

MATEO CASELA, PETITIONER, VS. COURT OF APPEALS, AND EXEQUIEL MAGSAYSAY, RESPONDENTS.

G.R. No. L-26754. October 16, 1970

Ponente: CASTRO, J.

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CASTRO, J.:

This is an appeal by way of certiorari from the decision of the Court of Appeals of August 31, 1966 in CA -G. R. 35593-R, de-nying a petition for a writ of certiorari brought against an order of the Court of Agrarian Relations, Branch III of the Third Regional District at Iba, Zambales. This latter order, promulgated on October 1, 1964 in CAR 5666-R-Z-55, set aside an earlier order of the same court denying a motion for a writ of execution of the final judgment in the said CAR case.

The following findings of the Court of Appeals are not dis-puted.

"In CAR Case No. 5666-R-Z of the Court of Agrarian Relations of Iba, Zambales, Mateo Casela, the petitioner herein, was the defendant, and Exequiel Magsaysay, now one of the respon-dents, the plaintiff. On October 26, 1956, after due trial, the said Court decided the case against the defendant, who was ordered ejected; and de-cision thereon having become final and executory the Court on August 12, 1957, issued a writ of exe-cution commanding the defendant to vacate the pre-mises and remove his house therefrom. The defen-dant, however, refused to comply with the said writ; so, the Court issued another writ on May 6, 1958, and still another on April 14, 1959.

"Instead of obeying the writ, however, the defendant instituted Civil Case No. 2142 before the Court of First Instance of Zambales asking that the plaintiff be condemned to pay him the value of his house in the amount of P5,000.00, improve-ments of P2,000.00, in addition to damages in the sum of P1,600.00. At the same time, the defendant filed a motion for suspension of the implementa-tion of the writ of execution pending the final out-come of the said civil case. Against this motion for suspension, the plaintiff filed a countermotion to declare the defendant and the provincial Sheriff in contempt of Court. After hearing the respective motions of the parties, the Court granted the defendant's motion for suspension until after the said Civil Case No. 2142 would have been disposed of on the merits.

"Civil Case No. 2142 eventually reached the Court of Appeals, which, on October 6, 1965, rendered a decision dismissing the defendant's appeal. In said decision, the appellate Court ruled once and for all that the claims of the defendant for in-demnity for the value of his house and improvements were in the nature of compulsory counterclaims that should have been pleaded before the agrarian court and not in the Court of First Instance where they were brought. Consequently, the plaintiff could not be compelled to pay said claims and the demolition of the defendant's house could be done without pay-ment of indemnity. By reason of this categorical pronouncement of the Court of Appeals, respondent Magsaysay filed a motion dated December 6, 1963 and another dated February 11, 1964 praying for the issuance of an alias writ of execution attaching there-to a copy of the appealed decision. The agrarian court, however, in an order dated March 5, 1964, denied the motion, holding that its decision dated October 26, 1956 could no longer be executed on mere motion for the reason that a period of five (5) years had already elapsed from the said date.

"On April 10, 1964, the plaintiff moved for a reconsideration of the order of denial of March 5, 1964; this was granted by the Court in its order of October 1, 1964, which forthwith directed the execution of its judgment of October 26, 1956."

That the decision of October 26, 1956 of the Court of Agrarian Relations became final and executory on December 17, 1956, is not controverted. Counting five years from December 17, 1956, the plaintiff Exequiel Magsaysay had until December 17, 1961 within which to move for execution of the said decision. It would thus appear that Magsaysay's motion for execution of December 11, 1963, having been filed beyond the five-year reglementary period, was time-barred.

The peculiar circumstances of this case, however, would, to our mind, indicate that the said motion for execution was filed on time. The record indubitably shows that Magsaysay had persistently and consistently moved the court to execute the decision of October 26, 1956 which became final and executory on December 17, 1956. In point of fact he succeeded in securing a writ of execution for no less than three times, which writs were however not executed because of the stubborn refusal of the petitioner Casela to vacate the premises and because of the lower court's order sustaining Casela's motion for suspension of execution. Magsaysay obtained a writ of execution as early as August 12, 1957. This was not served on account of Casela's refusal to comply with the writ. On Magsaysay's motion, the court issued an alias writ on April 14, 1959, which writ explicitly directed the sheriff to eject Casela and to demolish the latter's house. This second writ was however not implemented because the court, upon Casela's own motion, ordered the suspension of the writ two times. The first suspension was effected by order of September 22, 1959 and lasted until April 22, 1960. This suspension was occasioned by the pendency of civil case 2142 between Casela and Magsaysay before the Zambales Court of First Instance. The second suspension, which was effected by the lower court's order of July 11, 1960, lasted until October 6, 1963. These two suspensions which all told covered a period of three years, nine months and twenty-five days were granted on motions of Casela, to await the final disposition of civil case 2142.

It thus appears that Magsaysay had not incurred in the least delay in the enforcement of the judgment which had become final and executory. He exhausted all legal means within his power to eject Casela from his land. But the writs of execution issued by the lower court were not complied with and/or were suspended by reason of acts or causes not of Magsaysay's own making and against his objections.

From December 17, 1956 when the decision in question became final and executory, to December 11, 1963, the date when Magsaysay's motion for execution was filed, a period of six years, eleven months and twenty-four days elapsed. From this period must be subtracted the time during which the writs of execution could not be served, or a period of three years, nine months and twenty-five days. Consequently, only three years, one month and twenty-nine days can be charged against the five-year reglementary period. Undoubtedly, therefore, Magsaysay's motion for execution of December 11, 1963 was filed well within the five-year reglementary period.

Conscience and equity should always be considered in the construction of statutes. The courts are not to be hedged in by the literal meaning of the language of the statute; the spirit and intent thereof must prevail over its letter. This rule of construction is especially applicable where adherence to the letter of the statute would result in absurdity and injustice.

ACCORDINGLY, the judgment of the Court of appeals of August 31, 1966, which upheld the order of the Court of Agrarian Relations of October 1, 1964, is affirmed, at petitioner's cost.

Reyes, J.B.L., Acting C.J., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

Concepcion, C.J., on official leave.

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