

Title:

Eufemia Mercado vs. Judge Hermogenes Reyes, et al.

Facts:

The case originated from civil case No. 4527, concerning whether the Batasan-Limasan or Pinac-Bungalun creek, traversing a portion of the hacienda titled to petitioner Eufemia Mercado, was a private property or part of the public domain. Petitioner's predecessor established dikes, converting the creek into a fishpond, and while the case was pending, Mercado leased the hacienda, including the creek, to Francisco de Leon. The final judgment ruled the creek public domain. De Leon retained the creek through a lease agreement with the municipality of Macabebe, which was under the jurisdiction of the creek and approved by the Secretaries of Public Works and Agriculture.

Following the judgment, Eufemia Mercado failed in her bid for reconsideration and filed for certiorari and prohibition to invalidate the respondent judge's order that issued a writ of execution for the removal of dikes. Mercado argued the location of the creek was never technically determined within the case, no description was given to identify the creek for the execution, and removing the dikes would imperil private property by exposing it to potential harm from the sheriff's actions.

Procedural Posture:

The case reached the Supreme Court after Mercado challenged the writ of execution provided by Judge Hermogenes Reyes of the Court of First Instance of Pampanga. The procedural journey involved Mercado's initial objection, the confirmation of the creek as public domain, a failed reconsideration attempt, and the subsequent petition for certiorari and prohibition by the petitioner against the respondent judge's order for execution.

Issues:

1. Whether the writ of execution is valid despite the petitioner's claim that the Batasan-Limasan creek's precise location was not determined in the judgment.
2. If removal of the dikes ordered by the writ would constitute an unlawful delegation of judicial powers to the sheriff.
3. Whether the removal of the dikes could cause unnecessary damage to private property.

Court's Decision:

The Supreme Court denied Eufemia Mercado's petition. The Court determined that, based on the previous decisions of the Court of First Instance of Pampanga and the Supreme Court

itself, the location and the description of the dikes to be removed were ascertainable. The Court held that it was unnecessary to provide further descriptions or specifications and deemed the petitioner's demands for technicality superfluous. According to the Court, the petitioner was expected to comply with and exercise prudence during the removal of the dikes. It was also held that the leasing of the creek to Francisco de Leon did not exempt the petitioner from her obligation to remove the dikes, reiterated by the Court as her responsibility derived from the judgment.

Doctrine:

The Supreme Court in this decision reiterated the doctrine that navigable creeks are part of the public domain and cannot be subject to private ownership, as per Section 64 of Act No. 4003. Furthermore, the Court emphasized that a lease by a municipality of a public domain property does not exempt the original party from obligations arising from a court judgment regarding that property.

Class Notes:

- Public domain: Navigable creeks are properties of the public domain not subject to private ownership.
- Writ of execution: An order granted by the Court enforcing the judgment upon the case becomes final.
- Technical descriptions: Not mandatory for identification in writs of execution if previously described adequately in the judgment.
- Necessity over technicality: Compliance with the final judgment must occur even if it entails unavoidable damage, provided it fulfills legal obligations.
- Act No. 4003, Section 64: “[It is unlawful to block navigable waterways in any manner that impedes public navigation]”

Historical Background:

During the period of this case, Philippine jurisprudence consistently upheld the principle that certain natural resources, such as navigable waters, are of public dominion and cannot be appropriated for private use. This was grounded in the Spanish Law of Waters of 1866, which continued to influence Philippine water rights' legal landscape and was encapsulated in Act No. 4003, known as the Revised Administrative Code. This case reaffirms the public character of navigable waters and the state's responsibility for ensuring free and open navigation, reflecting the ongoing legal and administrative practice of managing the Philippines' natural resources.