

Rivera vs. Vargas, G.R. No. 166294, February 19, 2009

Facts:

1. **Initial Complaint:** On February 24, 2003, Florencio Vargas (respondent) filed a complaint against Terlyngrace Rivera (petitioner) in the Regional Trial Court (RTC) Branch 02, Tuguegarao, Cagayan, for the recovery of a 150 T/H rock crushing plant located in Sariaya, Quezon.
2. **Ownership Claim:** Vargas claimed ownership, asserting he purchased and imported the equipment from Hyun Dae Trading Co., Seoul, South Korea, in December 1993. He entrusted it to petitioner's late husband, Jan T. Rivera, who died in late 2002.
3. **Prayer for Replevin:** Vargas included a prayer for the issuance of a writ of replevin and posted a bond amounting to P2,400,000.00.
4. **Service of Summons and Writ:** Summons dated February 24, 2003, was served on petitioner through her secretary on April 28, 2003. The writ of replevin was served on Joseph Rejumo, a security guard at the plant, contrary to the sheriff's return, which stated that the writ was served on Rivera.
5. **Petitioner's Answer and Redelivery Bond:** Petitioner filed an answer with a manifestation and motion for the acceptance of her redelivery bond on May 8, 2003, arguing that the plant was ceded to her husband upon dissolution of his partnership with Iluminada Vargas.
6. **RTC Order:** On May 12, 2003, the RTC issued an Order disapproving Rivera's redelivery bond application, citing non-compliance with Sections 5 and 6 of Rule 60 of the Rules of Court, and implying it was filed late.
7. **Appeal to CA:** Rivera's motion for reconsideration was denied, leading her to file a petition for certiorari with the Court of Appeals (CA), which was also denied.
8. **Petition to Supreme Court:** Rivera petitioned the Supreme Court under Rule 45, arguing the trial court abused its discretion by denying her counterbond on the grounds of improper and untimely service of replevin.

Issues:

1. **Proper Service of Writ of Replevin:** Whether the improper service of the writ of replevin invalidated its service and affected the commencement of the five-day mandatory period for filing a redelivery bond.
2. **Validity of RTC's Denial:** Whether the RTC correctly denied Rivera's redelivery bond application as untimely under Sections 5 and 6 of Rule 60.

Court's Decision:

1. **Improper Service Invalidates Writ:** The Supreme Court granted the petition, recognizing that the sheriff did not serve the writ of replevin properly as mandated by Rule 60, Section 4 of the Rules of Court. Service to a security guard (Joseph Rejumo) instead of Rivera herself or her authorized agent violated procedural due process.
2. **Effect on Mandatory Period:** Without proper service, there was no valid starting point for the mandatory five-day period for filing a redelivery bond. Therefore, the RTC's disapproval based on untimeliness was incorrect.
3. **Restoration of Status Quo:** The RTC was ordered to return the seized property to Rivera, discharge Vargas's replevin bond, and continue the main action's trial. The respondent (Vargas) could reapply for a writ of replevin.

Doctrine:

1. **Procedural Due Process:** The service of judicial writs must comply with procedural requirements to ensure due process, derived from constitutional safeguards against unlawful seizure (Sec. 1 and 2, Art. III of the Constitution).
2. **Mandate of Statutory Compliance:** Replevin actions, being penal in nature, require strict adherence to procedural norms for executing writs. Failure to comply renders the service invalid.
3. **Restoration and Continuation:** Invalid service necessitates the restoration of parties to their original positions prior to the seizure, while allowing proceedings on the main action to persist.

Class Notes:

1. **Replevin:** Provisional remedy to regain possession of personal property wrongfully detained, both an action and provisional relief.
2. **Good Faith Possession (Art. 527 NCC):** Possession is presumed in good faith; deemed true until court ruling.
3. **Right to Possession (Art. 539 NCC):** Protects possessors' rights against disturbance, ensuring judicial protection.
4. **Rule 60 Compliance:** Specific adherence to Section 4 needed to validly serve writs—necessity for personal service to adverse party or authorized agents.
5. **Constitutional Provisions:** Reliance on procedural due process (Sec. 1, Art. III) and protection from unreasonable seizures (Sec. 2, Art. III).

Historical Background:

This case highlights the perennial importance of procedural due process and appears in a period where the Philippines judiciary was reinforcing procedural exactitude in ancillary

remedies like replevin to protect property rights effectively. The Court reaffirmed the principles safeguarding citizens from procedural overreaches and underscored methodical compliance with statutory requirements.