

MARIANO ACOSTA, ET AL., PETITIONERS VS. HON. CARMELINO G. ALVENDIA, AS PRESIDING JUDGE OF BRANCH XVI, COURT OF FIRST INSTANCE OF MANILA AND DE SANTOS AGRICULTURAL DEVELOPMENT, I...

G.R. No. L-14598. October 31, 1960

Ponente: GUTIERREZ DAVID, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ae02292814bc/>

GUTIERREZ DAVID, J.:

This is a petition for a writ of prohibition to restrain respondents Judge of the Court of First Instance of Manila and De Santos Agricultural Development, Inc., from further proceeding in Civil Case No. 36377, entitled "De Santos Agricultural Development, Inc., plaintiff, vs. Ricardo L. Castelo, etc., el al., defendants."

It appears that in Tenancy Case No. 4971-R of the Court of Agrarian Relations, Mariano Acosta, et al., filed a petition praying for a readjustment of the sharing ratio governing their tenancy relationship with Hacienda de Santos No. 5 situated in several municipalities of the province of Nueva Ecija and for other sundry readjustment in connection with said relationship. The petition made as party respondents the hacienda itself and one Alberto de Santos as manager of the hacienda.

The case was not tried on the merits but was submitted to arbitration upon direction of the President of the Philippines. On August 5, 1954, Judge Roldan, presiding judge of the Court of Industrial Relations, who was designated as arbiter, rendered his award ordering that a reliquidation be made in accordance with certain conditions and findings he made therein. On the basis of the reliquidation made, the Agrarian Court on January 10, 1958 issued an order awarding in favor of the tenants whose names appear listed therein, certain amounts of palay that were found to be payable to them, and ordering respondents to make delivery of the palay in accordance with the award. This order not having been complied with, the Agrarian Court directed that a writ of execution be issued and, on March 12, 1958, the clerk of court acted accordingly by requiring the provincial sheriff to collect from respondents the amounts of palay adjudicated to the tenants, or the money equivalent thereof, and to "levy upon the properties of the above-named respondents, both movable and real and cause to be collected therefrom the total amount due to the petitioners under the aforementioned order dated January 10, 1958." Protesting the enforcement of the writ of execution against him personally, Alberto de Santos filed a motion with the agrarian court praying that the writ be quashed insofar as it requires that a levy be made upon his own personal properties since he is not involved in the case in his personal capacity, but only as manager of the hacienda. This motion, however, was denied, whereupon Alberto de Santos brought the case to this Court through a petition for review on certiorari. (G. R. No. L-13785.)[*] Speaking thru Justice Bautista Angelo, we sustained the petitioner's claim in a decision promulgated on October 20, 1959, and there said, among other things, that "enough properties that may be levied upon belonging to the hacienda can be ascertained and determined with little diligence and discernment without implicating properties of a person who is foreign to the case."

In the meantime, herein respondent De Santos Agricultural Development, Inc., a domestic corporation organized

sometime in 1955, filed a third party claim against the provincial sheriff of Nueva Ecija claiming ownership of the palay which the latter had levied upon. Alleging that the sheriff, despite the third party claim, threatened to proceed with the sale of the palay, respondent corporation instituted the present proceedings for injunction before the Court of First Instance of Manila (Civil Case No. 36377) against the sheriff and the petitioners Manuel Acosta, et al. As prayed for, a preliminary writ was issued restraining the provincial sheriff of Nueva Ecija: from further proceeding with the execution of the judgment in the tenancy case pending determination of the ownership of the palay levied upon.

In due time, the defendants, herein petitioners, filed their answer with a counterclaim and also moved for the dissolution of the writ of preliminary injunction on the grounds of lack of jurisdiction and lack of cause of action. Acting upon the motion, the respondent Judge promulgated an order providing for the dissolution of the writ of preliminary injunction upon the filing by petitioners of a bond in favor of the respondent corporation in the sum of P20,000.00. Of this order, both parties asked for reconsideration, the respondent corporation maintaining that Felipe de Santos, who died long before the filing of Tenancy Case No. 4971-A, was named therein as the owner of Hacienda de Santos No. 5 so that the judgment rendered in said case was a judgment against him which cannot be enforced against his heirs.

In an order promulgated after hearing on July 19, 1958, the respondent Judge found that "the heirs of Felipe de Santos should have been the respondents in the C.A.R. case" inasmuch as when the petition in the tenancy case was filed on December 22, 1953, they were the true owners of the family hacienda (Hacienda de Santos No. 5) the same having been inherited by them from Felipe de Santos upon the latter's death on September 4, 1945; that the said heirs "are the sole stockholders of the plaintiff corporation"; and that "their only contribution to the capital of the corporation is the land involved in the C.A.R. case which they inherited from Felipe de Santos". The respondent Judge, therefore, held that "this is one instance where the corporate fiction should be set aside and the corporation and its stockholders should be considered one and the same person. The corporation may not be used as an instrument to prevent the execution of the judgment of the C.A.R. case." However, said respondent Judge refused to reconsider its order or to grant petitioners' prayer that the preliminary writ be dissolved without requiring them to post a bond. Hence, the present petition for a writ of prohibition.

We find the petition to be meritorious.

Considering the findings of the respondent Judge, from the evidence already presented, that the heirs of the deceased Felipe de Santos are the sole stockholders of the respondent corporation and their only contribution to the capital of said corporation is the hacienda involved in the tenancy case which they inherited from Felipe de Santos, and said respondent Judge being also of the opinion "that this is an instance where the corporate action should be set aside and the corporation and its stockholders should be considered one and the same person," and that the "corporation may not be used as an instrument to prevent the execution of the judgment of the C.A.R. case," it is difficult to understand why the petition for injunction was ever entertained at all.

Counsel for the respondent corporation maintains that the judgment "obtained against Felipe de Santos," a deceased person, is not enforceable against his heirs who are not made parties thereto. It will be recalled, however, that the petition in the tenancy case made as party respondents the hacienda itself and Alberto de Santos, one of the heirs of the deceased, in his capacity as general manager of the hacienda. Needless to say, the judgment rendered against said general manager would be valid and binding as against whoever are the owners of the hacienda. In this connection, it should be stated that the award sought to be executed was made as early as August 5, 1954, whereas the respondent corporation was organized and registered by the heirs of Felipe de Santos as sole stockholders therein only on May 17, 1955.

Without mentioning the fact that there appears to be a tenancy relationship between the respondent corporation and herein petitioners who are working in Hacienda de Santos No. 5' as tenants, it would also appear that the respondent Judge has acted outside of his jurisdiction. The jurisdiction of courts of first instance to issue writs of injunction is defined and limited in the Judiciary Act of 1948 (Republic Act No. 296, as amended), which provides in its section 44(n) as follows:

"Sec. 44. Original Jurisdiction.-Courts of First Instance shall have original jurisdiction:

* * * * *

"(n) Said courts and their judges, or any of them, shall have power to issue writs of injunction, mandamus, certiorari, prohibition, quo warranto and habeas corpus in their respective provinces and districts, in the manner provided in the Rules of Court."

Under section 2, Rule 60 of the Rules of Court, a preliminary injunction may be granted by the Judge of the Court of First Instance 'in any action pending in his district'. These provisions clearly show that the jurisdiction or authority of courts of first instance to control or restrain acts by means of the writ of injunction is limited to acts which are being committed or about to be committed within the territorial boundaries of their respective provinces and districts.

Wherefore, the writ of prohibition prayed for is granted. Costs against the respondent corporation.

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

Writ granted.

[*] 106 Phil., 380; 58 Off. Gaz., [44] 7221.

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.