

ESTEBAN MANGAOANG, PETITIONER AND APPELLANT, VS. THE PROVINCIAL SHERIFF OF LA UNION, RESPONDENT AND APPELLEE.*G.R. No. L-4869. May 26, 1952*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b1ce56c91cf2/>**PARAS, C.J.:**

In civil case No. 39 of the justice of the peace court of San Juan, La Union, a writ of attachment was issued in virtue of which one generator and two parcels of land were levied upon by the provincial sheriff as belonging to the defendants in said case. After judgment in favor of the plaintiff, Esteban Mangaoang, was rendered by the court, a writ of execution was issued, in pursuance of which the provincial sheriff was directed to sell the attached properties. Three days before the date of the sale, a third-party claim was filed with the sheriff by one Gabriela Villanueva over the two parcels of land about to be sold. The sheriff notified the judgment creditor, Esteban Mangaoang, of this third-party claim and demanded from him an indemnity bond if he wanted the sale to be proceeded with, in accordance with section 15, Rule 39, of the Rules of Court. Esteban Mangaoang refused to file any bond, and insisted that the sheriff carry out the sale, contending that the third-party claim was filed too late. As the sheriff desisted from selling the properties, Esteban Mangaoang instituted in the Court of First Instance of La Union a petition for mandamus to compel the provincial sheriff to proceed with the execution sale. From a decision of the court dismissing the petition, the petitioner appealed.

It is contended for the appellant that the third-party claimant should have filed her claim with the sheriff before the latter had made a return to the writ of attachment. This contention is clearly without merit. We have here an execution sale. Section 15 of Rule 39 provides in part as follows: "If property levied on be claimed by any other person than the defendant or his agent, and such person makes an affidavit of his title thereto or right to the possession thereof, stating the grounds of such right or title, and serve the same upon the officer making the levy, and a copy thereof upon the judgment creditor, the officer shall not be bound to keep the property, unless such judgment creditor or his agent, on demand, indemnify the officer against such claim by a bond in a sum not greater than the value of the property levied, on, and, in case of disagreement as to such value, the same shall be determined by the court issuing the writ of execution." Under this provision, it is clear that any person other than the judgment debtor or his agent may file with the sheriff making the levy a third-party claim at any time, as long as the sheriff has the possession of the property levied upon, or before the property shall have been sold under execution.

The appellant, however, insists that because the two lots in question had been levied upon under a previous writ of attachment, the applicable provision is section 14 of Rule 59 which provides in part as follows: "If property taken be claimed by any other person than the defendant or his agent, and such person makes an affidavit of title thereto or right to the possession thereof, stating the ground of such right or title, and serves the same upon the officer while he has possession of the property, and a copy thereof upon the plaintiff, the officer shall not be bound to keep the property under the attachment, unless the plaintiff or his agent, on demand of said officer, indemnifies him against such claim by a bond in a sum not greater than the value of the property attached, and in case of

disagreement as to such value, the same shall be decided by the court issuing the writ of attachment." Even under this provision, the provincial sheriff was plainly correct in requiring the appellant to file an indemnity bond, because the third-party claim was filed with the sheriff while he had possession of the properties levied upon, this being the only time limit fixed in said provision.

The purpose of the indemnity bond is obviously to protect the sheriff against damages that may accrue to the third-party claimant by reason of the attachment or execution sale, and the matter of requiring such bond lies within the judgment and discretion of the sheriff.

Wherefore, the appealed decision is affirmed, without costs. So ordered.

Feria, Pablo, Bengzon, Tuason, Montemayor, Bautista Angelo, and Labrador, 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.