

**\*\*Title:** Gagoomal vs. Spouses Villacorta (679 Phil. 441)\*\*

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

Albert Zeñarosa owned land in Ayala Alabang Village, Alabang, Muntinlupa City, covered by TCT No. 170213, mortgaged to BPI Family Savings Bank, annotated on June 7, 1990. Zeñarosa borrowed \$300,000 from RAM Holdings Corporation, secured by a second mortgage and a promissory note. They executed an MOA on March 2, 1995, granting RAM authority to sell the property if Zeñarosa defaulted. Zeñarosa defaulted, prompting RAM to file a suit against him and BPI in RTC Pasig (Civil Case No. 67381). A notice of lis pendens was annotated on June 11, 1999.

With Civil Case No. 67381 pending, foreclosure by BPI proceeded, and the certificate of sale was annotated on March 24, 2000. RAM sold its rights to New Summit International, represented by petitioner Vashdeo Gagoomal, which was annotated on October 16, 2000.

Luis P. Lorenzo, Jr. filed a separate case against Zeñarosa in RTC Makati (Civil Case No. 02-1038) on August 29, 2002. A writ of preliminary attachment was issued on September 20, 2002, and the lien was annotated on September 30, 2002.

Zeñarosa redeemed the property from BPI on March 23, 2003 and sold it to Patricia Tan, who received TCT No. 10206 on April 4, 2003. The annotations from both cases were carried over. Lorenzo won his case, resulting in an auction sale of the property on January 15, 2004, subsequently annotated on January 30, 2004, granting Zeñarosa until January 29, 2005 to redeem it.

RAM was awarded a judgment in its favor on April 30, 2004 in Civil Case No. 67381. RAM filed for execution pending appeal, granted on December 14, 2004, auctioning the property to Gagoomal, annotated on December 17, 2004.

Zeñarosa didn't redeem the property from Lorenzo, consolidating the title in Lorenzo's name on January 29, 2005. Lorenzo sold it to respondent Natividad Villacorta. The respondents then filed a Motion to Quash Writ of Possession in RTC Pasig on March 20, 2007. The RTC denied it on August 5, 2008. Respondents sought certiorari before the Court of Appeals.

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

1. Whether respondents have a rightful claim to the property.

2. The basis for respondents to quash the writ of possession.
3. Whether the RTC of Pasig had authority to rule on the transfer of title.
4. Whether petitioner's rights are superior to those of the respondents.
5. The propriety of the Court of Appeals' decision.

**Court's Decision:**

The Supreme Court affirmed the CA's decision and resolved the issues as follows:

1. **Rightful Claim to Property:** The Court reaffirmed that respondents' claim is backed by their purchase from Lorenzo, who secured rights via a writ of preliminary attachment and subsequent auction before Gagoomal's interest materialized. Lorenzo's rights arose on January 15, 2004, preceding Gagoomal's acquisition on December 14, 2004. Thus, the respondents had a prior and superior claim.
2. **Quashal of Writ of Possession:** The Court found the RTC committed an error in issuing the writ since the property did not belong to Zeñarosa at the execution time. The law limits enforcement against only the judgment debtor's properties.
3. **Authority to Transfer Title:** The RTC overstepped by ordering title transfer to Gagoomal as respondents had already acquired superior rights. The authority to execute only applies to debtor-owned properties.
4. **Superiority of Petitioner's Rights:** Gagoomal's claim for superior rights due to an earlier notice of lis pendens was invalid since the underlying case was for money collection (personal action). Notice of lis pendens is effective only in real actions directly affecting property title or possession.
5. **Court of Appeals' Decision:** The CA correctly invalidated the writ and execution, asserting respondents' possession rights, improperly overridden by RTC Pasig's orders.

**Doctrine:**

- **Lis Pendens:** Only applicable in real actions directly affecting property title or possession.
- **Money Judgments:** Executable against properties conclusively owned by the debtor; third-party properties are exempt.
- **Writ of Possession:** Cannot be enforced against properties claimed by third parties with superior rights.

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

- **\*\*Lis Pendens Effect:\*\*** Valid in real claims (recovery, partition, quieting title).
- **\*\*Money Judgment Execution:\*\*** Limited to the debtor's assets; third-party claims must be protected.
- **\*\*Writ Issuance Conditions:\*\*** When property is conclusively proven to belong to the debtor.

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

The case sits within the evolving jurisprudence on enforcing money judgments and the legal significance of notices such as lis pendens. Reflects balancing of quick execution enforcement and protection of third-party rights, influenced by longstanding principles of property law and execution jurisprudence in the Philippines.