

NATIONAL RESETTLEMENT & REHABILITATION ADMINISTRATION (NARRA), PETITIONER, VS. FELIX M. MAKASIAR, ETC., ET AL., RESPONDENTS.

G.R. No. 15086. October 31, 1960

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

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

This petition for prohibition with injunction was filed by the National Resettlement and Rehabilitation Administration (NARRA) to enjoin the execution of the final judgments in Civil Cases Nos. 814, 815, 896, and 950 of the Court of First Instance of Nueva Ecija until the final disposition by us of the appeal taken by said petitioner from the decision of the same Court in Civil Case No. 2006 (for the expropriation of the Hacienda del Rosario in Valdefuente, Cabanatuan City). The appeal is docketed here as G. R. No. L-14111, "National Resettlement and Rehabilitation Administration vs. Teresa R. de Francisco, et al."

Civil Cases Nos. 814, 815, 896, and 950 were possessory actions filed by Lucio Lopez, Feliciano Tadeo, Pacita Eslaya Vda. de Valino, and Hilario Espiritu, as registered owners of parcels of land, against the present occupants thereof. Originally, said parcels formed part of the Hacienda del Rosario, and were acquired by the plaintiffs by purchase from the former owner of said Hacienda, the late Judge Simplicio del Rosario. The cases were decided by the lower court in favor of plaintiffs; on appeal to this Court by defendants, the judgments were affirmed (G. R. Nos. L-6229, L-6374, L-678, and L-6405, decided March 11, 1954), and on April 17, 1954, the judgments became final and executory.

Proceedings in the court below for the execution of said judgments were, however, suspended several times in view of the passage by the Congress of the Philippines on June 11, 1954 of Republic Act No. 1266 (authorizing the National Resettlement and Rehabilitation Administration [NARRA] to expropriate the Hacienda del Rosario and subdivide the same and resell it in small lots to the bona fide tenants thereof) and the filing in the court below of Civil Case No. 2006 by the NARRA, seeking expropriation of the Hacienda del Rosario, including those portions thereof that had already been sold to plaintiffs and involved in the aforesaid Civil Cases Nos. 814, 815, 896, and 950. However, the lower court decided Civil Case No. 2006 on March 26, 1958, dismissing the condemnation proceedings as to a portion of 230 hectares of the Hacienda del Rosario, including those lots involved in Civil Cases Nos. 814, 815, 896 and 950, for the reason that said area had already been broken up and partitioned among vendees and heirs of the original owner.

In view of this decision, the Court of First Instance again ordered the execution of the judgment in Civil Cases Nos. 814, 815, 896 and 950, and gave defendants until March 10, 1958 within which to vacate the premises in question, the intention being to give the NARRA sufficient time to indicate to said defendants to which part of the already expropriated portion of the Hacienda (of about 391 hectares) they could transfer their homes. Even then, nothing appeared to have been done for almost a year by the NARRA towards compliance of this injunction, and for this reason, defendants, on February 6, 1959, again moved for a stay of the execution until the appeal taken by

the NARRA from the decision in the condemnation proceedings is finally disposed of. Plaintiffs (the landowners) opposed the motion on several grounds, among them that the five-year period within which they could enforce the judgment would expire on April 17, 1959. Finding the opposition meritorious, the lower court, on February 12, 1959, gave defendants "a last extension until February 22, 1959 within which to remove their houses from the lands in question".

To restrain enforcement of the order, the NARRA instituted the present proceedings before this Court, contending that the execution of the judgments in Civil Cases Nos. 814, 815, 896, and 950 before decision of its appeal (G. R. No. L-14111),[*] questioning the decision of the court below in Civil Case No. 2006 denying expropriation of about 230 hectares of the Hacienda del Rosario (including the parcels involved in the four civil cases aforementioned), would render ineffectual the authority conferred upon it by Republic Act No. 1266 in the event that said appeal is sustained.

There is no need to consider the merits of the petition, for on October 24, 1960, this Court promulgated its decision in G. R. No. L-14111, finding no merit in the NARRA's appeal and affirming the judgment of the court below in its Civil Case No. 2006, dismissing the condemnation proceedings instituted by said appellant with respect to those portions of the Hacienda del Rosario that had already been sold or assigned to different persons, including the parcels involved in Civil Cases Nos. 814, 815, 896 and 950. The issues raised in the present petition have thereby become moot and academic.

Wherefore, the petition, is dismissed, without costs.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Barrera, Gutierrez David, and Paredes, JJ., concur.

Petition dismissed.

[*] Supra

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