

**RAMON SANTARROMANA AND SOCORRO LEDESMA, PETITIONERS,
VS. CONRADO BARRIOS, JUDGE OF FIRST INSTANCE OF ILOILO,
SOFRONIO BASTARECHE, MAXIMA BALDERAS, CIRILO LEDESMA
AND CUSTODIO CA...***G.R. No. 45131. September 17, 1936*

Ponente: DIAZ, J.

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This is a petition for certiorari filed by the petitioners praying this court to review the record of civil case No. 10140 of the Court of First Instance of Iloilo, entitled "Teresa Magbanua, in her own behalf and as judicial administratrix of the intestate estate of the deceased Alejandro Balderas, plaintiff, vs. Ramon Santarromana and Socorro Ledesma, defendants", to declare later that the respondent judge acted without jurisdiction in permitting Sofronio Bastareche, Maxima Balderas, Cirilo Ledesma, and Custodio Castor, to intervene in the case of third party claimants, and to set aside the order of said judge, dated March 17, 1936, permitting said four persons to intervene as such third party claimants by filing as they in fact filed their respective complaints in intervention.

The plaintiff and the deceased Alejandro Balderas were husband and wife who, during the greater part of their married life, had been living separately from one another for causes not stated in the complaint and which it is unnecessary to know. After the husband's death and following the appointment of the wife as judicial administratrix of his estate, she instituted said case No. 10140 in the Court of First Instance of Iloilo seeking the annulment of the deeds of sale referred to in her complaint, alleging that the petitioners, taking advantage of their ascendancy or influence over her husband while he was with them—in fact they lived with him during the last four or five years of his life—induced him to execute said deeds, notwithstanding the fact that there was no consideration; that some of the lands covered by the deeds in question were the exclusive property of her said husband and the others were conjugal partnership property belonging to both.

The respondents Sofronio Bastareche, Maxima Balderas, Cirilo Ledesma and Custodio Castor, knowing the action brought by Teresa Magbanua against the petitioners, and considering themselves all affected more or less directly thereby, because, as they alleged in their respective complaints in intervention, some of the lands referred to in the deeds the annulment of which was sought by said Teresa Magbanua, for being fictitious and fraudulent, had been sold to them by Alejandro Balderas long before the transfer alleged to have been made by him in favor of the petitioners; and from the time of the purchase thereof the petitioners were occupying them uninterruptedly under claim of ownership for more than 25 years in the case of the intervenor Sofronio Bastareche, 20 years in the case of Maxima Balderas and Cirilo Ledesma, and 50 years in the case of Custodio Castor, they filed, one after another, their respective petitions to be permitted* to intervene in the case as third party claimants, alleging that they were directly interested therein because it involved a question of ownership of some lands which they claimed to belong exclusively to them and also that the alleged transfers made by the deceased Alejandro Balderas during his lifetime in favor of the petitioners are false, fictitious and fraudulent.

By reading the pleadings of the parties to the case in question, No. 10140 of the Court of First Instance of Iloilo, it clearly appears that the interests of the plaintiff, Teresa Magbanua, are openly adverse not only to those of the defendants who are the petitioners herein, but also to those of the four intervenors, or the respondents Sofronio Bastareche, Maxima Balderas, Cirilo Ledesma and Custodio Castor; that the interests of the petitioners are, in turn, adverse to those of the intervenors; and that in the last analysis the question to be decided in said case is who among said parties, the plaintiff, the defendants, or the intervenors, are the true owners of the lands in question. It is inferred from this that as the interest of the intervenors is not inferior to that of the petitioners or to that of the plaintiff herself, Teresa Magbanua, particularly because they alleged in their complaints in intervention that they are actually and for many years have been in the possession of the lands in question, under claim of ownership, they are unquestionably entitled to defend their title thereto by intervening directly in the case as third party claimants for said purpose. Under the provisions of section 121 of Act No. 190, it is discretionary on the part of the courts to grant or deny permission to intervene in a case, if applied for, either by joining the plaintiff, by uniting with the defendant, or by filing a complaint against both parties. Therefore, if it is discretionary on the part of the courts to grant or deny permission to intervene in a certain case, it would seem clear that the respondent judge cannot in any way be held to have acted in excess of his jurisdiction, or abused his discretion. On the contrary, he acted rightly because by his act he avoided a multiplicity of suits by causing the antagonistic claims of the parties to be submitted in the same case so that they may be decided once and for all. The intervenors not only are entitled to question the claims of the plaintiff but also those of the defendants because the former alleged that some of the lands in question belong to the conjugal partnership of her and her deceased husband, and the latter, in turn, alleged that they had purchased said lands from the deceased in his lifetime, considering themselves, as stated in their respective complaints, as the sole owners thereof. They furthermore have as much right as the plaintiff to ask for the annulment of the deeds under which the petitioners claim ownership because, if it is true that said deeds exist, their silence or failure to act will in due time redound to their prejudice.

Wherefore, the petition for certiorari filed by the petitioners is without merit and it is hereby denied, with costs to the petitioners. So ordered.

Avanceña, C. J., Villa-Real, Abad Santos, Imperial, and Laurel, JJ., concur.

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