

**MARINA TAYZON AND FLORDELIZA G. ANGELES, PETITIONERS, VS.
RAMON YCASIANO, JUDGE OF MUNICIPAL COURT OF CITY OF
MANILA, BRANCH I, THE SHERIFF OF THE CITY OF MANILA, AND
MING NG, R...**

G.R. No. L-2283. May 31, 1949

Ponente: PERFECTO, J.

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PERFECTO, J.:

Petitioner Marina Tayzon is the owner of a lot with a house leased to Amado Villacorta who in turn sub-leased the ground floor of said house to Onnie Angeles, the owner of Rose Studio established by her on said ground floor. In January, 1947, Amado Villacorta assigned his right of lease on the house to respondent Ming Ng, who from that moment took possession of the up-stairs only. Respondent Ming Ng introduced himself as owner of the studio on the ground floor to petitioner Tayzon who at the time knew not the real owner.

In November, 1947, Onnie Angeles, introducing herself to be the owner of said studio to petitioner Tayzon, borrowed money from her in the sum of P500 with said studio as guaranty. Petitioner Tayzon, upon knowing Onnie Angeles to be the real owner of the studio, advised her to pay the monthly rent of P80 direct to her, a rent that hereinbefore was being paid to respondent Ming Ng, who in turn was paying petitioner Tayzon only P85, allegedly for the whole house, a situation considered by petitioner Tayzon to be unfair to Onnie Angeles and to herself. Petitioner Tayzon, likewise, advised respondent Ming Ng that their verbal agreement of lease is terminated to exclude the ground floor, although the payment of P85 is to continue for the up-stairs alone.

On March 5, 1948, respondent Ming Ng, filed a complaint for ejectment (Case No. 4635) before the Municipal Court of Manila, presided over by respondent judge, against Chua Kim Puat, the manager of Rose Studio referred to above, to which an answer was filed by defendant in said case. Respondent judge rendered a decision after the trial by virtue of which a writ of execution was issued and respondent sheriff of Manila removed from the ground floor all the equipment of the studio against the protest of its new owner (now petitioner Tayzon, who on March 28, 1948, bought the Rose Studio from its former owner Onnie Angeles in order that the latter may be able to pay her loan of P500 from the former and employed petitioner Flordeliza Angeles, the sister of Onnie Angeles, as manager for her being already experienced in the job).

Petitioner Tayzon returned inside the ground floor all the equipment of the studio and actually occupies the premises. On May 26, 1948, the municipal court required the two petitioners to appear and explain why they should not vacate the premises, to which petitioners manifested in writing that they are not parties in the case and that Tayzon's former tenant Onnie Angeles of the ground floor had already vacated the premises and returned to said Tayzon the possession of the same; and that, petitioner Tayzon, being owner of the premises, has the right to enjoy the same as she pleases. Notwithstanding this manifestation, upon petition of respondent Ming Ng, on June 8, 1948, respondent judge issued an order for the execution of the decision and commanded the sheriff of Manila to cause the defendant or any person now occupying the premises in question to forthwith remove from said

premises, and that plaintiff have restitution of the same.

Petitioners raise the question of jurisdiction of respondent judge regarding the issuance of the ejectment execution inasmuch as they (petitioners) are not parties in said case No. 4635 before his (respondent judge's) court, not to mention the fact that the decision rendered in said case does not order the removal of any person found in the premises.

Upon the facts of this case as above narrated, there cannot be any question that respondent judge of the Municipal Court of Manila acted beyond his jurisdiction in ordering the ouster of petitioners on the authority of the decision he rendered on March 22, 1948, against Chua Kim Puat. In said decision only Chua Kim Puat is ordered to vacate the premises and respondent judge could not amend said decision after it had become final and executory, by commanding any other person occupying the premises in question, such as petitioners, to vacate and deliver them to Ming Ng. The decision rendered against Chua Kim Puat would only include his privies and there is nothing on record to show that Marina Tayzon and Flordeliza G. Angeles are his privies.

The petition must be granted and the writ of preliminary injunction issued in this case on July 3, 1943, is declared permanent with costs against Ming Ng.

Paras, Feria, Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

PERFECTO, J.:

We certify that the Chief Justice and Mr. Justice Ozaeta voted in support of this decision.

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