

ROSARIO MAS, PLAINTIFF AND APPELLANT, VS. ELISA DUMARA-OG AND BENIGNO ABALAJON, DEFENDANTS AND APPELLEES.*G.R. No. L-16252. September 29, 1964*

Ponente: BENGZON, C. J.

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This is an appeal from the order of the Court of First Instance of Antique dismissing Rosario Bias' complaint (Civil Case No. 102) for annulment of the judgment of the Court of First Instance of Iloilo in its Civil Case No. 4284.

It appears that on February 26, 1957, Elisa Dumara-og and Benigno Abalajon filed against said Rosario Mas, in the Court of First Instance of Iloilo, an action (Civil Case No. 4284) for the recovery of a sum of money. On the basis of a confession of judgment signed by Rosario, decision was rendered in favor of Elisa and Benigno. The same having become final and executory, the former's properties located in Sibalon, Antique, were levied on execution. And the legal requirements having been observed, the aforesaid parcels of land were sold to the latter as the highest bidders in a public auction sale. On June 24, 1958, (one year thereafter), the final deed of sale was executed to the buyers. A writ of possession duly issued placed such buyers in possession of the property on December 23, 1958.

Then on March 7, 1959 (two years after the judgment had been rendered), Rosario Mas instituted in the Court of First Instance of Antique this complaint (Civil Case No. 102) imputing fraud and deceit to Elisa and Benigno in the obtainment of the aforesaid judgment. The said Complaint alleged that she had been made to sign the confession of judgment in Civil Case No. 4281 through deceit and misrepresentation. As affirmative defense thereto, and as basis for the motion to dismiss, defendants averred that the Court of First Instance of Antique had no jurisdiction over the subject-matter of the action; that the action should be filed with the same court that had rendered the controverted judgment. The complaint was dismissed accordingly. Hence this appeal.

The dismissal is allegedly erroneous because the instant action falls under Section 44(a) of Republic Act No. 296 as amended, which places such kind of actions[1] within the jurisdiction of the courts of First Instance; and considering Section 50 of the same republic act, the Court of First Instance of Antique, the 11th Judicial District is the proper court within which to file such action. It is also urged that the instant action being a personal action[2], venue thereof is governed by Sec. 1, Rule 5 of the Rules of Court (at present Sec. 2(b), Rule 4, Rules of Court) which rule Rosario Mas has observed.

Appellees' answer to the assigned errors rests on the principle that courts of First Instance are co-equal and coordinate; that courts of concurrent or coordinate jurisdiction cannot by injunction, interfere with each other's judgments.

The question is thus condensed: Has the Court of First Instance of Antique authority to entertain an action to annul the judgment of the Court of First Instance of Iloilo? As collateral question—what court has jurisdiction over the matter?

The principle has been announced that a judge of a branch of one court should not annul the order of a judge of another branch of the same court (meaning the same judicial district) because both of them are judges of the same category who act coordinately and independently of each other—except of course, if the second judge acts in the place of the first judge in the same proceeding.[3] Appellant's statement that the action is within the jurisdiction of the Court of First Instance is correct, and that the venue is within the 11th Judicial District. However, it is incorrect to lay as premise, the proposition that the Court of First Instance of Antique is the 11th Judicial District. The true statement is that it is one of the branches of the 11th Judicial District. Another of its several branches is the Court of First Instance of Iloilo. These two courts are of the same class and category. Both discharge functions which are co-equal in character. Pursuant to the policy of judicial stability, the judgment of a court of competent jurisdiction may not be interfered with by any court of concurrent jurisdiction. For the same reason, the power to open, modify or vacate a judgment is not only possessed by, but is restricted to the court in which the judgment was rendered.

"The power to open, modify, or vacate a judgment is not only possessed by but is restricted to the court in which the judgment was rendered. It is regarded as an elementary principle of high importance in the administration of justice that the judgment of a court of competent jurisdiction may not be opened, modified, or vacated by any court of concurrent jurisdiction." (30-A American Jurisprudence 605) [Italics ours]

The reason for this limitation, especially where fraud is alleged, may be found partly in the fact that such fraud affects also the court wherein judgment was obtained. (49 Am. Jur. Sec. p. 742.)

It is argued that this action affects title to land in Antique province, and therefore, it should be filed there. The reply is that such action may only prosper upon the annulment of the decision of the Iloilo court, which annulment must be obtained in Iloilo.

In one case wherein plaintiff sought to recover real property conveyed by a document allegedly obtained thru fraud, the defendant pleaded the four-year period of prescription for relief from fraud; but the plaintiff invoked the ten-year period for recovery of real property. We applied the four-year period, because the action to recover real property may not prosper unless relief from fraud is first obtained in due time. (See *Raymundo vs. Baltazar*, 51 Off. Gaz., p. 1329.)

IN VIEW OF THE FOREGOING, the plaintiff's remedy must be sought in Iloilo. So the order appealed from is affirmed, with costs against appellant.

Bautista Angelo, Concepcion, Reyes, J.B.L., Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] Civil actions in which the subject of the litigation is not capable of pecuniary estimation is within the original jurisdiction of the courts of First Instance. Under (h) of the same Sec. 44 of Rep. Act No. 290, as amended, said courts and their judges, or any of them, shall have the power to issue writs of injunction, mandamus, certiorari prohibition, quo warranto and habeas corpus in their respective provinces and districts, in the manner provided in the Rules of Court.

[2] Appellant's cause of action is founded on Art. 1140 of the Civil Code of the Philippines which states that actions upon an injury to the rights of the plaintiff must be filed within four years from the time the cause of action accrues.

[3] See cases of *Montesa, et al. vs. Manila Cordage Co.*, 92 Phil. 25; *PNB vs. Javellana, et al.*, 92 Phil., 525, 1953; *Ongsingo vs. Tan, et al.*, 97 Phil., 330; *Mercado, et al. vs. Judge Ocampo*, 72 Phil. 318.

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