



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 22, 2022** which reads as follows:*

**“G.R. No. 255025 (ISABEL GUZMAN and HEIRS OF SEVERINA GUZMAN BUNAGAN, NAMELY: ELPIDIO BUNAGAN, REMEDIOS BUNAGAN, ROMAN BUNAGAN, ZOZIMA BUNAGAN, EDUARDO BUNAGAN, DOMINGO T. BUNAGAN AND BUBUT BUNAGAN, Petitioners v. HEIRS OF BERNARDINO TUMBALI, NAMELY: MARIA TUMBALI, GUMERCINDO TUMBALI, ANDRES TUMBALI, ENCARNACION T. TUMBALI\*, MARIETTA BANCUD AND ALBERTO BANCUD, JR., REP. BY THEIR ATTY-IN-FACT, ENCARNACION TUMBALI AND ALBERTO BANCUD, JR., Respondents).** — Whether the cause of action for revival of judgment has already prescribed is the core issue in resolving this petition for review on *certiorari* assailing the Court of Appeals’ (CA) Decision dated July 26, 2019 in CA-G.R. CV No. 109332.

In 1979, the respondents filed an action for reconveyance against the petitioners before the Regional Trial Court (RTC), Branch 1, Tuguegarao City, Cagayan docketed as Civil Case No. 2757. The respondents sought to recover the 875 square-meter portion of Lot No. 651 registered under Transfer Certificate of Title (TCT) No. T-47368. On October 30, 1990, the RTC upheld the respondents’ ownership over the disputed portion but ordered the reconveyance of the entire Lot No. 651,<sup>1</sup> thus:

WHEREFORE, the Court, finding a preponderance of evidence in favor of the plaintiffs and against the defendants, hereby renders judgment as follows:

\* Also known as Encarnacion Narag in some parts of the *rollo*, see *Rollo*, pp. 20, 25 and 94.

<sup>1</sup> Id. at 57–63.

1) Ordering the defendants to reconvey Lot No. 651, covered by TCT No. T-47368 to the plaintiffs;

2) Ordering the Register of Deeds of Tuguegarao to cancel above title and issue a new transfer certificate of title in the name of the plaintiffs, Bernardino Tumbali, Maria Tumbali assisted by husband Dictimo Tuddao, Gumercindo Tumbali, Andres Tumbali, Edna Tumbali, Encarnacion Tumbali, Marietta Bancud, Teresita Bancud, Imelda Bancud, Alberto Bancud, Jr.;

3) Condemning the defendants to jointly and severally [pay] ₱2,500.00 as attorney's fee; and to pay the costs of suit.

SO ORDERED.<sup>2</sup>

Petitioners elevated the case to the Court of Appeals docketed as CA-G.R. CV No. 30496. On February 21, 1992, the CA dismissed the petitioner's appeal. On May 14, 1992, the CA's Resolution attained finality.<sup>3</sup> In 1993, the respondents moved to execute the judgment in Civil Case No. 2757 and prayed to segregate the 875 square-meter portion from Lot No. 651. On September 27, 1994, the RTC granted the motion and issued a writ of execution.<sup>4</sup> Aggrieved, petitioners moved to quash the writ alleging that respondents deferred to implement the decision in Civil Case No. 2757 and caused the subdivision of Lot No. 651.<sup>5</sup> On April 20, 1995, the RTC quashed the writ on the ground of implied waiver on the part of respondents when they moved for the abeyance of the writ of execution pending subdivision of Lot No. 651.

Meantime, the Department of Environment and Natural Resources (DENR) and the Land Registration Authority (LRA) approved on March 6, 2003 the subdivision plan of Lot No. 651. On April 22, 2003 and May 29, 2012, the respondents filed two (2) *ex parte* motions before the RTC requiring the petitioners to surrender the owner's duplicate copy of TCT No. T-47368 to the Register of Deeds. The RTC did not act upon the motions. On August 5, 2015, respondents moved for the approval of the subdivision plan.<sup>6</sup> Yet, the RTC denied the motion and ruled that respondents are already barred by prescription from enforcing the judgment in Civil Case No. 2757.<sup>7</sup>

On November 15, 2016, respondents filed a complaint for revival of judgment before the RTC docketed as Civil Case No. 8485.<sup>8</sup> However, the RTC dismissed the action on the ground of prescription explaining that respondents slept on their rights to enforce the decision in Civil Case No. 2757.<sup>9</sup> Undaunted, the respondents appealed to the CA docketed as CA-G.R. CV No. 109332. Respondents argued that they chose to defer the execution of judgment to allow the survey of Lot No. 651 and segregation of the portion awarded to them.

<sup>2</sup> Id. at 62-63.

<sup>3</sup> Id. at 65, 67.

<sup>4</sup> Id. at 73-75.

<sup>5</sup> Id. at 76-79.

<sup>6</sup> Id. at 80-83.

<sup>7</sup> Id. at 84-85.

<sup>8</sup> Id. at 20-24.

<sup>9</sup> Id. at 94-98.

Further, any delay was done in good faith and for the benefit of both parties because respondents do not want to take undue advantage of the RTC's error in ordering the reconveyance of the whole property.

On July 26, 2019, the CA granted the appeal and ruled that the delay was not due to respondents' fault but was incurred to arrive at a just and complete relief in favor of both parties,<sup>10</sup> thus:

x x x. **This Court can not subscribe to the RTC's finding that plaintiffs-appellants slept on their rights and incurred undue delay in having the judgment in their favor executed.** As discussed earlier, a judgment may be executed on motion within five years from the date of its entry or from the date it becomes final and executory. Thereafter, before barred by the statute of limitations, by action. Clearly, more than ten years has elapsed from May 14, 1992. However, in a long line of cases, the Supreme Court allowed execution of a final and executory judgment even if prescription has already set. These exceptions have one common denominator, i.e., the delay is caused or occasioned by actions of the judgment debtor and/or is incurred for his benefit or advantage.

**This Court finds merit in plaintiffs-appellants' position that the delay was not due to their fault. It bears noting that the period of delay — the subdivision survey/segregation of the adjudicated portion and approval of the subdivision plan by the DENR and/or LRA on March 6, 2003 — was for purposes of arriving at a just and complete relief in favor of both parties. x x x This Court finds that the RTC should have given due consideration to these supervening events in the computation of the period for execution of the decision.** In the end, the delay incurred proved beneficial to defendants-appellees. It bears stressing that the purpose of the law in prescribing time limitations for enforcing judgments or actions is to prevent obligors from sleeping on their rights. Moreover, the statute of limitations has not been devised against those who wish to act but cannot do so for causes beyond their control. In the case under consideration, there has been no indication that plaintiffs-appellants had ever slept on their rights to have the judgment executed within the reglementary period. **With the foregoing, this Court holds that the RTC committed a reversible error in dismissing the complaint for revival of judgment despite its being meritorious.**

x x x x

WHEREFORE, the appeal is GRANTED. The Order of the Regional Trial Court of Tuguegarao City, Branch 10, dated March 14, 2017 in Civil Case No. 8485 dismissing the complaint for revival of judgment, is REVERSED and SET ASIDE. The decision of the RTC, Branch 1 of Tuguegarao City dated October 30, 1990 in Civil Case No. 2757, which was affirmed by this Court in the resolution dated February 21, 1992 in CA-G.R. CV No. 30496 is REVIVED. (Emphases supplied)

SO ORDERED.<sup>11</sup> (Emphasis Supplied and citations omitted)

<sup>10</sup> Id. at 122–130; penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Ramon M. Bato, Jr. and Perpetua T. Atal-Paño.

<sup>11</sup> Id. at 128–129.

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Petitioners sought reconsideration but was denied.<sup>12</sup> Hence, this recourse. Petitioners reiterate that the statute of limitations barred the action to revive the judgment considering that respondents filed it after 24 years from the finality of the decision in Civil Case No. 2757.<sup>13</sup>

The petition lacks merit.

The Rules of Court is explicit that the prevailing party may move for the execution of a final and executory judgment as a matter of right within five (5) years from the entry of judgment. If no motion is filed within this period, the judgment is converted to a mere right of action and can only be enforced by instituting a complaint for the revival of judgment in a regular court within ten (10) years from finality of judgment.<sup>14</sup> In a long line of cases, the Court allowed the execution of a final and executory judgment even if prescription has already set in, if the delay was caused by the judgment obligor for his or her benefit or advantage,<sup>15</sup> or when the peculiar circumstances of the case or the dictates of equity called for it.<sup>16</sup> As *Camacho v. Court of Appeals*<sup>17</sup> aptly explained:

**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. 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. (Emphases supplied and citations omitted)

Here, the RTC's Decision dated October 30, 1990 in Civil Case No. 2757 attained finality on May 14, 1992. Upon respondents' motion, the RTC issued on September 27, 1994 the corresponding writ of execution. Nevertheless, the judgment cannot be enforced because the dispositive portion of the RTC Decision dated October 30, 1990 ordered the reconveyance of entire Lot No. 651. Consequently, the respondents opted to defer the execution and prayed for the subdivision of the lot and segregation of the 875 square-meter portion awarded to

<sup>12</sup> Id. at 138–139.

<sup>13</sup> Id. at 11–15.

<sup>14</sup> *Villeza v. German Management and Services, Inc.*, 641 Phil 544, 550 (2010)

<sup>15</sup> *Rizal Commercial Banking Corporation v. Serra*, 713 Phil 722, 726 (2013); *Yau v. Silverio*, 567 Phil 493, 502–503 (2008); *Francisco Motors Corp v. Court of Appeals*, 535 Phil 736, 751–752 (2006); *Republic v. Court of Appeals*, 329 Phil. 115, 123–124 (1996).

<sup>16</sup> *Francisco Motors Corp. v. Court of appeals*, 535 Phil 736, 751–752 (2006); *Gonzales v. Court of Appeals*, 287 Phil. 656, 666 (1992); *Villaruel v. Court of Appeals*, 254 Phil 305, 314–315 (1989); *Provincial Government of Sorsogon v. Vda de Villaroya*, 237 Phil. 280 (1987); and *Lancita v. Magbanua*, 117 Phil 39, 44 (1963).

<sup>17</sup> 351 Phil. 108 (1998).

*proper*

them. After the DENR and the LRA approved the subdivision plan, respondents filed two (2) *ex parte* motions to compel the petitioners to surrender the owner's duplicate copy of TCT No. T-47368. The RTC did not act on the motions. Thus, respondents filed another motion for the approval of the subdivision plan but was denied. In these circumstances, it can hardly be considered that the respondents slept on their rights. The hard facts show that respondents pursued several remedies to enforce the judgment in Civil Case No. 2757. More importantly, the delay was not due to the respondents' fault but was incurred for the benefit of both parties. As the CA aptly observed, "*the period of delay – the subdivision survey/segregation of the adjudicated portion and approval of the subdivision plan by the DENR and/or LRA on March 6, 2003 — was for purposes of arriving at a just and complete relief in favor of both parties.*" Admittedly, respondents chose to defer the execution of judgment because they do not want to take undue advantage of the RTC's error in ordering the reconveyance of the entire Lot No. 651.

In sum, the CA properly allowed the action for revival of judgment. To reiterate, jurisprudence is consistent that when the delay in filing a motion or action for execution could not be attributed to the prevailing party, a liberal interpretation of the rules of procedure should be resorted to where a literal and strict adherence will most likely result in miscarriage of justice. The courts should take to heart the principle of equity if the strict application of the statute of limitations or laches would result in manifest wrong or injustice.<sup>18</sup>

**FOR THESE REASONS**, the petition is **DENIED**. The Court of Appeal's Decision dated July 26, 2019 in CA-G.R. CV No. 109332 is **AFFIRMED**.

**SO ORDERED."**

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court <sup>12/27</sup>

27 DEC 2022

<sup>18</sup> *Simeon Trinidad Piedad, et al. v. Candelaria Linehan Bobilles and Mariano Bobilles*, 821 Phil. 719, 723 (2017).

ATTY PAUL VARGAS MALLANAO (reg)  
Counsel for Petitioners  
No. 70 National Highway-Bartolome Street  
Junction Brgy. Caggay, Tuguegarao City

ATTY. CHUCHIE BARRIAS (reg)  
Counsel for Respondents  
Mall of the Valley  
Tuguegarao City, Cagayan

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 1  
Tuguegarao City, Cagayan de Oro City  
(Civil Case No. 2757)

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 10  
Tuguegarao City, Cagayan de Oro City  
(Civil Case No. 8485)

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COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CV No. 109332

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