

**EULOGIO ABOGAA, MARTIN DE CENON AND ROMAN MARATAS,
PETITIONERS, VS. GO SAM AND MANUEL P. BARCELONA, JUDGE,
COURT OF FIRST INSTANCE OF PASIG, RIZAL, RESPONDENTS.***G.R. No. L-3658. December 23, 1950*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cc7ec3e036da/>**PADILLA, J.:**

Go Sam was charged with a violation of Commonwealth Act No. 444 in the court of first instance of Rizal (criminal case No. 467). While the case was pending trial in the justice of the peace court of Pasig to which it was delegated by the court of first instance of Rizal, on 15 November 1949, a complaint was filed in the court of first instance of Rizal (civil case No. 970) by the herein petitioners against Go Sam for the recovery of overtime wages and one month salary. On 26 November, Go Sam moved to dismiss the complaint in the civil case, on the ground that there was another action pending between the same parties and over the same cause of action. The motion was objected to by the herein petitioners, on the ground that the civil case was a distinct and separate cause from that of a violation of the Eight Hour Labor Law (Commonwealth Act No. 444). Acting upon the motion to dismiss, the respondent court presided over by His Honor, Manuel P. Barcelona, dismissed the complaint in the civil case. After trial in the criminal case, on 16 December, the justice of the peace court of Pasig acquitted Go Sam (Annex E of the petition). On 22 December, the herein petitioners filed a motion to revive the complaint filed in civil case No. 970. On 23 December, Go Sam filed an opposition to the revival of the complaint in civil case No. 970, on the ground that the cause of action already was barred by a prior judgment. On 3 January 1950, the motion to revive the complaint was denied by the respondent court, on the ground that the acquittal of Go Sam in criminal case No. 467 carried with it the extinction of civil liability arising therefrom. A motion for reconsideration by the petitioners was denied. Pleading now that there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law, the herein petitioners pray that the order of the respondent court denying petitioners' motion to reinstate the complaint in civil case No. 970 be annulled and set aside, on the ground that the respondent court in denying it committed a grave abuse of discretion, and that the court be compelled to reinstate the complaint in civil case No. 970, to require Go Sam to answer the complaint, and thereafter to try the case on the merits.

These are the facts pertinent to the question raised in this proceedings as may be gleaned from the petition and the answer of the respondents.

The denial by the respondent court of the motion to reinstate the complaint in civil case No. 970, after the acquittal of the defendant in criminal case No. 467, even if erroneous, cannot be corrected by means of certiorari, because the herein petitioners had a clear remedy to protect their rights—an appeal from said order which was not interlocutory but final. The extraordinary legal remedy of certiorari—which is a prerogative writ—does not lie, as has been repeatedly ruled by this Court, where an appeal was available to the aggrieved party.

The petition for a writ of certiorari and mandamus prayed for is hereby denied, without costs.

Moran, C.J., Paras, Feria, Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo, and Bautista Angelo, JJ., concur.
Petition denied.

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.