

PILAR T. DEL ROSARIO, ET AL., PETITIONERS, VS. HON. DAMIAN L. JIMENEZ, AS JUDGE OF THE CITY COURT OF QUEZON CITY, THE CLERK OF COURT, CITY COURT OF QUEZON CITY, SANCHO R. JACINT...

G.R. No. L-22210. April 30, 1966

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal from an order of the Court of First Instance of Rizal dismissing the petition herein.

Petitioners, Pilar T. del Rosario and Mariano V. del Rosario were defendants in detainer case No. 5039 of the Municipal Court of Quezon City, instituted by respondents, Sancho R. Jacinto and Domingo C. Bascara, to recover the possession of a land, as well as damages, attorney's fees and costs. In due course, on July 15, 1963, said court, presided over by Hon. Damian Jimenez, Judge, rendered decision, sentencing the Del Rosarios to vacate said land and pay to plaintiffs therein and respondents herein P200 a month from a stated date, in addition to f500 as attorney's fees. On July 24, 1963, said respondents filed a motion for the amendment and reconsideration of said decision in the sense of increasing the amount therein awarded to them by way of compensation for the use of said land. The next day, the Del Rosarios filed a notice of appeal. On August 1, 1963, respondent Judge rendered an amended decision increasing the compensation awarded to the aforementioned respondents to P400 a month. Soon thereafter, the Del Rosarios commenced in the Court of First Instance of Rizal the present action for certiorari and prohibition, with preliminary and mandatory injunction against respondent Judge, as well as the Clerk of said Municipal Court of Quezon City and the plaintiffs in the detainer case for the purpose, among others, of annulling the aforementioned amended decision, upon the ground that the municipal court had no jurisdiction to render said amended decision in view of the appeal taken by the Del Rosarios prior thereto. After appropriate proceedings, the Court of First Instance of Rizal issued the order appealed from dismissing said petition for certiorari for the reason that, a motion for reconsideration having been filed by the plaintiffs in the detainer case, the appeal interposed by the Del Rosarios subsequently thereto did not take away from the court its authority to act on said motion for reconsideration. Hence this appeal taken by the Del Rosarios.

It is clear that the appeal is absolutely devoid of merit, for (a) the amended decision complained of is appealable, so that neither certiorari nor prohibition is the proper remedy against said decision;^[1] and (b) the motion for reconsideration of the main respondents herein had been filed before the original decision of respondent Judge had become final and executory and before the Del Rosarios had interposed their appeal, which, obviously, could not deprive the said respondents herein of their right to press for the resolution of their aforementioned motion for reconsideration or the respondent Judge of his authority and duty to pass upon said motion in accordance with the merits thereof.^[2]

Accordingly, the order appealed from is hereby affirmed, with costs against petitioners herein. It is so ordered.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and

Sanchez, JJ., concur.

[1] Associated Labor Union, et al. vs. Hon. Judge Ramolete, 121 Phil. 559; Socorro vs. Ortiz, et al., L-23608, December 24, 1964; Philippine Rabbit Bus Lines, Inc. vs. Workmen's Compensation Commission, L-20614 and L-21517, May 25, 1964; Villa-Rey Transit, Inc. vs. Hon. Bello, et al., 119 Phil. 499; Filipino Pipe & Foundry Corporation vs. Workmen's Compensation Commission, et al., 119 Phil. 27; De la Cruz, Jr., et al. vs. Sta. Maria, etc., et al. 117 Phil. 1010.

[2] People vs. Ursua, 60 Phil., 252; People vs. Rodriguez, 51 Off. Gaz., (8) 4015; Marinduque Transportation Co., Inc., et al. vs. Public Service Commission, et al., G.R. No. L-18528, July 31, 1963; Arroyo vs. Hon. Eulogio Mencias, etc., et al., 122 Phil. 389.

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