

**MANUEL A. MALIM, MINDA ABANGAN, AND MAY MACAL,
PLAINTIFFS-APPELLEES, VS. LORENZO TICONG, PATROCENIO
TICONG, AND WILMA LAO, DEFENDANTS-APPELLANTS.**

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BORJA, J.,:

This is a motion of defendants-appellants seeking reconsideration of this Court's September 9, 2014 Resolution,[1] which granted plaintiffs-appellees' motion for execution pending appeal.

Appellants insist that the Court's September 9, 2014 resolution is null and void for lack of legal and factual basis. [2]

A perusal of the records shows that the grounds relied upon by the movants had already been fully considered and passed upon by the Court in the assailed Resolution. [3] Movants have not presented new arguments to warrant reversal of the Court's ruling.

On the other hand, appellees also filed their motion for reconsideration of the Court's September 9, 2014 resolution. Appellees prayed that the Court exempt them from the payment of a bond on the ground:

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2. That in complying with the requirement to put up a bond of P950,000.00 for each movant, each one would have to put up a cash deposit of P950,000.00 with the Bank and pay premiums ranging from P14,000.00 to P18,000.00;

3. That the movant Manuel Malim is 66 years old and had retired, while May Macal, who is 63 years old, is bedridden and her husband is without job and [is] sustained by friends and relatives xxx

xxx

6. That requiring the movants to put up a bond to have the judgment partially executed wherein they would be required to pay a yearly premium from P14,000.00 to P18,000.00 would in effect put to naught the grant of the execution pending appeal; [4]

Finally, appellees contend that they are not required by the Rules of Court to put up a bond for the grant of execution pending appeal.[5]

The Court is convinced.

In *Del Callar v. Judge Salvador*, the High Court said that a "bond is not an indispensable requisite for the granting of a writ of execution pending appeal".[6] Hence, the filing of a bond is not required for the grant of execution pending appeal. In fact, there is nothing in the rules on execution pending appeal that the movant is mandated to post a bond. The Court, in granting execution pending appeal, is only tasked to determine the presence of good reasons.

IN VIEW OF THE FOREGOING, appellants' motion for reconsideration is hereby DENIED. Appellees' motion

is GRANTED. The September 9, 2014 Resolution of this Court is thus MODIFIED. The requirement of a bond amounting to P950,000.00 for each of the appellee is hereby DELETED.

SO ORDERED.

Badelles and Contreras, JJ., concur.

[1] Rollo, pp. 156-160.

[2] Rollo, pp. 161-165.

[3] Rollo, pp. 158-160.

[4] Rollo, pp. 175-178.

[5] Ibid.

[6] A.M. No. RTJ-97-1369, February 17, 1997.

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