

**THE MUNICIPAL GOVERNMENT OF APARRI, PLAINTIFF AND APPELLEE, VS. TOMASA VICTORINO VIUDA DE LIMGENCO ET AL., DEFENDANTS. TOMASA VICTORINO VIUDA DE LIMGENCO, DEFENDANT AND APPELLAN...**

*G.R. No. 36564. February 09, 1933*

Ponente: HULL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36564/>

---

**HULL, J.:**

The plaintiff-appellee and the intervening appellees obtained a judgment against Lim Quingsy which became final by the action of this court on December 2, 1929. On the 10th of January, 1930, the defendant-appellant secured an attachment on the properties of Lim Quingsy, and final judgment was rendered in her favor on July 16, 1930. Under the instruction of the appellant the sheriff of the Province of Cagayan was about to sell the attached properties of Lim Quingsy when the appellee secured a temporary injunction which after hearing was made permanent. The case is brought here on appeal and there is no real controversy over the facts. The lower court held that as the appellees had a final judgment prior to the attachment, they are entitled to preference over the attaching creditor, and quoted article 1924, paragraph 3, subsection of paragraph B, of the Civil Code, which reads:

"With respect to the other personal and real property of the debtor, the following credits shall be preferred:

\* \* \* \* \*

"3. Credits which without a special privilege are evidenced by:

"B. A final judgment, should they have been the subject of litigation.

"These credits shall have preference among themselves in the order of the priority of dates of the instruments and of the judgments respectively."

Even if appellees have a preference under article 1924 (see also *Martinez vs. Holliday, Wise & Co.*, 1 Phil., 194; and *Kuenzle & Streiff vs. Villanueva*, 41 Phil., 611, 616, 624), it would apply to the funds in the hands of the sheriff (*McMicking vs. Lichauco*, 27 Phil., 386), but would not give appellees the right to prevent the sale of the properties of the judgment debtor to satisfy an execution duly issued. Injunction not being the proper remedy, the action of the Court of First Instance of Cagayan in issuing a temporary injunction and then, after hearing, making the same permanent must be vacated. Costs against appellees. So ordered.

Avanceña, C. J., Street, Villamor, Ostrand, Villa-Real, Abad Santos, Vickers, Imperial, and Butte, 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.