

**LORENZO SUMAGUI, MARIANO SUMAGUI, ILDEFONSO SUMAGUI,  
GAVINO SUMAGUI, SEVERINO SUMAGUI, EUSEBIO JAVIER, AND  
JACINTO MAGPANTAY, PETITIONERS, VS. JACINTA FLORES VDA. DE  
YATCO, ALOD...**

*G.R. NO. L-37885. July 26, 1974*

Ponente: TEEHANKEE, J.

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**TEEHANKEE, J.:**

Upon consideration of the allegations and issues raised in petitioners' "appeal by certiorari" and of the various pleadings and counter-pleadings filed by the parties, the Court Resolved to DENY due course to the "appeal by certiorari" for lack of merit.

The pleadings of record plainly show that the questions raised in the present case were correctly held by the Court of Appeals in its decision now sought to be reviewed to be barred by res judicata by virtue of a previous judgment of the same appellate court in CA-GR No. 44623-R where said court affirmed the order of the Court of Agrarian Relations denying herein petitioners' (as defendants-appellants therein) motion to set aside on grounds of alleged fraud its decision of April 15, 1968 wherein judgment was rendered —

"x x x (a) confirming the sale of the aforementioned parcel of land from the petitioners surnamed Yatco in favor of petitioners Ramon Quesada and Dionisio Hocson; and (b) declaring the tenancy relationship between the petitioners and the former tenants, namely Lorenzo Sumagui, Sr., Mariano Sumagui, Filomeno Sumagui, Jose Huertas, Benito Huertas, Eusebio Javier, Simplicio Javier, Clemente Bartido, Canuto Sumagui, Felipe Motas, Marcos Maglinao, Valeriano Sumagui and Jacinto Magpantay, as having been terminated by reason of their voluntary surrender of their respective landholdings."[1]

Herein petitioners then sought to appeal by way of a petition for review on certiorari of the appellate court's decision in CA-GR No. 44623-R upholding the agrarian court's decision and order refusing to set aside its decision in G.R. No. L-34118 of this Court, but this Court denied review as per its resolution, holding that

"Acting upon the petition for review on certiorari in G.R. No. L-34118, 'Lorenzo Sumagui, et al. vs. Jacinta Flores Vda. De Yatco, et al.,' and considering that petitioners' claim of fraud allegedly used by respondents herein refers to an alleged oral representation, imputed to the latter, to the effect that a factory would be erected on the land in question and that petitioners would be given priority in employment in said factory; that respondents herein have concededly paid petitioners herein the damages and disturbance fees required by law for the dispossession of tenants, the latter have, in turn, signed deeds of waiver and/or surrender of possession of their respective landholdings; that in their petition and amended petition with the CAR, respondents alleged that petitioners' aforementioned waiver and/or surrender of possession of their respective landholdings was 'unconditional,' which allegation detracts from the aforementioned oral representation imputed to respondents herein; that, this notwithstanding, petitioners herein did not file their answer to said petition and amended petition in the CAR and allowed themselves to be declared in default; and that there is no allegation whatsoever to the

effect that respondents herein, as petitioners in the CAR, had persuaded or induced petitioners herein, as respondents in the CAR, to refrain from filing said answer or to allow themselves to be declared in default; the Court resolved to DENY the petition for review for lack of merit, petitioners herein having failed to show prima facie that they have been denied substantial justice." [2]

Since the agrarian court's decision has long become final and executory, the appellate court correctly held as a necessary consequence that the writ of execution now sought to be questioned was properly issued by the agrarian court on May 16, 1972 and that "this case does not fall within the purview of Presidential Decree No. 27 dated October 21, 1972." [3]

Upon the filing of the petition, the Court issued on January 7, 1974 a temporary restraining order which it clarified in its resolution of January 10, 1974 as follows:

“xxx xxx xxx

"The Court also RESOLVED, in view of said respondents counter-allegations, to CLARIFY that its restraining order of January 7, 1974 was issued mainly for the preservation of the status quo between the parties and to preserve any standing crops of petitioners on the lands in question from being bulldozed, and should in no way be construed as an authorization for petitioners to make any encroachments on lands in the actual possession of respondents (House of Investments, Inc. and/or Arbor Acres [Philippines]) as of the time of the filing of the petition at bar. The parties are therefore enjoined to remain in their respective places on the lands in question and thus preserve the status quo, until further orders of the Court." [4]

The Court further granted per its resolution of February 25, 1974 "the joint motion of respondent House of Investments, Inc. and the petitioners praying that this Court authorize the petitioners to cut and harvest any standing crop on the land in question provided petitioners will not cultivate or make any new plantings on any portion of the land in question."

The objective of such restraining order and resolution of February 25, 1974 to preserve the standing crop on four hectares of some fifty-eight hectares involved and to allow petitioners to cut and harvest the same has long been accomplished.

ACCORDINGLY, the Court DENIES due course to petitioners' appeal by certiorari and likewise DENIES petitioners' motion for preliminary injunction and supplemental motion of June 24, 1974. The temporary restraining order heretofore issued is hereby LIFTED.

Makalintal, C.J., Castro, Makasiar, Esguerra, and Munoz Palma, JJ., concur.

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[1] Court of Appeals' decision, Annex A, p. 3; Rollo, p. 22.

[2] Idem, page 8; Rollo, p. 27.

[3] Idem, at Rollo, pp. 25, 33.

[4] Rollo, p. 79.

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