

VICTORIA D. MIAILHE, MONIQUE M. SICHERE, ELIANE M. DE LENCQUESING, AND WILLIAM ALAIN MIAILHE, PETITIONERS, VS. RUFINO P. HALILI, JOSEFINA PUNZALAN, AND THE COURT OF APPEALS, RES...

G. R. No. 12646. April 30, 1958

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

On August 30, 1955, in Civil Case No. 22152 of the Court of First Instance of Manila, in which respondent Rufino P. Halili is the plaintiff and petitioners Victoria D. Mialhe, et al. are defendants, the trial court rendered judgment against the plaintiff as follows:

"WHEREFORE, judgment is hereby rendered in favor of the defendants and against the plaintiff, ordering the latter to pay the former the sum of P3,100 a monthly rental for the occupation of the lot described in Exhibit A during the last two years of the lease, that is, from December 1, 1953 to November 30, 1955 and to pay the costs."

From the above judgment, plaintiff Rufino P. Halili appealed to the Court of Appeals, but because the amount involved is P77,400, excluding damages and interests, the appeal was certified by the Court of Appeals to this Court and docketed herein as G. R. No. L-13229.

In the meantime, during the pendency of the appeal, defendants Mialhe, et al. applied for the issuance of a writ of execution pending appeal unless plaintiff Halili furnish a supersedeas bond. The trial court granted the application, and as Halili failed to furnish the bond, writ of execution was issued on October 22, 1955, and a first and second alias writs on October 10, 1956 and March 13, 1957 respectively. Claiming that the trial court acted without or in excess of jurisdiction or with grave abuse of discretion in issuing the execution orders, plaintiff Rufino P. Halili and his wife Josefina Punsalan filed a petition for certiorari with prohibition and preliminary injunction with the Court of Appeals for the nullification of said writs of execution (C. A.-G. R. No. 20328-R). The petition was given due course and a writ of preliminary injunction was issued. Respondents Victoria Mialhe, et al, asked for, the dismissal of the petition on the ground that the Court of Appeals has no jurisdiction over the subject-matter thereof, but the Court of Appeals refused to dismiss the same, holding that although the main case involves an amount beyond its jurisdiction, the issue in the petition for certiorari is simply the alleged grave abuse of discretion committed by the lower court in issuing writs of execution pending appeal. Having failed to obtain reconsideration of the ruling of the Court of Appeals, respondents filed the present petition for certiorari with this Court.

We agree with the petitioners that the Court of Appeals erred in holding that it has jurisdiction to entertain the petition in question.

Under sec. 30 of the Judiciary Act of 1948, as amended, as well as sec. 4 of Rule 67, Rules of Court, the original jurisdiction of the Court of Appeals to issue writs of mandamus, prohibition, injunction, certiorari, habeas corpus,

and all other auxiliary writs and processes limited to cases where the issuance thereof would be "in aid of its appellate jurisdiction." Explaining the phrase "in aid of its appellate jurisdiction", former Chief Justice Moran wrote in his commentaries on the Rules of Court:

"A writ of mandamus, prohibition or certiorari against a lower court is said to be in aid of the appellate jurisdiction of the Court of Appeals within the meaning of section 30 of Republic Act No. 296, if the Court of Appeals has jurisdiction to review, by appeal or writ of error, the final orders or decision of the former, and said writs are issued by the Court of Appeals in the exercise of its supervisory power or jurisdiction over the wrongful acts or omissions of the lower court that are not appealable. But if the Court of Appeals has no appellate jurisdiction it could not issue writs of mandamus, prohibition or certiorari in aid of an appellate jurisdiction which it does not have. In other words, the supervisory power or jurisdiction of the Court of Appeals to issue mandamus, prohibition, or certiorari in aid of its appellate jurisdiction must co-exist with and be a complement to its appellate jurisdiction to review, by appeal or writ of error, the final orders and decisions of the lower court, in order to have a complete supervision over the acts of the latter." (II Moran, Rules of Court, 1957 Ed., pp. 192-193)

In line with the above commentary, we have repeatedly held that the basis of the jurisdiction of the Court of Appeals to issue writs of mandamus, certiorari, prohibition, etc. is its power to review the final judgment in the main case. That is, the Court of Appeals would have jurisdiction to issue said writs if an appeal could be made to said Court from the judgment of the lower court in the main case (Roldan vs. Villaroman, 69 Phil., 12; Breslin vs. Luzon Stevedoring Co., 84 Phil., 618; 47 Off. Gaz., 1170; Pineda & Ampil Mfg. Co. vs. Bartolome, 95 Phil., 930).

In the instant case, while it may be true that the issue raised by respondent's complaint in the court below is limited to the question of the just and reasonable monthly rental for the premises he is leasing from the petitioners, the latter, however, in their counterclaim, had asked for the payment of all rentals due and unpaid by plaintiff which, as found by the court a quo, amounted to P77,400, and accordingly, plaintiff was ordered to pay the defendants this amount, exclusive of damages and interests. Clearly then, the amount involved in the main judgment is beyond the jurisdiction of the Court of Appeals and the appeal therefrom is cognizable by, as in fact it is pending before, this Court. As the Court of Appeals has no appellate jurisdiction over the judgment in the main case, so it can have no jurisdiction to issue a writ of certiorari to enjoin execution thereof pending appeal. Otherwise, issuance thereof by said Court would be in aid of an appellate jurisdiction that does not exist.

Wherefore, Case G. R. No. 20328-R of the Court of Appeals entitled "Rufino Halili, et al. vs. Hon. Froilan Bayona, et al." is ordered dismissed for lack of jurisdiction of said court to entertain the petition, and all orders already issued therein by the Court of Appeals are declared null and void. Costs against respondent Rufino P. Halili and Josefina Punsalan. So ordered.

Paras, C. J., Montemayor, Reyes, A., Bautista Angela, Labrador, Concepcion, Endencia, and Felix, JJ., concur.

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