

LUDOVICO ESTRADA, ET AL., PETITIONERS VS. THE HON. AMADO S. SANTIAGO, ETC., AND PINDANGAN AGRICULTURAL COMPANY, INC., RESPONDENTS.*G. R. No. L-14180. December 01, 1962*

Ponente: DIZON, J.

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Under date of August 2, 1948 the Pindangan Agricultural Co., Inc.—hereinafter referred to as the Corporation—filed a complaint with the Court of First Instance of Pangasinan, docketed therein as Civil Case No. 10394, against Ludovico Estrada, Marcelino Cabotaje, Alejandro Valdez, Sulpicio Sacayanan, Zacarias Cabotaje, Albino Mabalot and Guillermo Cabotaje, alleging therein that, in relation to a parcel of agricultural land situated in the barrios of Pindangan and San Pedro Apartado, Alcala, Pangasinan, bounded on the NE. by the property of the heirs of Asterio Favis; on the SE; by the provincial boundary line of Pangasinan and Tarlac; on the NW. by the Agno River; and on the SW. by the property of Pedro Esguerra and others, the first five defendants were its tenants on a yearly basis, and the last two were mere interlopers therein; that all said parties had refused to recognize the rights of the Corporation over said land. On the basis of these allegations, the complaint prayed—

"Wherefore, the plaintiff respectfully prays that upon its filing of a bond with sufficient sureties in such amount' as this Honorable Court may fix, a writ of preliminary injunction be issued ex parte against the defendants, their attorneys, agents, administrators and assigns and other persons acting for and in their behalf, directing them, until further orders from this Honorable Court, to refrain from invading the premises of the land described in paragraph 2 of this complaint or any portion thereof and from molesting, disturbing or in any wise interfering with plaintiff's possession and enjoyment thereof; and, in view of the menacing attitude of the defendants, to order the Philippine Constabulary to station on the premises at least three (3) P. C. soldiers to see to it that the order of the Court is respected and not violated by the said defendants; and, after trial, judgment be rendered condemning the defendants to perpetual silence relative to the possession and enjoyment of the premises aforesaid, recognizing plaintiff's superior rights thereto, and declaring the injunction issued against them permanent; and to condemn the defendants to pay the plaintiff whatever damages may further be proved against them and the costs of this action."

On August 17, 1948 the court, on motion of the Corporation, issued a writ of preliminary injunction against the defendants—hereinafter referred to as petitioners.

On October 25, 1948 the Corporation filed an "Amendatory Complaint" to implead, as defendants, Ponciano Cabotaje and 20 other persons alleged to be "mere interlopers in the land" who had made common cause with the original defendants, and prayed that the injunction issued theretofore be extended to them. Again, on August 15, 1950 the Corporation filed an "Amended Complaint" to include as defendants the following public officials in their respective official capacity: Jose P. Dans, Director of Lands, Placido L. Mapa, Secretary of Agriculture and Natural Resources, and Pedro U. Asensi, District Land Officer, and Emeterio de los Santos, Marcelo de los Santos, Severo Pascual and Dionisio Tadeo. The said amended complaint—admitted by the court on November 7,

1950— prayed for judgment as follows:

"Wherefore, to this Honorable Court plaintiff-Corporation respectfully prays that, after proper proceedings:

"(a) Judgment be rendered ordering the defendants to give due effect and implement the decisions of this Hon. Court in Civil Cases Nos. 4969 and 7421 and G. R. Nos. 32343 and 46798 of the Supreme Court mentioned in paragraphs XLII, XLIII and XLIV hereof and the provisions of law applicable thereto by giving due course, in accordance with law, to plaintiff's Lease Application No. 109 mentioned in paragraph XXXIII hereof and Sales Application of July 9, 1949 (Unnumbered), mentioned in paragraphs XLVIII and XLDC hereof, and thereafter to recognize and give effect, as provided for in the laws mentioned, to the preferential right of the plaintiff-corporation to acquire the said land either by lease or by purchase as it may consider convenient and necessary;

"(b) Bender without effect as in violation of the law and the decision of this Hon. Court the resolutions of the official defendants mentioned in paragraphs XXXIV, L, LVIII, LIX and LXII hereof, rejecting plaintiff-corporations Lease Application No. 109 and Sales Application of July 9, 1949 which exclude plaintiff-corporation from the exercise of its aforesaid rights; and

"(c) Condemning the defendants jointly and severally to pay to the plaintiff-corporation, by way of damages, the sum of fifty thousand pesos (F50,000.00), besides the cost of this suit;"

The separate motions to dismiss filed by the above named public officials and by the other defendants having been denied, said public officials filed their answer in which they denied that the sales applications filed by their co-defendants were prepared in connivance with officials of the Bureau of Lands in Dagupan, or that the provisional permits granted to the same parties by the Director of Lands was the result of a conspiracy between the District Land Officer at Dagupan City and the permittees; the truth of the matter being that the issuance of said permits was based on the merit of the individual applications filed, determined after proper investigation, and that the subdivision of the property in question was ordered to expedite its disposition in favor of deserving occupants. The answer further denied the Corporation's claim that the courts had recognized its preferential right to acquire the land in question, the truth being that the very court orders and decisions relied upon by the Corporation and attached to its amended complaint showed that the members of the 93 families who originally occupied the land were the ones whose preferential right to acquire it had" been recognized.

On November 6, 1954 the now petitioners filed their own separate answer denying specifically the allegations of the amended complaint and alleging positively that they were in lawful and actual occupation of separate portions of the land in question.

Omitting reference to other proceedings which do not appear to be absolutely necessary for the purpose of this decision, it appears that on February 28, 1958 the respondent judge rendered judgment in the case as follows:

"Wherefore, judgment is hereby rendered:

"a. Rendering without effect the various resolutions of the official defendants mentioned in plaintiff's Amended Complaint as regards its Lease Application No. 109 and Sales Application of July 9, 1949, as well as all applications filed by and provisional permits granted to the other defendants covering portions of the land in controversy, including those whose names appear in Exhibits "1" and "1-a" of the defendants;

"b. Ordering and directing the Director of Lands and the Secretary of Agriculture and Natural Resources to execute forthwith-in favor of the plaintiff corporation the necessary documents of lease of the land in controversy for the maximum period allowed by the law and for the annual rental of P2,946.00, or, if it so desires, the necessary documents of definite sale of the said land for the total sum of P51,157.23 (which is the bigger sum of the two sums mentioned herein), in full or in installments as the Public Land Act permits, at the

option of the plaintiff corporation;

"c. The Director of Lands and the Secretary of Agriculture and Natural Resources are hereby ordered and directed to give due course, in accordance with law, to plaintiff's Lease Application No. 109 and Sales Application of July 9, 1949, mentioned in its Amended Complaint, and thereafter to recognize and give effect, as provided for in the law, to the preferential right of plaintiff corporation to acquire the said -land either by lease or by purchase, at its option.

"d. Condemning the defendants Jose P. Dans, Placido L. Mapa and Pedro U. Asensi as well as all the other defendants mentioned in plaintiff's Amended Complaint dated October 15, 1950, jointly and severally, to pay to the plaintiff corporation, by way of damages, the sum of P8,000.00, besides the costs of suit.

"e. Declaring permanent the writ of preliminary injunction heretofore issued in this case which is hereby extended to all persons not duly authorized by the plaintiff corporation to enter into the land in question, their agents, attorneys and other persons acting in their behalf and in their representative, and condemning all the said defendants and all such persons acting in their behalf and for their account to perpetual silence as to plaintiff's right of possession and enjoyment of the said land."

The public officials above named and their codefendants filed separate notices of appeal in due time. However, on June 13, 1958, while their appeal was in the process of being perfected, the Corporation filed a petition for the immediate execution pending appeal of the provisions of paragraph (e) of the dispositive part of the decision above quoted, alleging in support thereof that, as found by the court, most of the defendants were mere interlopers and that there was a possibility of breach of the peace and order in the area and the commission of illegal acts on their part. Specifically, the petition of the Corporation prayed for the following relief:

"Wherefore, to this Honorable Court plaintiff respectfully prays that an order issue directing the immediate execution of paragraph (e) of the aforesaid decision of this Honorable Court dated February 29, 1958, as an addition to and/or in further implementation of the order of this Honorable Court dated December 26, 1956; and for this purpose, directing that the aforesaid Special Sheriffs previously appointed with Avelino Aguada as their Chief, with the assistance of the Philippine Constabulary of Pangasinan and under the control of and jointly with the Provincial Sheriff of this province, to execute the same faithfully and effectively such that each of every one of the defendants, their helpers, agents, attorneys and other persons acting for and in their behalf, be excluded from the land in question and prevented from entering the same without the consent of plaintiff corporation, and from disturbing or in any manner molesting the possession, cultivation and enjoyment of the land by the plaintiff corporation or its agents, under penalty of the law and until further orders of this Court; and that the PC Provincial Commander of Pangasinan be requested to furnish the necessary aid and assistance to the said Special Sheriffs in the performance of their duties in such strength and for such time as may be necessary to enforce the orders of this Honorable Court."

In spite of the opposition filed by all the defendants, the respondent judge issued on June 18, 1958 an order granting the petition for an immediate partial execution. The motion for reconsideration filed by the aforesaid defendants, which included an offer of a supersedeas bond to stay the aforesaid partial execution was denied on July 28 of the same year. Regarding the offer of a supersedeas bond the respondent judge stated in his order that the offer had come "rather late because the order in question had already been executed by the deputy provincial sheriff of this province who was duly appointed by the Secretary of Justice, in accordance with the returns now forming part of the records of this case." (p. 3 of Annex W attached to the Petition for Certiorari).

Alleging that the orders of June 18 and July 28, 1958 constitute a denial of their rights in the premises, and were issued with grave abuse of discretion and in excess of jurisdiction by the respondent judge, and that they had no appeal, nor any other plain, speedy and adequate remedy in the ordinary course of law, petitioners filed the present petition for certiorari praying—

"(a) That a writ of preliminary injunction be issued enjoining the respondent judge Amado S. Santiago, the respondent corporation, the agents or representatives of the respondent judge and the respondent corporation, the members of the Philippine Constabulary under the command of the Provincial Commander of Pangasinan, from enforcing the decision of Feb. 28, 1958, Orders of June 18 and July 28, 1958 or any and all subsequent orders until after this Petition for Certiorari be resolved by this Honorable Court;

"(b) That this petition for Certiorari be given due course and that respondents be required to file an answer to this Petition for Certiorari within such time as may be fixed by this Honorable Court;

"(c) That after due hearing, decision be rendered declaring that the orders of the respondent judge, particularly the Orders of June 18, 1958 and July 28, 1958 and any and all acts of said respondent judge subsequent to the above orders null and void and ordering the respondent judge and/or any other judge to desist from rendering any new orders in the above-mentioned Civil Cases until this proceedings be finally terminated; and

"(d) That respondent be ordered to pay the costs of this proceedings."

The petition for the issuance of a writ of preliminary injunction to restrain the respondents and others "from enforcing the decision of February 28, 1958, orders of June 18, and July 28, 1958" was not resolved before now by Us, one way or the other, because of the fact stated in the aforesaid order of July 28, 1958 (Annex W attached to the petition) that the writ of execution had already been carried out even before that date.

In the meantime the appeal from the decision on the merits rendered by the respondent judge took its course and was docketed in this Court as G. R. No. L-14591, decision therein having been rendered by Us on April 25, 1962. After an extensive review of all the pertinent proceedings and facts of record, we set aside or reversed the aforesaid decision.

The only question raised in the present action for certiorari is whether the order of the respondent judge of June 18, 1958 for the execution pending appeal of a portion of his decision in Civil Case No. 10394, was issued with grave abuse of discretion or in excess of his jurisdiction. In view of our decision on the appeal interposed by the defendants (G. R. No. L-14591), it seems clear that this question must be answered in the affirmative. Said decision can only mean that the decision of the respondent judge of February 28, 1958 was erroneous; that each one of the herein petitioners was in lawful occupancy of a separate portion of the land described in the complaint filed by the Corporation in Civil Case No. 10394; that their right of possession was by virtue of lawful orders and decisions of the Bureau of Lands and of the Department of Agriculture and Natural Resources rendered after the interested parties had been given full opportunity to be heard. In the light of these facts, there could possibly have been no special reason to justify the execution pending appeal of the aforesaid decision of the respondent judge, which resulted in prematurely depriving petitioners of their lawful possession, transferring it to that of the Corporation which was not entitled to it.

Wherefore, the orders complained of having been issued by the respondent judge with grave abuse of discretion, the same are hereby set aside, reserving to herein petitioners whatever right they may have to obtain restitution of possession and other relief in the main case or in a separate action. With costs against respondent Corporation.

Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, and Paredes, JJ., concur. Orders set aside.

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