

ANTONINO DIZON, ET AL., PETITIONERS VS. HON. FROILAN BAYONA, ET AL., RESPONDENTS.*G.R. No. L-8654. April 28, 1956*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cf460f143c78/>**PADILLA, J.:**

On 21 May 1952 an application for fishpond permit was filed with the Bureau of Fisheries by Miguel Tolentino (Fishpond Application No. 8463) covering two parcels of land in the Municipality of Calatagan, Province of Batangas, known as lots Nos. 1 and 49 of subdivision plan Psd-27941. On 8 September 1954 another application was filed by Clemencia Tolentino for the same kind of permit covering lot No. 1 of the same subdivision plan (Fishpond Application No. 12302). To these applications, an objection was entered by Artonino Dizon, Remedios Manapat-Syjuco, Leonila Siochi-Goco and the other petitioners herein surnamed Dizon, claiming that the land where the fishponds were located is private property registered under the Torrens System and evidenced by Transfer certificates of title Nos. 4159 and 4780 issued by the Registrar of Deeds in and for the province of Batangas. On 14 April 1954 the Secretary of Agriculture and Natural Resources named a Committee to ascertain whether the land where these fishponds were located was comprised within the area of the tract of land known as Hacienda, Calatagan owned by Ayala y Cia, the immediate predecessor-in-interest of the oppositors to the applications for fishpond permit, or part of the public domain. The parties concerned including the petitioners were notified of the investigation by the Committee. After the investigation, the Committee found that the land where these fishponds were located was not within the area of the tract of land described in Torrens transfer certificate of title No. 722 of the registered owner of the Hacienda Calatagan but part of the public domain. Upon the report of the Committee that conducted the investigation, on 1 October 1954 the Director of the Bureau of Fisheries dismissed the opposition filed by the petitioners who claimed to be the owners with Torrens titles of the land where the fishponds were located. Apprehensive that the Bureau of Fisheries would issue the permit applied for, on 5 October 1954 Antonino Dizon and his co-petitioners filed a petition in the Court of First Instance of Manila presided over by His Honor, Froilan Bayona, to enjoin the Secretary of Agriculture and Natural Resources and the Director of the Bureau of Fisheries from further proceeding in the matter of the applications for fishpond permit filed by Miguel Tolentino and Clemencia Tolentino until after the question of ownership of the land where said fishponds were located shall have been properly litigated and determined by a court of competent jurisdiction and to issue, upon the filing of a bond to be approved by the court, a writ of preliminary injunction to enjoin the two officers just mentioned from performing the acts complained of (Annex A) Acting upon that petition on 6 October 1954 the Court of First Instance issued a writ of preliminary injunction upon the filing of a bond in the sum of P10,000 to be approved by the Court, enjoining the respondents from issuing the fishpond permits until further orders from the Court (Annexes B, C and D). The Court directed the Secretary of Agriculture and Natural Resources and the Director of the Bureau of Fisheries to answer the petition for a writ of prohibition within ten days from notice of the order, as provided for in the Rules of Court (Annex D). On 8 October, Miguel Tolentino and Clemencia Tolentino filed a motion praying that they be allowed to intervene, in the case (Annex E). The motion was granted on 18 October 1954 (Annex F). On 19 October before filing their answer Miguel Tolentino

and Clemencia Tolentino filed a motion to dismiss the petition for prohibition (Annex G). This petition to dismiss was objected to by the petitioners (Annex H). On 19 November the Secretary of Agriculture and Natural Resources and the Director of the Bureau of Fisheries filed their answer to the petition for prohibition (Annex I). On 24 November Miguel Tolentino and Clemencia Tolentino filed their answer as intervenors (Annex J). On 2 December the petitioners filed a motion for admission of an amended petition dated 3 December attached thereto setting the motion for hearing on 11 December (Annexes K and L). On 28 December the Court rendered judgment dismissing the petition with costs against the petitioners, on the ground that the petitioners for a writ of prohibition have not exhausted all the administrative remedies as provided for by law and for that reason the Court held that it had no jurisdiction to hear and decide the petition for prohibition. In view of this judgment the petitioners in the respondent court filed in this Court a petition for a writ of certiorari and mandamus to annul the judgment rendered on 28 December in civil case No- 242S7; to compel the respondent court to reinstate the petition for prohibition and to revive the writ of preliminary injunction theretofore issued; to issue a writ of preliminary injunction against the respondents, pending determination of this petition for certiorari and mandamus, enjoining them from performing the acts complained of, particularly from issuing fishpond permits in connection with Fishpond Applications Nos, 8463 and 12302 filed with the Bureau of Fisheries; to act upon the motion for admission of an amended complaint for prohibition and to decide the case on the merits after the presentation of evidence by, the parties and the intervenors in the respondent court to pay the costs.

The ground for the petition filed in the court is that the respondent court neglected to perform an act which the law specifically enjoined as a duty resulting from its office and unlawfully excluded the petitioners from the exercise and enjoyment of a right to which they are entitled, to wit: to have the case tried and decided on the merits after the presentation of evidence by the parties; that the judgment rendered by the respondent court was not preceded by any motion on the part of the other respondents to dismiss the petition for prohibition; that the judgment was rendered without deciding the pending motion for admission of an amended petition for prohibition and the petition of the intervenors to set the case for hearing and to require the petitioners therein to file a 1 bond; that none of the parties to the case in the respondent court had asked or prayed for a judgment on the pleadings; that although an appeal lay from a judgment rendered by the respondent court, the appeal would not be adequate because of the apprehension left and expressed by the petitioners that the respondent Director of the Bureau of Fisheries might issue the fishpond permits which would render nugatory and ineffectual the judgment that may be rendered in their favor on appeal.

On 12 January 1955, upon the filing of a bond in the sum of P500, this Court issued a writ of preliminary injunction against the respondents commanding them to desist from performing the acts complained of, "particularly from issuing fishpond permits in connection with fishpond applications Nos. 8463 and 12302 with the Bureau of Fisheries, in civil case No. 24237 of the Court of First Instance of Manila, until further order from the Supreme Court," and directed them to answer the petition within ten (10) days from receipt of the summons.

A writ of prohibition lies and will issue "When the proceedings of any tribunal, * * * or person, whether exercising functions judicial or ministerial, are without or in excess of its or his jurisdiction, or with grave abuse of discretion, and there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law, * * *.[1] The petitioners do not aver that the Director of the Bureau of Fisheries had issued the fishpond permits applied for by the respondents Miguel Tolentino and Clemencia Tolentino, contrary to the finding of the respondent court that they had secured the permits to fish in the sea where the lots Nos- 1 and 49 of subdivision plan Psd-27941 are located within the Municipality of Calatagan, Province of Batangas. If the permits had been issued as found by the respondent court the petitioners would not pray for a writ of prohibition against the Director of the Bureau of Fisheries. The apprehension of the petitioners that the Director of the Bureau of Fisheries was about to issue the fishpond permits arose from the report of the Committee named by the respondent

Secretary of Agriculture and Natural Resources already referred to that lots Nos. 1 and 49 of subdivision plan Psd-27941 are not within the area of the tract of land described in transfer certificate of title No. 722 issued in the name of Ayala y Cia., the immediate predecessor-in-interest of the herein petitioners. But granting that this fear or apprehension was reasonable, because the fishpond permits applied for by the respondents Miguel Tolentino and Clemencia Tolentino were about to be issued, the petitioners could still appeal from the action taken by the Director of the Bureau of Fisheries to the Secretary of Agriculture and Natural Resources. The fact that the Committee, which conducted an investigation to ascertain whether fishpond No. 1 in lot No. 1 of subdivision plan Psd-27941 is comprised within the tract of land registered in the name of Ayala y Cia, the predecessor-in-interest of the herein petitioners, found after such investigation that the fishpond and lot are outside the area of the tract of land described and delimited in Torrens transfer certificate of title No. 722, does not mean, as correctly held by the respondent court, that the Secretary of Agriculture and Natural Resources would confirm the action taken by the Director of the Bureau of Fisheries in issuing the fishpond permits applied for by the respondents Miguel Tolentino and Clemencia Tolentino. The petitioners should have presented to the Director of the Bureau of Fisheries. their title and evidence to show that fishpond No. 1 and lots Nos. 1 and 49 of subdivision plan Psd-27941, where the applicants for fishpond permits intend to fish, are within the area of the tract of land known as Hacienda Calatagan registered in the name of Ayala y Cia., their predecessor-in-interest. And after showing that such is the case, they may, in the event of an adverse action by the Director of the Bureau of Fisheries, appeal to the Secretary of Agriculture and Natural Resources who will lend no deaf ear to their claim based on the Torrens certificates of title and evidence showing that their land is not part of the sea, beach, or foreshore. But even if they should succeed in showing that their Torrens certificates of title describe parcels of land which are comprised within the area of the tract of land known as Hacienda Calatagan, owned by and registered in the name of Ayala y Cia., as evidenced by Torrens transfer certificate of title No. 722, still if said lots Nos. 1 and 49 of subdivision plan Psd-27941 are really part of the sea, beach, or foreshore, the same can not be registered under the Registration Act (Act No. 496, as amended) in the name of anyone, for they are not registrable, are non-alienable and belong to the public domain to be administered and managed by the State for the benefit of the people. Such being the case, a writ of prohibition does not lie. The respondent court cannot interfere with the performance of the duties imposed and powers conferred by law upon the Director of the Bureau of Fisheries and the Secretary of Agriculture and Natural Resources. Only after they had acted in the exercise and performance of such duties and powers' vested in them by law, and the petitioners still and really believe that the land for which they hold Torrens certificates of title is not part of the sea, beach, or foreshore, could they resort to a court of competent jurisdiction for the determination as to whether such land is not a part of the sea, beach, or foreshore but a private land owned by them and registered in their name. Upon showing that such is the case, the court may set aside the action taken by both officials, the Director of the Bureau of Fisheries and the Secretary of Agriculture and Natural Resources.

True, the respondent court has pursued an irregular course in deciding and rendering judgment in the action brought to it, because, as the petitioners complain, without acting upon a motion of the petitioners to allow an amended petition attached thereto and upon another of the intervenors to set the case for hearing and to require the petitioners to file a bond, the respondent court rendered judgment in the belief that the facts averred and admitted in the pleadings and arguments submitted by the parties to the case are sufficient for it to render judgment in the case. But as the respondent court had jurisdiction of the case, such an irregular course, which does not amount to excess of jurisdiction or a grave abuse of discretion, cannot be corrected by means of the special civil action of certiorari and mandamus but by an appeal which is the plain, speedy and adequate remedy in the ordinary course of law. Any or all such irregularities will be taken up on appeal and passed upon by a court of review, which is an adequate, plain and speedy remedy in the ordinary course of law. If the appellate court should find that such irregularities had really been committed by the court below it would set aside the judgment appealed from and remand the case to the trial court for proper proceedings in accordance with law. From the facts disclosed in the

petition for certiorari and mandamus and answers filed by the respondents, it is evident that the respondent court had jurisdiction of the action for prohibition brought to it by the petitioners, and that in the belief that it had all the facts, alleged and expressly or impliedly admitted in the pleadings of the parties or drawn from those pleaded and expressly or impliedly admitted by the parties or those admitted or agreed upon by the parties in their argument, necessary for a judgment, the respondent court rendered it. Such judgment was not rendered by the respondent court without or in excess of its jurisdiction nor was it rendered with grave abuse of discretion but it constitutes an irregularity which may be corrected by an appeal which is the plain, speedy and adequate remedy in the ordinary course of law. If that is so a writ of mandamus as prayed for by the petitioners would not also lie, because the respondent court did not unlawfully neglect the performance of an act which the law specifically enjoined as a duty resulting from its office and did not unlawfully exclude the petitioners from the use and enjoyment of a right to which they were entitled because, as already stated, the Court had jurisdiction to hear and decide the case, and the irregularity it committed in deciding the case without hearing or trial, because of the belief that the facts pleaded and those admitted by the parties were sufficient for it to pass upon the questions raised and decide them in accordance with law, does not constitute an unlawful neglect in the performance of an act which the law specifically enjoins as a duty resulting from its office. The fact that the petition for prohibition was dismissed does not constitute an unlawful exclusion of the petitioners from use and enjoyment of a right to which they were entitled, because the irregularity committed by the respondent court in not holding a hearing or trial where the parties may present their respective evidence before rendering judgment dismissing the petition for prohibition may still be corrected by or on appeal . which is the plain, speedy and adequate remedy in the ordinary course of law. If every time a judgment is rendered against a party to a case he may claim that he is unlawfully excluded from the use and enjoyment of a right, then the number of cases or petitions for mandamus would increase to such a proportion that the appellate courts would not be able to cope with them. Precisely, when a judgment rendered by a competent court is against a party to 'a case, such judgment means in most cases that the party is not entitled to a right which he is seeking to enforce by bringing the action. Hence, the judgment rendered against the petitioners by the respondent court in the special civil action for prohibition means that the right they claimed to have and sought to enforce did not exist or had no foundation in law and in fact.

Upon the foregoing considerations, the petition for a writ of certiorari and mandamus is denied and the writ of preliminary injunction heretofore issued discharged, with costs against the petitioners.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

[1] Section 2, Rule 67.

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.