

**\*\*Title:\*\*** Bonaplata v. Ambler, 2 Phil. 392 (1903)

**\*\*Facts:\*\***

1. On January 13, 1903, Eugenio Bonaplata won a judgment against Fulgencio Tan Tonco for the sum of 1,541 pesos, Mexican currency, in the Court of First Instance of Manila.
2. Post-judgment, no exceptions or motions for a new trial were made, making the judgment final and executory.
3. Bonaplata repeatedly requested Judge Byron S. Ambler and J. McMicking, the Clerk of Court, to issue a writ of execution for the judgment. This request was consistently refused.
4. The refusal was based on an ongoing litigation where, on December 18, 1902, Sergia Reyes sued Tan Tonco for insolvency and sought the appointment of a receiver for his assets valued at 200,000 pesos, which exceeded his debts of 250,000 pesos.
5. Tan Tonco accepted the complaint, and Antonio Torres was appointed receiver on December 19, 2002. Torres took charge of Tan Tonco's assets to manage them for creditor benefit, under court orders, enjoining Tan Tonco and McMicking from any interference, including issuing writs of execution.
6. Bonaplata filed a motion for judgment on the pleadings to compel the issuance of a writ of execution against Tan Tonco's judgment debt.

**\*\*Issues:\*\***

1. Whether Bonaplata is entitled to a writ of execution despite the receiver's appointment in the Reyes v. Tan Tonco case.
2. Whether the order appointing a receiver in the Reyes litigation binds Bonaplata, who was not a party to that case.
3. Whether section 174 of the Code of Civil Procedure justified the appointment of a receiver in this instance.

**\*\*Court's Decision:\*\***

1. The Supreme Court ruled that Bonaplata was entitled to have a writ of execution issued on his judgment. The refusal to issue the writ based on the receivership in another case was improper because Bonaplata was not a party to the Reyes litigation, and thus not bound by the receivership order.
2. The Court found that the receivership appointment was an impermissible alteration of bankruptcy proceedings, presently illegal due to the absence of bankruptcy laws.
3. The Court concluded that the claim against Tan Tonco did not justify placing \$200,000 worth of property under receivership for a \$1,500 debt without exhausting legal remedies, such as execution of judgments.

**\*\*Doctrine:\*\***

1. The Doctrine of Non-interference: Courts should not interfere with the rights established by a valid judgment of a court by appointing a receiver unless prescribed by law after all legal remedies are exhausted.
2. Bankruptcy proceedings cannot overreach creditor rights without a statutory framework.

**\*\*Class Notes:\*\***

- **\*\*Key Concepts:\*\*** Judgment enforcement, receivership, solvency proceedings, priority of debts, equitable remedy prerequisites.
- **\*\*Statute Reference:\*\*** Section 174, Code of Civil Procedure governs receiver appointments, requiring legal remedies to be exhausted first.
- This case clarifies procedural requirements and statutory interpretations regarding execution and the proper deployment of receivership.

**\*\*Historical Background:\*\***

The case arose during the American colonial era in the Philippines where judicial systems and procedures from both American and Spanish law influenced courts. The lack of bankruptcy law at the time necessitated strict adherence to Civil Procedure rules, reflecting the challenges of transitioning legal systems during colonization. This case highlights the judiciary's role in interpreting and applying procedural laws in the absence of comprehensive statutory frameworks for insolvency, underscoring the colonial legal landscape's complexity.