

AGUSTIN GARCIA GAVIERES, PLAINTIFF AND APPELLANT, VS. WILLIAM ROBINSON ET AL., DEFENDANTS AND APPELLEES.

G. R. No. 4008. August 07, 1907

Ponente: WILLARD, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4008/>

WILLARD, J.:

On the 3d day of May, 1907, a bill of exceptions was filed in this court in a case in which Agustin Garcia Gavieres was plaintiff and appellant, and the administrators of the intestate estate of Luisa Pelia and William Robinson were defendants. On the 4th day of May a document was presented in this court by Agustin Garcia Gavieres in an action entitled Agustin Garcia Gavieres vs. William Robinson and the Sheriff of Manila, defendants. A summons was issued in due form by the clerk of this court, requiring the said defendants to appeal and answer the complaint. On the 5th day of June they appeared and demurred to the complaint and the case is now before us for decision upon the demurrer.

The prayer of the complaint in the original proceeding in this court is that a preliminary injunction be issued against the defendants, William Robinson and the sheriff of Manila, restraining them from selling the property in a certain bar and restaurant called "The San Sebastian Saloon."

This court has jurisdiction to grant a preliminary injunction in cases pending herein on bills of exceptions. (Watson & Co. vs. Enriquez, 1 Phil. Rep., 480.)

It also has power to grant a preliminary injunction in certain original actions, such as mandamus, certiorari, prohibition, and quo warranto. (Code of Civil Procedure, sec. 517.)

This is not one of the last-named proceedings, nor do we think it can be called a motion made in the case pending here on the bill of exceptions. It will be noticed that the parties to this original proceeding in this court are not the same as the parties in the case brought here by the bill of exceptions. The administrators of the estate of Luisa Penia are not made parties to this proceeding, while they are defendants in the other case.

It appears then that the plaintiffs have commenced an original action in this court, asking for an injunction. The court has no jurisdiction of such an action.

The demurrer of the defendants is sustained and the plaintiff is allowed five days from the date of this order in which to amend the complaint. If no such amendment is presented within such time, the clerk, without further order of this court, will enter a final judgment in favor of the defendants and against the plaintiff, with costs. So ordered.

Arellano, C. J. Torres, Johnson, and Tracey, JJ., concur.

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.