

3 Phil. 635

[G.R. No. 1905. April 08, 1904]

FLAVIANO FELIZARDO ET AL., PETITIONERS, VS. THE JUSTICE OF THE PEACE OF IMUS, RESPONDENT.

D E C I S I O N

TORRES, J.:

Attorneys Pineda and Escueta, on behalf of Flaviano Felizardo and Francisca Felizardo, upon the facts stated in their complaint, dated April 4, 1904, and upon the ground that there was no other speedy and adequate remedy in the ordinary course of law, pray for an order dissolving the attachment levied upon the property of the petitioners, and that a writ issue to the justice of the peace of Imus, requiring him to absolutely refrain from all further proceedings until a final decision is rendered upon the complaint.

By intervening in the suit in which the attachment was levied, the parties may avail themselves of all the legal remedies provided for the defense of their lawful rights, but can not avail themselves of the writ of prohibition for the purpose of obtaining a discharge of attachment complained of. The case is one which pertains exclusively to the jurisdiction of the judge who is trying it, and there is no authority of law for interference with the proceedings the writ is denied, with the costs against the petitioners.

Arellano, C.J., Cooper, Mapa, McDonough, and Johnson, JJ., concur.

