

**RAMON A. TARNATE, PETITIONER, VS. IÑIGO S. DAZA, JUDGE OF
FIRST INSTANCE OF BATANGAS, MODESTO CASTILLO, EX-JUDGE OF
COURT OF FIRST INSTANCE OF BATANGAS, AND VICENTE A.
TARNATE, ...**

G.R. No. L-323. July 31, 1946

Ponente: PARAS, J.

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PARAS, J.:

On April 18, 1944, the respondent Judge, Hon. Modesto Castillo, ordered the heirs of the intestate Paula Agoncillo to pay to the respondent Vicente A. Tarnate, in equal parts, the sum of p1,204. On ex-parte motion of Vicente A. Tarnate, the respondent Judge, Hon. Iñigo S. Daza, issued an order dated January 17, 1946, directing the petitioner Ramon A. Tarnate to pay to Vicente A. Tarnate the sum of P235.64 within fifteen days, and authorizing the issuance of a writ of execution in case of default on the part of the petitioner. The said amount of P235.64 represents the alleged share of the petitioner (as an heir of Paula Agonoillo) in the obligation created in favor of Vicente A. Tarnate by the order of Judge Modesto Castillo dated April 18, 1944. Invoking moratorium, the petitioner moved for the reconsideration of the order of Judge Daza who, in another order dated February 6, 1946, ruled that Executive Order No. 52 of the President of the Philippines, dated March 10, 1945, is not applicable at least in so far as the amount of P200.80 was concerned, because the same became due to Vicente A. Tarnate for services rendered before the outbreak of the war on December 8, 1941. As the respondent Judge, Hon. Iñigo S. Daza, in his later order of February 6, 1946, enjoined the petitioner Ramon A. Tarnate to pay P200.80 immediately and ordered the issuance of a writ of execution against him after the lapse of five days, this original petition for certiorari and prohibition was instituted by said petitioner. The respondents have not filed any answer. Neither did any of the parties appear on the uate set for oral argument.

Executive Order No. 32 provides that "enforcement of all debts and other monetary obligations payable within the Philippines, except debts and other monetary obligations entered into in any area after declaration by Presidential Proclamation that such area has been freed from enemy occupation and control, is temporarily suspended pending action by the Commonwealth Government." (41 Off. Gaz., 56.) Thereunder, all debts and other monetary obligations, regardless of the dates of their creation, provided they were not entered Into in any place after the same had been declared by the President of the Philippines to have been liberated, may not be enforced. See *Palacios vs. Daza and Provincial Government of Batangas*, 75 Phil., 279.) This ban—which has not as yet been lifted—is clearly infringed by the orders of January 17 and February 6, 1946, Issued by the -respondent Judge, Hon. Inigo S. Daza, compelling the petitioner Ramon A. Tarnate to pay the amount due from him to the respondent Vicente A. Tarnate, as previously adjudged in the order of the respondent Judge, Hon. Modesto Castillo, dated April 18, 1944. Whether the monetary obligation of the petitioner be considered as having accrued prior to the commencement of the last war or on the date of the order of Judge Castillo (April 18, 1944), its enforcement is suspended, inasmuch as it is not a debt or monetary obligation alleged to have been contracted in an area after it had been declared by Presidential Proclamation to be free from enemy occupation and control.

It follows that the present petition should be, as the same is hereby, granted and the aforesaid orders of January 17 and February 6, 1946, set aside, with costs against the respondent Vicente A. Tarnate. So ordered.

Moran, C.J., Feria, Pablo, Perfecto, Hilado, Bengzon, Briones, Padilla, and Tuason, JJ., concur.

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