

**SALVADOR LACUNA, ET AL., PLAINTIFFS AND APPELLANTS, VS.
MACARIO M. OFILADA, ET AL., DEFENDANTS AND APPELLEES.***G. R. No. L-13548. September 30, 1959*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ca16cc2d3055/>**BAUTISTA ANGELO, J.:**

On January 17, 1956, plaintiffs filed an action against defendants before the Court of First Instance of Manila praying that the court order the partition between the parties in accordance with law of a building designated as 760 Sisa St., Sampaloc, Manila, built on six parcels of land situated in said city; that the sale made by the Sheriff of Manila of the properties mortgaged by plaintiffs to defendant Vivencio D. Antonio in Civil Case No. 18142 be declared illegal; that the amended writ of possession issued by the sheriff to place defendant Antonio in possession of the property sold be also declared illegal; and that the sheriff be enjoined from carrying out said writ and from disturbing plaintiffs' possession of the aforesaid building designated as 760 Sisa St. On January 17, 1956, the court granted ex parte the writ of preliminary injunction prayed for in the complaint thereby enjoining the Sheriff of Manila and defendant Vivencio D. Antonio from molesting and disturbing plaintiffs' possession of the building designated as 760 Sisa St. On January 20, 1956, defendants filed a motion praying that the writ thus granted be dissolved on two grounds: (1) the court has no jurisdiction to issue the writ, and (2) the allegations of the complaint are insufficient to justify the issuance of the writ. Notwithstanding the opposition interposed thereto by plaintiffs, the court on January 24, 1956 issued an order dissolving the writ of preliminary injunction.

On January 27, 1956, plaintiffs filed an urgent motion praying for the reconsideration of the order dissolving the injunction, which was granted, the court setting aside the order and reinstating the writ as originally issued. On February 7, 1956, defendants again filed a motion for reconsideration of the last order reinstating the injunction, which was vigorously opposed by plaintiffs, and after both parties had submitted memoranda in support of their contentions, the court on February 18, 1956 not only dissolved the writ of injunction previously issued but dismissed the case for lack of merit. The court ruled that the questions raised having already been threshed out in Civil Case No. 18142 of the same court, it has no jurisdiction to nullify the orders issued in that case.

Plaintiffs appealed in due time and the case was certified to us by the Court of Appeals on the ground that the questions involved are purely of law.

Plaintiffs executed in favor of defendant Vivencio D. Antonio a real estate mortgage covering five parcels of land and a building designated as 760 Sisa St. Sampaloc, Manila, to secure the payment of certain indebtedness. Plaintiffs having failed to pay the indebtedness as agreed upon, Antonio filed an action for the foreclosure of the mortgage before the Court of First Instance of Manila which was docketed as Civil Case No. 18142. After trial, the court ordered the foreclosure of the mortgage, and the decision having become final, a writ of execution was issued and the sheriff sold the properties mortgaged at public auction in accordance with law. The properties were sold to Antonio as the highest bidder and the sheriff executed in his favor a deed of sale on September 1, 1955. On September 19, 1955, Antonio filed a motion for a writ of possession, which was granted, and accordingly, the sheriff issued the corresponding writ but, through inadvertence, he failed to include therein the residential house

designated as 760 Sisa St. Taking advantage of this omission, the Lacuna spouses, defendants therein, plaintiffs in the present case, wrote a letter to the sheriff registering their opposition to the placing of Antonio in possession of the building, alleging that the same was not included in the writ, and having been informed of the omission, Antonio also wrote a letter to the sheriff requesting that the error be rectified, to which request the sheriff acceded by issuing on November 15, 1955 an amended writ of possession. Thereupon, the Lacuna spouses filed a motion to suspend the amended writ contending that the same has been issued by the sheriff in an illegal manner, to which Antonio filed an opposition. After both parties had been heard, the court denied the motion. And when their motion for reconsideration was denied, the Lacuna spouses initiated the present case labelling it as an action for partition though in substance its purpose is to thwart the amended writ of possession issued in Civil Case No. 18142.

There is no merit in the claim that the instant case is merely one of partition of the residential building designated as 760 Sisa St., which is erected on the six parcels of land mortgaged by the plaintiffs in favor of defendant Vivencio D. Antonio and which was the subject of foreclosure in Civil Case No. 18142 because in substance its purpose is to declare null and void not only the amended writ of possession issued by the sheriff on November 15, 1955 but also the certificate of sale issued in favor of defendant Antonio as a result of the auction sale carried out by the sheriff in said case. This can be clearly seen by a cursory examination of the allegations of the complaint wherein it is prayed that the steps taken by the sheriff in said case relative to the execution of the judgment and to the placing of creditor Antonio in possession of the property sold be nullified on the ground that the amendment made by the sheriff of the writ of possession by including the residential building designated as 760 Sisa St., which was inadvertently omitted was made without authority of law. Evidently, this cannot be done for it is well-settled in law and in jurisprudence that a court of first instance has no power nor jurisdiction to annul judgments or decrees of a coordinate court because that function devolves upon the proper appellate court.

Thus, "it is settled by an overwhelming weight of authority that no court has power to interfere by injunction with the judgment or decrees of a court of concurrent or coordinate jurisdiction having equal power to grant the relief sought by injunction. * * * The various branches of the Court of First Instance of Manila are in a sense coordinate courts and to allow them to interfere with each others' judgments or decrees by injunctions would obviously lead to confusion and might seriously hinder the administration of justice" (*Cabigao vs. Del Rosario*, 44 Phil., 182). It has also been held that "The rule which prohibits a Judge from interfering with the actuations of the Judge of another branch of the same court is not infringed when the Judge who modifies or annuls the order issued by the other Judge acts in the same case and belongs to the same court. (*Eleazar vs. Zandueta*, 48 Phil., 197.) But the rule is infringed where the Judge of a branch of the court issues a writ of preliminary injunction in a case to enjoin the sheriff from carrying out an order of execution issued in another case by the Judge of another branch of the same court." (*Philippine National Bank vs. Javellana*, 92 Phil., 525; 49 Off. Gaz., [1] 124; *Italics supplied.*)

Appellants cannot pretend that the residential building designated as 760 Sisa St., has been improperly included by the sheriff in the amended writ of possession he has issued in connection with the execution of the judgment because the same is actually covered by the mortgage and was included in the judgment rendered in Civil Case No. 18142. It has only been inadvertently omitted from the original writ and the sheriff later on rectified the error by amending the writ. It being a mere clerical error, the same can be rectified without authority of the court.

In any event, it appears that this matter has been brought to the attention of the court by appellant themselves when they objected to the amendment of the writ, but that their objection has been overruled. We find, therefore no error when the court a quo dismissed the present case for lack of merit.

Wherefore, the order appealed from is affirmed, with costs against appellants.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, Endencia, Barrera, and Gutierrez David, 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.