

VICENTE ONG CHIONGCHI, PETITIONER, VS. THE JUDGE OF THE COURT OF FIRST INSTANCE OF ORIENTAL NEGROS AND LEON PASTOR, RESPONDENTS.

G.R. No. 31342. August 03, 1929

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-31342/>

VILLA-REAL, J.:

Vicente Ong Chiongchi filed this petition for a writ of certiorari against the judge of First Instance of the Province of Oriental Negros, and Leon Pastor, praying that, after the proceeding prescribed by law, the judgment rendered by the Honorable N. Capistrano, judge, on March 3, 1928, in civil case No. 321 of the said Court of First Instance, after a new trial in the case, absolving the defendant Leon Pastor from the complaint, and sentencing the plaintiff Vicente Ong Chiongchi to costs, be declared null and void on the ground that said Judge N. Capistrano lacked jurisdiction.

Inasmuch as the petition and the answer contain all the data necessary to decide the question of law raised herein, we deem it unnecessary to order the transmission to this court of the record of civil case No. 321 of the Court of First Instance of Oriental Negros, wherein the judgment in question was rendered.

In the petition filed by the petitioner Vicente Ong Chiongchi, the following facts appear:

On August 15, 1925, Vicente Ong Chiongchi filed a complaint in the Court of First Instance of Oriental Negros against Leon Pastor for breach of a contract of compromise, and for damages, which was docketed under No. 321.

On November 28, 1925, defendant Leon Pastor filed an answer denying each and every one of the facts alleged in said complaint, and praying that he be absolved therefrom with costs against the plaintiff.

On June 17, 1927, plaintiff Vicente Ong Chiongchi filed a supplementary complaint for damages.

On June 22, 1927, defendant Leon Pastor filed an argumentative pleading.

After the hearing, the Honorable A. M. Recto, acting in the Court of First Instance of Oriental Negros, rendered judgment on July 20, 1927, for the plaintiff and against the defendant.

On July 21, 1927, Leon Pastor received a copy of said decision, and on the 25th of the same month he filed a motion expressing his dissatisfaction with the judgment and his intention to engage a lawyer and appeal to the Supreme Court, with notice to the adverse party and a date set for the hearing.

On October 20, 1927, the said defendant filed another motion through his attorneys, praying that he be permitted to amend his previous motion, and that a new trial be granted him in accordance with law, giving notice of said motion to the adverse party, and setting a date for the hearing.

On October 24, 1927, the plaintiff therein and petitioner herein, Vicente Ong Chiongchi, entered an objection to

said motions and prayed for their denial.

On the same date, October 24, 1927, the Honorable Nicolas Capistrano, judge, considering the motions of October 20, 1927, filed by the defendant therein and respondent herein, Leon Pastor, and mentioned above, revoked the judgment rendered by the Honorable A. M. Recto, judge, and granted the new trial prayed for, ordering the reopening of the case.

While Judge Capistrano was holding sessions in the municipality of Dansalan, Lanao, on March 3, 1928, he rendered judgment in the new trial ordered in his aforesaid decree of October 24, 1927, which judgment was entered on March 28, 1928, and is the subject matter of the instant petition.

Plaintiff Vicente Ong Chiongchi took exception to said order on November 7, 1927, and on March 13, 1928, filed in this court a petition for a writ of certiorari, which was docketed as G. R. No. 29358, against the Honorable N. Capistrano, judge, and Leon Pastor, praying for the reasons stated therein, that said order of October 24, 1927, be declared null and void.

Upon due consideration of said petition, this court on August 24, 1928,[1] rendered judgment granting the remedy sought, and annulling the order entered by the Honorable N. Capistrano, judge, on October 24, 1927, for lack of jurisdiction, and confirming the preliminary injunction, with costs against the respondent Leon Pastor.

This court having held in its decision handed down on August 24, 1928, in certiorari proceedings G. R. No. 29358, that the Honorable N. Capistrano, judge, acted without jurisdiction in entering his order of October 24, 1929, which granted the new trial and ordered the reopening of civil case No. 321; it follows that the new trial held, and the judgment rendered on March 3, 1928, in consequence of said order of October 24, 1927, are null and void; for, as he lacked jurisdiction to issue the said order of October 24, 1927, so he also lacked jurisdiction to hold the new trial provided for in said order, and to render judgment after said new trial.

Wherefore, we are of opinion and so hold, that the judgment rendered by the Court of First Instance of Oriental Negros on March 3, 1928, after the new trial in civil case No. 321, is null and void for lack of jurisdiction, with costs against the respondent Leon Pastor. So ordered.

Avanceña, C. J., Johnson, Street, Villamor, Johns, and Romualdez, JJ., concur.

[1] Not reported.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.