

EDILBERTO BALANE, GASPAR FRANCISCO, PIO MAGDAMIT, PABLO VALEROS, FELIX ELNAR, ARMANDO GALERO, JOVITO PALMA, MODESTO SALEN, ALBERTO VALEROS, AND LUCIANO VALE-ROS, PETITIONERS, VS...

G.R. No. 21281. May 24, 1967

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

On September 20, 1962 respondent Francisco Quintela filed an amended petition with the Court of Agrarian Relations, 6th Regional District, Naga City, entitled "Francisco Quintela vs. Oliva Bustos and Jesus Ma. Bernarte," docketed therein as CAR Case No. 197-CN '62. Alleging, inter alia, that he was the tenant-overseer of all the lands belonging to Oliva Bustos in the Municipality of Para-cale, Province of Camarines Norte, that he planted a certain number of coconut trees thereon and that he had been unlawfully ejected from said landholding, Quintela prayed for his reinstatement and compensation for the value of the improve-ments alleged to have been introduced by him.

On December 3, 1962, Oliva Bustos and Jesus Ma. Bernarte filed their answer to said petition, denying all the material allegations contained therein. On December 5, 1962, herein petitioners filed a motion for intervention, to which was attached their answer in intervention, in which they alleged that they were the only bonafide tenants on the land subject of the case and that they were the ones who planted the coconut trees claimed by Quintela. According-ly, they prayed that "judgment be rendered dismissing the amended petition and ordering the petitioners to pay expenses of litigation in the amount of P2,000.00 as and for attorney's fees."

Quintela filed his opposition to the motion for intervention and on March 18, 1963 respondent Judge denied this motion, and said:

"A perusal of the allegations in their proposed answer in intervention shows that they have no inchoate interest in the subject matter of litigation; that in their prayer, they only ask that the amended petition be dismissed and the petitioner to pay the expenses of litigation in the amount of Two Thousand (P2,000.00) pesos as and for attorney's fees. As a matter of fact, they have not even intervened either as party-petitioners or as party-defendants. They have not complied with the requirements of the procedural laws heretofore enforced in this jurisdiction regarding intervention. The Court tried to find means to allow them to intervene in order to bring all the necessary parties to the litigation, but to no avail because, as aforesaid, they have shown no inchoate interest in the result of the litigation."

Petitioner moved for reconsideration of the order of denial, and the motion having been turned down, instituted the instant petition for mandamus to compel respondent Judge to allow them to intervene.

We believe the writ should issue. It is true that mandamus cannot be resorted to in order to control discretion, and that as a general rule allowance of a motion to intervene rests in the sound discretion of the court. But such discretion is not unlimited. In the exercise thereof the Rules provide that the Court "shall consider whether or not

the intervention will unduly delay or prejudice the adjudication of the rights of the original parties and whether or not the intervenor's rights may be fully protected in a separate proceeding." If these considerations weigh in favor of the intervenor, a denial of the intervention may amount to an arbitrary or capricious exercise of discretion which is correctible by mandamus, if an ordinary appeal would not be an adequate and speedy remedy.

In the instant case, there could not have been any undue delay in the proceedings if the intervention of petitioners had been allowed. They filed their motion before the case was set for trial, and only two days after defendants answered the petition below. Indeed herein respondent had then already been apprised of petitioners' interest in the litigation, since defendants, in their motion to dismiss which antedated their answer by two months,¹ categorically denied respondent's claim that he was their tenant and alleged that since liberation it was these petitioners who had been cultivating the lands as such tenants.

Would petitioners' rights be fully protected in a separate proceeding? Hardly. A decision in favor of respondent Quintela, declaring him to be the tenant-overseer of all the lands (which have an area of some 64 hectares), the one who planted coconut trees thereon and hence the one entitled to be compensated for their value, would necessarily and injuriously affect the interest of petitioners. That interest is not only inchoate but material, direct and immediate; and for it to be in any manner prejudiced without first giving petitioners a chance to be heard would be violative of due process. Upon the other hand, to rule in favor of respondent Quintela, recognize him as tenant and award compensation in his favor, but saving petitioners' claim that they are the only tenants on the lands to be litigated and adjudged in another proceeding, would subject the defendants-landowners to the danger of having to recognize all of them as tenants and to pay compensation twice for the improvements that both respondent and petitioners allege to have introduced on the lands.

Respondent Judge would have done well to brush aside narrow technicalities in this case, allow the intervention prayed for and thus avoid needless delay in the resolution of the conflicting interests of all the parties.

The writ prayed for is granted, and respondent Judge is ordered to allow the intervention of petitioners. Costs against respondent Francisco Quintela.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Bengzon, J.P., Zaldivar, Sanchez, and Castro, JJ., concur.

¹ The answer is dated December 3, 1962; the motion to dismiss, October 3, 1962.

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