

CRESENCIANO TORREFRANCA, ET AL., PLAINTIFFS AND APPELLANTS,. VS. FILOMENO ALBISO, DEFENDANT AND APPELLEE.

G. R. No. 11114. December 27, 1957

Ponente: REYES, A., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11114/>

REYES, A., J.:

The question for determination in this case is whether a justice of the peace court has the authority to revive' its own judgment.

It appears that on March 22, 1950, a judgment was rendered by the justice of the peace court of Carmen, Bohol, ordering the defendant in a forcible entry and detainer case to restore possession of a piece of land and pay damages to the plaintiffs. The judgment having remained unsatisfied for more than five years, the plaintiffs, on October 22, 1955, brought the present action to have it revived in the same justice of the peace court. The defendant opposed the action, but the court, after hearing, declared the judgment revived and again ordered what was necessary to be done in compliance therewith.

The defendant appealed to the Court of First Instance, but as he failed to file a supersedeas bond, the plaintiffs asked for a writ of execution. With that motion still pending determination, the defendant on his part filed a motion for the dismissal of the case, contending that the Court of First Instance, as an appellate court, had no jurisdiction to try it because, according to him, the justice of the peace court itself did not have jurisdiction to entertain an action for the revival of a judgment. Upholding this contention and also holding' the plaintiffs guilty of laches for failing to secure a writ of execution within five years, the Court of First Instance ordered the case dismissed. From that order, the plaintiffs appealed directly to this Court, and we see that the question involved is purely legal.

The appeal is well taken. Matters pertaining to the "execution, satisfaction and effect of judgments", are governed by the provisions of Rule 39, and section 6 of that rule provides:

SEC. 6. Execution by motion or by independent action.—A judgment may be executed on motion within five years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action."

This provision, and for that matter the whole of Rule 39, is applicable in inferior courts as Rule 4, which governs the procedure in those courts, expressly declares in its section 19. That section reads:

"SEC. 19. Application of certain rules—Rules 10, 12, 13, 14, 18, 28, 29, 30 and 39 are applicable in inferior courts in cases falling within their jurisdictions and in so far as they are inconsistent. with the provisions of thin rule.

" We see nothing in section 6 of Rule 39 that is inconsistent with Rule 4.

Furthermore, the Judiciary Act of 1948 gives justice of the peace courts jurisdiction over actions of forcible entry and detainer and also empowers them (in its section 91) to issue all "processes necessary to enforce their orders

and judgments". Needless to say, the revival of a judgment is a necessary step in its enforcement where, as in the present case, the judgment, which has remained" unsatisfied for more than five years, can no longer be executed upon mere motion and has to be enforced by action as provided in section 6 of Rule 39.

The authority of a justice of the peace court to revive its own judgment being clear, it was error to dismiss plaintiff's action on the theory that such authority did' not exist.

Holding the plaintiffs guilty of laches for failing to secure a writ of execution within five years from the entry of judgment, the lower court would also, on that ground, deprive them of their right to have the judgment revived. To that we cannot agree. It is clear that section 6 of Rule 39 gives the plaintiffs not only the right to enforce the judgment through a mere motion for execution within five years, but also, after the expiration of that period without the judgment having been satisfied, the right to bring an action for its enforcement within the time prescribed by the statute of limitations. We would be construing the section arbitrarily were we to hold that the right to bring that action is forfeited if the right to move for execution has not been exercised.

In view of the foregoing, the order of dismissal is set aside and the case remanded to the court below for further proceedings. Costs against the defendants. So ordered.

Paras, C. J., Bengzon, Padilla, Baidista, Angelo, Labrador, Concepcion, Reyes, J. B, L., Endencia and Felix, 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.