Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

MARIA PEREZ,
Petitioner,

- versus -

MANOTOK REALTY, INC.,
Respondent.

G.R. No. 216157

Present:

PERALTA, ***J.***, *Chairperson,*
LEONEN,*
REYES, A., JR.,
HERNANDO, and
INTING, ***JJ.***

Promulgated:

October 14, 2019

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DECISION

INTING, *J.*:

Before this Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court of the Decision[2] dated January 14, 2014 and Resolution[3] dated November 28, 2014 of the Court of Appeals (CA) in CA-G.R. SP. No. 126833 which affirmed the Decision[4] dated July 23, 2012 of Branch 26, Regional Trial Court, Manila (RTC Branch 26) in Civil Case No. 11-126705 for unlawful detainer.

The antecedents, as borne by the records, are as follows:

Manotok Realty, Inc. (respondent) filed a case for unlawful detainer against Maria Perez (petitioner) before Branch 22, Metropolitan

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* On leave.
1 *Rollo*, pp. 3-18.
2 *Id.* at 20-30; penned by Associate Justice Stephen C. Cruz with Associate Justices Magdangal M. De Leon and Eduardo B. Peralta, Jr., concurring.
3 *Id.* at 32-33.
4 *Id.* at 34-40.

Trial Court (MeTC), Manila, docketed as Civil Case No. 151271-CV. On March 31, 1998, the MeTC rendered a Decision[5] in favor of respondent. After the decision became final and executory, respondent filed a Motion for Execution.[6] In an Order[7] dated July 27, 1998, the MeTC granted the motion. On October 1, 1998, a writ of execution[8] was issued.

Meanwhile, petitioner filed before Branch 47, Regional Trial Court, Manila (RTC Branch 47), a Petition for *Certiorari*, Prohibition and Injunction with prayer for issuance of temporary restraining order, docketed as Civil Case No. 99-92853, seeking the nullification of the proceedings in Civil Case No. 151271-CV. The petition was later amended.[9] On March 9, 1999, the RTC Branch 47 issued an Order[10] directing the Sheriff III MeTC to put on hold any further action on the case without giving due course to petitioner's prayer for issuance of temporary restraining order.

On April 20, 1999, the parties entered into a Compromise Agreement[11] in relation to Civil Case No. 151271-CV. In a Decision[12] dated July 15, 1999, the MeTC approved the Compromise Agreement. However, petitioner violated the terms and conditions thereof. Thus, respondent moved for the execution[13] of the MeTC Decision dated July 15, 1999. On May 4, 2001, the MeTC granted respondent's motion, and ordered the issuance of a writ of execution for the enforcement of the July 15, 1999, Decision.[14]

On July 6, 2004, the Sheriff of the MeTC served a copy of the Writ of Execution and a Notice to Vacate to petitioner. In the Sheriff's Return[15] dated July 19, 2004, the Sheriff reported that the writ was not implemented due to his receipt of a written communication from petitioner's counsel strongly urging him, under pain of contempt of

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5 *Id.* at 49-51.
6 *Id.* at 104-105.
7 *Id.* at 106.
8 *Id.* at 53.
9 *Id.* at 112-120.
10 *Id.* at 130.
11 *Id.* at 121-122.
12 *Id.* at 123-124.
13 *Id.* at. 125-127.
14 *Id.* at 58.
15 *Id.* at 129.

court, to desist from taking any action against petitioner in view of the case lodged before the RTC Branch 47 which was then pending resolution.

The petition before the RTC Branch 47 was dismissed on May 10, 2004.[16] Petitioner appealed the dismissal to the CA, but it was dismissed in a Decision[17] dated March 23, 2007. Petitioner moved for reconsideration, but it was still denied in a Resolution dated December 28, 2007.[18] Still unsatisfied, petitioner assailed the ruling of the CA through a petition for *certiorari* before this Court. However, in a Resolution[19] dated July 2, 2008, this Court dismissed the petition. In a subsequent Resolution[20] dated November 17, 2008, this Court denied with finality petitioner's motion for reconsideration.

After the finality of the dismissal, respondent filed a Motion to Enforce Writ of Execution[21] on April 28, 2010 before the MeTC, praying for the enforcement of the July 15, 1999, Decision. In an Order[22] dated October 1, 2010, entitled "*Rosa R. Manotok v. Maria Perez*," the MeTC granted respondent's motion, and ordered the sheriff to enforce the Writ of Execution dated October 1, 1998. In a subsequent Amended Order[23] dated January 5, 2011, the MeTC corrected the title of the case changing it to "*Manotok Realty, Inc. v. Maria Perez*." Of this Amended Order, petitioner moved for reconsideration contending that, "*the writ of execution dated October 1, 1998 directing the sheriff to execute the Decision of this Court dated March 31, 1998 could no longer be enforced because said writ has already been set aside and rendered ineffective by the consequent issuance of the later Decision dated July 15, 1999 and its corresponding Writ of Execution [d]ated May 4, 2001.*"[24]

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16 *Id.* at 60-63.
17 *Id.* at 64-71; penned by Associate Justice Aurora Santiago-Lagman with Associate Justices Bienvenido L. Reyes and Enrico A. Lanzanas, concurring.
18 *Id.* at 23.
19 *Id.* at 72-73.
20 *Id.* at 74.
21 *Id.* at 158-160.
22 *Id.* at 76-78.
23 *Id.* at 79-81.
24 *Id.* at 82.

On March 15, 2011, the MeTC issued a Resolution[25] granting petitioner's motion for reconsideration; thus, setting aside its earlier Resolution dated January 5, 2011. The MeTC held that respondent's Motion to Enforce Writ of Execution, the subject of which being the July 15, 1999, Decision, was filed only on April 28, 2010. The MeTC found that this motion was filed beyond the 10-year period provided under Section 6, Rule 39 of the 1997 Rules of Civil Procedure, for the enforcement of a judgment through a motion.[26]

The MeTC disposed of the March 15, 2011, Resolution in this wise:

> WHEREFORE, premises considered, the Motion for Reconsideration is hereby GRANTED. The Amended Order of this Court dated January 5, 2011 is hereby RECONSIDERED and SET ASIDE. The Motion to Enforce Writ of Execution filed by plaintiff thru counsel, on April 28, 2010 is hereby DENIED.[27]

Respondent moved for reconsideration of the above Resolution, but it was denied an Order[28] dated June 30, 2011. Thereafter, respondent appealed to the RTC Branch 26.

In a Decision[29] dated July 23, 2012, the RTC Branch 26 reversed the MeTC, and ruled in favor of respondent, granting his Motion to Enforce Writ of Execution. The trial court held that the Decision dated July 15, 1999 of the MeTC can still be enforced by mere motion despite the lapse of more than five years inasmuch as the delays were caused by petitioner.

Petitioner assailed the RTC Branch 26 Decision through a petition for review before the CA. In a Decision[30] rendered on January 14, 2014, the CA denied the petition, and affirmed the RTC Branch 26.

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25 *Id.* at 82-84.
26 *Id.* at 83-84.
27 *Id.* at 84.
28 *Id.* at 85.
29 *Id.* at 34-40.
30 *Id.* at 20-30.

The CA observed that the second Writ of Execution dated May 4, 2001 was already being implemented before it was interrupted by petitioner's counsel. The CA then proceeded to rule as follows:

> x x x We also hereby clarify that a writ of execution cannot be stayed by the filing of a petition for *certiorari*. It is a basic rule that a petition for *certiorari* under Rule 65 does not by itself interrupt the course of the proceedings. It is necessary to avail of either a temporary restraining order or a writ of preliminary injunction to be issued by a higher court against a public respondent so that it may, during the pendency of the petition, refrain from further proceedings. In the instant case, no temporary restraining order or writ of preliminary injunction was issued against the writ of execution, thus, the same is still valid and can be enforced.[31]

Petitioner moved for reconsideration, but to no avail.[32]

Hence, this petition for review raising the following issues:

> WHETHER OR NOT RESPONDENT'S RIGHT FOR THE EXECUTION OF THE 15 JULY 1999 JUDGMENT HAS ALREADY EXPIRED;
>
> WHETHER OR NOT THE JUDGMENT IN FAVOR OF RESPONDENT CAN BE EXECUTED BY A MERE MOTION EVEN AFTER THE LAPSE OF FIVE YEARS.[33]

Ruling of the Court

The petition lacks merit.

Section 6, Rule 39 of the 1997 Rules of Civil Procedure, as amended provides:

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[31] *Id.* at 29-30.
[32] *Id.* at 32-33.
[33] *Id.* at 10.

> Sec. 6. *Execution by motion or by independent action.* – A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

According to the above rule, 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. After that, a judgment may be enforced by action before it is barred by the statute of limitations. However, there are instances where this Court allowed execution by motion even after the lapse of five years upon meritorious grounds.[34]

In the case of *Lancita, et al. v. Magbanua et al.*,[35] this Court pronounced:

> In computing the time limited for suing out of an execution, although there is authority to the contrary, the general rule is that there should not be included the time when execution is stayed, either by agreement of the parties for a definite time, by injunction, by the taking of an appeal or writ of error so as to operate as a supersedeas, by the death of a party or otherwise. Any interruption or delay occasioned by the debtor will extend the time within which the writ may be issued without *scire facias*.[36]

The foregoing principle had been applied by this Court in several cases. As discussed in *Francisco Motors Corp. v. Court of Appeals*:[37]

> In *Blouse Potenciano v. Mariano*, we held that the motion for examination of the judgment debtor, which is a proceeding supplementary to execution, and

[34] *Yau v. Silverio, Sr.*, 567 Phil. 493, 502 (2008).
[35] 117 Phil. 39 (1963).
[36] *Id.* at 44-45.
[37] 535 Phil. 736 (2006).

the action for mandamus amounted to a stay of execution which effectively interrupted or suspended the five (5)-year period for enforcing the judgment by motion. In *Camacho v. Court of Appeals, et. al.*, where after a final judgment, the petitioner (obligor) moved to defer the execution, elevated the matter to the CA and the Supreme Court, transferred the property to her daughter, in addition to the issues regarding counsel and subsequent vacancies in the courts, we ruled that:

> 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 the respondents' control, we hold that the five [5]-year period allowed for the 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 judgment 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.

We also subtracted from the five (5)-year period the time when the judgment could not be enforced due to the restraining order issued by this Court, and when the records of the case were lost or misplaced through no fault of the petitioner. In *Provincial Government of Sorsogon v. Vda. de Villaroya*, we likewise excluded the delays caused by the auditor's requirements which were not the fault of the parties who sought execution, and ruled that "[i]n the eight years that elapsed from the time the judgment became final until the filing of the restraining motion by the private respondents, the judgment never became dormant. Section 6, Rule 39 of the Revised Rules of Court does not apply." *In Jacinto v. Intermediate Appellate Court*, this Court further held:

> Granting for the sake of argument that the motion for an alias writ of execution was beyond the five [5]-year limitation within which a judgment may be executed by mere motion, still under the circumstances prevailing wherein all the delay in the execution of the judgment lasting for more than eight [8]-years was beneficial to private respondents, this Court[,] for reasons of equity[,] is constrained to treat the motion for execution as having been filed within the reglementary period required by law.[38] (Emphasis omitted; citation omitted.)

Also, in *Yau v. Silverio, Sr.*, the writ of execution could not be enforced for the full satisfaction of the trial court's judgment within the five-year period by reason of the petitions challenging the trial court's judgment and the writ of execution. This Court held that the petitions suspended or interrupted the further enforcement of the writ.[39]

In *Rizal Commercial Banking Corp. (RCBC) v. Serra*,[40] RCBC sought to enforce against Serra a decision that had already become final and executory. However, to evade his obligation, Serra transferred the property to his mother who then transferred it to another person. This prompted RCBC to file an annulment case. This Court held therein that the delay in the execution of the decision was caused by Serra for his own advantage. Thus, the pendency of the annulment case effectively suspended the five-year period to enforce the decision through a motion.[41]

In the case under consideration, the judgment sought to be executed is the July 15, 1999, Decision of the MeTC which approved the Compromise Agreement of the parties. The writ of execution was issued on May 4, 2001. However, it could not be enforced by the sheriff because petitioner filed an Amended Petition for *certiorari* and prohibition with prayer for issuance of a restraining order dated February 22, 1999 before RTC Branch 47. The petition was assailing the validity of the proceedings in Civil Case No. 151271-CV before the MeTC on

[38] *Id.* at 751-752.
[39] *Yau v. Silverio, Sr., supra* note 34.
[40] 713 Phil. 722 (2013).
[41] *Id.* at 727.

the ground of lack of jurisdiction. Thus, in his Return dated July 19, 2004, the sheriff reported that on July 6, 2004, he served a copy of the Writ of Execution on petitioner. According to him, what subsequently happened was as follows:

> On July 12, 2004, the undersigned received a communication from defendant's counsel, Atty. Alejandro G. Yrreverre, Jr. strongly urging the undersigned, under pain of Contempt of Court, to desist from further taking action against the defendant alleging that the Petition they have filed with the Regional Trial Court of Manila, Branch 47, Presided by the Hon. Lorenzo B. Veneracion, who issued an Order dated March 9, 1999, requesting the undersigned from further taking action on this case, has not been resolved with finality.[42]

Indeed, through an Order dated March 9, 1999, the RTC Branch 47 requested the sheriff of the MeTC to hold in abeyance any action on the case, such as the implementation of a writ of execution.

As stated earlier, on May 10, 2004, RTC Branch 47 dismissed petitioner's petition. On appeal to the CA, the latter affirmed the RTC in a Decision dated March 23, 2007. Then, in a Resolution dated July 2, 2008 in G.R. No. 181948, this Court dismissed petitioner's petition for *certiorari*. On November 17, 2008, this Court denied with finality petitioner's motion for reconsideration. And in the instant petition, petitioner is attacking the RTC and CA's ruling of granting respondent's motion for execution. Because of petitioner's acts, there has been a long delay in the enforcement of the July 15, 1999, MeTC Decision. The enforcement of the MeTC's Decision by motion has been interrupted by the acts of petitioner, the judgment debtor.

Under the circumstances of the case at bar where the delays were caused by petitioner for her advantage, as well as outside of respondent's control, this Court holds that the five-year period allowed for enforcement of the judgment by motion was deemed to have been effectively interrupted or suspended.

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[42] *Rollo*, p. 129.

This Court reiterates the principle that the purpose of the law in prescribing time limitations for enforcing judgments is to prevent parties from sleeping on their rights. This Court finds in this case that respondent, far from sleeping on its rights, was diligent in seeking the execution of the judgment in its favor.

> "*Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be, not through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.*"[43]

WHEREFORE, the petition for review on *certiorari* is **DENIED**. The Decision dated January 14, 2014 and the Resolution dated November 28, 2014 of the Court of Appeals in CA-G.R. SP. No. 126833, are **AFFIRMED**.

SO ORDERED.

HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

DIOSDADO M. PERALTA
Associate Justice
Chairperson

[43] *Sps. Selga v. Brar*, 673 Phil. 581, 597 (2011).

(On leave)
MARVIC M.V.F. LEONEN
Associate Justice

ANDRES B. REYES, JR.
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

DIOSDADO M. PERALTA
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

LUCAS P. BERSAMIN
Chief Justice

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MISAEL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division
NOV 28 2019