

**JOHN F. GOTUACO, PETITIONER, VS. HON. HIGINIO MACADAEG,
JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA; L. C. YANG,
ET AL., RESPONDENTS.***G.R. No. L-4512. September 30, 1952*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/23a541126a3a/>**PADILLA, J.:**

This is a petition for a writ of certiorari to annul an order of the respondent court dated 4 January 1951 claimed to have been entered in excess of its jurisdiction and for a writ to compel the respondent court to order the execution of the judgments rendered by the municipal court in civil cases Nos. 9959, 9960, 9962 and 9963.

Petitioner alleges that on 24 December 1949 he brought an action for detainer and recovery of rentals against the respondents L. C. Yang, Ma Mon Luk, Shin Un Ting and Lee Beng Hoo in the municipal court docketed as civil cases Nos. 9959, 9960, 9962 and 9963, respectively. In their answers the respondents filed special defenses and counterclaims for P10,216 in the first case and P3,105 in the second case for sums deposited on account of rentals and for the value of barong-barongs or structures erected on the respective leased premises; for P6,415 in the third case for the value of the barong-barong or structure erected on the leased premises and recovery of alleged excessive rentals paid to the petitioner; and for P2,032.50 in the fourth case for recovery of alleged excessive rentals paid to the petitioner. A motion to dismiss the counterclaim in each case was filed by the petitioner on the ground that the amounts sought to be recovered by the respondents are beyond the jurisdiction of the municipal court. The respondents, in turn, filed motions to dismiss the complaints on the ground that there was a pending action in the Court of First Instance of Manila between the same parties docketed in said court as civil case No. 10103 filed on 16 January 1950 and amended on 10 February 1950 to include as plaintiffs other defendants in the detainer cases. In the case referred to the respondents sought to recover the amounts claimed in the counterclaims filed by them in the detainer cases. Before proceeding with the trial in the detainer cases the municipal court dismissed the counterclaims on the ground of lack of jurisdiction but allowed to remain in the answers as special defenses. The motion to dismiss the complaint in the detainer cases was denied. After trial the defendants in the detainer cases were ordered to vacate the premises and to pay to the plaintiff the accrued and unpaid rentals from March 1949 to December 1949 amounting to P3,884 and P400 a month thereafter until the defendant vacates and surrenders the possession of the premises to the plaintiff with costs in the first case; to pay the accrued and unpaid rentals from May 1949 to December 1949 amounting to P1,450 and P200 a month thereafter until possession of the premises shall have been restored to the plaintiff with costs in the second case; to pay the rentals due and unpaid from July 1949 to December 1949 amounting to P1,140 and P200 thereafter until the defendant vacates and surrenders the possession of the premises to the plaintiff with costs in the third case; and to pay the rentals due and unpaid from June 1949 to December 1949 amounting to P1,325 and P220 monthly thereafter until the defendant moves out and restores the possession of the premises to the plaintiff with costs in the fourth case. From said judgments the defendants appealed to the Court of First Instance of Manila where the cases were docketed as civil Nos. 11832, 11833, 11834 and 11835. On 18 August 1950 the petitioner filed in said four appealed cases

motions for execution on the ground that the defendants therein, the respondents herein, had not paid to the petitioner nor deposited in court the sums of money to which the petitioner was entitled as adjudged by the municipal court, nor filed a supersedeas bond to guarantee the payment thereof, nor paid or deposited in court the sums of money as compensation for the use and occupation of the premises up to the month of July 1950. The respondents did not deny that they had failed to pay to the petitioner or deposit in court the sums to which the petitioner was entitled as adjudged by the municipal court, but objected to the motion for execution on the ground that there was a pending action in the Court of First Instance of Manila for reimbursement of the value of improvements and that, if successful, they were entitled to secure an order restraining the execution of the judgments rendered by the municipal court. At the hearing of the motion for execution the petitioner offered to put up a bond to guarantee the payment of whatever amount might be found due the respondents, the plaintiffs in civil case No. 10103, and reiterated the offer on the resumption of the hearing in said civil case, but the motion for execution was denied by the respondent court in an order dated 4 January 1951 upon the grounds advanced by the respondents, the defendants in the appealed detainer cases and plaintiffs in civil case No. 10103.

In their answer the respondents practically admit the foregoing facts. However, during the pendency of this case the respondents, the defendants in the appealed detainer cases, the plaintiff, the herein petitioner, would be dismissed on the ground that the Court of First Instance of Manila had dismissed the appealed detainer cases and rendered judgment for the defendants, the plaintiffs in civil case No. 10103, upholding their claim and right to be reimbursed for improvements or structures erected by them on the leased premises and ordering the petitioner, the plaintiff in the appealed detainer cases and defendant in civil case No. 10103, to pay P7,806 to L. C. Yang; P5,305 to Shih Un Ting; P1,825 to Ma Mon Luk; P1,650 to Uy Tun; and P355 to Lee Beng Hoo.

For failure of the defendants, the herein respondents, to pay or deposit the rentals due and unpaid as found by the municipal court or to file a supersedeas bond to guarantee the payment thereof and to pay thereafter the monthly rentals or compensation for the use and occupation of the leased premises during the pendency of the appealed detainer cases, filed a motion praying that the petition be entitled to have the judgments rendered by the municipal court executed. A denial of the motion for such execution would be a clear violation of the Rule on the matter. Mandamus would lie to compel the Court to issue a writ of execution. But the detainer cases having been disposed of against the petitioner, the plaintiff in said cases, by the Court of First Instance on appeal, there is no legal way of annulling the order denying the motion for execution and of directing the respondent court to issue a writ of execution because the judgments for which execution was asked were reversed by a higher court on appeal.

The petition is dismissed, without costs.

Paras, C. J., Pablo, Bengzon, Tuason, Montemayor, Jugo, Bautista Angelo, and Labrador, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.