

MARCELO CAGUIOA, ET AL., PETITIONERS, VS. THE BACOLOD-MURCIA FARMERS' CORPORATION, REPRESENTED BY HIEROTEO R. VILLAROSA, RESPONDENTS.

G.R. No. L-13324. October 31, 1961

Ponente: PAREDES, J.

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PAREDES, J.:

On November 16, 1957, Hieroteo R. Villarosa and others, members of the Bacolod-Murcia Sugar Farmers' Corporation, filed with the Court of First Instance of Negros Occidental a petition for a writ of Mandamus (Special Civil Action No. 4607), to compel the Permit Agent of the Sugar Quota Administration, detailed with the Bacolod-Murcia Mill District, to sign their quedan-permits for the sugar milled and stored with the Central (Bacolod- Murcia Milling). Judge Eduardo E. Enriquez directed that the same will be heard three (3) days later and required Salvador Pacis, the Permit Agent then detailed in the District, to Answer within the 3 day period. Pacis asked for an extension of time within which to file an Answer, and for the postponement of the scheduled hearing. Both were denied and on November 22, 1957, three days after he was served with summons, hearing was held. In his Answer, after the usual admissions and denials, Pacis interposed as affirmative defense, among others, the following—

"1. That the action taken by the respondent in refusing to sign the permit portions of the said quedans belonging to the petitioners or to some of them is in obedience to instructions, oral and written, from the Secretary of Commerce and Industry, thru the Sugar Quota Administrator, in which instructions the said Secretary of Commerce and Industry enjoin the respondent that, pending final resolution of Civil Case No. 4486, wherein the matter regarding the activities of the Bacolod-Murcia Farmers' Corporation which, in effect, are a duplication of the activities of the Bacolod-Murcia Planters' Association, Inc., is involved, the latter, for purposes of the issuance of the permit portions of the said quedans, should be recognized. * * *".

Under date of November 29, 1957, judgment was rendered by the court a quo, the pertinent portion of which reads:—

"En su virtud, y no existiendo posibilidad alguna de perjuicio al recurrido, y en vista de la extrema urgencia del caso, causado por el incumplimiento de sus deberes ministeriales, el Juzgado falla esta causa ordenando perentoriamente al recurrido 'Permit Agent' para que, inmediatamente de ser servido de copia de esta decision, firme los 'permit-portions' de los 'quedan-permits' de los recurrentes a que se refiere esta decision, y que acto seguido entregue dichos 'quedan-permits' a la 'The Bacolod-Murcia Milling Co., Inc.,' y a fin de que este fallo y decreto sea efiscaz para remediar el caso extremo en que los actos y conducta del recurrido objeto de queja han dejado a los recurrentes, y con arreglo al Artículo 9 de la Regla 67, en relacion con el Artículo 6 de la Regla 124 de los Reglamentos Judiciales, se advierte al recurrido que cualquiera desobediencia de su parte sera castigada como un acto de desacato al Tribunal. Se condena al recurrido con las costas del juicio."

A copy of the decision was served at the office of Atty. Arboleda, counsel for Pads on December 4, 1957. On this date the petitioners filed a motion for immediate execution of the decision and notwithstanding a petition for a

one-day postponement until December 7, for the consideration of said motion for immediate execution, presented by counsel, on the ground that on that date (Dec. 6), he would be attending a case in Iloilo; the trial judge granted on December 6, in the absence of Pacis or counsel, the motion for immediate execution in an Order of the following tenor—

"Not finding the reasons in support of the said motion well founded, the same is hereby denied.

As to the motion for immediate execution, considering the reasons in support thereof well founded, the same is hereby granted.

And consequently, the Court hereby orders the issuance of a subpoena addressed to the District Sugar Supervisor, Bacolod City, to appear and testify in this case tomorrow morning, December 7, 1957, at 8:30 o'clock A.M., at an inquiry as to the circumstances under which the respondent Permit Agent absented himself from the jurisdiction of this Court before he could be served with a copy of the judgment rendered in this case; the said District Sugar Supervisor is hereby ordered to sign the permit-portions of the quedan-permits referred to in the decision of this Court dated Nov. 29, 1957, in behalf or in lieu of the said respondent Permit Agent, said signature to be affixed immediately upon service of a copy of this order on the said District Sugar Supervisor.

It is likewise ordered an immediate execution of the judgment aforesaid in accordance with Rule 39, Sees. 2, 9 and 10 of the Rules of Court, be issued."

Marcelo Caguioa the Acting Sugar Supervisor, representing the Sugar Quota Administrator in Negros Occidental, appeared before the trial Judge on December 7, where he was subjected to an ex-parte examination. Caguioa attempted to have the order requiring him to sign the quedan permits in question, set aside or that he be granted sufficient time to consult his superiors and main office, as to what steps he should take in the premises. On December 11, 1957, for failure of Caguioa to sign the quedan permits, the trial judge handed an Order, the dispositive portion of which reads—

"(a) That the Sugar Quota Administration Office in Bacolod City and each and all the personnel therein, deliver immediately upon service of this order, to the Sheriff all the quedan-permits of the petitioners which are presently found in said office, with the warning that for their failure immediately to do so upon such service they will be proceeded against as for contempt of court;

(b) That all the other quedan-permits of the petitioners which may be in possession of the Bacolod-Murcia Milling Co., Inc. or of any other person or entity be likewise immediately delivered to the Sheriff upon service to them the copy of this order;

(c) That the Sheriff immediately turn over all of the said quedan-permits to the Clerk of this Court;

(d) That the Clerk of this Court thereupon immediately sign the quedan-portions of the said quedan-permits thus:

'By attached court order:

'JOSE AZCONA

'Clerk of Court

'For authorized Permit Agent'.

(e) That a certified true copy of this order be attached by the Clerk of this Court to each and every one of said quedan-permita thus signed by him under the seal of this Court; and

(f) That the respondent Permit Agent and the District Sugar Supervisor above named are hereby ordered to appear before this Court on January 11, 1958, at 8:30 o'clock A.M. to show cause why each of them should not be punished for contempt of this Court."

On December 28, 1957, Marcelo Caguioa and Salvador Pacis instituted the proceedings at bar for Certiorari and

Prohibition with Preliminary Injunction, directed against the trial judge and the Bacolod-Murcia Farmers' Corporation. Caguioa et al. vs. Bacolod-Murcia Farmers' Corporation Petitioners submit that the respondent Judge (1) committed an abuse of discretion in issuing his orders, particularly those of December 6, 1957 and December 11, 1957, as far as petitioner Salvador Pacis is concerned; and (2) acted without jurisdiction and with abuse of discretion in issuing the same orders, as far as petitioner Marcelo Caguioa is concerned.

(1) It is alleged that when case No. 4607 was filed, the respondent judge directed Pacis to answer the petition within 3 days and set the hearing of the case 3 days after he was served of the petition; that notwithstanding his motion for an extension of said periods, so as to contact his superior officers in Manila and await from them the corresponding instructions and to engage the services of a government counsel, said judge compelled him to enter into trial, thereby depriving him of his day in court and had to seek the services of an attorney in private practice to defend him; that he was denied due process when the respondent judge refused the inclusion of his superiors (the Sugar Quota Administrator and the Secretary of Commerce and Industry), as defendants in said case in order that the legality and propriety of his actuations in the premises would be defined; and in upholding the contention of the petitioners in said case No. 4607, respondent committed abuse of discretion, as he was in effect compelling the petitioner Pacis to disobey and defy the orders of his superiors.

The aforesaid order of December 6, 1957, was entered, upon a motion for execution of the petitioners in the special civil action for mandamus, in accordance with sections 2, 9 and 10, Rule 39, Rules of Court. There can be no question of the power and competence of the court which rendered the decision aforesaid to enter said order. In view of the extreme urgency of the case, as expressed in the court's decision, the respondent Judge had to exercise its power to expedite the preceeding.

"Expediting proceedings.—Preliminary injunction.—The court in which the petition is filed, or a judge thereof, may make orders expediting the proceedings, and may also grant a preliminary injunction for the preservation of the rights of the parties pending such proceedings." (Section 7, Rule 67 of the Rules of Court)

And there is likewise no question that the trial court had jurisdiction and authority to issue the special order of execution, and had the power to employ means to carry its orders, even adopting any suitable process or mode of proceeding not specifically pointed out by the Rules, provided it is in conformity with the spirit thereof (Sec. 5 par. (c), and sec. 6 of Rule 124).

The said order of December 6, 1957, among other things, directed the District Sugar Supervisor to sign the permit portions of the quedan-permits referred to in the decision of the court dated November 29, 1957 "in behalf or in lieu of the said respondent permit agent". This directive is authorized by section 10, Rule 39 which states—

"Judgment for specific acts; vesting title.—If a judgment directs a party to execute a conveyance of land, or to deliver deeds or other documents, or to perform any other specific act, and the party fails to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party by some other person appointed by the court and the act when so done shall have like effect as if done by the party. * * *".

(2) It is claimed that respondent Judge acted without jurisdiction and with abuse of discretion in issuing the same orders (a) because Marcelo Caguioa was not and has never been a party in case No. 4607, as the sole respondent therein was Salvador Pacis and could not "properly assert a defense particularly approved by statutes and precedents"; and (b) that in so requiring petitioner Caguioa to act in lieu of Pacis, the respondent judge, in effect amended the decision issued by him in Case No. 4607, without any motion or pleading on the part of any parties to have said decision so amended.

It should be recalled that with the resolution of this Court of March 12, 1958, ruling on the motion for clarification filed by respondents on the scope and extent of the preliminary injunction issued herein, there can no longer be

any dispute as to the validity and binding effect of the decision rendered by the lower court, the said resolution having directed that the immediate execution of said decision should be excluded from the writ of preliminary injunction. In sanctioning the immediate execution of the decision of the lower court, this tribunal necessarily considered such decision as rendered by a court of competent jurisdiction, lawfully exercising its judicial functions over the question and matters involved therein. In the identical case of G. R. No. L-13702, filed by Talisay-Silay Milling Co., Fernando Ereiieta and six other planters, vs. Adolfo M. Santos, the Secretary of Commerce and Industry and others, one of the issues raised was the validity of a requirement of said Secretary that a planter should be a member of a planters' association and one approved by one before his quedan-permit could be signed by the Permit Agent. Judge Jose F. Fernandez of Negros Occidental ordered the permit agent to sign the quedan portions of the quedan permits, which order was taken to this Court on Certiorari and Prohibition, with a prayer for preliminary injunction. The petition was dismissed for lack of merit. It should also be noted that the decision in question has now become final as it was not appealed.

Has the court jurisdiction to order petitioner Caguioa to sign the quedan-permits as a substitute of Pacis and if he disobeys, is he amenable for contempt? The answer should be in the affirmative, considering the fact that the duty to sign, according to the law, rested upon the Sugar Quota Administrator, whose District Sugar Supervisor in the milling district was Caguioa and whose Permit Agent was Pacis, a party in the Mandamus case. And any other person could have been ordered to do so, as in fact, the Clerk of Court was ultimately directed to sign for the Permit Agent (Sec. 10, Rule 39, *supra*).

In view hereof, the petition is dismissed, the writ of preliminary injunction heretofore issued is hereby dissolved, with costs against petitioners.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Dizon, and De Leon, JJ., concur.

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