

LEONOR VILLAGRACIA, PETITIONER, VS. HONORABLE FERNANDO SALAS, JUDGE OF THE COURT OF FIRST INSTANCE OF CAPIZ, JOSE M. CONTRERAS, JUSTICE OF THE PEACE OF CAPIZ, ANA PERALTA, ADMIN...*G.R. No. L-21491. February 15, 1924*

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5d2aaebd98f0/>**OSTRAND, J.:**

LEONOR VILLAGRACIA, PETITIONER, VS. HONORABLE FERNANDO SALAS, JUDGE OF THE COURT OF FIRST INSTANCE OF CAPIZ, JOSE M. CONTRERAS, JUSTICE OF THE PEACE OF CAPIZ, ANA PERALTA, ADMINISTRATRIX OF THE ESTATE OF JUAN VILLAGRACIA, PANFILO MENDOZA, AND GREGORIA AZARRAGA, RESPONDENTS. body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; } This is a petition for a writ of prohibition commanding the justice of the peace of the provincial capital of Capiz to desist from further proceedings in civil case No. 1631 of the Court of First Instance of that province, in which the herein petitioner is the plaintiff and the respondents herein Panfilo Mendoza, Gregoria Azarraga, and Juan Villagracia are the defendants.

It appears from the record that in the complaint filed in said case No. 1631, the plaintiff asks that he be declared the owner of a certain tract of land and that he be given possession thereof; that a certain deed executed by the defendant Gregoria Azarraga in favor of the defendant Panfilo Mendoza be declared null and void; that the said Gregoria Azarraga and Panfilo Mendoza be ordered to pay the plaintiff the sum of P2,000 by way of damages; and that the defendant Juan Villagracia be ordered to return to the plaintiff the sum of P1,600, with interest. The defendant Juan Villagracia, in his answer, sets up a counterclaim for P1,000 against his codefendants Gregoria Azarraga and Panfilo Mendoza. The defendant Panfilo Mendoza in his answer asks, among other things, that the defendant Juan Villagracia be ordered to pay him the sum of P3,000 in damages for "malicious acts;" and the defendant Gregoria Azarraga asks damages in the sum of P2,000 from the plaintiff and in the sum of P2,000 from her codefendant Juan Villagracia.

The Court of First Instance of Capiz being at that time overburdened with work, the Judge of the Court, in reliance on the proviso in section 68 of Act No. 136, as amended by Act No. 2041, assigned the case to the justice of the peace of the provincial capital, Jose M. Contreras, for trial. To this arrangement counsel for plaintiff strenuously objected, but the objections were overruled and the present action was thereupon instituted in this court.

The proviso above referred to reads as follows:

"Provided, however, That justices of the peace in provincial capitals, except in the City of Manila, may by

assignment of the respective Judge of the Court of First Instance in each case have like jurisdiction within the province as the Court of First Instance to hear and determine cases originally cognizable by the Court of First Instance in which the subject of litigation is capable of pecuniary estimation and the value of the subject-matter or amount of the demand does not exceed two thousand pesos exclusive of interest and costs, except cases involving the legality of any tax, impost or assessment, or actions involving admiralty or maritime jurisdiction."

It will readily be seen that the amount demanded in the aforesaid case No. 1631, greatly exceeds the limit of P2,000 fixed by the proviso quoted: The plaintiff in the case asked a money judgment for the total sum of ₱3,600; the total claim against the defendants Panfilo Mendoza and Gregoria Azarraga is P3,000 in addition to the value of the land; and even after reducing the claim of Panfilo Mendoza against Juan Villagrancia to P2,000, the total amount demanded from the latter would still be P4,000. It follows that in assigning the case to the justice of the peace for trial the Court of First Instance went beyond its powers and that the assignment conferred no jurisdiction.

The petition is therefore granted and the respondent justice of the peace is hereby ordered to desist from further proceedings in civil case No. 1631 of the Court of First Instance of Capiiz, in which case Leonor Villagrancia is the plaintiff and Juan Villagrancia, Panfilo Mendoza, and Gregoria Azarraga are the defendants, and, in the event that the record of the case is in his possession, to return the same to the clerk of the Court of First Instance for further proceedings in accordance with the law. Without costs. So ordered.

Araullo, C. J., Johnson, Street, Malcolm, Avanceña, Johns, and Romualdez, 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.