

THE MUNICIPAL TREASURER OF PILI, CAMARINES SUR, BALBINO ONQUIT AND FELIX ONQUIT, PETITIONERS, VS. THE HON. PERFECTO R. PALACIO, JUDGE OF THE COURT OF FIRST INSTANCE OF CAMARINES...

G.R. No. L-13653. April 27, 1960

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/366ee3ee63c4/>

MONTEMAYOR, J.:

This is a petition for certiorari and mandamus to set aside the decision of respondent Judge Palacio in Civil Case No. 3909 of the Court of First Instance of Camarines Sur, and to order him to return the case to the Justice of the Peace Court of Pili, Camarines Sur.

The facts in this case are not in dispute. Balbino Onquit lost a carabao sometime in February, 1946. In December of that year, Honesto Paladin bought a carabao for P100.00 from one Jovito Milarpis, who in turn had bought the same animal from Vicente Baduya that same day. Almost ten years later, that is, on April 18, 1956, Balbino Onquit saw the carabao bought by Paladin in December 1946, and in the latter's possession, and supposedly recognized it to be the animal he had lost about ten years before; so, he reported the matter to the Chief of Police of Pili, who immediately impounded the animal and gave its custody to the Municipal Treasurer of the said town.

On April 28, 1956, Paladin filed an action for replevin in the Justice of the Peace Court of Pili, Camarines Sur (Civil Case No. 66), against Balbino Onquit, Felix Onquit, and the Chief of Police of Pili, to recover possession of the carabao. The Justice of the Peace Court decided the case in favor of the defendants. Paladin appealed the case to the Court of First Instance of Camarines Sur (Civil Case No. 3453), which in a decision dated January 14, 1957, reversed the appealed decision and ordered that the carabao involved be returned to plaintiff Paladin. After said decision had become final and executory, Paladin demanded the delivery of the carabao to him, but the Municipal Treasurer refused to deliver.

Instead of having the decision executed by the proper authorities, Paladin would appear to have done nothing, possibly waiting for the Municipal Treasurer to, change his mind. But on April 13, 1957, instead of filing a motion to enforce the judgment in his favor which had long become final and executory, he filed another Civil Case No. 87 in the same Justice of the Peace Court of Pili, against the Municipal Treasurer, Balbino Onquit and Felix Onquit, making reference to Civil Case No. 66 of the Justice of the Peace Court and the decision in Civil Case No. 3453, Court of First Instance, in his favor, and asking that the same carabao be returned to him and that defendants Onquit be made to pay him the sum of P1,500.00 as damages. Defendants filed a motion to dismiss on the ground of res adjudicata and estoppel. Acting upon said motion, the Justice of the Peace Court dismissed the case, stating that it was without prejudice on the part of Paladin to file a motion for execution, on the ground that the decision in the first case had already become final and executory, at the same time ruling that the Municipal Treasurer, one of the defendants, had no interest in the case.

Paladin appealed the order of dismissal to the Court of First Instance of Camarines Sur. Defendants-appellees

failed to file their answer to the complaint and were declared in default. Paladin was allowed to present his evidence in their absence and respondent Judge Palacio, presiding the Court of First Instance of Camarines Sur, rendered the decision aforementioned, ordering the defendants Balbino Onquit and Felix Onquit to deliver the carabao and its offspring to the plaintiff and to pay the latter the sum of P1,500.00 as moral and consequential damages, plus costs. Defendants filed two motions for reconsideration which were denied. Thereafter, they filed the present petition for certiorari and mandamus.

It is the contention of the petitioners that respondent Judge acted in excess of his jurisdiction or with grave abuse of discretion in trying the case appealed to him for the reason that under Section 10, Rule 40 of the Rules of Court, which reads as follows:

"Sec. 10. Appellate powers of Courts of First Instance where action not tried on its merits by inferior courts.—Where the action has been disposed of by an inferior court upon a question of law and not after a valid trial upon the merits, the Court of First Instance, shall on appeal review the ruling of the inferior court and may affirm or reverse it, as the case may be. In case of reversal, the case shall be remanded for further proceedings."

he should have remanded the case to the Justice of the Peace Court of Pili for further proceedings after he evidently had reversed the ruling of said Justice of the Peace Court, dismissing the case. We agree with petitioners. According to Section 10, Rule 40 of the Rules of Court, where a Justice of the Peace Court disposes of a case not on its merits but on a question of law, as when it dismisses it, and it is appealed to the Court of First Instance, the latter may either affirm or reverse the ruling or order of dismissal. In the present case, it presumably reverses said order; instead of trying the case on the merits, at it did, it should, have returned the same to the Justice of the Peace Court for further proceedings.[1]

In view of the foregoing, the petition is granted. The decision of respondent Judge is hereby set aside and he is directed to remand the case to the Justice of the Peace Court for further proceedings. No costs.

Although we are ordering the remand of the case by respondent Judge to the Justice of the Peace Court, nevertheless, there is reason to believe that said case is already barred on the ground of *res adjudicata* and that the Justice of the Peace Court was correct in dismissing the same. If the plaintiff seeks damages due to the failure of the defendants in the first case to deliver the carabao to him within a reasonable time after said decision became final and executory a separate action might be necessary, not for the delivery of the carabao, but for damages suffered, if any, after the rendition of that decision.

As to the delivery of the carabao, the decision of the Court of First Instance in Civil Case No. 3453 in favor of plaintiff Paladin was rendered on January 14, 1957. Within five years thereafter, Paladin may yet file a motion for its execution. This is what he should have done, instead of filing the second case, Civil Case No. 87, in the Justice of the Peace Court.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, and Reyes, J. B. L., JJ., concur.
Barrera, J., concurs in the result.

[1] *Mirano vs. Diaz*, 75 Phil., 274; *Saavedra vs. Pecson*, 76 Phil., 330.

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.