

NATIONAL POWER CORPORATION, PETITIONER, VS. HON. JESUS DE VEYRA, AS JUDGE OF THE COURT OF FIRST INSTANCE OF BAGUIO CITY AND THE CITY OF BAGUIO, RESPONDENTS.

G.R. No. L-15763. December 22, 1961

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

Petitioner asks this Court to annul and set aside the preliminary mandatory injunction issued by above respondent judge; to declare the respondent Court of First Instance of Baguio City to be without jurisdiction to try its Civil Case No. 866, and to require said, covert to dismiss it.

The records bear out the following facts:

On March 31, 1959, the Court of First Instance of Manila, in its Civil Case No. 36525, rendered a decision ordering the City of Baguio to pay the National Power Corporation various sums of money totalling P240,000.00 representing the unpaid electric charges, and rentals for the lease of two electric generators, etc. The aforesaid decision having become final the court of Manila granted on June 4, 1959, the National Power Corporation's motion for execution, A writ was issued, addressed to the Sheriff of Baguio City to levy execution on the property of above respondent Baguio City to satisfy the judgment. Such Sheriff, in compliance with the writ, garnished on June 8, 1959, the amount of P239,589.80 out of the cash deposits of Baguio City in the possession of the Baguio Branch of the Philippine National Bank.

Whereupon on June 12, 1959, Baguio City filed against herein petitioner National Power Corporation, the Philippine National Bank and the said Sheriff, in the Court of First Instance of Baguio City, a complaint (Civil Case No. 866) praying that all the acts of said defendants relative to the garnishment of the cash deposits with the defendant Philippine National Bank, be declared illegal, that said defendants be permanently restrained from performing acts in furtherance of the said garnishment, and that they be ordered to pay damages.

On the same date, June 12, 1959, above respondent court of Baguio City issued a preliminary mandatory injunction ordering above petitioner corporation, the Philippine National Bank, the Sheriff and others acting in their behalf to restore and maintain the status quo of respondent corporation's bank deposits.

Above petitioner's motions for reconsideration of the mandatory preliminary injunction and for dismissal of the said Civil Case No. 866 on the alleged grounds of lack of jurisdiction over the subject-matter and lack of cause of action, were denied.

Consequently, the instant petition for certiorari was filed.

The question raised is whether or not property which has been levied upon in a garnishment proceedings by one court, may be subject to the jurisdiction of another court (where the property is found) in an independent suit impugning the legality of said garnishment the property garnished allegedly being exempt from execution.

The garnishment of property to satisfy a writ of execution "operates as an attachment and fastens upon the property a lien by which the property is brought under the jurisdiction of the court issuing the writ." [1] It is brought into custodial legis, under the sole control of such court. Property is in the custody of the court when it has been seized by an officer either under a writ of attachment on mesne process or under a writ of execution. [2] A court which has control of such property, exercises exclusive jurisdiction over same. [3] No court, except one having a supervisory control or superior jurisdiction in the premises, has a right to interfere with and change that possession. [4]

We have followed and applied this principle of procedure. Thereby conflict of power is avoided between different courts of coordinate jurisdiction. We have invariably held that no court has authority 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. [5]

The property involved in Civil Case No. 866-is property in custodia legis of the Court of First Instance of Manila, it having been garnished to satisfy a writ of execution duly issued by the said court. Respondent Baguio court should not have interfered with the Manila court's jurisdiction by issuing the writ of preliminary injunction and assuming cognizance of the complaint presented before it.

The reason advanced by the respondent court of Baguio City that it should grant relief when "there is apparently an illegal service of the writ" (the property garnished being allegedly exempt from execution) may not be upheld, there being a better procedure to follow, i. e., a resort to the Manila court, wherein the remedy may be obtained, it being the court under whose authority the illegal levy had been made. Needless to say, an effective ordering of legal relationships in civil society is possible only when each court is granted exclusive jurisdiction over the property brought to it. To allow coordinate courts to interfere with each other's judgments or decrees by injunctions, would obviously lead to confusion and might seriously hinder the proper administration of justice. [6]

Premises considered, the preliminary mandatory injunction issued by respondent court is set aside, even as further proceedings in Civil Case No. 866 are hereby enjoined, So ordered.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, and De Leon, JJ., concur.

[1] 5 Am. Jur. 88

[2] 14 Am. Jur. 438

[3] 21 Corpus Juris Secundum 755

[4] 14 Am. Jur. 446

[5] Lacuna, et al. vs. Ofilada, 106 Phil., 313; Manuel Araneta & Jose L. Yu vs. Common Ins. Co. 103 Phil., 522; 55 Off. Gaz. (3) 431 citing the early cases of Cabigao & Izquierdo vs. Del Rosario and Lim, 44 Phil., 182; Agustin P. Montesa, et al. vs. Manila Cordage Co., 92 Phil., 25; 48 Off. Gaz., (9) 3863; Taciana Ongsingco, Guardian of Francisco de Borja vs. Hon. Bienvenido Tan, et al., 97 Phil., 330.

[6] Lacuna et al., supra.

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