

SPOUSES MANUEL AND ENGRACIA VALDEZ, SUBSTITUTED BY THEIR HEIRS: MANOLITO VALDEZ, MENANDRO VALDEZ, MARISSA VALDEZ-LACERNA, MEDINA VALDEZ-SANTIAGO, MARILOU VALDEZ-VENTURA AND MARL...

CV No. 61949, May 26, 2010

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Court of Appeals

This appeal[2] assails the Decision[3] of the Regional Trial Court (RTC), First Judicial Region, Br. 45, Urdaneta City, dismissing the amended complaint in Civil Case No. U-5459 for revival and/or enforcement of judgment.

The Antecedents:[4]

On October 26, 1982, a Decision[5] was rendered by the Court of First Instance (CFI) of Pangasinan, Third Judicial District, Br. 9, Urdaneta, in favor of the Spouses Manuel and Engracia Valdez (Valdez Spouses) in the case Manuel Valdez and Engracia Valdez, Plaintiffs, versus Mamerto Maramba and Esmeralda Valdez, Defendants, for specific performance, accounting, liquidation, with damages, docketed as Civil Case No. U-2961. The decretal portion of the disposition reads:

WHEREFORE, premises considered, the Court hereby renders judgment in favor of the plaintiffs as against the defendants ordering the defendants:

- To redeem and/or repurchase in the name of the plaintiffs from the Development Bank of the Philippines Lot No. 63-B-1 of the subdivision plan (LRC) Psd-42970, covered by Transfer Certificate of Title No. 53955 of the office of the Register of Deeds of Pangasinan;
- To deliver to the plaintiffs the certificate of title over Lot 63-B-1 duly registered in the names of the plaintiffs and free from liens and encumbrances;
- To pay to the plaintiffs attorney's fees in the amount of P1,000.00; and[,]
- To pay the costs.

IT IS SO ORDERED.[6]

The Present Controversy:

On December 14, 1992, the Valdez Spouses filed suit against the Spouses Mamerto Maramba and Esmeralda Valdez.[7] In view, however, of Esmeralda's death, they amended their complaint to implead, in lieu of Esmeralda, the children of Mamerto and Esmeralda, namely, Glorioso, Nicolas, Mamerto, Jr., Pete, Raul, Lina, and Mylene, all surnamed Maramba (Defendants-Appellees).

In their amended complaint[8], the Valdez Spouses claim that a copy of the decision in Civil Case No. U-2961 was received by their lawyer on November 26, 1982; and, that the period to appeal the disposition expired without any such appeal having been filed by the Defendants-Appellees and, thus, it became final and executory on December 26, 1982. Pursuant thereto, writs of execution were issued to enforce the decision.

The Valdez Spouses allege that the property subject of Civil Case No. U-2961 was already foreclosed by the Development Bank of the Philippines (DBP) prior to the issuance of the writs of execution. Hence, the Deputy Sheriff of CFI, Urdaneta opted to levy the Defendants-Appellees' nine hundred ninety-five (995) sq. m.-residential property located at Malanay, Sta. Barbara, Pangasinan, covered by Tax Decl. No. 520.

Despite such levy, however, the auction sale of the property that was supposed to be conducted on October 29, 1989 did not push through and the judgment in Civil Case No. U-2961 was never executed. Thus, the Valdez Spouses pray that the CFI's disposition be revived and damages be awarded to them.

On their part, the Defendants-Appellees counter that the judgment in Civil Case No. U-2961 cannot anymore be revived on the ground of prescription because the present complaint was filed more than ten (10) years from the time the judgment sought to be revived became final; and, that laches has set in considering the negligence of the Valdez Spouses in not enforcing the same. They also maintain that, assuming that prescription and/or laches has not set in, still, the judgment cannot be enforced because the property levied has already been sold to a purchaser in good faith and for value. Hence, they pray that the complaint be dismissed and for an award of damages.

On August 24, 1998, the RTC rendered the assailed disposition, to fallo of which reads:

WHEREFORE, in the light of the foregoing, judgment is hereby rendered dismissing the complaint filed by the plaintiffs against the defendants and ordering the cancellation of the notice of levy on the property of the defendants spouses Mamerto Maramba and Engracia Vergara which was originally covered by Tax Declaration No. 520 (now covered by T.D. No. 474).

Nor pronouncement as to costs.

SO ORDERED.[9]

Disagreeing, the Plaintiffs-Appellants sought the instant recourse.

The Errors Assigned:

In assailing the RTC's disposition, the Plaintiffs-Appellants content that:

I

FIRST: THE LOWER COURT GRAVELY ERRED IN NOT FINDING THAT THE INSTANT ACTION TO REVIVE JUDGMENT (CIVIL CASE NO. U-5459) WAS FILED WITHIN THE TEN (10) YEAR[-] PERIOD IN CONSONANCE WITH THE PROVISIONS OF ARTICLE 1144 OF THE NEW CIVIL CODE.

II

SECOND: THE LOWER COURT GRAVELY ERRED IN APPLYING SEC. 39 OF BATAS PAMBANSA BILANG 129 AS THE LAW IN FORCE AT THE TIME OF THE RENDITION OF THE DECISION IN CIVIL CASE NO. 2961, INSTEAD OF APPLYING THE THIRTY (30) DAYS RULES(sic) FOR THE FINALITY OF DECISION, WHICH IS STILL THE RULE IN FORCE, BEING IMPLEMENTED AND CARRIED OUT AT THE TIME WHEN THE SAID DECISION WAS RENDERED ON OCTOBER 26, 1982.

III

THIRD: THE LOWER COURT GRAVELY ERRED IN DISMISSING THE COMPLAINT AND ORDERING THE CANCELLATION OF LEVY.[10]

This Court's Ruling:

An action for revival of judgment is no more than a procedural means of securing the execution of a previous judgment which has become dormant after the passage of five years without it being executed upon motion of the prevailing party. It is not intended to re-open any issue affecting the merits of the judgment debtor's case nor the propriety or correctness of the first judgment. An action for revival of judgment is a new and independent action, different and distinct from either the recovery of property case or the reconstitution case, wherein the cause of action is the decision itself and not the merits of the action upon which the judgment sought to be enforced is rendered. Revival of judgment is premised on the assumption that the decision to be revived, either by motion or by independent action, is already final and executory.[11]

At bench, the Plaintiffs-Appellants hypothesize that their action for revival has not prescribed because the sixty(60)-day period provided under Rule 41 of the Judiciary Act of 1948 is the applicable provision in determining the date of the finality of the decision in Civil Case No. U-2961. They posit that the fifteen(15)-day period provided under the Judiciary Reorganization Act of 1980 cannot be applied because the said law has yet to be carried out at the time the judgment was rendered in Civil Case No. U-2961.

The argument is bereft of merit.

First, The Judiciary Reorganization Act of 1980 (B.P. 129, as amended) took effect upon its approval on August 14, 1981, as Section 48 thereof clearly provides that [it] shall take effect immediately. Hence, it is the law applicable at bench, and not the Judiciary Act of 1948.

Second, procedural laws are prospective, not retroactive, in application because no person can claim any vested right in any particular remedy or mode of procedure for the enforcement of a right[12] Thus said, the RTC did not err in pronouncing that B.P. 129, as amended, is the law applicable for the purpose of counting the period of determining the finality of the October 26, 1982 Decision in Civil Case No. U-2961.

On whether or not the Plaintiffs-Appellants' action for revival of judgment has prescribed, We rule in the affirmative.

It must be emphasized that the date when the October 26, 1982 Decision in Civil Case No. U-2961 has become final and executory is material in an action for revival of judgment because such action is premised on the assumption that the decision to be revived, either by motion or by independent action, is already final and executory.

To reiterate, Civil Case No. U-2961 is a suit for specific performance, accounting, liquidation, with damages. Necessarily, therefore, an appeal taken thereon would have been subject to the period provided for ordinary appeals. In other words, the period to appeal the same is fifteen (15) days from notice of the judgment or final order.[13]

At bench, there is no dispute that the Plaintiffs-Appellants' counsel received the October 26, 1982 Decision on November 26, 1982. Ordinarily, an appeal taken thereon should be made on or before December 11, 1982, the fifteenth(15th) day, but since said date is a Saturday, it follows that the last day to file an appeal is December 13, 1982. There being no appeal taken, the said decision became final and executory as of that date and, by operation of law,[14] December 13, 1982 is likewise the date of entry of judgment. As distinctly pronounced by the High Tribunal in *Juco v. Heirs of Tomas Siy Chung Fu*[15]:

A decision issued by a court is final and executory when such decision disposes of the subject matter in its entirety or terminates a particular proceeding or action, leaving nothing else to be done but to enforce by execution what has been determined by the court, such as when after the lapse of the reglementary period to appeal, no appeal has been perfected. * * * (Emphasis supplied).

An action for revival of judgment, such as the one at bench, must be brought within ten (10) years from the time the judgment becomes final. This is the clear mandate of Article 1144(3) of the New Civil Code, which provides that an action upon a judgment must be brought within 10 years from the time the right of action accrues in relation to Section 6, Rule 39 of the Revised Rules of Court.

In particular, Section 6, Rule 39 of the Rules 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. (Emphasis and underscoring Ours).

Guided by the foregoing, it is obvious that the Plaintiffs-Appellants only had until December 13, 1992 to file an action for revival of judgment. Clearly, therefore, their filing of their original complaint on December 14, 1992 is one (1) day beyond the ten (10)-year period required by law. Perforce, their action is barred by extinctive prescription considering that, to reiterate, such an action can be instituted only within ten (10) years from the time the cause of action accrues. Further, the one (1) day delay in the filing by the Plaintiffs-Appellants of their complaint may appear to be a minuscule lapse. Nonetheless, it cannot be tolerated since the purpose of the law in prescribing time limitations for enforcing judgments by action is to prevent obligors from sleeping on their rights.[16]

While We sympathize with the plight of the Plaintiffs-Appellants, such sympathy, however, cannot prevail over the established axiom that [r]ules of procedure prescribing the time within which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business.[17] Strict compliance therewith is mandatory and imperative especially when no reason for the non-compliance is proffered, as in this case.

Tempus enim modus tollendi obligationes et actiones, quia tempus currit contra desides et sui juris contemptores—For time is a means of dissipating obligations and actions, because time runs against the slothful and careless of their own rights. A fortiori, the RTC did not err in dismissing the Plaintiffs-Appellants' complaint for revival of judgment on the ground of prescription.

Finally, the RTC also did not err in ordering the cancellation on the levy of the Defendants-Appellees' property. A judgment debtor's property that is levied upon can no longer be made subject of an execution sale after the expiration of the ten(10)-year period for enforcing the judgment.[18] Quite certainly, ordering the cancellation of the levy would not only obviate the rendition of piecemeal justice but would also write finis to the present controversy.

All told, We find no reason to depart from the RTC's findings and its conclusions thereon, supported as they are by law and jurisprudence.

WHEREFORE, the appeal is DENIED. The assailed disposition is AFFIRMED in toto. With costs.

SO ORDERED.

Tolentino and Ayson, JJ., concur.

Appeal denied. Judgment affirmed.

- [1] See Resolution, dated April 16, 2000, allowing substitution; Rollo, p. 79.
- [2] Raffled to the ponente on April 19, 2010 pursuant to the Court's Zero Backlog Project.
- [3] Dated July 8, 2008; Rollo, pp. 22-50.
- [4] As culled from the records.
- [5] Rollo, pp. 7-14.
- [6] See Decision, pp.7-8; Rollo, pp. 13-14.
- [7] See Complaint; Record, pp. 1-6.
- [8] Admitted by the court on May 4, 1993; See Order; Record, pp. 43.
- [9] See assailed disposition, p. 4; Rollo, p. 63.
- [10] See Brief, pp. 5-6; Rollo, pp. 51-52.
- [11] Saligumba, et al. v. Palanog, G.R. No. 143365, Dec. 4, 2008. Emphasis added.
- [12] See Curata, et al. v. Philippine Ports Authority, G.R. Nos. 154211-12, G.R. No. 158252, G.R. No. 166200, G.R. No. 168272, G.R. No. 170683, and G.R. No. 173392, June 22, 2009.
- [13] See Sec. 3, Rule 41, Revised Rules of Court.
- [14] "Sec. 1, Rule 39, Revised Rules of Court provides: Execution shall issue as a matter of rights, on motion * * * upon the expiration of the period to appeal therefrom if no appeal has been duly perfected. See also Philippine Veterans Bank v. Solid Homes, Inc., G.R. No. 170126, June 9, 2009.
- [15] G.R. No. 150233, Feb. 16, 2005.
- [16] Bausa, et al. v. Heirs of Dino, et al., G.R. No. 167281, Aug. 28, 2008.
- [17] Prudentiallife Guarantee and Assurance Inc. v. CA, et al., G.R. No. 146559, Aug. 13, 2004. Emphasis supplied.
- [18] Vol. II, Herrera, Remedial Law, p. 349(f), Fourth Ed. (2007), citing Jalandoni v. PNB, 108 SCRA 102.

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