266, for want of jurisdiction for failure to implead all indispensable parties is AFFIRMED. The case is REMANDED to the trial court which is hereby DIRECTED to implead all indispensable parties.

SO ORDERED.

Chico-Nazario, Velasco, Jr., Nachura, and Peralta, JJ., concur.

[1] Rollo, p. 46.

[2] Id. at 65-66.

[3] Id. at 71.

[4] Id. at 91.

[5] Id. at 20.

[6] Id. at 21 and 26.

[7] *Sepulveda v. Pelaez*, 490 Phil. 710, 722 (2005).

[8] G.R. No. 161955, August 31, 2005, 468 SCRA 697, 707-708.

[9] Rollo, p. 69.

[10] 345 Phil. 250, 268-269 (1997), cited in *Casals v. Tayud Golf and Country Club, Inc.*, G.R. No. 183105, July

22, 2009.

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