

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

AURORA B. CAMACHO,
Petitioner,

-versus-

G.R. No. 118339
March 19, 1998

**COURT OF APPEALS, LEONCIA
DIZON, RICARDO VALERA, DELFIN
MANLAPID, JACOB E QUINTOS and
SPOUSES GASPAR and ELENA
QUINTOS,**

Respondents.

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DECISION

BELLOSILLO, J.:

The issue here is not new; it is simply, whether a judgment may still be executed by mere motion after the lapse of five (5) years from its finality.

Before the then Court of First Instance (now Regional Trial Court) of Balanga, Bataan, respondents Leoncia Dizon, Ricardo Valera, Delfin Manlapid, Jacobe Quintos and spouses Gaspar and Elena Quintos instituted an action for specific performance against petitioner Aurora B. Camacho concerning certain portions of Lot No. 26108

covered by TCT No. T-29799. Their claim was anchored on the respective deeds of sale in their favor.

On 20 December 1974 the trial court ruled for respondents. Petitioner was ordered, among other things, to segregate the definite portions sold to respondents and to deliver to them their corresponding titles.^[1] On 30 January 1981 respondent Court of Appeals affirmed the judgment with modification. On 4 June 1982 the appellate court granted reconsideration by deleting the modification. On 21 March 1983 this Court denied the petition for review on certiorari which denial became final and executory on 23 May 1983. On 6 June 1983 the records were remanded to the Balanga trial court.

On respondents' motion, the writ of execution was issued on 26 August 1983. On 28 September 1983 petitioner moved to defer the execution on the ground that the directive of the judgment could not be carried out in the absence of an approved subdivision plan. Besides, the boundaries and exact locations of the subject lots could not be determined. On 18 January 1984 the trial court denied the motion and ordered the Provincial Sheriff to enforce the writ. Thereafter petitioner filed a notice of appeal while respondents moved for its dismissal. On 22 March 1985 the trial court ruled that its order was not appealable and directed the issuance of a new writ of execution. Undaunted, petitioner resorted anew to respondent court by way of a petition for certiorari, prohibition and mandamus which was however denied. On 26 February 1986 the petition before us met the same fate.

On 26 September 1986 a new writ of execution was issued. Nonetheless the judgment remained unenforced due to the alleged failure of petitioner to surrender her copy of the title. Upon inquiry with the Register of Deeds of Bataan, respondents discovered that titles to the subject lots were transferred in 1984 to petitioner's daughter Aurora Fe B. Camacho. Thus on 14 April 1987 respondents moved that petitioner and/or her daughter surrender the copies of the present titles to the trial court.

On 11 August 1987 the trial court granted the motion insofar as it was directed against petitioner but not as against her daughter. Petitioner moved for reconsideration on 4 September 1987 while respondents

moved for modification which petitioner opposed. Subsequently, another incident concerning the authority of a new counsel for respondents to replace their original counsel was submitted. The trial court considered the new counsel as co-counsel but the ruling was assailed by petitioner. Consequently on 25 September 1990 it ordered respondents' counsel to comment thereon without resolving the previous motions of the parties.

In a letter dated 24 January 1992 respondents invited the attention of this Court to the vacancy in the branch of the trial court where their case was pending. On 15 June 1992 they moved again for implementation of the writ of execution. On 10 September 1992 petitioner countered by moving to dismiss the proceedings on the contention that the trial court had no more jurisdiction because more than five (5) years had elapsed from the date of entry of judgment.

The trial court sustained petitioner and explained that although respondents' motion was for implementation of the writ of execution, in effect they were seeking the issuance of an alias writ which should have been done within the period 26 February 1986 and 25 February 1991 and therefore their motion was denied. In the order of 19 November 1992,^[2] the trial court dismissed the proceedings and in view thereof found it unnecessary to dwell on the other pending motions.

Respondent appellate court assessed the situation differently. According to it —

The period during which defendant's motion to defer execution (dated September 28, 1983), which was finally resolved only upon the promulgation of the Supreme Court's resolution dated February 26, 1986 (about 2 1/2 years) should be considered as having stayed or suspended the five-year period. It is noted that the Court of Appeals categorically ruled that defendant's motion to defer execution is "a purely dilatory action to stave off the execution of a long final judgment of the trial court," and rejected defendant's contention that the portions of Lot No. 261-B which she sold to the plaintiffs are unidentifiable.

The five-year period should be deemed extended by the delay due to causes not of plaintiffs' making, as that due to a vacancy in the sala. We also see no reason why the period of the pendency of plaintiffs' Motion to Surrender Owner's Duplicate Copy of Title as well as the other unresolved incidents spawned by defendant's determined efforts to resist execution of a final judgment should not be considered as having tolled the five-year period when no fault can be attributed to plaintiffs for the court's failure to resolve these pending incidents. Reasons of equity which have been justifiably invoked in the computation of the five-year prescriptive period for execution on motion argue against a contrary ruling.^[3]

Thus on 15 December 1994 respondent court set aside the order of the trial court and remanded the case for further proceedings.^[4]

Petitioner^[5] asserts that her motion to defer execution as well as the petitions before the appellate courts could not have possibly suspended the five-year reglementary period inasmuch as no writ of injunction was issued. She adds that it is immaterial that there was a vacancy in the sala of the Presiding Judge and that there were unresolved motions since the problem lies in the failure of respondents to apply for an alias writ of execution within the reglementary period.

We find no reversible error committed by respondent court. Pursuant to Sec. 6, Rule 39, of the Rules of Court a judgment may be executed on motion within five (5) years from the date of its entry or from the date it becomes final and executory. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. Resolving the same issue in *Gonzales vs. Court of Appeals*^[6] the Court emphasized —

On several instances, this Court has invoked the principle of equity in computing the 5-year period to execute a judgment by motion. We have ruled that if the delays were through no fault of the prevailing party, the same should not be included in computing the 5-year period to execute a judgment by motion.

Along the same line, the Court elucidated in Republic vs. Court of Appeals^[7] —

To be sure, there had been many instances where this Court allowed execution by motion even after the lapse of five years, upon meritorious grounds.^[8] These exceptions have one common denominator, and that is: the delay is caused or occasioned by actions of the judgment debtor and/or is incurred for his benefit or advantage.

In the case under consideration, the judgment sought to be executed became final and executory on 23 May 1983. The writ of execution was issued on 25 July 1983 but on 28 September 1983 petitioner moved to defer execution. She even elevated the matter to respondent court and this Court until it was settled unfavorably on 26 February 1986. By then petitioner has consumed almost two and a half (2 ½) years or almost half of the period allotted to respondents within which to move to execute the judgment. On 26 September 1986 a new writ of execution was issued but unfortunately did not serve its purpose due to the alleged failure of petitioner to surrender her copy of the title. Then it turned out according to respondents that the original title was cancelled and two (2) new titles were issued in the name of petitioner's daughter, Aurora Fe. Respondents were prompted to file on 14 April 1987 a motion requiring petitioner and/or her daughter to surrender their copies of the new titles. This motion was granted on 11 August 1987 but only against petitioner. The latter moved for reconsideration on 4 September 1987 while respondents moved for modification which petitioner opposed. Another incident regarding the representation of respondents by new counsel arose. As of 25 September 1990 when the trial court issued its order regarding the representation the foregoing motions remained unresolved. —

Furthermore, a vacancy in the trial court was created when the then Presiding Judge retired on 14 November 1990. Another Judge assumed office on 22 October 1991 but retired barely two (2) months thereafter. A second vacancy thus existed until the present Presiding Judge was appointed on 9 March 1992. On 15 June 1992 respondents filed a motion to implement the writ of execution. Going back to the date when respondents moved to

require petitioner and/or her daughter to surrender their copies of the new titles almost five (5) years and two (2) months had passed. Under the peculiar circumstances of the present case where the delays were occasioned by petitioner's own initiatives and for her advantage as well as beyond respondents' control, we hold that the five-year period allowed for enforcement of the judgment by motion was deemed to have been effectively interrupted or suspended. Once again we rely upon basic notions of equity and justice in so ruling.

The purpose of the law in prescribing time limitations for enforcing judgments or actions is to prevent obligors from sleeping on their rights. Far from sleeping on their rights, respondents persistently pursued their rights of action. It is revolting to the conscience to allow petitioner to further avert the satisfaction of her obligation because of sheer literal adherence to technicality. After all, the Rules of Court mandates that a liberal construction of the Rules be adopted in order to promote their object and to assist the parties in obtaining just, speedy and inexpensive determination of every action and proceeding.^[9] This rule of construction is especially useful in the present case where adherence to the letter of the law would result in absurdity and manifest injustice.^[10]

WHEREFORE, the petition is **DENIED**. The questioned decision of respondent Court of Appeals dated 15 December 1994 which ordered that the case be remanded to the Regional Trial Court for further proceedings is **AFFIRMED**. Costs against petitioner.

SO ORDERED.

Davide, Jr., Vitug, Panganiban and Quisumbing, JJ., concur.

[1] Penned by Judge Abraham P. Vera of CFI-Br. 1; Records, p. 96.

[2] Penned by Judge Benjamin T. Vianzon; Court of Appeals, Rollo, p. 7.

[3] Rollo, pp. 68-69.

[4] Penned by Justice Minerva P. Gonzaga-Reyes with the concurrence of Justices Eduardo G. Montenegro and Antonio P. Solano; Rollo, p. 69.

- [5] Our resolution of 3 September 1997 noted the special appearance of Aurora Fe in substitution of petitioner who died; Rollo, p. 315.
- [6] G.R. No. 62556, 13 August 1992, 212 SCRA 595.
- [7] G.R. No. 91885, 7 August 1996, 260 SCRA 344.
- [8] Citing Justice Florenz D. Regalado, Remedial Law Compendium, Vol. 1, Fifth Rev. Ed., pp. 271-272.
- [9] Section 2, Rule 1, of the Rules of Court.
- [10] See Republic vs. Court of Appeals; Note 7.

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