

ALTO SALES CORPORATION, PETITIONER, VS. JUDGE GUARDSON R. LOOD OF THE COURT OF FIRST INSTANCE OF RIZAL, PASIG BRANCH 6, AND PHILIPPINE VIRGINIA TOBACCO ADMINISTRATION, RESPONDENTS.

G.R. No. L-38062. March 06, 1984

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/66ea21485b21/>

PER CURIAM:

Judge Andres Reyes, in his decision of May 3, 1968 in Civil Case No. 10001, ordered the Philippine Virginia Tobacco Administration to pay Alto Sales Corporation damages of more than thirty-two million pesos for breach of purchase agreement regarding Virginia leaf tobacco (pp. 190-213, RA).

On the other hand, Judge Guardson R. Lood, in his judgment dated April 8, 1974 (rendered after a new trial), reversed Judge Reyes's decision, dismissed Alto's complaint and absolved the PVTa from any liability for damages. Judge Lood found that it was Alto that breached the purchase agreement because of its failure to obtain the requisite export license from the Central Bank (pp. 826-849, RA).

Alto appealed Judge Lood's judgment to the Court of Appeals. He gave due course to Alto's appeal in his order of October 18, 1974.

About three months before Judge Lood's decision, or on January 18, 1974, Alto filed this certiorari and mandamus case (the petition contains 368 pages) to enforce Judge Reyes's decision. This Court did not grant Alto's prayer for a restraining order or injunction to prevent Judge Lood from further proceeding with the new trial or from enforcing his decision if he had already rendered a new one. It was Alto's contention that Judge Lood erred in granting a new trial because Judge Reyes' decision had already become final and executory.

In his order of December 9, 1970, Judge Lood set aside Judge Reyes' decision and granted a new trial. On April 3, 1971, Alto assailed that order in a certiorari case. This Court in a resolution dated April 15, 1971 dismissed the petition for being premature (L-33368, *Alto Sales Corporation vs. Lood, et al.*).

The instant certiorari and mandamus case (filed in 1974) is in a way a revival of that 1971 petition. During the interval, the new trial had proceeded and the evidence had already been presented. As already noted, Judge Lood rendered his judgment less than three months later. The Solicitor General, as PVTa's counsel, furnished this Court with a copy of the decision.

Alto's appeal was docketed in the Court of Appeals as CA-G.R. No. 57514-R. The Solicitor General contended that, because of that appeal, this certiorari and mandamus case "deserves out-right dismissal" since the issues raised by Alto in this case can be pursued in the Appellate Court "with the same fervor and effectiveness" (p. 565, Rollo). See *PVTa vs. Reyes*, L-27665, 77 SCRA 205, which was filed in this Court in 1967 and dismissed for having become moot on May 31, 1977, or about ten years later.

Instead of dismissing this case for having been rendered moot by Alto's appeal, this Court in its resolution of August 10, 1981, with the consent of the parties, required the Appellate Court to elevate to this Court the record

of CA-G.R. No. 57514-R for consolidation with this case. The parties manifested that they have no desire that factual issues be resolved first by the Court of Appeals.

Then, on January 30, 1984, Alto filed a motion for the immediate resolution of this certiorari and mandamus case and its appeal.

Acting on that motion and after a review of the circumstances of this long-drawn out litigation and in the interest of the orderly administration of justice, this Court Resolved to RECONSIDER and set aside its August 10, 1981 resolution and to return the record (with the briefs) of CA-G.R. No. 57514-R to the Intermediate Appellate Court for immediate resolution of Alto's appeal.

We should not usurp the fact-finding function of the Appellate Court. This case and the appeal were not submitted for decision on a stipulation of facts. When the facts are admitted, the conclusion to be drawn from those facts is a question of law which may be resolved by this Court. (Cunanan vs. Lazatin, 74 Phil. 719.) That is not the situation in the case of Alto's appeal.

Although this certiorari and mandamus case has in a way been rendered moot by Alto's appeal, we, nevertheless, INDORSE it to the Appellate Court which has concurrent jurisdiction to resolve it and which is intimately related to the appeal. From the evidence adduced before Judges Reyes and Lood, the Appellate Court should gather the facts.

The Appellate Court is directed to give priority to Alto's appeal and to decide it together with this case with the least delay. All factual and legal issues raised by the parties, including the issue as to whether Judge Lood could still set aside Judge Reyes' decision and grant new trial, should be adjudicated. No costs.

SO ORDERED.

Makasiar, Acting C.J., (Chairman), Aquino, Concepcion, Jr., Guerrero, Abad Santos, De Castro and Escolin, 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.