

SANTIAGO MANZANO, PETITIONER VS. THE COURT OF APPEALS, ET AL., RESPONDENTS.

G. R. No. L-20815. May 19, 1965

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c7e7495bfcfd/>

BAUTISTA ANGELO, J.:

In a decision rendered by the Court of First Instance of La Union on November 29, 1960, Marcos and Macario Bambico, father and son, were ordered to vacate the land in litigation, as well as to pay to Santiago R. Manzano the amount of P100.00 a year from 1959 until the land is actually delivered, plus the sum of P600.00 as attorney's fees and other expenses of litigation.

When this decision became final and executory, Manzano asked for a writ of execution and pursuant thereto the sheriff levied on two parcels of land allegedly belonging to defendants Bambico, as well as a house covered by Tax Declaration No. 30715 which at the time was occupied by Marcos Bambico as his residential house, with the result that the properties thus levied upon were sold at public auction to Manzano as the highest bidder. The Bambicos failed to redeem the properties within the reglementary period of one year and so the sheriff executed in favor of Manzano the corresponding final certificate of sale.

On June 20, 1963, after Manzano had taken possession of the two parcels of land, as well as the house then occupied by Marcos Bambico, Manzano asked the court that the sheriff be authorized to supervise the demolition of the house to avoid any opposition or incident that might arise therefrom, which request was set by the court for hearing. In due course, the Bambicos objected to the demolition contending that they are not the owners neither of the two pieces of land nor of the house which was the subject of execution, but their opposition was overruled in spite of their plea that there was already a case pending before the same court wherein the ownership of the properties was put in issue. And when their motion for reconsideration was denied, one Zoila Sabado, who claimed to be the wife of Marcos Bambico and the owner of the properties in question, brought the matter on a petition for certiorari before the Court of Appeals. In a decision rendered on December 27, 1962, the Court of Appeals granted the writ prayed for thereby setting aside the order of demolition issued by the court a quo. Tine case is now before us on a petition for review.

While there is no dispute that the two pieces of land and the residential house that were sold at public auction by the sheriff to satisfy the final judgment rendered in the ejectment case appear declared in the tax declaration in the name of Marcos Bambico, the fact however remains t their ownership appears contested by Zoila Sabado, wife of Marcos Bambico, in an action for annulment she seasonably brought before the court a quo in an effort to prove that they were not the exclusive properties of Marcos Bambico but were conjugal in nature acquired during their marital life (Civil Case No. 1744). It is true that when they were levied in execution neither Marcos Bambico nor Zoila Sabado filed any claim with the sheriff in order to assert their ownership over the properties levied upon, but this is only necessary if they desire to stop the execution by putting up the necessary bond in favor of the sheriff, but the absence of such claim will not necessarily stop them from claiming the properties in an appropriate separate action (Section 17, Rule 39, Rules of Court). And this is precisely what the Bambicos did. They

seasonably brought an action to annul the whole execution proceedings by making party to the case not only the execution creditor but also the sheriff. And notwithstanding the fact that such action was already pending in court when said creditor moved to demolish the residential house of the Bambicos, the court a quo ignored their plea and gave the go signal for the requested demolition. This was found by the Court of Appeals to be improper, since it is but fair that before the demolition could be effected the Bambicos be at least given a chance to be heard concerning the interest they claim to possess on said properties. To this finding we fully agree.

Wherefore, petition is denied. Costs against petitioner.

Bengzon, C. J., Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, 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.