

**ILDEFONSO AGREDA, SOCORRO HABANA, FRANCISCO HABANA,
ROSARIO HABANA, AMANDO HABANA, FELIPE HABANA, ANTONIO
HABANA, DAVID HABANA, AND ERNESTO HABANA, PETITIONERS, VS.
HON. JESUS S...**

G.R. No. L-21695. April 29, 1966

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an original action for certiorari to set aside several orders of the Court of First Instance of Iloilo.

The record shows that in Cadastral Case No. 83, GLRO Record No. 1563 of said court, Lot No. 3400 of the Cadastral Survey of Janiuay was claimed by: (1) Santiago Agreda, in its entirety; (2) Ildefonso Agreda, as to one-fourth (1/4) thereof; and (3) Socorro Habana, on her behalf and in that of Francisco, Rosario, Amando, Felipe, Antonio, David and Ernesto, all surnamed Habana, as to two-fourth (2/4) thereof. In due course, the court rendered, however, a decision declaring said lot a public land. A motion to set aside said decision and for a new trial, filed by Santiago Agreda, was denied by the Cadastral Court on August 13, 1954. Hence, Santiago Agreda appealed to the Court of Appeals (CA-G.R. No. 14477-R), which reversed said decision and adjudicated Lot No. 3400 to him. Ildefonso Agreda and the Habanas, hereinafter referred to as Petitioners—who had not appealed from the decision of the lower court—filed with the Supreme Court a petition, docketed therein as G.R. No. L-20690, for review of said decision of the Court of Appeals, but said petition was, on February 25, 1963, dismissed, “without prejudice to a separate action, if proper, against Santiago Agreda.”

Soon thereafter, or on or about May 6, 1963, herein petitioners instituted Civil Case No. 6267 of said Court of First Instance of Iloilo, against Santiago Agreda, for reconveyance and partition of the aforementioned Lot No. 3400. At about the same time, Santiago Agreda had applied, in the aforementioned Cadastral Case No. 83, for a writ of possession. Despite the opposition thereto of petitioners herein, said writ was issued on June 11, 1963, by order of the court, then presided over by Hon. Jesus S. Rodriguez, Judge, dated June 8, 1963, who, on July 15, 1963, refused to reconsider it. Hence, the present case, filed on August 14, 1963, against Santiago Agreda and Judge Rodriguez, to annul said writ of possession and the aforementioned orders of June 8 and July 15, 1963. Soon later, or on August 20, 1963, said Civil Case No. 6267 was dismissed.

Petitioners herein maintain that respondent Judge had acted without or in excess of his jurisdiction in authorizing the issuance of said writ of possession. But, petitioners could have appealed from the order to this effect, and hence, they are not entitled to the writ of certiorari prayed for.[1] Besides, it is clear that respondent Judge had jurisdiction to pass upon the motion of Santiago Agreda for the issuance of a writ of possession. Whether or not the motion should have been denied, in view of the institution of said Civil Case No. 6267, is a matter that does not affect said jurisdiction.[2] In fact, said writ of possession is merely a logical consequence of the decision of the Court of Appeals adjudicating the lot to Santiago Agreda. Thus, in *Romasanta vs. Platon* (62 Phil., 854), it was held:

"Section 10 of Act No. 2347 has conferred upon Courts of First Instance all the jurisdiction and powers possessed by the defunct Court of Land Registration, and has provided, further, that the provision of the Code of Civil Procedure (now Rules of Court) are applicable to land registration cases in all matters not provided in Act No. 496. Among the powers of the Courts of First Instance is "to compel obedience to its judgments, x x x" (Section 11, paragraph 3, Code of Civil Procedure), and that 'Independent of any statutory provision, every court has inherent power to do all things reasonably necessary for the administration of justice within the scope of its jurisdiction'. (Shioji vs. Harvey, 43 Phil., 333.) 'The party in whose favor judgment is given, may, x x x have a writ of execution issued for its enforcement, x x x' (Code of Civil Procedure, section 443), and that 'if it (the judgment is) be for the delivery of the possession of real or personal property, it must require the governor (now the sheriff), or his deputy, to deliver the possession of the same x x x to the party entitled thereto' (Code of Civil Procedure, Section 444, paragraph 5), which, otherwise stated, means the issuance of a writ of possession."

This view has been reiterated in other cases.[3]

Wherefore, the petition herein is dismissed and the writ prayed for hereby denied, with costs against the petitioners. It is so ordered.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Barrera, Regala, Makalintal, Bengzon, J.P., and Sanchez, JJ., concur.

[1] Harrison Foundry & Machinery vs. Harrison Foundry Workers' Association, G. R. No. L-15432, June 29, 1963; Ago vs. Hon. Buslon, et al., G. R. No. L-19631, January 31, 1964, Villa-Rey Transit, Inc. vs. Hon. Bello, et al., G. R. No. L-21399, January 31, 1964; Phil. Rabbit Bus Lines, Inc. vs. Workmen's Compensation Commission, G. R. No. L-20614 and L-21517, May 29, 1963; Soriano vs. Palacio, et al., G. R. No. L-17469, November 28, 1964; Socorro vs. Ortiz, G. R. No. L-23608, December 24, 1964; Acharon vs. Purisima, G. R. No. L-23731, February 26, 1965; Associated Labor Union vs. Hon. Ramolete, G. R. No. L-23527, March 3, 1965.

[2] Giron vs. Caluag, L-11995, June 27, 1963; Acharon vs. Purisima, et al., supra; Balbalio, et al. vs. Heirs of the Deceased Spouses, et al., L-21496, September 17, 1965.

[3] Manlapaz vs. Llorente, 48 Phil., 298; The Director of Lands, et al. vs. Court of First Instance of Tarlac, et al., 51 Phil., 805; Manuel, et al. vs. Rosano, et al., 56 Phil., 365; Sorongon, et al. vs. Makalintal, 80 Phil. 259.

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