

ALLIED FREE WORKERS' UNION (PLUM), SALVADOR T. LLUCH, MARIANO LL. BADELLES, NICANOR HALIBAS AND LAURENTINO LL. BADELLES, PETITIONERS, VS. HON. JUDGE MANUEL ESTIPONA, COURT OF FI...

G. R. No. 19651. June 30, 1966

Ponente: DIZON, J.

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DIZON, J.:

Petition for certiorari, etc. with a prayer for the issuance of a writ of preliminary injunction restraining the Court of First Instance of Lanao del Norte and the Sheriff of Illgan City from executing the respondent's decision dated December 5, 1960 in Civil Case No. 577, as corrected by another served upon the parties under date of January 11, 1961, and its order dated March 24, 1962 providing for the execution of the Judgment Mentioned heretofore. The petition also prays for an order compelling said Court to approve and certify petitioners' record on appeal; to make permanent, after due hearing, the writ of preliminary injunction issued; to dismiss Civil Case No. 577, or to suspend proceedings therein until after the termination of CR Cases Nos. 175-MC and 426-ULP, or to prohibit said Court permanently from proceeding with Civil Case No. 577, and finally, to award damages and expenses to petitioners pursuant to Section 9 (d), Republic Act No. 875, with costs, against respondent Compania Maritima.

It appears that on December 5, 1960, the Court of First Instance of Lanao del Norte, through the respondent judge, decided Civil Case No. 577 as follows:

"Wherefore, the Court renders judgment in favor of the plaintiff Compania Maritima and against the defendant Allied Free Workers Union and its officers,, declaring the arrastre and stevedoring contract (Exh. J) hereby terminated since August 31, 1954, declaring as is hereby declared now said contract of no more force and effect; and dismissing as is hereby dismissed, the counterclaim with costs.

"The defendants Allied Free Workers Union, Salvador T. Lluch, President of the Union, Mariano LL. Badelles, Vice-president, Laurentino LL. Badelles, and Nicanor T. Balibas, officers of the Union are hereby adjudged collectively and individually, Jointly and severally both in their corporate, official and individual capacity as members of the said Allied Free workers Union to pay the plaintiff Compania Maritima the following concepts:

(a) Actual or compensatory damages which include actual losses and lost profits

P450,000.00

(b) Moral damages

50,000.00

(c) Attorney's fees and expenses of litigation

20,000.00

or a total of FIVE HUNDRED TWENTY THOUSAND (P520,000.00) PESOS, Philippine Currency, plus 6% interest per annum from the filing of the complaint until final payment, and the costs; provided, however that the P50,000.00 moral damages shall be remitted in case of no appeal for the obvious reason that the defendants then realize or admit the justice of the plaintiff's claim, an attitude highly noble and praiseworthy otherwise, the plaintiff ought to and should be entitled to the moral damages for further fresh mental agony and anguish shall then be added to the ignominy and humiliation.

"It is further adjudged that a permanent and perpetual injunction shall issue warning and enjoining the Allied Free Workers Union, and its above-named officers, and all and each members of the Union, their lawyers, agents or representatives now and forever to load, unload, or handle cargoes to and from any vessel or ships of the plaintiff that dock at the port of Iligan City or deliver any cargo or cargoes to and from shippers and consignees of the said vessels of the plaintiff, or to molest, harass, intervene or interfere now and forever with the plaintiff's vessels or with its officers, agents, representatives or workers in the loading, unloading and handling of cargoes to and from any vessel or ships of the plaintiff that dock at the port of Iligan City or the deliveries of cargoes to and from shippers and consignees of the said vessels of the plaintiff under penalty of the law.

"The defendant Union is further required in case of appeal to put up an additional supersedeas bond of FIVE HUNDRED TWENTY THOUSAND (P520,000.00) PESOS to stay execution except injunction."

On December 17, 1960, petitioners formally moved for a reconsideration of the above judgment, on several grounds.

On December 21, 1960, respondent Compafia Maritime filed an urgent motion for the issuance of a writ of execution to enforce the decision in so far as it provided for & money judgment and a permanent and perpetual injunction against the now petitioners. The respondent presiding judge of the Court of First Instance of Lanao del Norte being absent at the time, said motion was set for hearing on December 27, before the Municipal Court of Iligan City. The petitioners objected to the motion claiming that the execution prayed for was premature, and alleging further that the aforesaid court had no jurisdiction over the motion because it affected the decision of the case on the merits. On January 6, 1961, however, said Municipal Court granted the motion. Petitioners' motion for reconsideration was subsequently denied.

Pending resolution of their motion for reconsideration, petitioners, on January 6, 1961, filed (1) a notice of their intention to appeal from the decision of December 5, 1960 and (2) the required appeal bond, and, on January 10 of the same year, filed their record on appeal.

Then, on January 11, 1961, the respondent court, *motu proprio*, issued an order in which, after enumerating certain "errata and omissions" found in its decision of December 5, 1960, it provided as follows:

"In view of the proper corrections made on the errata and omissions, let an amended corrected copy of said decision be made furnishing all the parties copy thereof accordingly."

Subsequently, petitioners filed with this Court a petition for certiorari and prohibition, with a prayer for the issuance of a writ of preliminary Injunction (G. R. No. L-17934) to set aside the order and writ of execution mentioned heretofore. On January 18, 1961, We issued the preliminary writ prayed for, restraining the respondent court from hearing or proceeding with Civil Case No. 577 and from carrying out the order and writ of execution issued by the Municipal Court of Iligan City, and on December 28, 1961, We rendered judgment in said case as follows:

"WHEREFORE, petition is granted. The orders issued by respondent municipal judge dated January 6, and 9, 1961, are hereby set aside, with costs against respondent Compafia Maritima."

Thereafter, respondent Compañia Maritima filed an urgent motion to set for hearing the approval or disapproval of the record on appeal filed by petitioners, together with its urgent motion for the issuance of a special order of execution of the judgment in so far as it sentenced petitioners to pay an enormous sum of money. But on March 6, 1962, said respondent moved anew for the execution of the judgment, this time on the ground that the amended corrected decision dated January 11, 1961 had already become final and executory. On March 13 of the same year, petitioners countered with a petition to dismiss all pending motions set for hearing by Compañia Maritima, Resolving these pending incidents, the respondent court, on March 24, 1962, issued an order whose dispositive part reads as follows:

"WHEREFORE, the Court holds that the decision of January 11, 1961, under the caption: 'AMENDED CORRECTED DECISION' has superseded the original decision of December 5, 1960 and must be the decision to be reckoned with in the fixing of all periods for the perfection of appeal. Since the copy of that 'AMENDED CORRECTED DECISION' was received by the defendants on January 20, 1961, and no appeal was interposed against said decision within the period prescribed by law, said decision has become final and executory. As prayed for by plaintiff let a writ of execution issue directing both the Provincial Sheriff and City Sheriff to enforce the judgment rendered in this case per 'AMENDED CORRECTED DECISION' of January 11, 1961. In view of this finding, sweeping in character as that, all other issues raised by the parties in their respective pleadings as herein narrated, are declared moot and academic and no resolution is necessary."

On March 30, 1962, or Immediately after receiving notice of the above order, petitioners made of record that they will file an urgent motion for reconsideration thereof not later than April 2, 1962, but this notwithstanding, on March 31 of the same year, the respondent judge ordered the Clerk of Court, by telegram, to issue the corresponding writ of execution of the whole judgment. The Clerk of Court issued the writ as ordered and had it served on petitioners on April 1, 1962. Thereupon, petitioners filed the present action.

Upon their filing a bond of P10,000.00, We issued a writ of preliminary injunction directed to the respondent Court and the Sheriff of Iligan City, restraining them from "hearing, proceeding or executing Civil Case No. 577 of the Court of First Instance of Lanao del Norte or any ancillary motion thereunder, particularly the Execution Order of March 24, 1962, and the Writ of Execution of March 31, 1962".

On May 8, 1962, however, on respondents' motion, We dissolved the preliminary injunction in so far as the execution of stevedoring contract was concerned, upon Compania Maritime's filing a counterbond of P20,000.00. Thereupon, the 225 union members of the petitioner Allied Free Workers' Union (PLUM) yielded their 19-year old jobs to the new set of workers contracted by Compañia Maritime.

In spite of the seemingly complicated issues involved in this case, there is, in reality, but one decisive question to be resolved, namely: Which is the true decision rendered in Civil Case No. 577 of the respondent court?

It is not disputed that the respondent court rendered a decision on the merits in Civil Case No. 577 on December 5, 1960, and that on December 17 of the same year, petitioners - as defendants therein - filed a motion for reconsideration. Then, while said motion was pending resolution, petitioners, on January 6, 1961 filed a notice of appeal and an appeal bond in the required amount and on January 10 of the same year they filed their record on appeal. As upon the filing of the motion for reconsideration the running of the period of appeal was suspended, it is manifest that all these steps required for purposes of appeal were taken in due time.

It appears, however, that on January 11, 1961, the respondent judge issued an order requiring service upon the parties of what he had entitled "Amended Corrected Decision" but which, in truth and in fact, and in the language of His Honor himself, had no other purpose but to correct certain "errata and omissions" found in his original decision. As ordered by His Honor, the parties were served with their respective copy of the Amended Corrected Decision. The respondent Compañia Maritima, and with it the respondent court, now argue that the so-called

Amended Corrected Decision is the true appealable decision in the case; that petitioners not having appealed therefrom, the same had become executory and that, therefore, the issuance of the corresponding writ of execution was perfectly justified. This is completely erroneous.

A comparison between the two decisions will readily show that the corrections of what His Honor, the respondent Judge called "errata and omissions" were not substantial in nature. But even if they were, they would not have justified the claim that the second document had completely superseded the original decision of December 5, 1960. In view of the fact that the so-called Amended Corrected Decision was served upon the parties only after petitioners had already taken all the steps required by law for the purpose of appealing from the decision of December 5, 1960, no reasonable man would make such a preposterous claim as that advanced by respondents in this case, because the most that the respondent court could have done in the premises was to require petitioners to make the corresponding amendment in the record on appeal they had previously filed, and thereafter proceed to hold the required hearing thereon. To invoke a clearly inane and futile technicality in justification of the motion for execution of the whole judgment and as a sufficient reason to order the issuance of the corresponding writ of execution could only betray a desire to deprive petitioners of their right to appeal from a decision which, in their opinion, was unjust.

IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered as follows:

- (a) Declaring void the order of March 24, 1952 issued by the respondent judge as well as the writ of execution issued in accordance therewith; and
- (b) Ordering the respondent court to hold a hearing for the approval, disapproval, or amendment of the record on appeal tendered by petitioners in Civil Case No. 577 mentioned heretofore.

In view of the fact that the decision appealed from, in so far as it provided for an injunction against petitioners, has been executed upon the partial lifting of the preliminary injunction issued by Us in the present case, the right is reserved to petitioners to enforce - in the manner provided by law - whatever right they may have under the provisions of Sections 2 and 5, Rule 39 of the Rules of Court.

With costs against the respondents, except the respondent judge.

Concepcion, C.J., Reyes, J.B.L., Barrera, Regala, Makalintal, Begzon, J.P., Zaldivar and Sanchez, JJ., concur.

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