

[G.R. No. 3378. November 30, 1906]

JOSE CASTAÑO, ATTORNEY IN FACT OF JOSE" FERNANDEZ, PETITIONER, VS. CHARLES S. LOBINGIER, JUDGE OF FIRST INSTANCE OF THE TWELFTH JUDICIAL DISTRICT, AND MANUEL ARAUJO, RESPONDENTS.

D E C I S I O N

TORRES, J.:

This is an action for prohibition under section 226 of the Code of Civil Procedure, brought by the plaintiff, José Castaño, as attorney in fact of José Fernández, against Charles S. Lobingier, judge of the Court of First Instance of the Province of Leyte, and Manuel Araujo. It is alleged in the petition that the defendant judge issued, on the 14th of April of the present year, a preliminary injunction upon the motion of the defendant, Araujo, against the justice of the peace of the city of Manila, the sheriff of the Province of Leyte, and the plaintiff, José" Castaño, requiring them to desist and abstain from performing any act leading to the execution of the judgment rendered by the said justice of the peace on the 3d day of March previous, against the defendant Manuel Araujo; and on the 16th of April of the said year the said judge of the Court of First Instance of Leyte summoned the defendants, requiring them to answer within the time prescribed by the rules a certain petition for *certiorari* filed in his court under section 217 of the Code of Civil Procedure.

We will not here discuss the question as to whether the justice of the peace of Manila could have taken cognizance of the case against the person residing in the Province of Leyte for the reason that such a question is not now before us.

The concrete questions raised by the parties to these proceedings are (1) whether or not the judge of the Court of First Instance of Leyte had power to issue an injunction against the justice of the peace of Manila in an action pending in his court, and (2) whether the judge of the said Court of First Instance of Leyte could entertain a petition for a writ of *certiorari* against the said justice of the peace of the city of Manila.

Paragraph 7, section 56, of Act No. 136 provides:

“Said courts and their judges, or any of them, shall have power to issue writs of injunction, mandamus, *certiorari*, prohibition, quo warranto, and habeas corpus in their respective provinces and districts, in the manner provided in the Code of Civil Procedure.”

Section 163 of the Code of Civil Procedure provides:

“A preliminary injunction may be granted by any judge of the Supreme Court in any action pending in the Supreme Court or in a Court of First Instance of any province’ in the Islands. It may be granted by a judge of a Court of First Instance in an action pending in the district in which he has original jurisdiction.”

The provisions of section 56, paragraph 7, of Act No. 136, and section 163 of the Code of Civil Procedure above quoted are very plain, and it must therefore be admitted that the judge of the Court of First Instance of Leyte had no power to issue the preliminary injunction in question and to entertain the petition for a writ of *certiorari* filed in his court.

The power to administer justice conferred upon the judges of the Courts of First Instance can only be exercised by them within the limits of their respective districts, outside of which they have no jurisdiction whatsoever. The judicial power of a judge of a Court of First Instance can not be as ample as that which the law confers upon the Supreme Court, and therefore such judge can not grant any of the extraordinary remedies provided by law against a justice of the peace not in his province or district.

The judge of the Court of First Instance of Leyte had no jurisdiction over the justice of the peace of the city of Manila, and were a judge of the Court of First Instance permitted to grant such extraordinary remedies against a justice of the peace in a district or province other than his own, it would be a serious interference with the proper administration of justice, and a procedure relating to appeals from and other remedies against the judgments of inferior courts would be subverted. It should be borne in mind that the enforcement of the laws of procedure, and more particularly those relating to the jurisdiction of the various courts, concerns the interests of the community at large.

The judge of the Court of the First Instance of Leyte had no power to take cognizance, on appeal, of a case originally tried in the justice court of the city of Manila, nor has he the power to take cognizance of cases that should ordinarily he tried in the Court of First Instance of Manila, unless by virtue of a special commission. Nor has he the power to issue writs of injunction in connection with other special and extraordinary remedies sought from the decisions of the said justice of the peace.

For the reasons hereinbefore set out we are of the opinion that the demurrer to the petition should be overruled, consequently the petition should stand. So ordered.

Arellano, C. J., Mapa, and Carson, JJ., concur.

Johnson, Willard, and Tracey, JJ., dissent.
