

THE ROMAN CATHOLIC ARCHBISHOP OF JARO, PETITIONER, VS. HIGINO MILITAR, ALEJANDRINO MEDIODIA, HON. F. IMPERIAL REYES AND HON. JOSE R. QUERUBIN, JUDGES OF THE COURT OF FIRST INSTA...

G.R. No. 13651. May 25, 1960

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for a writ of certiorari and preliminary injunction.

The Roman Catholic Archbishop of Jaro, a corporation sole, hereafter referred to as the petitioner, is the registered owner of 32 parcels of land situated in the municipality of Dumangas, province of Iloilo, with a sugar quota of 790.26 piculs for export, 178.27 piculs for domestic, and 58.13 piculs for reserve, or a total of 1,026.66 piculs, adhered to the Central Santos-Lopez, Barotac Nuevo, Iloilo (plantation audit No. 374-B), and with a sugar quota of approximately 50 piculs in the Central Janiuay. On 9 July 1956, for and in consideration of the sum of P6,000, the petitioner leased to Higinio Militar and Alejandrino Mediodia, hereafter referred to as the respondents, the aforementioned parcels of land and sugar quotas for a term of one agricultural year beginning 1 April 1956 and ending 31 March 1957 (Annex A). On 10 July 1957, for and in consideration of the sum of P6,000 yearly rental, the petitioner leased to Manuel C. Locsin the same parcels of land and sugar quotas for a term of three years beginning 1 April 1957 up to the end of the agricultural year of 1960 (Annex B).

In a complaint dated 25 July 1957, filed in the Justice of the Peace Court of Dumangas, by the petitioner and Manuel C. Locsin against the respondents, the former alleged that at the expiration of the contract of lease the respondents failed and refused to return the possession of parts of Lots Nos. 3785, 4354, 6550 and 7425 of the cadastral survey of Dumangas; that notwithstanding repeated demands made by the petitioner upon the respondents for the return of the possession of parts of the said parcels of land, the respondents refused to do so; that the parts of the parcels of land were leased by the petitioner to Manuel C. Locsin; and that the respondents' continued detention of parts of the parcels of land referred to has caused the petitioner damage in the sum of P200 a month since 1 April 1957. The petitioner prayed for judgment ordering the respondents to return to him possession of parts of the parcels of land above mentioned and to pay him the sum of P200 monthly as damages from 1 April 1957 until possession thereof is returned, and costs, and for other just and equitable relief (Annex C). In their answer, the respondents claim that Lot No. 4354 was in the possession of Natalia Evangelista with whom the petitioner had a separate contract of lease and that they were retaining the possession of Lots Nos. 3785, 6550 and 7425 until after the crop of sugar cane they had planted shall have been harvested; and that the expiry of the contract of lease on 31 March 1957 did not end the agricultural year with respect to the sugar cane they had planted during the term of the contract. They prayed that the complaint be dismissed; that by way of counterclaim the petitioner and Manuel C. Locsin be ordered to pay them jointly and severally the sum of P4,280 as actual damages, P6,000 as moral damages, P1,000 as attorney's fees, and the costs of the suit; and that such other relief be granted to them as justice and equity warrant (Annex D). The petitioner filed an answer to the respondents'

counterclaim (Annex E). On 24 September 1957 the Justice of the Peace Court rendered judgment dismissing the respondents' counterclaim and ordering them—

* * * either to receive Two Thousand Pesos (P2,000.00), from the plaintiff Locsin, as compensation of their expenses, delivering the possession of the portions still detained by them to said Manuel C. Locsin, or to pay monthly Two Hundred Pesos (P200.00), to said Locsin, for damages from April 1, 1957 until the possession thereof is delivered to the plaintiff and to pay the costs of this suit. (Annex F.)

Both parties appealed to the Court of First Instance of Iloilo (Civil Case No. 4570).

On 23 November 1957 the respondents filed in the Court of First Instance of Iloilo a petition for a writ of mandamus with preliminary mandatory injunction, praying that, upon the filing of a bond in the amount to be fixed by the Court, the Central Santos-Lopez Co., Inc., its President and General Manager, and Superintendent of Fabrication and Chief Chemist, hereafter referred to as the Central, be ordered to register the respondents as planters for the agricultural year 1957-1958, adhered to the sugar central, in case their names already had been cancelled as such, to mill the sugar cane produced by the respondents on the plantation leased to them by the petitioner, and to furnish them with the necessary equipment to mill their sugar cane; that after hearing, the Central be ordered to continue milling all the sugar cane produced by them (the respondents) on the plantation leased to them by the petitioner and to pay them jointly and severally the sum of P500 for incidental expenses as actual damages, P5,000 as moral damages and P1,000 as attorney's fees, and the costs of the suit; and that they be granted such other just and equitable relief as justice and equity warrant (Annex G; civil case No. 4633).

On the same day, 23 November 1957, the Court granted ex parte the respondents' prayer for a writ of preliminary mandatory injunction upon the filing of a bond in the sum of P2,000 (Annex H). Upon the filing of the required bond, the writ was issued (Annex I).

On 29 November 1957 the Central filed its answer (Annex J).

On 9 December 1957 the respondents filed an "urgent motion for the issuance of quedans" praying that the Central be ordered to issue in their favor quedans corresponding to their share of sugar in the cane milled and of molasses produced (Annex K). The Central objected to the motion (Annex L). The petitioner filed a motion dated 18 December 1957 praying that he be allowed to intervene (Annex M), attaching to his motion the complaint in intervention (Annex O). On 7 January 1958 the Court entered an order granting the petitioner leave to intervene and admitting his complaint in intervention, and ordering the petitioner to file an opposition, should he desire, to the respondents' motion of 9 December 1957 (Annex P). The petitioner filed his objection to the respondents' motion for the issuance of quedans in their favor and prayed that the writ of preliminary mandatory injunction issued by the Court on 23 November 1957 be dissolved (Annex Q).

On 11 January 1958 the Court entered an order granting the respondents' motion for the issuance of quedans in their favor, ordering the Central to issue to them the quedans corresponding to their share of sugar in the cane milled and of molasses produced every week and denying the petitioner's motion for dissolution of the writ of preliminary mandatory injunction issued on 23 November 1957 (Annex R). The petitioner and the Central filed motions for reconsideration of the foregoing order (Annexes S and T). On 28 February 1958 the Court denied the motions for reconsideration (Annex U).

Claiming that in granting ex parte the respondents' prayer for a writ of preliminary mandatory injunction (Annex H) and issuing the writ upon the filing of the required bond (Annex I), without affording the Central an opportunity to be heard as required by section 5, Rule 60, and without considering and inquiring into the sufficiency of the allegations of the petition of the respondents that they had a legal right from which they were being excluded from enjoying; in entering the order directing the Central to issue and deliver to the respondents

quedans for the sugar milled and produced every week; and in denying the petitioner's motion to dissolve the writ of preliminary mandatory injunction (Annex R) and his motion for reconsideration (Annex U), the respondent Court committed a grave abuse of discretion; and being left without the remedy of an appeal or any plain, speedy and adequate remedy in the ordinary course of law, the petitioner prays for a writ of certiorari to annul and set aside the orders complained of. The petitioner also prayed that pending these proceedings, a writ of preliminary injunction be issued enjoining the respondent Court from enforcing the orders complained of.

On 22 March 1958 this Court granted the petitioner's prayer for a writ of preliminary injunction upon the filing of a bond in the sum of P2,000. After the petitioner had filed the required bond, on 27 March 1958 this Court issued the writ.

Courts of First Instance are empowered or have, jurisdiction 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.[1] Errors committed in the exercise of the court's jurisdiction may be corrected by appeal[2] and not by certiorari.

The question raised in these proceedings is whether or not the respondent court gravely abused its discretion in issuing the orders complained of which would warrant the exercise by this Court of its supervisory and revocatory power.

The question for determination submitted to the respondent court in civil case No. 4570, which is an appeal from a judgment of the Justice of the Peace Court of Dumangas in the detainer case between the petitioner and the respondents, is whether or not the latter are still entitled to have and enjoy the possession of the parcels of land involved in the case until after the sugar cane they had planted during the crop year 1956-1957 shall have been harvested and milled. The appeal of both parties from the judgment rendered by the Justice of the Peace of Dumangas in the detainer case vacated said judgment. The parties were left in status quo. In the meanwhile, the sugar cane that was planted during the crop year 1956-1957 should be harvested and milled during the incoming crop year (1957-1958), otherwise it would be wasted to the prejudice and damage of all the interested parties. In issuing the orders now complained of, the respondent Court only acted to preserve the status quo of the parties pending determination by it of the question submitted in civil case No. 4570. In denying motions for reconsideration of the orders of 23 November 1957 and 11 January 1958 filed by the petitioner and the Central, the respondent Court stated the ground or reason for the denial, as follows:

* * * * *

El Juzgado tambien cree que, siquiera por razones de justicia y equidad, el status quo de las partes debe ser mantenido. Con las dos ordenes, objeto de las mociones de reconsideracion, la recurrida Central Santos-Lopez Co., Inc. nada perdiera porque recibiera su participacion como central moledora mientras que, dejando en el campo las cañas sin molerlas, los recurrentes sufririan una perdida irreparable juntamente con aquella. En cuanto al tercerista Arzobispo de Jaro, el podra resarcirse cualesquier daños que pueda sufrir en el asunto de detentacion ilegal, hoy pendiente de vista ante este Juzgado.

* * * * *

In these circumstances the respondent Court may not be deemed to have committed a grave abuse of discretion to warrant this Court to annul and set aside the orders complained of. Moreover, the petitioner as intervenor did not offer to put up a bond for the discharge of the writ of preliminary mandatory injunction pursuant to section 6 of the same Rule.

The petition for a writ of certiorari is denied, and the writ of preliminary injunction heretofore issued dissolved,

with costs against the petitioner.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.

[1]Section 44 (h), Republic Act No. 296.

[2] So Chu vs. Nepomuceno, 29 Phil., 208; De Los Santos vs. Mapa, 46 Phil., 791; Santos vs. Court of First Instance, 49 Phil., 398; Ello vs. Judge of First Instance of Antique, 49 Phil., 152; Gonzales vs. Salas, 49 Phil., 1; Ong Sit vs. Piccio, 78 Phil., 785; Castro vs. Peña, 80 Phil., 488; Gil vs. Gil III, 80 Phil., 791.

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