

**ANGELA MARTIR VDA. DE GUANZON, AS ADMINISTRATRIX OF THE
TESTATE ESTATE OF HILARION MARTIR AND LIGORIA MARTIR,
PETITIONER, VS. JUDGE ODON C. YRAD, JR., BRANCH I, AGRARIAN
COURT A...**

G.R. No. 52305. December 26, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

These cases deal with an Agrarian Judge's alleged interference with the proceeding in the Court of First Instance relative to the ejectment of certain supposed tenants.

G.R. NO. 52305 - Vda. de Guanzon vs. Yrad.- Mrs. Guanzon is the administratrix of the estate of the deceased spouses Hilarion Martir and Ligoria Martir, the owners of Lot 1270 of the Bago City cadastre, a portion of which was occupied by Jaime Ceferiano and was planted to palay.

In Civil Case No. 14245 Mrs. Guanzon sued Ceferiano for the recovery of that portion. The Ministry of Agrarian Reform, Iloilo Regional Office, certified that the case was proper for hearing because no tenancy relation-ship existed between Ceferiano and Mrs. Guanzon. Judge Segundino G. Chua in a decision dated October 17, 1979 ordered Ceferiano to vacate the land and deliver its possession to Mrs. Guanzon, to remove his house and any other construction and to pay P10,000 as compensatory damages (p. 16, Rollo). The decision became final and executory. Mrs. Guanzon was placed in possession of the land on December 18, 1979.

On that same day, Ceferiano filed Case No. 5644 with the Agrarian Court at Bacolod City. He claimed that the Court of First Instance had no jurisdiction to eject him. He prayed for the maintenance of the status quo. Judge Yrad on December 21, 1979 ordered Mrs. Guanzon not to eject Ceferiano.

Mrs. Guanzon filed a motion for reconsideration. She contended that it was the Agrarian Court that had no jurisdiction because the judgment of the Court of First Instance had already been executed and that the restraining order was issued without hearing. Judge Yrad denied the motion in his order of January 8, 1980. Mrs. Guanzon assailed that order in the instant certiorari and prohibition case.

We hold that the deceased Ceferiano and his heirs were bound by Judge Chua's decision in Civil Case No. 14245 which became final and executory. The claim that the matter was not referred to the Ministry of Agrarian Reform is erroneous. Carlito Mamon, team leader of the agrarian reform team at Bago City, certified on June 29, 1976 that "the landholding of Mrs. Angela Martir Guanzon located at Abuanan, Bago City, under Lots Nos. 1289 and 1290 and Lot No. 1270 located at Paho, Abuanan, Bago City, is not tenanted" (p. 37, Rollo).

In view thereof, the case before Judge Yrad should be dismissed. The restraining order issued by him is hereby lifted.

G.R. Nos. 55017 and 56507 - Ledesma vs. Yrad and Bustamante vs. CA.- In G.R. No. 55017, the spouses Juanito

Ledesma and Victoria Guanzon-Ledesma filed on September 12, 1980 a prohibition case against Agrarian Judge Yrad. They assailed his order of September 1, 1980 restraining the said spouses from ejecting Rolando Bustamante and others from their hacienda located at Antipolohan, Bago City known as Lot No. 1273 with an area of 60 hectares.

On August 28, 1980 the Ledesma spouses filed Civil Case No. 15511 against Patricio Martir (Mrs. Ledesma's first cousin) for damages and to restrain him from pursuing his alleged machinations of introducing squatters into the hacienda and converting a sugarland into riceland. On the same day, August 28, 1980, Judge Baguio issued a restraining order against Martir.

Six days before that complaint was filed, or on August 22, 1980, Rolando Bustamante, Wilfredo Carias, Angelico Carias, Carlito Carias, Margarito Discaya, Leonardo Alba, Antonio Garcias, Jorge Cipriano and Domingo Avillar filed CAR Cases Nos. 5695 to 5703 against the Ledesma spouses and Patricio Martir for damages and to restrain them from ejecting the plaintiffs from their landholdings in the said hacienda. As already stated, 56507 Agrarian Judge Yrad on September 1, 1980 issued a restraining order which the Ledesma spouses assailed in this Court.

In their comment on the petition, the respondents alleged that two of them, Alba and Garcias, have been issued certificates of land transfer and that the certificates of the others would be forthcoming.

On December 1, 1980, this Court dismissed the petition and required the Ledesma spouses and their counsel to show cause why they should not be declared in contempt of court for having filed a similar petition on October 15, 1980 in the Court of Appeals. They alleged that the petition in the Appellate Court was supposedly filed in good faith.

That petition in the Appellate Court was decided on January 20, 1981. It set aside the restraining order of Judge Yrad and ordered him to refer the cases to the Minister of Agrarian Reform for preliminary determination of the relationship between the contending parties (Sec. 12, penultimate paragraph, Presidential Decree No. 946, superseding Presidential Decree No. 316). Respondents Bustamante, et al. appealed to this Court, G.R. No. 56507.

We find the appeal to be devoid of merit. The Appellate Court correctly ruled that CAR Cases Nos. 5695 to 5703, 5705 and 5724 should first be referred to the Minister of Agrarian Reform. Said cases and Civil Case No. 15511 (Ledesma vs. Martir) are hereby transferred to the sala of Judge Marietta H. Alinio of Bago City.

Contempt incident. - For filing a petition in the Court of Appeals, CA-G.R. No. SP-11421, Ledesma vs. Yrad, thirty-three days after a similar petition in G.R. No. 55017 was filed in this Court, lawyer Renecio Espiritu, counsel for the Ledesma spouses, is held guilty of contempt of court and is hereby severely censured (Gabriel vs. Court of Appeals, 72 SCRA 273; Pacquing vs. Court of Appeals, 115 SCRA 117).

The prohibition is now found in paragraph 17 of the Interim Rules under the Judiciary Revamp Law which provides that "no petition for certiorari, mandamus, prohibition, habeas corpus or quo warranto may be filed in the Intermediate Appellate Court if another similar petition has been filed or is still pending in the Supreme Court." "A violation of this rule shall constitute contempt of court and shall be a cause for the summary dismissal of both petitions, without prejudice to the taking of appropriate action against the counsel or party concerned."

A copy of this reprimand should be attached to Espiritu's personal file in the Bar Confidant's office.

SO ORDERED.

Makasiar, Concepcion, Jr., Abad Santos, Escolin, and Cuevas, JJ., concur.

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