

NATIVIDAD DOLIENTE, PETITIONER, VS. MANUEL BLANCO, JUDGE OF THE COURT OF FIRST INSTANCE OF ILOILO, JACINTO DOLIENTE, AND FEDERICO DOLIENTE, RESPONDENTS.

G.R. No. L-3525. November 29, 1950

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for a writ of certiorari with mandatory injunction to restrain the respondent Judge from enforcing his orders of October 27, 1949, and November 18, 1949, and to have them declared null and void on the ground that they were issued in excess of his Jurisdiction.

Natividad Doliente filed a case in the Court of First Instance of Iloilo to quiet title over two parcels of land and to recover damages against Jacinto Doliente and Federico Doliente (case No. 715). After trial, the court, presided over by Hon. Manuel Blanco, respondent herein, decided the case absolving the defendants from the complaint, without pronouncement as to costs. On appeal to the Court of Appeals, the decision was affirmed with costs against the appellant. On September 27, 1949, after the case was returned to the lower court, the defendants filed a motion for the execution of the decision, and on September 28, 1949, they also filed another motion to require the plaintiff to render an accounting of the products gathered by her from one of the lots in litigation during the period she had been in possession since January 1946. On October 27, 1949, the respondent judge issued two separate orders, one ordering the plaintiff to surrender possession of the lots in question to the defendants and pay the costs of action, and another to render an accounting of the products gathered by her from February 20, 1948. Plaintiff filed a motion to reconsider the last order, which was readily denied, and when plaintiff refused to render an accounting, respondent judge allowed the defendants to present evidence as to the damages allegedly suffered by them. Thereafter, or on November 18, 1949, the respondent judge issued an order directing the plaintiff to deliver to the defendants fifty-seven and one-half (57-1/2) bultos of palay, or in lieu thereof, pay their value in the sum of P1,497.50, with legal interest from the date of the order until fully paid. Plaintiff again filed a motion for the reconsideration of the order issued on November 18, 1949, and when the motion was denied, plaintiff filed the petition under consideration.

The record also shows that on February 3, 1948, when Civil Case No. 715 was pending in the Court of Appeals, defendants filed a motion with the Court of First Instance of Iloilo praying for the appointment of a receiver who may take possession of the two (2) lots in litigation under section 9, Rule hi, of the Rules of Court. This motion was denied by the respondent judge, but the latter required the plaintiff to file a bond for the damages that may be suffered by the defendants resulting from the possession by the plaintiff of one of the lots in litigation, and in compliance therewith plaintiff caused the Philippine Guaranty Company to put up a bond in the amount of five hundred pesos P500 upon the express condition that said amount would be to answer for the damages that may be awarded to the defendants by the appellate court.

The question now to be determined is whether the respondent judge acted legally and within his jurisdiction in

issuing the orders of October 27, 1949, and November 18, 1949, requiring the plaintiff to render an accounting of the products gathered by her from one of the lots in question, and to pay to the defendants fifty-seven and one-half (57-1/2) bultos of palay, or their value in the sum of P1,497,50, as damages.

It appears that the two orders above adverted to were issued by the respondent judge after the decision of the Court of Appeals had become final and executory. This decision affirmed that of the lower court, which absolved the defendants from the complaint without costs. Neither in the decision of the lower court, nor in that of the Court of Appeals, was there any award of damages in favor of the defendants, notwithstanding the fact that this matter was put in issue in the pleadings and the parties had presented evidence in relation thereto. When no award as to damages was made in the decision both of the lower court and the Court of Appeals, the claim of the defendants for damages must have been devoid of merit. Otherwise, the defendants would have filed a motion for reconsideration. When, therefore, the lower court in issuing the writ of execution of the judgment ordered not only to execute it according to its terms but to add thereto a new relief, such as the rendition of accounts, or the payment of the sum of P1,497,50 as damages, it is evident that it acted in excess of its jurisdiction, if not with abuse of authority, for it is a well-known doctrine that when a judgment of a higher court is returned to a lower court, the only function of the latter "is the ministerial one of issuing the order of execution." The lower court cannot amend it, nor add a new or further relief. Thus, in the leading case of *Shioji, vs. Harvey*, (43 Phil. 337), this Court said:

"Lengthy elucidation of the proposition that the only function of a lower court, when the judgment of a higher court is returned to it, is the ministerial one of issuing the order of execution, and that a lower court is without supervisory jurisdiction to interpret or to reverse the judgment of the higher court, would seem to be superfluous. A judge of a lower court cannot enforce different decrees than those rendered by the superior court. If each and every Court of First Instance could enjoy the privilege of overruling decisions of the Supreme Court, there would be no end to litigation, and judicial chaos would result. Appellate jurisdiction would be a farce if the Supreme Court did not have the power of preventing inferior courts from meddling with decisions when sent to them for compliance. Where a cause has been appealed from a Court of First Instance to the Supreme Court of the Philippine Islands, and a judgment rendered by the latter, no interference therewith by the lower court can be tolerated through any proceedings other than such as are directed by the appellate court. Until revoked by the Supreme Court of the United States, the decision of the Supreme Court of the Philippine Islands must stand and be enforced.

"The inferior court is bound by the decree as the law of the case, and must carry it into execution according to the mandate. They cannot vary it, or examine it for any other purpose than execution, or give any other or further relief, or review it upon any matter decided on appeal for error- apparent, or inter meddle with it, further than to settle so much as has been remanded.' These are the words of the Supreme Court of the United States in the early case of *Sibtoald vs. United States* ([1838], 12 Pet., 488)." (See also *Cabigao and Izquierdo vs. Del Rosario and Lira*, 44 Phil. 182; *Chua A.H. Lee vs. Mapa*, 51 Phil. 624; *Patricio Contreras et al. vs. Alfonso Felix et al*, Vol. 44 Off. Gaz. 4306, June 30, 1947).

Counsel for the respondent claims, however, that plaintiff may still be held answerable for damages in this state of the case because, while the original case was pending in the Court of Appeals, the defendants prayed that a receiver be appointed to take possession of one of the lots in litigation pending appeal, and that in lieu thereof, the court required the plaintiff to file a bond to answer for the damages that the defendants might suffer resulting from the possession of said lot by the plaintiff, and for that purpose plaintiff has caused the Philippine Guaranty Company to put up a bond in the amount of P500.

We do not find merit in this claim. While plaintiff put up the aforesaid bond, it does not necessarily mean that she bound herself, together with her bondsman, to pay damages even if they have not been proven. As the terms of the

bond clearly indicate, the bondsman will only answer for damages if and when they are awarded by the appellate court. The bond, being contractual, can only be enforced in accordance with its terms. Indeed, it was the duty of the defendants to establish their claim for damages when the case was tried in the lower court or in the Court of Appeals, and having failed to do so, as evidenced by the decision rendered by both Courts, no damages can be claimed from the plaintiff. To prove these damages now is too late. The decision of the court has already become final.(sec 9, Rule61).

Wherefore, petition is hereby granted. The Court declares the orders of the respondent dated October 27, 1949, and November 18, 1949, null and void, and enjoins him from enforcing them as prayed for in the petition.

Paras, Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, and Jugo, JJ., concur.

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