



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

RUFA A. RUBIO,
BARTOLOME BANTOTO,
LEON ALAGADMO,
RODRIGO DELICTA, and
ADRIANO ALABATA,
Petitioners,

G.R. No. 203947

Present:

VELASCO, JR., *J.*, Chairperson,
PERALTA,
BERSAMIN,*
MENDOZA, and
LEONEN, *JJ.*

- versus -

LOURDES ALABATA,
Respondent.

Promulgated:

February 26, 2014

X ----- *Mendoza* X

DECISION

MENDOZA, J.:

This petition for review on *certiorari* under Rule 45 seeks to annul and set aside the November 16, 2011 Decision¹ and the September 26, 2012 Resolution² of the Court of Appeals (*CA*) in CA-G.R. CV No. 02497, which affirmed the February 28, 2008 Resolution of the Regional Trial Court, Branch 42, Dumaguete City (*RTC-42*), in an action for revival of judgment.

The Facts:

Petitioners Rufa A. Rubio, Bartolome Bantoto, Leon Alagadmo, Rodrigo Delicta, and Adriano Alabata (*petitioners*) and respondent Lourdes Alabata (*respondent*) were protagonists in an earlier case for annulment of declaration of heirship and sale, reconveyance and damages before the

* Designated Acting Member in lieu of Associate Justice Roberto A. Abad, per Special Order No. 1640 dated February 19, 2014.

¹ *Rollo*, pp. 23-28. Penned by Justice Eduardo B. Peralta Jr. with Associate Justice Pampio A. Abarintos and Associate Justice Gabriel T. Ingles, concurring.

² *Id.* at 28-29.

Regional Trial Court, Branch 43, Dumaguete City (*RTC-43*). Docketed as Civil Case No. 10153, the case was decided in favor of petitioner. In its October 31, 1995 Decision, the RTC-43 (1) voided the “Declaration of Heirship and Sale;” (2) ordered respondent to reconvey the entire subject property to petitioners; (3) dismissed respondent’s counterclaim; and (4) ordered her to pay moral and exemplary damages plus the cost of suit.³

Not in conformity, respondent elevated the RTC-43 case to the CA. She, however, later withdrew her appeal which paved the way for the RTC-43 Decision to lapse into finality. The CA resolution granting respondent’s motion to withdraw became final and executory on June 20, 1997. On August 20, 1997, the Entry of Judgment⁴ was issued and recorded in the CA Book of Entries of Judgments.

Unfortunately, the judgment was not executed. Petitioners claim that their counsel at the Public Attorney’s Office, Dumaguete City (*PAO-Dumaguete*), was never informed that the entry of judgment had already been issued.⁵ They pointed out that, initially, their case was handled by the PAO-Dumaguete, but when the RTC-43 decision was appealed to the CA by respondent, their case was handed over to the Special Appealed Cases Division (*SAC-PAO*) at the PAO Central Office in Manila. They explained that although a copy of the Entry of Judgment was sent to Atty. Ma. Lourdes Naz, the SAC-PAO lawyer in charge of their case, she failed to inform petitioners of the issued entry of judgment before she resigned from PAO sometime in November 1997. She also failed to inform PAO-Dumaguete of the said development. When petitioners followed up with PAO-Dumaguete, it was of the belief that the appeal of respondent was still pending.⁶

In November 2007, or more than ten (10) years from the date when the RTC-43 decision was entered in the CA Book of Entries of Judgments, petitioners found out that the said decision had become final and executory when their nephew secured a copy of the Entry of Judgment.

On December 5, 2007, petitioners, through PAO-Dumaguete, filed an action for revival of judgment which was raffled to RTC-42. On February 28, 2008, after respondent filed her Answer with Affirmative Defenses, RTC-42 granted her Motion to Dismiss and ordered petitioners’ case for revival of judgment dismissed on the ground of prescription. Petitioners sought reconsideration, but RTC-42 denied the motion on April 4, 2008.⁷

³ Id. at 49-50.

⁴ Id. at 23-24 and 51.

⁵ Id. at 24.

⁶ Id. at 10-11.

⁷ Id.

Petitioners then interposed an appeal before the CA. The latter, on November 16, 2011, rendered its assailed decision denying petitioners' appeal and affirming the dismissal by the RTC-42 of their case for revival of judgment. On September 26, 2012, the CA denied petitioners' motion for reconsideration.

Hence, this petition.

LONE ISSUE

THE COURT A *QUO* ERRED IN STRICTLY APPLYING THE PROCEDURAL RULES ON PRESCRIPTION AND DISMISSING THE CASE BASED ON THE SAID GROUND, INSPITE [OF] THE FACT THAT PETITIONERS WILL SUFFER MANIFEST INJUSTICE AND DEPRIVATION OF THEIR PROPERTY, DUE TO A FAULT NOT ATTRIBUTABLE TO THEM.⁸

The Court resolves to grant the petition.

This case falls under Section 6, Rule 39 of the 1997 Rules of Civil Procedure which states:

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.

The prior case before the RTC-43 involved a reconveyance of a parcel of land in favor of the rightful owners, the heirs of one Agapito Alagadmo. Petitioners, in instituting the case against respondent, showed their desire and resolve to pursue and take back what was rightfully theirs. Eventually, they succeeded in obtaining justice and won back what was theirs. For their sufferings, the trial court saw it fit to also assess moral damages and exemplary damages against respondent.⁹

⁸ Id. at 13.

⁹ Id. at 49.

When the case was elevated by respondent to the CA, the PAO continued to represent petitioners' cause. As it was an appealed case, the matter was referred to, and handled by, SAC-PAO in Manila.

For reasons known only to her, the respondent withdrew her appeal, which resulted in the RTC-43 Decision becoming final and executory. The petitioners, however, never knew of this because when they followed up the case with PAO-Dumaguete, they were informed that the appeal was still pending.¹⁰

It appears from the records that a copy of the Entry of Judgment was sent to Atty. Ma. Lourdes Naz, the SAC-PAO lawyer in charge of their case, who had resigned. Unfortunately, she failed to inform petitioners of the said entry of judgment before her resignation in November 1997. She also failed to inform PAO-Dumaguete of such development.

It was only in November 2007, when petitioners actually discovered that their victory was already final after their nephew secured a copy of the entry of judgment from RTC-43.

Indeed, both the RTC-42 and the CA were acting in accordance with the rules and jurisprudence when they dismissed the action for revival of judgment. Section 6 is clear. Once a judgment becomes final and executory, the prevailing party can have it executed as a matter of right by mere motion within five (5) years from the date of entry of judgment. If the prevailing party fails to have the decision enforced by a motion after the lapse of five (5) years, the said judgment is reduced to a right of action which must be enforced by the institution of a complaint in a regular court within ten (10) years from the time the judgment becomes final.¹¹

An action for revival of judgment is governed by Article 1144 (3), Article 1152 of the Civil Code and Section 6, Rule 39 of the Rules of Court. Thus,

¹⁰ Id. at 10-11.

¹¹ *Villeza v. German Management and Services, Inc.*, G.R. No. 182937, August 8, 2010, 627 SCRA 425, 431.

Art. 1144. The following actions must be brought **within ten years** from the time the right of action accrues:

x x x x

(3) Upon a judgment

Article 1152 of the Civil Code states:

Art. 1152. The period for prescription of actions to demand the fulfillment of obligations declared by a judgment commences from the time the judgment became final.

To allow a strict application of the rules, however, would result in an injustice to petitioners considering (1) that respondent decided not to contest the RTC-43 decision and withdrew her appeal and (2) that no fault could be attributed to petitioners.

Petitioners could not afford to engage the services of a private counsel and so were represented by the PAO. As has been repeatedly stated all over the records, PAO, SAC-PAO in particular, failed them. SAC-PAO never informed them of the abandonment by respondent of her appeal or of the entry of judgment. Under the circumstances, they could not be faulted for their subsequent actions. They went to PAO-Dumaguete and they were told that the case was still pending on appeal. Due to their penury and unfamiliarity or downright ignorance of the rules, they could not be expected to bypass PAO-Dumaguete and directly verify the status of the case with the SAC-PAO. They had to trust their lawyer and wait.

No prejudice is caused to respondent because she withdrew her appeal. Withdrawing her appeal means that she respected the RTC-43 Decision, which voided the "Declaration of Heirship and Sale," dismissed respondent's counterclaim, and ordered her to reconvey the entire subject property to petitioners and to pay moral and exemplary damages plus the cost of suit. Since the decision became final and executory, she has been in possession of the property which rightfully belongs to petitioners. She will continue to hold on to the property just because of a technicality.

Due to the peculiarities of this case, the Court, in the exercise of its equity jurisdiction, relaxes the rules and decides to allow the action for the revival of judgment filed by petitioners. The Court believes that it is its bounden duty to exact justice in every way possible and exercise its soundest discretion to prevent a wrong. Although strict compliance with the rules of procedure is desired, liberal interpretation is warranted in cases where a strict enforcement of the rules will not serve the ends of justice; and that it is a better rule that courts, under the principle of equity, will not be guided or bound strictly by the statute of limitations or the doctrine of laches when to do so, manifest wrong or injustice would result.¹² Thus:

“x x x procedural rules may, nonetheless, be relaxed for the most persuasive of reasons in order to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed. Corollarily, the rule, which states that the mistakes of counsel bind the client, may not be strictly followed where observance of it would result in the outright deprivation of the client's liberty or property, or where the interest of justice so requires.¹³

WHEREFORE, the petition is **GRANTED**. The November 16, 2011 Decision and the September 26, 2012 Resolution of the Court of Appeals in CA-G.R. CV No. 02497 are **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Regional Trial Court for appropriate action.


SO ORDERED.

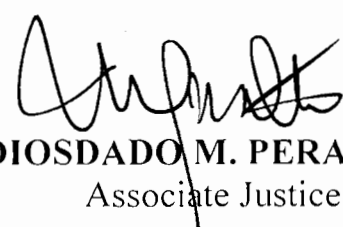

JOSE CATRAL MENDOZA
Associate Justice

¹² Id. at 432-433.


¹³ *Sy v. Local Government of Quezon City*, G.R. No. 202690, June 5, 2013.

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice

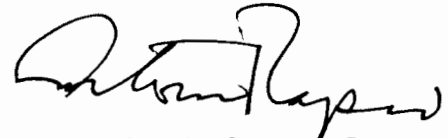
ATTESTATION

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.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

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.

A handwritten signature in black ink, appearing to read 'Antonio T. Carpio', written in a cursive style.

ANTONIO T. CARPIO
Acting Chief Justice