

SC CIRCULAR NO. 24-94, April 18, 1994

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SUPREME COURT

BAGUIO

TO :

COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, AND ALL MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES.

SUBJECT:

RESOLUTION OF THE COURT EN BANC APPROVING AND PROMULGATING THE REVISED PROVISION ON EXECUTION OF JUDGMENTS, SPECIFICALLY IN APPEALED CASES, AND AMENDING SECTION 1, RULE 39 OF THE RULES OF COURT.

It appears that in a number of instances, the execution of judgments in appealed cases cannot be promptly enforced because of undue administrative delay in the remand of the records to the court of origin, aggravated at times by misplacement or misdelivery of said records. The Supreme Court Committee on the Revision of the Rules of Court has drafted proposals including a provision which can remedy the procedural impasse created by said contingencies.

Accordingly, pending approval by the Court of the revised rules on Civil Procedure, and to provide a solution to the aforesaid problems, the Court Resolved to approve and promulgate the following section thereof on execution of judgments, amending Section 1, Rule 39 of the Rules of Court::

"Section 1. Execution upon judgments or final orders: — Execution shall issue as a matter of right, on motion, upon a judgment or order that disposes of the action or proceeding upon expiration, of the period to appeal therefrom, if no appeal has been duly perfected.

"If the appeal has been duly perfected and finally resolved, such execution may forthwith be applied for in the lower court from which the action originated, on motion of the judgment obligee, submitting therewith certified true copies of the judgment or judgments or the final order or orders sought to be enforced and of the entry thereof, with notice to the adverse party.

"The appellate court may, on motion in the same case, when the interest of justice so Requires, direct the court of origin to issue the writ of execution."

This Resolution shall be published in two (2) newspaper of general circulation and shall take effect on June 1, 1994.

April 18, 1994

(SGD.) ANDRES R. NARVASA

Chief Justice

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