

**RAMON MABUTAS, VENANCIO TRINIDAD, VENANCIO NERA,
CORNELIO A. ESPAÑOL, AND TIBURCIO SILVERIO, IN THEIR
RESPECTIVE CAPACITIES MENTIONED IN THE PETITION,
PETITIONERS, VS. ANACLETO ...**

G.R. No. L-5556. November 26, 1952

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f521d43c3d83/>

LABRADOR, J.:

This is a proceeding by certiorari to annul an order of the Court of First Instance of La Union for the immediate execution of its judgment in Civil Case No. 540, entitled Anacleto B. Alaate, petitioner, vs. Ramon Mabutas, et al., respondents.

The record discloses that Anacleto B. Alzate was appointed regular principal of the Agoo South Provincial High School, La Union, on July 1, 1948. On June 23, 1951, the Director of Public Schools ordered the transfer of Ramon Mabutas from Misamis Oriental to La Union as principal of the Agoo South Provincial High School. At the same time, he advised the Division Superintendent of Schools of La Union to inform; Anacleto B. Alzate of the Latter's transfer to Tagudin High School, Mabutas proceeded to La Union and arrived at the Agoo South Provincial. High School on July 2, 1951. He immediately assumed his duties as principal of said high school, with the knowledge and consent of the Division Superintendent of Schools, the Provincial Treasurer and the Provincial Auditor all of La Union. Upon being advised of Mabutas' appointment and assumption of office, as well as of his own designation to Tagudin, Alzate refused to leave the position (as principal), claiming that his designation to Tagudin was a demotion, and instituted an action of quo warranto" against Mabutas, the Director of Public Schools, the Division Superintendent of Schools of La Union, and the Provincial Treasurer and Provincial Auditor of La Union, praying that the appointment of Mabutas be declared null and void; to the Constitution, that his right to continue discharging the duties arid functions of the office of principal of the Agoo South Provincial High School be recognized, and that Mabutas be excluded or enjoined from holding said position. The respondents filed their answer alleging that the transfer of Mabutas was legally made, and praying that the status quo of Mabutas and Alzate be maintained and Alzate enjoined from disturbing Mabutas from exercising his duties as principal. The parties thereafter went to trial and on February 2, 1952, Judge Primitive L. Gonzales, rendered a decision holding that the appointment of Mabutas to the Agoo South Provincial High School was null and void, and that that of Alzate should be respected and maintained, He, therefore ordered that Mabutas should allow Alzate, to continue discharging the duties of principal in the Agoo South Provincial High School. Against this judgment a motion for new trial was presented, but the same was denied. Mabutas took steps to appeal from the decision, but on February 22, 1952, upon petition of Alzate, the court entered an order for the immediate execution of the judgment during the pendency of the appeal. The reasons set forth by the judge in ordering the immediate execution of the judgment are as follows:

This Court, having found and decreed in its decision that petitioner Alzate has a permanent appointment as Principal of the South Provincial High School in Agoo, La Union, which status of the petitioner is protected by

the Philippine Constitution in its Article XII, Section 4, opposite to respondent Mabutas who has only a temporary appointment, so that said petitioner cannot be removed or separated from office without cause; the Court has no other alternative but to declare and order that petitioner Alzate should be the one, and not the respondent Mabutas, to continue discharging the duties as such principal of the South Provincial High School in Agoo, La Union, with all the rights and emoluments appurtenant thereto since July, 1951, up to this present and during the pendency of the appeal and until and unless the decision of this court is revoked by the superior court. Respondent Mabutas is hereby ordered not to disturb petitioner Alzate in the discharge of his duties as Principal of the South Provincial High School in Agoo, La Union.

As special reasons for ordering the execution of the judgment, the court said:

In the mind of the Court, this subject matter of the motion is of public interest and should not be tolerated by the is of public Interest that only one principal should be allowed to discharge duties in the South Provincial High School in Agoo., La Union, so that the morale of the teachers and students of that school be preserved, so that an injustice to the province of La Union be avoided by causing the province to pay two principals, and so as to follow the policy of the Government regarding the preservation of peace and order by preventing any incident which might happen between petitioner and Alzate and respondent Mabutas during the discharge by both of their duties as principals of the South Provincial High School of Agoo, La Union.

It is against the above order that the present proceeding by certiorari has been instituted. Upon the filing of the petition, a writ of preliminary injunction was issued by this Court to enjoin Alzate and respondent judge from enforcing the order of execution.

One of the grounds upon which the petition is based is that the respondent judge denied an urgent petition of Mabutas to file a supersedeas stay the execution. It is contended that bond, to this constitutes an excess of jurisdiction or a grave abuse of discretion on the part of the respondent judge. While it is true that the general rule is execution of a judgment is stayed on the perfection of an appeal, the grant of execution may, never the less, be authorized if weighty and important reasons justify it. In the case at bar, the special reasons given by the respondent judge for ordering the immediate executorial of the judgment is the spectacle presented by two officials holding only one position, each claiming to be the rightful principal as against the other. The respondent judge opines that if this condition is allowed to continue, the province of La Union may be compelled to pay two principals, and if only one is to be maintained incidents that might des troy peace and order in the high school might be prevented.

Without going into the merits of the case or the decision, and without determining the respective rights and obligations of the two contending parties, Mabutas and Alzate, which should be made in the appeal in the main case, we are not prepared to declare that sufficient reasons or grounds exist for holding that the respondent judge abused his discretion la granting the order for the immediate execution of the judgment. If the execution] is necessary to stop wranglings between two claimants to a position in a school, and bring about a state of peace and order in its administration and among the students, and the order executed establishes a sort of status quo ante bellum, it cannot be said to have been issued in abuse of the court's discretion.

The petition for certiorari is hereby denied and the writ of preliminary injunction issued by this Court dissolved. Without costs.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Jugo, and Bautista Angelo, JJ., concur.
Tuason, J., did not take part.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.