

ANTONIO M. SAMIA, PETITIONER, VS. HON. GREGORIO N. GARCIA, ET AL., RESPONDENTS.

G.R. No. L-19020. April 30, 1964

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is a petition for review by certiorari a decision. of the Court of Appeals, The background of the instant case is stated by the Court of Appeals in its decision, thus:

"On February 18, 1959 Antonio M. Samia instituted in the municipal court of Manila an action for ejectment and recovery of back rentals against Tiburcio Alvarez, Fernando Atengco, Olimpio Atengco, Paciencia Atengco, Juana Caingat, Fernando de la Cruz, Juana de la Cruz, Pedro David, Macario Dizon, Arabrosio Mangsal and Venancio Mendoza. Invoking the provisions of Republic Act No. 1162, as amended, said defendants moved to suspend trial of the case. On June 22, 1959, despite opposition of plaintiff, Judge Gregorio N. Garcia, entered an order suspending the proceedings for two years. The suspension was, however, made subject to the condition that defendants would liquidate their rents in arrears and pay their current rentals, non-compliance with which would cause the lifting of the suspension. Plaintiff's effort to have the order reconsidered was unsuccessful. On August 11, 1959 plaintiff filed a motion also in the municipal court to lift the order of suspension alleging that defendants failed to comply with the condition thereof. By order of September 12, 1959 entered by Judge Ramon A. Icasiano, the motion was denied.

"On November 4, 1959, plaintiff filed in the Court of First Instance of Manila a petition for certiorari and mandamus against the aforementioned judges and defendants alleging that said judges acted without or in excess of jurisdiction or with grave abuse of discretion in issuing their respective orders and neglected to perform an act specifically enjoined upon them by law by refusing to proceed with the trial of the ejectment case, and praying that said orders be annulled and that respondent Judges be commanded to set the ejectment case for hearing and proceed with the trial thereof."

After hearing, the Court of First Instance of Manila granted the petition in a decision the dispositive portion of which reads as follows:

"In view whereof, petition granted and the Court orders that ejectment proceedings should go ahead until and unless the conditions required have been fully complied with."

Not satisfied with the above decision, respondents-defendants appealed to the Court of Appeals. In the Court of Appeals the decision was reversed; hence, this petition to review by certiorari.

The parties do not dispute that the land subject of the ejectment case in the municipal court is included as one of the lands sought to be expropriated in Civil Case No. 33156 of the Court of First Instance of Manila. There is also no dispute that the order suspending the trial of the ejectment case was solely predicated on the filing of said condemnation proceedings (Civil Case No. 33156) by the Government, in which proceedings the land involved in the ejectment case is included.

In a motion to remand the case to the court of origin, the petitioner-appellant points out that the expropriation proceeding (Civil Case No. 33156) was dismissed by the trial court but the Government appealed the order of dismissal to this Court, the same being docketed as G.R. No. L-17569; and that the appeal (G.R. No. L-17569) has already been decided by Us wherein We sustained the order of the trial court dismissing the expropriation proceedings. Our final decision in the case, Republic of the Philippines vs. Samia, et al., G.R. No. L-17569, was promulgated May 31, 1963. We dismissed the expropriation proceedings, affirming the decision of the Court of First Instance, on the ground that the property could not be subject to expropriation. It is evident that the basis for the order of suspension no longer exists; hence, the trial of the ejectment case should be allowed to proceed.

WHEREFORE, the decision of the Court of Appeals is hereby set aside and the original case is hereby ordered remanded to the municipal court of Manila for the continuation of the ejectment case in accordance with this decision. Costs of this appeal shall be taxed against the defendants in the ejectment case.

SO ORDERED.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Parades, Dizon, and Makalintal, JJ., concur.

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