

[ G. R. No. 19802. December 11, 1922 ]

**CONCEPCION CABIGAO AND LUIS IZQUIERDO, PETITIONERS, VS. HONORABLE SIMPLICIO DEL ROSARIO, AS JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, AND EUGENIO LIM Y PINEDA, RESPONDENTS.**

**D E C I S I O N**

**OSTRAND, J.:**

This is a petition for a writ of prohibition ordering the respondent judge to desist from interfering with the execution of the judgment rendered in civil case No. 18451 of the Court of First Instance of Manila.

The petition alleges that the respondent, the Honorable Simplicio del Rosario, is the judge of the first branch of the Court of First Instance of Manila; that in civil case No. 18451 of said court, Tomas Cabigao vs. Eugenio Lim y Pineda, the judge of the second branch of said court, the Honorable Pedro Concepcion, rendered a judgment on November 21, 1921, in favor of the plaintiffs and against the defendant for the sum of P379, with legal interest thereon and costs; that upon appeal to the Supreme Court said judgment was affirmed on the 12th day of August, 1922<sup>[1]</sup>; that the case having been remanded to the Court of First Instance, the said judge of the second branch of said Court of First Instance issued a writ of execution on October 11, 1922; that under said writ of execution the sheriff of the City of Manila levied upon the property of the defendant, Eugenio Lim y Pineda; that on the 18th day of the same month the respondent herein Eugenio Lim y Pineda filed a petition in branch No. 1 of said Court of First Instance praying that a preliminary injunction be issued against the sheriff of Manila restraining him from carrying into effect the aforementioned writ of execution upon the ground that there was another action pending between the same parties in the Supreme Court and in which action the defendant in execution has been given a judgment by the Court of First Instance for a much larger amount than that involved in said case No. 18451; and that upon the filing of the said petition and after a preliminary hearing, the respondent judge of the first branch of said Court of First Instance issued a

temporary injunction prohibiting the herein petitioners and the sheriff of Manila from executing the judgment in said civil case No. 18451.

The facts stated are admitted by the respondents' answer and show two equally strong reasons for granting the prayer of the petitioners. Firstly, it is settled by an overwhelming weight of authority that no court has power to interfere by injunction with the judgments or decrees of a court of concurrent or coordinate jurisdiction having equal power to grant the relief sought by injunction. (Hockstacker vs. Levy, 11 Cal., 76; Crowley vs. Davis and Hendricks, 37 Cal., 268; Anthony vs. Dunlap, 8 Cal., 26; Flaherty vs. Kelly, 51 Cal., 145; Rickett vs. Johnson, 8 Cal., 34; Chipman vs. Hibbard, 8 Cal., 268; Gorham vs. Toomey, 9 Cal., 77; Uhlfelder vs. Levy, 9 Cal., 607; Revalk vs. Kraemer, 8 Cal., 66; Reynolds vs. Dunlap & Wortham 94 Ga., 727; Indiana and Illinois R. R. Co. vs. Williams, 22 Ind., 198; Plunkett vs. Black, 117 Ind., 14; Dyckman and McChain vs. Kernochan, 2 Paige [N. Y.], 26; Grant vs. Quick, 5 Sandf. [N. Y.], 612; Bennett vs. Le Roy. 14 How. Pr. [N. Y.], 178; Hunt vs. Farmer's L. & T. Co., 8 How. Pr. [N. Y.], 416; Deaderick vs. Smith, 6 Humph. [Term.], 138; Whiteside and Wyatt vs. Latham, 2 Coldw. [Tenn.], 91. *See also* Douglass and Boddie vs. Joyner, 1 Baxt. [Tenn.], 32; Platto vs. Deuster, 22 Wis., 460; Stein vs. Benedict, 83 Wis., 603; Endter vs. Lennon, 46 Wis., 299; Orient Ins. Co. vs. Sloan, 70 Wis., 611; Cardinal vs. Eau Claire Lumber Co., 75 Wis., 404.)

There are, it is true, a few New York cases holding that a judge of the supreme court of that State may, while sitting in one district, enjoin judicial proceedings in a coordinate court in another district (Platt vs. Woodruff, 61 N. Y., 378; Erie Railway Co. vs. Ramsey, 45 N. Y., 637; Koehler vs. Bank, 14 N. Y. Civ. Proc, 71; N. Y., etc., R. Co. vs. Schuyler, 8 Abb. Pr., 239), but, due to the peculiar organization of the courts of the State of New York, these cases can hardly be regarded as precedents here. It may also be mentioned that in the case of Robertson vs. Emerson and Porter (26 La. Ann., 351), a divided court upheld an injunction issued by the Eighth District Court staying the execution of a judgment rendered by another district court of the State of Louisiana; the majority opinion, however, states no reasons for its ruling and the case is of very doubtful authority.

The various branches of the Court of First Instance of Manila are in a sense coordinate courts and to allow them to interfere with each others' judgments or decrees by injunctions would obviously lead to confusion and might seriously hinder the administration of justice.

Secondly, we have held in the case of Shioji vs. Harvey (43 Phil., 333), that "Inferior courts cannot vary the mandate of the superior court, or examine it, for any other purpose than

execution; nor give any other or further relief; nor review it, upon any matter decided on appeal for error apparent; nor intermeddle with it further than to settle so much as has been remanded.”

Conceivably, circumstances might arise subsequent to the return of a case from the Supreme Court to the trial court which might justify postponement of the execution of the judgment in the case, but where, as in the present case, the facts relied on for the issuance of the injunction exist before the case is remanded to the Court of First Instance and before the Supreme Court has lost its jurisdiction, there can certainly be no question as to the inability of an inferior court to interfere by injunction or otherwise with the execution of the mandate of the superior court.

When, in the instant case, the respondent judge of the first branch of the Court of First Instance of Manila undertook to enjoin the execution of a judgment of the second branch of that court, which judgment had been affirmed by the Supreme Court, he unlawfully interfered with the functions of both courts and exceeded his jurisdiction. The petition is therefore granted, the preliminary injunction heretofore issued by the respondent judge, restraining the execution in said civil case No. 18451 of the Court of First Instance of Manila, is hereby declared null and void and the respondents are commanded absolutely to desist and refrain from interfering with said execution. The respondent Eugenio Lim y Pineda will pay the costs of this proceeding. So ordered.

*Araullo, C. J., Johnson, Street, Malcolm, Avanceña, Villamor, Johns, and Romualdez, JJ., concur.*

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<sup>[1]</sup>Cabigao vs. Pineda, R. G. No. 18622, not reported.

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