

CANDIDA SAN JOSE, ET AL., PETITIONER, V.S. THE HONORABLE ANTONIO G. LUCERO, ETC., ET AL., RESPONDENTS.*G.R. No. L-9062. July 31, 1956*

Ponente: PARAS, C.J.

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In Civil Cases Nos. 21742, 27158, 27158, 27172, 27144 and 27156 of Municipal Court of Manila, for unlawful detainer, a decision was rendered, dated October 19, 1953, in favor of Candida San Jose, et al., petitioners herein, against Vitaliano Robles, Francisco Llamis, Leopoldo Olidan, Monico Inocencio, Florentino Castillo, and Exequiel Jamisola, respondents herein, ordering the latter to vacate the premises respectively occupied by them and to pay the rents in arrears. The respondents had failed to appeal and, notwithstanding various proceedings resorted to by them, there is now no question that the decision of the Municipal Court had become final; so much so that the petitioners were able to obtain from said court not only the corresponding writs of execution but also an order for the demolition of respondents' houses. Even so, the respondent filed a petition for relief in the Court of First Instance of Manila (Civil Case No. 21332), and succeeded in causing the herein respondents Judge to issue on August 11, 1954, a writ of plenary injunction, restraining the sheriff from carrying out the order of demolition. Hence the present petition for certiorari instituted in this Court by the petitioners. It is not amiss to state that the petition for relief in Civil Case No. 21332 was eventually dismissed, although the order of dismissal is pending appeal in this Court in G. R. No. L-8627.

The injunction issued by the respondent Judge was premised upon Republic Act No. 1162, section 5 of which reads as follows:

"From the approval of this Act, and until the expropriation herein provided, no ejectment proceedings shall be instituted or prosecuted against any tenant or occupant of any landed estate or haciendas herein authorized to be ex-propiated if he pays his current rentals: Provided however, That if any tenant or occupant is in arrears in the payment of rentals or any amounts due in favor of the owners of the said landed estates or haciendas, the amount legally due shall be liquidated and shall be payable in eighteen equal monthly installments from the time of liquidation: Provided, further, That the rentals being collected from the tenants of the landed estates or haciendas herein authorized to be expropriated, shall not be increased above the amounts of rentals being charge as of December thirty-one, nineteen hundred and fifty-three, except in case where there were existing rental contracts for a fixed period which expired on said date: Provided, further-more, That no lot or portion thereof actually occupied by a tenant or occupant shall be sold by the landowner to any other person than such tenant or occupant, unless the latter renounces in a public instrument his rights under this Act: Provided, finally, That if there should be tenants who have constructed bona fide improvements on the lots leased by them, the rights of these tenants should be recognized in the sale or in the lease of the lots, the limitation as to area in section three notwithstanding."

The petitioners contend that Republic Act. No. 1162 is not applicable because it speaks of landed estates or haciendas, and the area involved herein is only 7,028 square meters and owned in common by nine persons. Even disregarding this contention, we are constrained to rule against the respondents, in view of the fact that the

decision in the unlawful detainer cases had long become final; and although, as alleged in respondents' answer, a petition had been filed with the Office of the President for the expropriation of the land occupied by them, no expropriation of the land occupied by them, no expropriation proceedings have as yet been actually instituted.

Wherefore, the writ of injunction issued in Civil Case No. 21332 by the respondent Judge is hereby set aside. So ordered without pronouncement as to costs.

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

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