

**CRISPULO, F. ARNALDO AND JULITA SARAYBA DE ARNALDO,
PETITIONERS, VS. JOSE BERNABE, JUDGE OF THE COURT OF FIRST
INSTANCE OF CAVITE, BENIGNO T. SARAYBA, AMPARO SARAYBA,
MIGUEL F. ...**

G.R. No. L- 2995. September 22, 1950

Ponente: MORAN, C.J.

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MORAN, C.J.:

This is a special civil action for certiorari with preliminary injunction filed by Crispulo F. Arnaldo and his wife, Julita Sarayba de Arnaldo, against the Court of First Instance of Cavite and others.

In 1936, respondent, Benigno T. Sarayba, filed an action against petitioner, Julita T. Sarayba, de Arnaldo, for collection of a monetary obligation, this being one of the obligations which the latter assumed upon accepting a donation of paraphernal property made in her favor. After trial, judgment was rendered against the defendant on July 19, 1944. A motion for reconsideration which was subsequently filed, was destroyed together with the record of the case during the war of liberation. Such motion, however, was reconstituted and it appears to be predicated on the following grounds:

"1. That the findings of facts in the said decision is against the evidence presented in this case as explained in detail in the memoranda filed by the defendants in this case, to which the attention of this Honorable Court is respectfully referred, particularly to pages (here the corresponding numbers of pages follow) thereof;

"2. That, accordingly, the said decision is against the law.

"The above grounds will be amplified at the hearing of this motion."

On October 23, 1947, petitioners filed a motion to suspend the proceedings because of the moratorium law, and at the same time respondent Benigno T. Sarayba asked for the execution of the judgment alleging that the motion for reconsideration was pro forma and could not stay the running of the period to perfect an appeal, and, consequently, the judgment has become final and executory. No action has been taken on these motions and after almost one year, respondent Benigno T. Sarayba renewed his petition for the issuance of a writ of execution not only upon the ground that the motion for reconsideration was pro forma but also because the moratorium law had been lifted. It appears, however, that Republic Act No. 342 lifting the moratorium makes an exception of debtors who contracted their obligations before December 8, 1941 and who are war sufferers having a claim with the Philippine War Damage Commission. Defendant Julita T. Sarayba contracted her obligation before December 8, 1941, and alleges having a claim pending with the Philippine War Damage Commission. Respondent court, however, granted the petition for a writ of execution, holding that the motion for reconsideration was pro forma, that the moratorium law had been lifted, and that claim was shown to have been filed by defendant Julita T. Sarayba with the Philippine War Damage Commission. Hence, this petition for certiorari.

We agree that the motion for reconsideration is pro forma for it does not specify the findings or conclusions in the

judgment which are not supported by the evidence or which are contrary to law but merely makes reference to the contents of a memorandum that had already been considered by the respondent court before rendering its judgment. We believe and so hold that the judgment thus rendered has become final, and that it may be executed were it not for the moratorium law. Republic Act No. 342, Section 2 reads as follows:

"Sec.2. All debts and other monetary obligations payable by private parties within the Philippines originally incurred or contracted before December 8, 1941, and still remaining unpaid, any provision or provisions in the contract creating the same or in any subsequent agreement affecting such obligation to the contrary notwithstanding, shall not be due and demandable for a period of eight (8) years from and after settlement of the war damage claim of the debtor by the United States Philippine War Damage Commission, without prejudice, however, to any voluntary agreement which the interested parties may enter into after the approval of this Act for the settlement of said obligations."

The monetary obligation which is the subject of the judgment rendered had been incurred or contracted before December 8, 1941. And the judgment debtor, Julita T. Saraybay is a war sufferer and co-owner of the damages claimed by her husband, Crispulo F. Arnaldo, with the Philippine War Damage Commission, Exhibit 1, admitted without objection, is a certification of the Secretary of the Philippine War Damage Commission to the effect that private property claim No.1072272 had been filed with said Commission under the name of Crispulo F. Arnaldo and that private property claim No.1071519 had been filed with the same Commission under the name of Abucay Plantation of Delgado, Arnaldo, Tañada and Dizon. Crispulo F. Arnaldo testified that the private property claims above mentioned are covered by Exhibits 2-A and 3-A.

To establish that these claims had been filed with the Philippine War Damage Commission, certified copies thereof are not necessary, there being the certification, Exhibit nLM, issued by the Secretary of said Commission which is in accord with the testimony of Crispulo F. Arnaldo. The latter testified also that the damages he had claimed were damages caused to property belonging to him and his wife. And damages that may thus be recovered "belong to the husband and wife share and share alike" according to law (art. 1392 Civ. Code).

It may, therefore, be rightly stated that the wife, being a co-owner of the damages claimed by her husband, may be regarded as a co-claimant irrespective of whether her claim may or may not answer legally for the liabilities burdening her paraphernal property. What is important, for the purposes of the moratorium law, is that she be a debtor having a war damage claim, regardless of whether or not there is any relation between her debt and her claim, the source or nature of the claim being immaterial. The purpose of the law is to give the debtor a chance for rehabilitation, and there is no doubt that the rehabilitation of the conjugal partnership may, directly or indirectly, help the spouses ease their individual burdens.

From all the foregoing, the petition is granted and the writ of execution issued by the respondent court is hereby set aside with costs against the respondents. It is so ordered.

Ozaeta, Paras, Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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