

RENATO D. TAYAG. ET AL.F PLAINTIFFS AND APPELLEES, VS. THE ANGELES ELECTRIC CORPORATION, DEFENDANT AND APPELLANT.

G.R. No. 22549. May 19, 1966

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-22549/>

BAUTISTA ANGELO, J.:

On May 18, 1951, Renato D. Tayag, et al. brought an action against the Angeles Electric Corporation for abatement of nuisance allegedly caused by the latter's electric light and power plant situated in Angeles City.

Immediately upon the filing of the case, the plaintiffs were able to secure a writ of preliminary injunction to stop the construction of the electric plant and the installation of the generators to be used in connection therewith. Such injunction was dissolved on June 17, 1951 when defendant filed a bond in the amount of P10,000.00.

On June 1, 1951, the defendant filed its answer which contains a counterclaim for damages and attorney's fees. This counterclaim was in due time answered by the plaintiffs.

On the basis of these pleadings, the plaintiffs began presenting their evidence having been able to put into the witness stand at least five witnesses, but on January 3, 1963, prompted by an announcement made by the plaintiffs, the court a quo issued an order stating in part as follows: "In view of the announcement of the plaintiffs that they will amend their complaint, they are granted thirty (30) days to do so- with notice to all concerned." In the same order, the court set the case for hearing on February 9, 1963.

Accordingly, the plaintiffs filed on February 15, 1963 a motion for admission of their amended complaint to which was attached the complaint as amended wherein it appears that some of the plaintiffs were dropped while four other persons were included as defendants. Of this motion counsel for defendant, as well as the new parties included in the amended complaint, were duly notified.

Counsel for defendant interposed an opposition to the admission of the amended complaint alleging, among other grounds, that plaintiffs have not first secured the permission of the court before filing the same in violation of our rules while it changes substantially the theory of plaintiffs as embodied in the original complaint and adds new causes of action. To this opposition the plaintiffs filed a rejoinder setting forth therein the reasons why in their opinion the opposition should be overruled. And finding the opposition unmeritorious, the court a quo admitted the amended complaint in an order issued on November 14, 1963. Its motion for reconsideration having been denied, defendant interposed the present appeal.

There is no merit in the claim that the court a quo allowed the submission of the amended complaint without plaintiffs' having first obtained the requisite permission as required by Section &', Rule 10 of the Rules of Court for it precisely appears that the court granted said plaintiffs thirty (30) days within which to file said amended complaint in view of the request to that effect previously made by the plaintiffs. And it should be noted that the permission granted by the court states that all the parties concerned be notified of the order of the court. This belies the contention that the permission was granted without previous leave of court.

Another objection to the amendment of the complaint is that it seeks to drop therefrom some plaintiffs and take in some defendants which could not be done without prior consent of the original defendant. Again, this does not harmonize with Section 11, Rule 3 of our Rules wherein it is provided that "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." The rule on this matter, therefore, does not require any previous consent of any party before a party may be dropped or a new party may be taken in as long as the change be done upon such terms as may be just. Here it appears that the amendment was allowed while the case was still in the early stage when defendant could still file any pleading in its behalf if it desires to do so to protect its interest, but instead of filing any new pleading defendant preferred to thwart the amendment on a mere technical ground.

As regards the contention that the new parties the plaintiffs took in as defendants in the amended complaint have no interest whatsoever in the case because they are merely stockholders of the defendant corporation and so they cannot be personally affected by the action taken against said corporation other than whatever interest they may have in it, suffice it to state that this is a matter of defense that defendant can set up ;later, but cannot defeat the right of the plaintiffs to amend the complaint if they so desire with notice to the defendant.

Wherefore, the order appealed from is affirmed. Costs against defendant.

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

Order affirmed.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.