

CASIANO MAGISTRADO, PETITIONER, VS. THE COURT OF APPEALS AND SIMEON ENRILE TY-CANGCO, RESPONDENTS.

G.R. No. L-16558. January 31, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by certiorari from a decision of the Court of Appeals.

On April 9, 1952, Casiano Magistrado filed, with the Municipal Court of Naga City, a complaint—docketed as Civil Case No. 486 of said court—against Simeon Enrile Ty-Cangco for the recovery of P50 a month, as compensation for services allegedly rendered to Ty-Cangco as guard or watcher of his logs from July 2, 1951 until relieved of his duties as such, aside from damages and costs. After due trial, or on June 3, 1952, said court rendered judgment for Magistrado as prayed for in the complaint, except as to damages, which were not awarded. On January 21, 1953, the Municipal Judge of Naga City issued the corresponding writ of execution, directing the city sheriff to satisfy out of Ty-Cangco's properties "the amount of said judgment and costs and interests thereon from the date" thereof. Thereafter, the sheriff computed the amount due to Magistrado from July 2, 1951 to January 21, 1953, at P50.00 a month, or P900.00, aside from the sheriff fees, and, to obtain satisfaction thereof, sought to levy upon the properties of Ty-Cangco.

Thereupon, or on January 30, 1953, Ty-Cangco instituted Civil Case No. 2334 of the Court of First Instance of Camarines Sur, against the municipal judge and the sheriff of Naga City, as well as against Magistrado, to restrain the execution of the aforementioned decision, upon the ground that its execution would work injustice to Ty-Cangco and violate his rights, that said decision is indefinite and that the city sheriff has no authority to fix the amount due thereon. On the same date, said court of first instance issued a writ of preliminary injunction restraining the city sheriff "from continuing the execution and/or attachment on the properties of * * * Ty-Cangco." For reasons not disclosed in the record, said Case No. 2334 remained undecided for several years. After trial on the merits, or on March 31, 1958, said court of first instance issued an "order" holding that the decision of the municipal court is "indefinite, vague, and uncertain, and is impossible of execution", and that the complaint in said Civil Case No. 486 "was filed prematurely as there was no cause of action yet against * * * Ty-Cangco, because the contract of employment between * * * Magistrado and * * * Ty-Cangco was not yet terminated", in view of which the court of first instance prohibited and ordered the respondents in said Case No. 2334, specially the sheriff of Naga City", not to execute the judgment in said Case No. 486, without costs.

On appeal from this order the Court of Appeals upheld the validity and enforceability of the writ of execution in question insofar only as it sentences Ty-Cangco to pay to Magistrado P50.00 a month from July 2, 1951 to May 31, 1952, but, declared it "null and void", and set it aside and vacated it, insofar as it covers the period from June 1, 1952 "up to the time when "Magistrado" is relieved as watchman of the logs" of Ty-Cangco, although without prejudice to the former's right to file the corresponding action against the latter for salaries due, "if any," during said period. The case is now before us on appeal by certiorari taken by Magistrado from this decision of the Court of Appeals.

The issue is whether or not the decision of the municipal court in Civil Case No. 486, insofar as Magistrado's compensation of P50.00 a month, from June 1, 1952 up to such time as he may be relieved of his duties as Ty-Cangco's watchman, is null and void. The Court of Appeals held the affirmative view, upon two (2) grounds, namely: (1) when said decision was rendered, on June 3, 1952, Magistrado's cause of action for services rendered by him from June 1, 1952, had not accrued as yet; and (2) the compensation for such services "was not in issue in the case, and neither was it actually and necessarily adjudged in the case", for which reason the pronouncement in question "was in excess of the court's jurisdiction", and, consequently, "can have no operative effect as a binding judgment", which was, therefore, "invalid".

We do not share this view. Regardless of whether or not Magistrado had, on June 3, 1952, a cause of action for services rendered by him subsequently to June 1, 1952—or about the time of the rendition of the decision of the municipal court—we hold that such factor did not and could not affect the validity of the award for such services made in said decision, no matter how erroneous the same may have been—on which we need not and do not express any opinion—since the municipal court unquestionably had jurisdiction over the parties and over the subject matter in litigation. Such errors, if any as may have been committed in said decision could have been corrected by appeal to the court of first instance. No such appeal having been taken by Ty-Cangco, the decision became final and executory, and, hence, enforceable by writ of execution.

Moreover, Magistrado specifically alleged in his complaint in said Case No. 486, that he "continued watching and guarding" the logs of Ty-Cangco from "July 2, 1951 until today and until he is relieved" by Ty-Cangco from "said service". Magistrado, likewise, prayed, in said complaint, that Ty-Cangco be sentenced to pay him the agreed compensation for his services, not only up to April 9, 1952, the date of the filing of said pleading, but, also, "from April 10, 1952 until he is relieved" by Ty-Cangco of the obligation to watch and guard said logs. Hence, contrary to the finding made by the Court of Appeals, the compensation for said services of Magistrado was in issue in the case, and the municipal court did not exceed its jurisdiction in sentencing Ty-Cangco to pay him "Fifty Pesos (P50.00) monthly from July 2, 1951 up to the date when" he "is relieved as watchman of the logs" of Ty-Cangco, thus actually disposing of said issue.

Wherefore, the complaint in this case is dismissed and the decision of the Court of Appeals, accordingly, modified. Moreover, the writ of preliminary injunction issued by the court of first instance is hereby dissolved, with costs against Simeon Enrile Ty-Cangco. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, and De Leon, JJ., concur.

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