

E.T. YR CHENGCO, PLAINTIFF AND APPELLANT, VS. YAP ENG CHONG, DEFENDANT AND APPELLEE.*G. R. No. 49126. March 25, 1946*

Ponente: OZAETA, J.

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On February 27, 1943, judgment was rendered by the Court of First Instance of Manila ordering the defendant to vacate the premises located at 763 Aguilar, Binondo, Manila, to pay to the plaintiff the sum of P68 as back rentals and the further sum of P34 a month from February 1, 1943, up to the time he vacates the premises, with the legal rate of interest, and the costs. The defendant did not appeal from said judgment, but after being notified thereof he informed the court that he had applied to the committee on house rentals created by Executive Order No. 117 of the Philippine Executive Commission for a reduction of the rent and prayed the court that the execution of its judgment be suspended in the meantime. The court acceded to the suspension of the execution over the objection of the plaintiff. More than five months later, that is to say, on July 29, 1943, the committee on house rentals recommended to the Mayor, and the latter approved the recommendation, to reduce the rent of the premises in question from P34 to P21.25 a month, the latter amount being 50 per cent of the pre-war rent. After being informed of that decision of the City Mayor the trial court, on November 22, 1943, modified its judgment of February 27, 1943, by reducing the rent from P34 to P21.25 a month "effective March 1, 1943, in accordance with the decision of the Mayor and the committee on house rentals" and by revoking the judgment of ouster, saying that "the defendant may continue occupying the premises in question by paying said amount." From that amendatory order the plaintiff appealed to this court.

We find the appeal meritorious. The trial court clearly erred in modifying its judgment after it had become final and executory. It also erred in subordinating its judgment to that of the so-called committee on house rentals and the City Mayor, who were not empowered by law to review or modify the judgment of a competent court. In a similar case the same trial judge refused to execute his judgment pending the decision of the committee on house rentals, and the Supreme Court required him by mandamus to proceed with the execution. (*Carlos vs. Jugo*, G. R. No. 48998.) We deem it unnecessary to elaborate on the powers of the committee on house rentals created by Executive Order No. 117, that being now a defunct entity. Suffice it to say that whatever power it might legitimately have had to fix the rentals could not be exercised after the lease had been declared terminated by a competent court with a judgment of ouster.

Wherefore, the order of November 22, 1943, is hereby revoked and the original decision of the trial court, dated February 27, 1943, is hereby reinstated, with costs against the appellee.

De Joya. Perfecto, Hilado, and Bengzon, JJ., concur.

Order of November 22, 19 US, revoked; decision of February 27, 194-3, reinstated.

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