

**HEMANDAS UDHARAM, PETITIONER, VS. RAFAEL DINGLASAN,
JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA,
RESPONDENT.**

G.R. No. L-2720. December 31, 1949

Ponente: MORAN, C.J.

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MORAN, C.J.:

This is a petition for certiorari arising from a case for illegal detainer filed by respondents Ysabel Vda. de Padilla and others against petitioner Hemandas Udharam in the Municipal Court of Manila. Judgment was rendered in said case against petitioner and his codefendants ordering them to vacate the premises and pay rents. A supersedeas bond of P1,000 was filed by petitioner which was found insufficient by the court and withdrawn later by said petitioner. Consequently, the defendants were ejected from the premises except petitioner who remained thereon till July 11, 1946. Defendants failed to appeal except petitioner against whom in the Court of First Instance a judgment was rendered ordering him to pay jointly and severally with his codefendants the sum of P3,000 a month from May 1 to July 11, 1946, and to pay costs. Udharam appealed to the Court of Appeals but in the meantime a writ of execution was issued against him unless a supersedeas bond of P8,000 be given by him, which he did not.

The writ of execution is valid. In forcible entry or illegal detainer cases, where, as in the instant case, no sufficient supersedeas bond has been given to stay execution of the judgment rendered against the defendants, such judgment may be executed not only with respect to possession of the property but also as to payment of rents.

Petition is denied with costs against petitioner.

Ozaeta, Pablo, Bengzon, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

Paras, J., concurs in the result.

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