

**JOSE LLADO, PETITIONER, VS. NUMERIANO MANGLICMOT AND
JUDGE TOMAS PANGANIBAN, PRESIDING JUDGE OF THE COURT OF
AGRARIAN RELATIONS, BRANCH I SECOND REGIONAL DISTRICT,
RESPONDENTS.**

G.R. No. L-12522. May 30, 1958

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is a petition for mandamus to compel the Court of Agrarian Relations to issue an execution of a judgment of the Court of Industrial Relations dated June 13, 1955 in Case No. 2106-NE. The judgment in question reads as follow:

"It appears on the record that the parties entered into an agreement, the pertinent portions of which read as follows:

"That the petitioner herein agreed to cultivate the land in question this agricultural year, 1954-1955 only, and in the succeeding year 1955-1956 he will voluntarily surrender this landholding to the herein respondent.

That the respondent has no objection as to the agreement.

WHEREFORE, it is respectfully prayed that this case be treated closed, dismissed and terminated.

Cabanatuan City, May 26, 1954.

(SGD.) NUMERIANO MANGLICMOT

(SGD.) JOSE LLADO

Petitioner

Respondents'

"Finding the said agreement not contrary to law, morals or public policy, the same is hereby deemed to be an award or decision in this case and the parties are enjoined to observe strict compliance therewith." (Annex D-Petition.)

The respondent Court of Agrarian Relations refused to grant the execution prayed for, for the reason that prior to

the said order of June 13, 1955, another order dated August 6, 1954 had been issued. This order reads as follows:

"Considering that the parties in the above-entitled case are no longer interested in the prosecution of their case on the ground that they have already arrived at an amicable settlement of their differences, let this case be, as it is hereby, DISMISSED" (Annex C-Petition.)

The petition must be denied. The order sought to be executed was promulgated on June 13, 1955, after the first order of August 6, 1954 had become final and executory. Said order dated June 13, 1955 is, therefore, null and void, and may not be enforced by execution. With costs against petitioner.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J.B.L., Endencia, and Felix, JJ., concur.

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