

MARIANO FLORES, PETITIONER, VS. MARIANO NABLE, JUDGE OF MUNICIPAL COURT OF MANILA, AND SEGUNDO FERRIOLS ET AL., RESPONDENT.*G.R. No. L-327. August 16, 1946*

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8234aa0d7c49/>**PARAS, J.:**

In an ejectment case in which the respondent-appellee (Segundo Ferriols) was the plaintiff and the petitioner-appellant (Mariano Flores) the defendant, the Municipal Court of the City of Manila rendered a decision in favor of Segundo Ferriols on August 8, 1945. Following the stipulation of the parties, said decision provided that no execution was to issue until after December 31, 1945. On January 2, 1946, in view of the failure of Mariano Flores to vacate the premises involved in the suit, Segundo Ferriols filed a motion praying for the execution of the decision of August 8, 1945. On January 7, 1946, Mariano Flores put in a motion to suspend, in conformity with Commonwealth Act No. 589, the execution thus prayed for by his adversary. The latter motion was denied by the Municipal Court on the ground that Mariano Flores had already been given four months — obviously the period during which it was agreed that no execution would be issued — and he then had a house which was returned by the Army in September, 1945. Unable to secure a reconsideration, and as the sheriff threatened to enforce the judgment of ouster pursuant to a writ of execution issued by the Municipal Court, Mariano Flores instituted on January 25, 1946, in the Court of First Instance of Manila a petition for certiorari and prohibition which was, however, dismissed in an order of the latter court dated January 26, 1946. Hence, the present appeal.

We do not concur in the argument of the Court of First Instance of Manila that when the decision of the court in a detainer case is based upon an agreement of the parties whereby the defendant binds himself to leave after a definite period, the latter cannot invoke the benefits conferred by Commonwealth Act No. 689. Nevertheless, the dismissal now complained of is proper.

This Court has already ruled that the granting of suspensions of execution under Commonwealth Act No. 689 is discretionary, depending upon whether or not the conditions specified in sections 4 and 5 are present; that if said conditions are not present, the court cannot grant postponement; that if they are present, the court may still, in its discretion, reject the postponement, whenever valid reasons are shown; and that any abuse in the use of that discretion is reviewable by certiorari.

In the instant case, the Municipal court found that the house of Mariano Flores was released by the Army in September, 1945. This fact is a sufficient excuse for not allowing any suspension of execution, since one of the requisites imposed by section 5 of Commonwealth Act No. 689 is that "the petitioner cannot secure another dwelling house for himself and his family." At any rate, even ignoring the time (August 8 to December 31, 1945) when the decision of the Municipal Court was not to be executed by virtue of the agreement of the parties, Mariano Flores still has had up to the present more than seven months within which he could have reconditioned

the house returned to him by the Army or at least to have secured another if his said house was beyond difficult to repair, with the result that the aim of Commonwealth Act No. 689 had thus virtually been served. In this connection, reference may be made to the case of *Tiangco vs. Liboro* and Judge of First Instance of Manila (75 Phil., 559), wherein we stated that "the purpose of the law in authorizing the suspension of the execution for not more than three months is to give the petitioner time to 'secure another dwelling house for himself and his family,'" and wherein the petitioner was denied the remedy of suspension in part because "he has had nearly six months within which to look for another dwelling house."

The respondent Municipal Court of the City of Manila not being guilty of any abuse of discretion in refusing to suspend the execution of its decision of August 8, 1945, the order herein appealed from is affirmed. So ordered, with costs against the petitioner-appellant.

Pablo, Perfecto, Hilado, and Padilla, 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.