

DOMINGA TORRES, PETITIONER, VS. HON. HERMOGENES CALUAG, J. M. TUASON & CO., INC. AND SHERIFF OF QUEZON CITY, RESPONDENTS.

G.R. No. 20906. July 30, 1966

Ponente: DIZON, J.

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DIZON, J.:

On January 7, 1959, J. M. Tuazon & Co., Inc. commenced Civil Case No. Q-3674 in the Court of First Instance of Quezon City against Isidro Conisido to recover from him the possession of a parcel of land situated in the said City and covered by Transfer Certificate of Title No. 1267 of the Registry of Deeds thereof.

Conisido answered the complaint alleging, inter alia, that he was occupying the land in question as a mere tenant of Dominga Torres, who was the owner both of said land and the house built thereon.

During the trial, Dominga Torres testified, as Conisido's witness, that she owned the lot because she bought it from Eustaquio Alquiros on October 20, 1951 and constructed a house thereon worth P500.00 which she leased to the defendant for P20.00 a month.

Notwithstanding Conisido's answer and the testimony of petitioner, the latter was not properly impleaded.

After trial, the Court rendered judgment as follows:

"WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendant and all persons claiming under him, ordering them to vacate the premises in question and to remove the house and other improvements therefrom; ordering said defendant to pay to plaintiff the sum of P30.00 per month from the date of the usurpation until the plaintiff is restored to the possession thereof, and to pay the costs."

From the above judgment, Conisido appealed to the Court of Appeals claiming that the trial court erred in not dismissing the case because of the non-joinder of petitioner—who, upon the pleadings, appeared to be an indispensable party, but said court, on July 24, 1962, affirmed the decision of the trial court.

The decision in Civil Case No. Q-3674 having become executory, the respondent judge, upon motion of Tuason & Co. Inc., issued a writ of execution, and on January 25, 1963, granted the latter's motion for the demolition of the house mentioned heretofore.

After filing an appropriate third-party claim over the house and lot involved, petitioner filed the present petition for certiorari and prohibition, with a prayer for the issuance of writ of preliminary injunction, against J. M. Tuason & Co. Inc., the Sheriff of Quezon City and the Hon. Hermogenes Caluag, presiding judge of the Court of First Instance of Rizal, Quezon City Branch IV, to set aside the latter's decision in Civil Case No. Q-3674, as well as the writ of execution and order of demolition issued therein, and to enjoin them from ejecting her from the premises in question. We issued on February 28, 1963 the preliminary injunction prayed for.

The present—at first glance—appears to be on all fours with the Sanidad-Cabotaje case (5 Phil. p. 204)—an action

for partition filed by Cipriano Sanidad against Simeon Cabotaje in the Court of First Instance of Ilocos Sur. After having been served with summons, Cabotaje demurred to the complaint alleging that he was not a necessary party to the action nor had he any interest therein, and requesting that Rev. Adriano Garces, who had an interest adverse to the claim of the plaintiff, be made the only party defendant. The demurrer was over-ruled, this forcing Cabotaje to file his answer where he prayed for the dismissal of the case after denying the allegations of the complaint and averring again that Fr. Garces, a resident of Dagupan, Pangasinan, was the sole owner of the property subject matter of the action and of whom he was a mere administrator. After hearing the evidence introduced at the trial, the court rendered judgment in accordance with the prayer of the complaint. Thereafter, defendant Cabotaje appealed. Upon these facts we held that Fr. Garces was the indispensable party and should have been properly impleaded as defendant, any judgment rendered in the case being unenforceable against him. For this reason the case was remanded below for the corresponding amendment of the complaint and further proceedings.

In the Cabotaje case, however, it did not appear nor was there any indication in the record that Fr. Garces had testified as a witness in favor of Cabotaje in connection with the latter's allegation that he (Fr. Garces) was the owner of the land in question. In the present case, on the other hand, it appears that Dominga Torres who, according to the defendant Conisido was the true owner of the land in question, testified as his witness and asserted on the witness stand that she was really the owner thereof because she had purchased it from Eustaquio Alquiros on October 20, 1951 and constructed a house thereon worth P500.00 which she had leased to Conisido for a rental of P20.00 a month. In other words, petitioner herein had really had her day in court and had laid squarely before the latter the issue of ownership as between her, on one hand, and respondent Tuason, on the other.

In connection with the peculiar facts of this case, it must be borne in mind that procedure is merely a means to an end and that rules of procedure must be construed liberally so as to afford litigants a speedy and inexpensive means of resolving their controversy. On the other hand, the principle of due process, in general, means simply that before a party may be held bound by court proceedings, he must have been impleaded therein or notified thereof and thus given an opportunity to defend his rights.

In the present case, as stated heretofore, petitioner had the fullest opportunity to lay before the court her claim but the same was overruled. The fact that she was not formally made a party defendant in the case would appear therefore to be a mere technicality that would not serve the interest of the administration of justice. As we have repeatedly held, technicalities should be ignored when they do not serve the purpose of the law. In fact, as early as the year 1910, we already said in *Alonso vs. Villamor* (16 Phil. p. 315, 321-322) :

"There is nothing sacred about processes or pleadings, their forms or contents. Their sole purpose is to facilitate the application of justice to the rival claims of contending parties. They were created, not to hinder and delay, but to facilitate and promote, the administration of justice. They do not constitute the thing itself, which courts are always striving to secure to litigants. They are designed as the means best adapted to obtain that thing. In other words, they are a means to an end. When they lose the character of the one and become the other, the administration of justice is at fault and courts are correspondingly remiss in the performance of their obvious duty.

"The error in this case is purely technical. To take advantage of it for other purposes than to cure it, does not appeal to a fair sense of justice. Its presentation as fatal to the plaintiff's case smacks of skill rather than right. A litigation is not a game of technicalities in which one, more deeply schooled and skilled in the subtle art, of movement and position, entraps and destroys the other. It is, rather, a contest in which each contending party fully and fairly lays before the court the facts in issue and then, brushing aside as wholly trivial and indecisive all imperfections of form and technicalities of procedure, asks that justice be done upon the merits. Lawsuits, unlike duels, are not to be won by a rapier's thrust. Technicality, when it deserts its proper office as an aid to

justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts. There should be no vested rights in technicalities. No litigant should be permitted to challenge a record of a court of these Islands for defect of form when his substantial rights have not been prejudiced thereby."

Failure to implead petitioner may, even at this stage of the proceedings, be cured by authorizing the corresponding amendment to the complaint, in order to make it conform to the record and proceedings had (Rule 10, sec. 5 of the Rules of Court).

Wherefore, the writ prayed for is denied; the present case is dismissed, without costs, and the writ of preliminary injunction issued heretofore is dissolved.

Concepción, C. J., Reyes, J. B. L., Barrera, Regala, Makalintal, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

Writ denied.

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