

CEBU PORTLAND CEMENT COMPANY, PETITIONER, VS. HON. VICENTE VARELA, HON. IGNACIO DEBUQUE AND FELIX V. VALENCIA, RESPONDENTS.*G.R. No. L-5438. September 29, 1953*

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/76d406067a18/>**REYES, J.:**

On November 16, 1950, Felix V. Valencia, general superintendent of the Cebu Portland Cement Company, was dismissed and retired with gratuity by the company's board of directors. Contesting his dismissal, the labor union to which he belonged took the case to the Court of Industrial Relations, and that court, under date of July 8, 1952, rendered its resolution, finding Valencia's dismissal unjustified and ordering his reinstatement in office with full backpay and "with all the privileges and emoluments thereunto attached * * *." That resolution is now before this court for review, but it is not the subject of the present petition for certiorari and mandamus, and is here mentioned only because of its bearing on the case.

The present case arose as a consequence of the company's attempt to oust Valencia from the company house which as general superintendent he was entitled to occupy free of charge. Because Valencia refused to leave the house despite his removal from office, the company brought suit against him for illegal detainer in the Justice of the Peace Court of Naga, Cebu, and that court, on August 20, 1951, rendered judgment ordering him to vacate the premises and pay a monthly rental of P100 from November 16 of that year. Valencia appealed to the Court of First Instance, the appeal being perfected on September 12, 1951 with the filing of the appeal bond on that date.

Once the case was in the Court of First Instance, the company had an order issued for writ of execution, but the order was lifted on October 8, 1951, following the filing of a supersedeas bond for P1,500. Ordinarily such bond answers only for rents due at the time of the perfection of the appeal. But in the present case the bond, in express terms, guarantees not only the rents already due (P1,000), but also those that were still to become due ("los alquileres devengados y los por devengar").

On December 7, 1951, the company was again able to secure a writ of execution because of Valencia's failure to make a cash deposit for the rents corresponding to September and October of that year. Valencia moved for a reconsideration, deposited P400 to cover four months' rent and called attention to the fact that the question of his separation from the company was still pending in the Court of Industrial Relations. Acting on this motion, the court issued its order of December 29, 1951, suspending the writ of execution on the grounds that Valencia's right to continue occupying the premises depended upon the result of the case in the Industrial Court, which had not yet been decided, that his supersedeas bond for P1,500 was answerable for the rents up to the final determination of the case, and that the deposit of P400 to cover rents up to and including December, 1951, negated any intention on his part to enjoy the occupancy of the house without paying any rent. A motion to lift this order of suspension having been denied, the company brought the present petition for certiorari and mandamus, asking that the said order be annulled as having been issued without jurisdiction, and that a writ issue commanding the judge below to

lift the stay of execution.

Courts of first instance in detainer cases are authorized to grant execution upon appellant's failure to deposit the monthly rents on time during the pendency of the appeal. But this court has already ruled that execution may be denied where the delay in making the deposit was due to fraud, error or excusable negligence. (*Bantug vs. Roxas*, 73 Phil., 13; *Cunaan vs. Rodas*[1] 44 Off. Gaz., 4927; *Yu Phi Khim vs. Amparo*,[2] 47 Off. Gaz., Supp. 12, 98). In the present case, the deposit was late, but the lower court has excused the delay as being due to an honest belief that the supersedeas bond covered both past and future rents-as therein expressly stipulated-and that, after all, appellant's right to remain in office and enjoy its emoluments, including free quarters, was still pending determination in the Court of Industrial Relations. The lower court, in our opinion, acted with justice and equity and only followed the precedent established in the cases above cited when it rendered the resolution herein complained of.

Pending decision on this petition for certiorari and mandamus, counsel for the company, on March 18, 1952, filed a supplemental pleading, complaining that on the 3rd of that month the lower court had denied another motion for execution based on Valencia's failure to deposit the rental for January of that year. It appears from the order of denial that the lower court considered the new motion for execution as involving the same question as those which gave rise to the present case and which were denied because of "unique or exceptional circumstances" that, in its opinion, made suspension of execution "more in consonance with justice and equity," for which reason the court again had to deny immediate execution "at least, until the Supreme Court has passed upon the questioned orders." Now that a decision has come down from the Court of Industrial Relations ordering Valencia's reinstatement, and with the certiorari case (G. R. No. L-6158) for the review of that decision already heard, we are not disposed to interfere with the exercise of discretion which the lower court has made in the last order complained of for the maintenance of a status quo.

Wherefore, the petition for certiorari and mandamus is denied, with costs against the petitioner.

Paras, C.J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, Bautista Angelo and Labrador, JJ., concur.

[1]78 Phil., 800. [2] 86 Phil., 441.

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.