ERASMO ALVAREZ AND MARCIANO PARANADA, PETITIONERS, VS. HONORABLE LUCAS LACSON, JUDGE OF THE COURT OF FIRST INSTANCE OF ZAMBALES, CASIANO A. LADIORAY AND SERAPIO ARIMBUANGA, RESP...

G.R. No. L-8657. July 31, 1956

Ponente: ENDENCIA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/f6d8a62b216f/

ENDENCIA, J.:

On November 15, 1950, the justice of the peace court of San Marcelino, Zambales, rendered a decision in civil case No. 10 for forcible entry and detainer, entitled Casiano Ladioray and Serapio Arimbuanga, plaintiffs, vs. Esteban Alegre, Bias Javier and Mariano Rivera, defendants, ordering the latter "to vacate the land in question and restore its possession to the plaintiffs, to give to the plaintiffs the annual produce of 50 cavanes of palay or its equivalent value in the amount of P575 and to pay P250 by way of damages." The defendants appealed from that decision and, to stay its immediate execution, they filed on April 4, 1951 a supersedeas bond undertaken by the herein petitioners, conditioned to "enter the action in the Court of First Instance of Zambales, and ta pay the damages and costs down to the time of the final judgment in the action." Thereafter, the case was transmitted to the court of First Instance of Zambales where it was docketed as Civil Case No. 1388. While the case waj3 pending trial in the latter court, the defendants failed to give to the plaintiff's the 50 cavanes of palay or its value, corresponding to the crop of 1951-1952, hence the plaintiffs moved for the immediate execution of the aforesaid decision. This motion was granted, but it was subject to the right of the defendants to file another supersedeas bond which was posted on August 29,1951 by the herein petitioners. Upon opposition by the plaintiffs, this second bond was disapproved by the Court in its order dated September 25, 1951, but at the same time it ordered the defendants to execute another bond within the period of 15 days, otherwise the judgment of the Justice of the Peace Court of San Marcelino will be executed. Accordingly, another bond was posted by Messrs. Pablo Recaido and Agripino Ferrer, not by the herein petitioners.

While the case was in this condition, upon petition of the plaintiffs, the Court issued on June 3, 1954 an order of execution against the herein petitioners, who, upon receipt thereof, filed on July 19, 1954 a motion to set it aside and to stay the sale of their properties, claiming that it was erroneously issued against them in that they were not the bondsmen of the defendants in the Court of First Instance but Messrs. Pablo Recaido and Agripino Ferrer. On August 26, 1954, the motion was denied by the court on the ground that the bond which is the subject of the writ of execution is the supersedeas bond filed by the herein petitioner on April 4, 1951, and not that filed on August 29, 1951, and that the writ of execution was issued to enforce the judgment of the justice of the peace court of November 15, 1950. Thereupon, on September 2, 1954 the petitioners filed another motion to set aside the writ of execution, alleging that the supersedeas bond posted by the herein petitioners on April 4, 1951 cannot be executed for the case was still pending hearing in the Court of First Instance and there was no judgment on which to base the writ of execution. On September 24, 1954, His Honor, the respondent Judge Lucas Lacson, entered the following order:

> "Considering that the decision of the justice of the peace court of San Marcelino, Zambales, explicitly provides for payment to plaintin's the annual produce of fifty cavans of palay or pay its equivalent in the amount of P575 which provision the herein defendants have failed to comply; that it appears from the sheriff's return that the herein defendants are all insolvent (p. 245, rec.); that at any rate the obligation undertaken by the bondsmen Erasmo Alvarez and Marciano Paranada is joint and solidary with and not merely subsidiary to that of their principal the herein defendants; and that section 8 Rule 72 of the Rules of Court does not limit the execution to the possession of the property in question but it also' refers to the execution of the whole judgment rendered by the Justice of the Peace Court or the Municipal Court which may include not only possession but also payment of rents or damages (Villaroman vs. Abaya et al., G. R. No. 4833, promulgated March 21, 1952), the court finds the "Motion for Reconsideration and second Motion for Dismissal of Writ of Execution" filed on September 2, 1954 by Atty. Gregorio Dolojan, counsel for the bondsmen-movants Erasmo Alvarez and Marciano Paranada, to be without merit and hereby denies said motions."

As could be gathered from the foregoing, the main question involved in this case is whether the supersedeas bond of April 4, 1951 posted by the herein petitioners to stay the execution of the judgment of the Justice of the Peace Court of San Marcelino, Zambales, can be executed before the case is tried and decided by the Court of First Instance of Zambales. Under section 8 of Rule 72 of the Rules of Court, during the pendency of the appeal, upon failure of the defendant to pay to the plaintiff or to deposit with the Court of First Instance, from time to time, the rent due as found by the judgment of the justice of the peace or municipal court on or before the 10th day of each calendar month, the plaintiff has a perfect right to secure a writ of execution, but that execution should not extend to the sureties of the supersedeas bond which, as we held in several cases, only answers for the rents or damages down to the time of perfection of the appeal taken from the final judgment rendered in the justice of the peace or municipal court and not for the future rents or damages that may accrue during the pendency of the appeal, which are guaranteed by periodical deposits or payments to be made by defendant-appellants. (Aylon vs. Jugo, 78 Phil.,818; University of Sto. Tomas vs, Ocampo, 85 Phil., 144 and Hilado vs. Tan, G. R. No. L-1964,-August 23, 1950). Accordingly, we find that the disputed order of the herein respondent judge, dated September 24, 2954, is completely erroneous in so far as it ordered the execution of the supersedeas bond posted on April 4,1951 by the herein petitioners in the justice of the peace court of San Marcelino because that bond was conditioned to "enter the action in the Court of First Instance of Zambales and to pay damages and costs down to the time of the final judgment that the said court may render in the case and, up to the filing of this petition before us, the aforementioned civil case No. 1388 was still pending hearing in that court. Moreover, it appears that to stay the execution of the judgment of the justice of the peace court of San Marcelino during the pendency of the case in the Court of First Instance of Zambales, the defendants had filed another bond executed to the plaintiffs by Pablo Recaido and Agripino Ferrer and, if at all, this bond should be the one ordered executed and not the aforesaid supersedeas bond posted by the herein petitioners. Accordingly, we hold that in the case at bar, while the respondent judge has correctly issued the writ of execution of the above-mentioned judgment of the justice of the peace court of San Marcelino with regard to the delivery to the plaintiffs of the possession of the land in question and to collect from the defendants the damages adjudicated in their favor, His Honor, however, committed error in ordering the execution of the supersedeas bond of April 4, 1951 because the case was still pending in his court and no decision has as yet been rendered therein against the defendants.

Wherefore, the disputed order of April 4, 1951 as well as the aforesaid writ of execution dated June 3, 1954 are hereby set aside and the respondent judge enjoined from enforcing them.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes A. Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L. and Felix, JJ., concur.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.