

**MARGARITA VILLARICA, PETITIONER, VS. PEDRO MA. SISON,  
ANTONIO HORRILLEN, AND MANUEL V. MORAN, JUDGES OF FIRST  
INSTANCE OF MANILA, ET AL., RESPONDENTS.**

*G. R. No. 42586. November 01, 1934*

Ponente: VILLA-REAL, J.

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**VILLA-REAL, J.:**

This is an original petition for certiorari filed by Margarita Villarica against the Honorables Pedro Ma. Sison, Antonio Horrilleno and Manuel V. Moran, Judges of the Court of First Instance of Manila, and others, praying for the annulment of the orders dated March 10, September 18, and September 29, 1934, respectively, and entered in civil case No. 44406 of said court, on the ground of lack of jurisdiction of the respondent judges who entered them.[1]

The pertinent facts necessary for the resolution of the questions raised in this petition are as follows:

On August 24, 1933, the respondent judge, Pedro Ma. Sison, in open court, rendered the following decision in civil case No. 44406 wherein Margarita Villarica was the plaintiff and Andrea Cuison the defendant, to wit:

**"DECISION**

"After this case was called for hearing, the parties with their respective counsel submitted to the court the following stipulation:

" 'Come now the parties of the above-entitled case and to this Honorable Court hereby submit the following stipulation of facts:

" 1. That the herein defendant, Andrea Cuison, does hereby confess judgment in favor of the herein plaintiff, Margarita Villarica, in the following amounts:

**P5,000.00**

—as principal.

1,100.00

—as interest from March 1, 1932 up to and including

Jan. 15, 1934.

200.00

—as attorney's fees.

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6,300 00

—total.

"" 2. That the herein plaintiff hereby accepts this stipulation as Herein shown.

"" 3. That the judgment of the above-entitled case will not be entered into until January 15, 1934, which judgment is final in itself.

"" Wherefore, the parties herein respectfully pray this Honorable Court to enter judgment as herein stipulated.'

"Wherefore, the court approves this stipulation and orders the parties to comply with the terms thereof.

"So ordered.—Manila, P. I., August 24, 1933."

On August 26, 1933, the parties were notified of said decision and none, of them protested that it was premature or that it should be rendered on January 15, 1934, in conformity with their compromise. Neither did they except to nor appeal therefrom.

On January 11, 1934, Lemerina Paralejo Tuason and others filed a motion praying, for the reasons therein stated, that said decision dated August 24, 1933, and rendered in civil case No. 44406 be set aside and that they be permitted to intervene therein as third party claimants (Exhibit B).

On March 10, 1934, the respondent judge, Pedro Ma. Sison, notwithstanding the opposition of the herein petitioner, entered an order granting said motion, setting aside his decision dated August 24, 1933, and authorizing the therein petitioners to file their third party claim.

On September 14, 1934, the herein petitioner filed a motion in the Court of First Instance of Manila praying that the order entered by the respondent judge, Pedro Ma. Sison, dated March 10, 1934, be set aside on the ground that it was entered without jurisdiction. The respondent judge, Antonio Horrilleno, then presiding, in an order dated September 18, 1934, denied said motion for alleged lack of merit.

On September 26, 1934, the same petitioner filed a motion for reconsideration, which was denied by the respondent judge, Manuel V. Moran, then presiding, in an order dated September 29, 1934.

The first question to be decided in this petition is whether or not the respondent judge, Pedro Ma. Sison, rendered judgment by virtue of the compromise made by the parties in civil case No. 44406 of the Court of First Instance of Manila wherein Margarita, Villarica was the plaintiff and Andrea Cuison the defendant.

The petitioner maintains the affirmative, inviting attention to the above-quoted document entitled "DECISION", and dated August 24, 1933; while the respondents maintain the negative, inviting attention to the third clause of the stipulation contained in the decision above stated.

In view of said decision dated August 24, 1933, whereby the respondent judge, Pedro Ma. Sison, ordered the parties to comply with their agreement; in view of the silence of the parties to civil case No. 44406, upon hearing said order entered in open court and upon being notified thereof on August 26, 1933; in view of the same motion filed by the respondents in said civil case, praying that the decision rendered by the respondent judge, Pedro Ma. Sison, dated August 24, 1933, be set aside and that they be permitted to file a third party claim; in view of the same order of said respondent judge, Pedro Ma. Sison, granting the motion in question and setting aside his decision dated August 24, 1933; and in view of the respondents' answer to this petition stating that the decision of the respondent judge, Pedro Ma. Sison, dated August 24, 1933, did not become executory until January 15, 1934, there is not the least doubt but that on said date of August 24, 1933, the respondent judge, Pedro Ma. Sison, rendered a decision in civil case No. 44406; that the plaintiff as well as the defendant so understood and

conformed therewith, and that the respondents likewise so understood when they prayed that said decision be set aside, and when the respondent judge, Pedro Ma. Sison, set aside his said decision.

The second question to be decided is whether or not the stipulation of the parties in civil case No. 44406 of the Court of First Instance of Manila was to the effect that judgment should be rendered immediately or on January 15, 1934.

Although the wording of the compromise is defective and may be interpreted in the sense that the parties agreed that said decision should not be rendered until January 15, 1934, all doubt relative thereto vanished with the action taken by the respondent judge, Pedro Ma. Sison, who tried the case, and with the conduct of the parties who, after they had made said compromise, never questioned, and they are not now questioning, the timeliness of said decision, being the only persons entitled to interpret their own compromise, and with that of the herein respondents, although, not being parties to the compromise in question, they have no right to interpret it, much less change the interpretation given by the same parties.

The third question to be decided is whether or not the respondent judge, Pedro Ma. Sison, exceeded his jurisdiction in setting aside his decision dated August 24, 1933, after more than thirty days had elapsed from the date on which the parties had been notified thereof.

The decision based on the compromise made by the parties in civil case No. 44406 was rendered on August 24, 1933,[1] and the parties were notified thereof on the 26th of said month and year. Inasmuch as none of the parties filed a motion for a new trial or excepted to said decision within thirty days from the date on which they were notified thereof, the same became final, although not executory, and the respondent judge, Pedro Ma. Sison, who rendered it, was deprived of his jurisdiction to amend, alter or revoke it.

The fourth question to be decided is whether or not the respondent judge, Pedro Ma. Sison, had jurisdiction to permit the respondents to intervene in civil case No. 44406 and to file a third party claim.

Section 121 of Act No. 190 provides that "a person may, at any period of a trial, upon motion, be permitted by the court to intervene in an action or proceeding, if he has legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both." In this case the respondents' motion praying for permission to intervene in civil case No. 44406 was filed one hundred and fifty-six days after the parties had been notified of the decision rendered therein and one hundred and twenty-six days after it had become final, and after the respondent judge, Pedro Ma. Sison, who had rendered it, had lost his jurisdiction over it. Therefore said respondent judge, Pedro Ma. Sison, acted without jurisdiction in permitting the respondents to intervene and file a third claim in civil case No. 44406, not only after the trial had been finished but also after the judgment, which he had rendered therein, had become final.

In view of the foregoing considerations, this court is of the opinion and so holds that a judge who permits a person to intervene in a civil case and to file a third party claim therein after the judgment has become final, exceeds his jurisdiction, and the order entered to that effect is null and void.

Wherefore, the remedy prayed for is granted and the orders entered by the respondent judges, Pedro Ma. Sison, Antonio Horrilleno, and Manuel V. Moran, dated March 10, September 18 and September 29, 1934, respectively, are declared null and void, and the preliminary injunction issued therein is made final, with costs against the respondents Lemerina Paralejo Tuason, Fernando Clemente, German Paralejo Tuason, Luz Paralejo Tuason, Ricardo Paralejo Tuason and Cesar Paralejo Tuason.[1] So ordered.

Malcolm, Imperial, Butte, and Goddard, JJ., concur.

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[1] Resolution of the Supreme Court of November 5, 1934.

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