

JOSE REYES, SOLEDAD REYES & CARMELITA REYES DE PASTOR, PETITIONERS, VS. HON. FRANCISCO ARCA, PRE-SIDING JUDGE, COURT OF FIRST INSTANCE OF MANILA, BRANCH I, AND EUSEBIO MILLAR, R...

G.R. No. L-28234. September 30, 1970

Ponente: REYES, J.B.L., Acting C.J.

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REYES, J.B.L., Acting C.J.:

This case was interposed by petitioners Reyes to seek a writ of mandamus against respondents, to compel them to comply with the decision of this Court promulgated on 29 November 1965, in Case G. R. No. L-21447, having an identical title as the present one.

The spouses Feliciano and Pilar Basa had in 1943 leased certain premises in the City of Manila to Eusebio Millar at a monthly rent of P320.00 a month. The lease contract contained a stipulation granting the lessee option to buy the property if the lessors decided to sell the same, such stipulation to be respected by a third party buyer.

In 1953 the lessors sold the property to herein petitioners, who agreed to respect the lease of Eusebio Millar. In 1954 the lessee filed action in the Court of First Instance presided by Judge Arca to compel the petitioners to sell the property to him, conformably to he option granted in the lease contract. As the new lessors resisted the action, claiming that the option had been waived, they moved that, pending resolution of Millar's action, said lessee be required to deposit in court the rentals that had accumulated during the pendency of the action. The judge having denied their motion, petitioners came to this Court in certiorari G. R. No. 21447).

On 29 November 1965, We rendered judgment, the dispositive part of which reads as follows:

"WHEREFORE, the petition for certiorari is granted, the orders dated March 20 and April 6, 1963 are set aside, and respondent Eusebio Millar is ordered to deposit with the trial court the sum of P16,640.00 for rentals from January 1959 to April 1963, and monthly rentals of P320.00 for every month thereafter. No costs."

The aforesaid judgment having become final, and Millar failing to make the deposit ordered, petitioners asked respondent Judge Arca to cite Millar for contempt. The judge denied their motion. Thereupon, petitioners asked that a writ of execution be issued to enforce the final decision of the Supreme Court. Again, Judge Arca declined to do so, by order of 5 January 1967. Wherefore, the petitioners once more resorted to this Supreme Court for a writ a mandamus.

The contumacious conduct of Judge Francisco Arca, in repeatedly refusing to enforce a final decision of this Court, is plain on the record.

"...As already observed by this court in *Shioji vs. Harvey* ([1922], 43 Phil., 333, 337), and reiterated in subsequent cases, "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." A be-coming modesty of inferior courts demands on conscious realization of the position that they

occupy in the interrelation and operation of the integrated judicial system of the nation."

During the pendency of this appeal, however, two developments occurred: Judge Arca retired from the service and Judge Jose A. Bautista, to whom Millar's case to enforce his option had been referred, rendered a decision requiring the petitioners herein to sell the property to the plaintiff, and his decision has become final by failure to perfect an appeal.

Said decision of the Court of First Instance (in its Civil Case No. 20396) also declared null and void the sale of the pro-perty by Pilar Basa in favor of Jose Reyes, et al. (petitioners herein) and ordered the Register of Deeds to cancel the Certificate of Title issued in their favor.

Under the circumstances, enforcement of our previous 1965 decision requiring respondent Millar to deposit the rentals of the pro-perty during the pendency of the suit in the Court of First Instance would now serve no useful purpose, the petitioners' rights as vendees--lessors having been already nullified. (And the retirement of ex-judge Francisco Arca prevents his being called to account for his refusal to enforce our decision.)

WHEREFORE, the above entitled case is hereby dismissed, for having become moot and academic. Without costs.

SO ORDERED.

Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, and Makasiar, JJ., concur.
Concepcion and Villamor, JJ., on official leave.

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