

DOMINADOR DELFINO, PETITIONER, VS. HONORABLE ISIDRO PAREDES, JUDGE OF FIRST INSTANCE OF LAGUNA, AND JORGE B. VARGAS, DIRECTOR OF LANDS, RESPONDENTS.*G.R. No. 25157. January 27, 1926*

Ponente: MALCOLM, J.

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The sole legal question at issue in these certiorari proceedings is whether a Judge of First Instance detailed by the Secretary of Justice to temporary duty for a period not in excess of six months in a district other than his own for the purpose of trying all kinds of cases, excepting criminal and election cases, may, subsequent to the period fixed by the Secretary of Justice, render a valid judgment in a case which was tried within the special term. The petitioner sustains the affirmative and asks us to uphold the decision rendered by Judge Filamor and to set aside the subsequent order of Judge Paredes as in excess of the jurisdiction of the latter. The respondents, through the Attorney-General, contend for the negative and argue that the decision signed by Judge Filamor was not of any legal effect since on that date he was not the Judge of the Court of First Instance of Laguna.

Judge Filamor, prior to August 6, 1923, was Judge of the Court of First Instance of the First Judicial District made up of the Provinces of Cagayan and Batanes. On the date mentioned, he was authorized and instructed by the Acting Secretary of Justice in an administrative order "to hold a special term of court at the municipality of San Pablo, Province of Laguna, beginning August 14, 1923, or as soon thereafter as practicable, until further orders, for the purpose of trying all kinds of cases, excepting criminal and election cases, and to enter final judgments therein." (Administrative Order No. 100, 21 Off. Gaz., 1799.) On February 28, 1924, Judge Filamor was appointed Judge for the Thirteenth Judicial District comprising the Provinces of Batangas and Mindoro and took the oath of office and qualified as such on the same date (22 Off. Gaz., 821). Before the trial of the cases had been finished, the Acting Secretary of Justice issued another administrative order on March 13, 1924, authorizing and instructing Judge Filamor "to continue holding special term of court in the municipality of San Pablo, Province of Laguna, beginning March 13, 1924, for the purpose of finishing the trial of such pending cases and to enter final judgments therein." (Administrative Order No. 19, 22 Off. Gaz., 821.) Judge Filamor finished the trial of the cases above referred to on or before April 30, 1924.

Dominador Delfino, the petitioner herein, was one of the applicants in the land registration case No. 424 of the Court of First Instance of Laguna, G. L. R. O. B. No. 15052. The Director of Lands, one of the respondents, and others were opponents. This case was one of the many submitted to and duly taken cognizance of by Judge Filamor.

A decision in the case of Delfino vs. Director of Lands et al., was rendered by Judge Filamor while he was Judge of the Thirteenth Judicial District on August 6, 1925, that is, after the expiration of both the original six months' period fixed by the Secretary of Justice and its extension. The decision was favorable to Dominador Delfino and other applicants who were declared owners of the land with the exception of certain portions claimed by private

parties.

A copy of the decision was received on September 29, 1925, by the Director of Lands, a party to the land registration case. He made no move to appeal from the decision. Instead, the Director of Lands filed a motion on October 9, 1925, in the Court of First Instance of Laguna, presided over by Judge Paredes, to have the judgment of Judge Filamor declared null and void. On October 29, 1925, Judge Paredes issued an order acceding to the motion of the Director of Lands and declaring the decision of Judge Filamor as of no effect.

The law on the subject is found in section 155 of the Administrative Code as amended by Act No. 3107 and in section 13 of Act No. 867. The first mentioned provision of the Administrative Code provides as follows:

"Detail of judge to another district or province.—If the public interest and the speedy administration of justice so require, a Judge of First Instance may be detailed by the Secretary of Justice to temporary duty, for a period which shall in no case exceed six months in a district or province other than his own for the purpose of trying all kinds of cases, excepting criminal and election cases."

Section 13 of Act No. 867 provides as follows:

"Judges in certain cases authorized to sign final judgment when out of territorial jurisdiction of court.—Whenever a Judge of a Court of First Instance or a Justice of the Supreme Court shall hold a session, special or regular, of the Court of First Instance of any province, and shall thereafter leave the province in which the court was held without having entered judgment in all the cases which were heard at such session, it shall be lawful for him, if the case was heard and duly argued or an opportunity given for argument to the parties or their counsel in the proper province, to prepare his judgment after he has left the province and to send the same back properly signed to the clerk of the court, to be entered in the court as of the day when the same was received by the clerk, in the same manner as if the judge had been present in court to direct the entry of the judgment: Provided, however, That no judgment shall be valid unless the same was signed by the judge while within the jurisdiction of the Philippine Islands. Whenever a judge shall prepare and sign his judgment beyond the jurisdiction of the court of which it is to be a judgment, he shall inclose the same in an envelope and direct it to the clerk of the proper court and send the same by registered mail."

Consideration should be given to the question at issue with reference to the admitted facts and the law, having in view the familiar canons of statutory construction that effect be given to the intention of the Legislature; that absurd and inequitable results be avoided; and that all pertinent provisions of law be construed as a whole and harmonized if possible.

The policy of the government is evidenced by the wording of the amended section 155 of the Administrative Code.

The detail of a district judge to another district is permitted to advance "the public interest and the speedy administration of justice." Obviously, the public interest and the speedy administration of justice will be best served if the judge who heard the evidence renders the decision. It might well happen that the full extent of the six months' period would be used by the trial judge to receive the evidence, giving him no opportunity to promulgate decisions, with the result that all the mountain of evidence would be left for the perusal of a judge who did not hear the witnesses—a result which should be dodged, if it be legally feasible.

The law does not mean to authorize a judge, to try a case and then deprive him of the power to render his decision after he has taken cognizance of it. The legislative purpose was not to make the judge holding a special term of court a mere referee for another judge.

Section 155 as amended of the Administrative Code makes use of the key word "trying." Not one of the words, "decision," "order," "decree," or "judgment," appears in the section. "Trying" would thus seem to have the same

meaning as "heard" found in section 15 of Act No. 867.

Section 13 of Act No. 867 permits a Judge of First Instance who shall hold a session, special or regular, without having entered judgment in all of the cases which were heard, to prepare and render his judgment after he has left the province. It would be logical to suppose that the Legislature in enacting Act No. 3107 amendatory of section 155 of the Administrative Code had in mind section 13 of Act No. 867 and desired both the new and the old provisions to interblend.

It only remains to be said that certiorari is here the appropriate remedy. The respondent Director of Lands could have appealed from the decision of Judge Filamor, but it is doubtful if the petitioner would be in a similar position with reference to the order, not final, of Judge Paredes. Further, whatever the extent of the powers of Judge Paredes in the premises, they did not extend so far as to permit him to declare null and void the judgment rendered by Judge Filamor on the ground of lack of jurisdiction.

We answer the question propounded in the affirmative and rule against the respondents.

The writ prayed for shall issue annulling the order of the respondent Judge dated October 29, 1925, and putting in full force and effect the decision of Judge Filamor of August 6, 1925, without special pronouncement as to costs.

Avancena, C. J., Johnson, Street, Vittamor, Ostrand, Johns, Romualdez, and Villa-Real, JJ., concur.

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