

PATRICIO GUNDRAN, COMPLAINANT, VS. FLORENTINO G. LIBATIQUE, RESPONDENT.

A.C. No. 1344. February 28, 1985

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-1344/>

AQUINO, J.:

The municipal court of Bauang, La Union rendered on September 29, 1971 a judgment declaring Patrocinia Flores, the owner and prior possessor of a portion of a parcel of land (which portion has an area of 3,000 square meters), with the right to take possession thereof and to receive her share of its produce from defendants Alfonso Caluza and Alejandro Caluza and ordering the latter to pay Flores P350 and not to disturb her possession (Exh. C).

Lawyer Florentino G. Libatique advised Alfonso Caluza not to vacate the land because the writ of execution dated May 2, 1972 directed the sheriff to enforce the monetary part of the judgment but did not specifically order him to place Flores in possession of the lot (Exh. 2).

Another writ of execution was issued on June 9, 1972 wherein it was specified that Patrocinia Flores should be placed in possession of the land (Exh. D or 3 and Y). This second writ was duly executed. Patrocinia Flores was placed in possession of the land.

On January 3, 1973 Patricio Gundran, the son of Patrocinia Flores, complained that Libatique was guilty of malpractice and conduct unbecoming an officer of the court because he had advised Caluza not to obey the writ of execution.

We find that Libatique did not commit any malpractice. The first writ of execution (Exh. 2) did not order Caluza to vacate the land. Libatique told Caluza that as soon as the court issued an order for him to vacate the land, he should surrender possession to Patrocinia Flores (17 tsn October 29, 1975). The second writ of execution was duly implemented (3-4 tsn, Exh. F).

WHEREFORE, this case is dismissed and considered closed.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Abad Santos, Escolin, and Cuevas, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.