

JUAN ENRIQUEZ, RENATO V. HERNANDEZ, RAUL DOMO, GREGORIO MANGILA, AURORA BRUSOLA, CELIA C. CAYLAO, CARDO L. TANADA, JOSE ANCAJAS, JR., EUFEMIA NAVARRA, ALFONSO D. NADUNZA, CORAZO...

G.R. No. 137391. December 14, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This petition seeks to annul and set aside the Court of Appeals' decision dated December 21, 1998 in CA-G.R. No. 48743, dismissing petitioners' petition for review, and resolution dated February 8, 1999 denying the motion for reconsideration.[1]

On January 5, 1987, the Metropolitan Trial Court of Muntinlupa City rendered a decision in an unlawful detainer case, docketed as Civil Case No. 1355, favoring private respondents and ordering petitioners to vacate, restore the premises to private respondents, and pay the accrued rentals, P5,000 attorney's fees and cost of suit. The decision likewise dismissed petitioners' counterclaim.[2]

Respondents failed to enforce the judgment by motion within the five-year period from its entry. They then filed an action to revive the judgment pursuant to Section 6, Rule 39 of the then Rules of Court.[3]

Petitioners answered that respondents were not the owners of the land subject of the unlawful detainer case and that the supervening death of some of the parties brought changes in their relationship that would render enforcement of the judgment unjust and inequitable.

After respondents presented evidence, petitioners filed a motion to dismiss in a demurrer to evidence which was denied. Likewise, the motion for reconsideration was also denied. Petitioners elevated the case to the Regional Trial Court by way of a special civil action for certiorari. Meanwhile, the Metropolitan Trial Court set the main case for presentation of evidence. Petitioners moved for abeyance pending resolution of their petition. The Metropolitan Trial Court denied the motion and considered the case submitted for decision. The RTC eventually dismissed the action for certiorari.

On August 1, 1997, the Metropolitan Trial Court rendered its decision directing the enforcement of the judgement in Civil Case No. 1355. It declared that the issue of ownership is immaterial in an ejectment suit; that Civil Case No. 2957 was not an ejectment case but an action to enforce the final and executory judgment in the previous ejectment case; and that an ejectment case survives the death of the party. The judgment therein can be enforced not only against members of the defendant's family but also against relatives or privies who derive their possession from the defendant.[4]

Petitioners appealed to the RTC of Muntinlupa City which affirmed the MTC. Thereafter, petitioners elevated the case to the Court of Appeals where they reiterated their arguments in the lower courts.

The Court of Appeals denied the petition.

Hence this petition for review where petitioners averred that the Court of Appeals:

I

...HAS DECIDED A QUESTION OF SUBSTANCE NOT YET DETERMINED BY THE SUPREME COURT.

II

...GRAVELY ERRED WHEN IT SANCTIONED THE GRAVE ERROR COMMITTED BY THE REGIONAL TRIAL COURT WHEN IT IGNORED COMPLETELY THE FOLLOWING VITAL ISSUES ASSIGNED AS GRAVE ERRORS COMMITTED BY THE METROPOLITAN TRIAL COURT:

(A) WHETHER OR NOT THE METC WAS JUSTIFIED IN DENYING DEFENDANTS' MOTION TO HOLD IN ABEYANCE THE PRESENTATION OF DEFENDANTS' EVIDENCE FOR CERTIORARI FILED BEFORE THE RTC QUESTIONING THE ORDER OF THE COURT DENYING THE MOTION TO DISMISS IN DEMURRER TO EVIDENCE;

(B) WHETHER OR NOT THE METC WAS JUSTIFIED WHEN IT ORDERED THAT DEFENDANTS (HEREIN PETITIONERS) ARE DEEMED TO HAVE WAIVED THEIR RIGHT TO PRESENT THEIR EVIDENCE AND THE CASE SUBMITTED FOR DECISION INSPITE OF THE PENDENCY OF THE PETITION FOR CERTIORARI WHICH WAS DULY APPEALED;

(C) WHETHER OR NOT THE METC WAS JUSTIFIED WHEN IT REGARDED THE REGULAR ACTION FOR ENFORCEMENT OF JUDGMENT AS IF IT WERE AN EJECTMENT CASE; AND

(D) WHETHER OR NOT THE METC WAS JUSTIFIED IN FAILING TO CONSIDER THAT THE PLAINTIFFS (HEREIN PRIVATE RESPONDENTS) MUST PROVE THAT THE SUBJECT DECISION IS STILL ENFORCEABLE AFTER THE LAPSE OF FIVE (5) YEARS.[5]

Petitioners contend that they were denied the opportunity to present evidence when the Metropolitan Trial Court of Muntinlupa City decided Civil Case No. 2957 without hearing them. They aver that the proper time to present evidence is after the private respondents have proven that the plaintiffs in the ejectment case can still enforce the decision against the defendants. Proof of mere existence of the decision is not enough after the lapse of the 5-year period from the judgment's finality.

The core issue is on the requisites for an action to revive judgment. Did private respondents have to prove the enforceability of the judgment?

Sec. 6 Rule 39 of the Rules of Court states that an action to revive judgment only requires proof of a final judgment which has not prescribed and has remained unexecuted after the lapse of five (5) years but not more than ten (10) years from its finality.[6] Nowhere does the rule require proof that the judgment is still enforceable by and against the original parties who have died. While the action is still subject to defenses and counterclaims which arose after the judgment became effective, proof of the death of some of the parties is not required because the judgment can still be enforced by the executor, administrator or successor-in-interest of the judgement creditor against the judgment debtor.[7]

Petitioners further alleged that respondents are not the owners of the subject premises, hence the action must fail. An action to revive judgment is not meant to retry the case all over again.[8] Its cause of action is the judgment itself and not the merits of the original action.[9] The non-ownership by private respondents refer to the merits of the first civil case which has long been decided with finality and thus become conclusive between the parties.

WHEREFORE, the petition is DENIED. The decision and resolution of the Court of Appeals are AFFIRMED.

Costs against petitioners.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.

Buena, J., on official leave.

[1] Rollo, pp. 8-13.

[2] Id. at 50-51.

[3] Rule 39, Section 6: Execution by motion or by independent action. - A judgment may be executed on motion within five (5) years from the date of its entry or from the date it becomes final and executory. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action.

[4] Id. at 50-54.

[5] Id. at 10.

[6] Supra, note 3.

[7] Section 7, Rule 39, Rules of Court: Execution in case of death of party. - Where a party dies after the entry of the judgment or order, execution thereon may issue, or one already issued may be enforced in the following cases:

- a) In case of the death of the judgment creditor, upon the application of his executor or administrator, or successor-in-interest;
- b) In case of the death of the judgment debtor, against his executor or administrator or successor-in-interest, if the judgment be for the recovery of real or personal property, or the enforcement of a lien thereon;
- c) In case of the death of the judgment debtor after execution is actually levied upon any of his property, the same may be sold for the satisfaction thereof, and the officer making the sale shall account to the corresponding executor or administrator for any surplus in his hands.

[8] E. Paras, RULES OF COURT ANNOTATED, p. 791 (3rd ed. 1996).

[9] Filipinas Investment Finance Corporation vs. IAC, 179 SCRA 728, 729 (1989).

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