

GLORIA DELA CRUZ VDA. DE NABONG, PETITIONER, VS. HON. QUIRINO R. SADANG, REGIONAL TRIAL COURT, BR. XXVIII, THIRD JUDICIAL REGION, CABANATUAN CITY, SPS. PEDRO SUNGA AND MELITONA ...

G.R. No. 73304. November 09, 1988

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73304/>

GANCAYCO, J.:

Can the execution of a final and executory judgment be frustrated by a third party claim? This is the issue in this petition.

There were four antecedent cases between Ignacio Nabong and Pedro Sunga involving subject property as follows:

(1)

CAR Case No. 5728 (Pedro Sunga v. Ignacio Nabong) filed on September 28, 1970, for leasehold and fixing of the lease rentals which was decided by the Agrarian Court on December 29, 1971, in favor of Sunga, with rentals fixed at 23 cavans of 46 kilos and 15 kilos every agricultural year.

(2)

CAR Case No. 6990 (Ignacio Nabong v. Pedro Sunga) filed on December 20, 1974, for collection of rentals. In this case, Sunga set up the defense of ownership by his wife Melitona Ignacio. On June 17, 1976, the Agrarian Court decided the case in favor of Nabong. On appeal by Sunga, the Court of Appeals in CA-G.R. No. L-05749 affirmed the decision of the Agrarian Court, holding that Sunga as tenant cannot deny the title of Nabong to the landholding. Sunga was required to pay arrearages in rentals.

(3)

CAR Case No. 7160 (Ignacio Nabong v. Pedro Sunga) filed in the Agrarian Court for ejectment. This case was dismissed because of agrarian laws against the ejectment of tenants.

(4)

CAR Case No. 7373 (Ignacio Nabong v. Pedro Sunga and the Samahang Nayon of Mag-asawang Sampaloc, Gen. Natividad, Nueva Ecija) filed in the Agrarian Court on February 12, 1979. During the pendency of this case, Nabong died on May 26, 1979, and was substituted by his wife, Gloria de la Cruz, the herein petitioner. Among the causes of action in said case was to transfer the landholding tenanted by Sunga to the Samahang

Nayon of Mag-asawang Sampaloc, Gen. Natividad, Nueva Ecija, in accordance with P.D. No. 816 and collection of rentals. By way of Answer filed on March 6, 1979, Sunga claimed for the second time ownership of the land by his wife, Melitona Ignacio, who signed the answer in their behalf.

The trial court dismissed the case on the ground of abandonment of the landholding by Sunga and for lack of jurisdiction to decide the issue of ownership.

A petition for review of said decision was filed with the then Intermediate Appellate Court docketed as AC-G.R. SP No. 14440. On August 23, 1983, the case was decided, the dispositive portion of which reads -

"In view of the foregoing, judgment is hereby rendered setting aside the orders of the lower court of March 29, 1982, April 14, 1982 and April 29, 1982, and rendering a new judgment ordering the defendant Pedro Sunga to pay to plaintiff the stipulated rentals of the landholding in question at the rate of twenty-three cavans of forty six (46) kilos and fifteen (15) kilos per agricultural year beginning May 1973 until the time that said defendant had actually abandoned said landholding and turning over said landholding to the Samahang Nayon of Mag-asawang Sampaloc, Gen. Natividad, Nueva Ecija for reassignment to qualified members of said association pursuant to Section 4 of P.D. No. 816.

"In connection with the execution of the judgment in this case, the lower court is hereby directed to fix, after notice and hearing to the parties, the time when defendant Pedro Sunga had actually abandoned said landholding.

"This decision, however, is without prejudice to any action that may be filed by Melitona Ignacio to establish her claim that she is the owner of the landholding in question in a proper suit before the proper forum." (P. 60, Rollo.)

In due course, a writ of execution of said final judgment was issued by the trial court. Melitona Ignacio filed in said court a third party claim through her affidavit claiming ownership of the property. She alleged that she is single, that she inherited the property from her father and that Pedro Sunga was merely her helper in the cultivation of the property. This claim was denied by the trial court on December 27, 1983 without prejudice on the part of said claimant to file the corresponding action. A motion for reconsideration was filed by Ignacio but this was denied on February 1, 1984.

Thereafter, Ignacio filed a complaint for recovery of ownership and possession, quieting of title and damages with preliminary injunction in the Regional Trial Court of Cabanatuan City against the Heirs of Ignacio Nabong, Samahang Nayon ng Mag-asawang Sampaloc, and the Provincial Sheriff docketed as Civil Case No. 8156.

Ignacio then filed a third party claim by affidavit with the sheriff on June 25, 1984. On December 3, 1984, the trial court issued an order in said agrarian case requiring plaintiff to file a bond in a sum not greater than the value of the property being levied to indemnify the sheriff against the third party claim. A motion to set aside said order filed by plaintiff was denied in an order of December 21, 1984.

On August 5, 1985, plaintiff filed a motion for writ of possession/execution for the turn over of the property to the Samahang Nayon ng Mag-asawang Sampaloc. The trial court issued an order on November 5, 1985 requiring plaintiff to post an indemnity bond. A motion for reconsideration filed by plaintiff was denied on November 26, 1985.

Hence, this petition assailing the said orders of the trial court of December 3, 1984, December 21, 1984, November 5, 1985 and November 26, 1985 to have been issued in grave abuse of discretion and/or in excess of jurisdiction.

The petition is impressed with merit.

The final judgment of the appellate court is explicit. Defendant Sunga was ordered to pay plaintiff the specified rentals of the landholding beginning May, 1975 until defendant actually abandoned the same and the trial court will fix after notice and hearing the time defendant abandoned the said landholding. It was also ordered that said landholding be turned over to the Samahang Nayon ng Mag-asawang Sampaloc, General Natividad, Nueva Ecija for reassignment to qualified members of the association pursuant to Section 4, P.D. No. 816. The decision is "without prejudice to any action that may be filed by Melitona Ignacio to establish her claim that she is the owner of the landholding in question in a proper suit before the proper forum."

Although Ignacio is not formally named as a party defendant in said case, it was Ignacio who signed the answer to the complaint in behalf of her husband Sunga and in her own behalf in which she claimed ownership over the landholding. She is not a third party in said case. Her right to file a separate suit was even reserved.

Thus, when a writ of execution of said judgment was issued by the trial court, it was error for the trial court to give due course to the third party claim of Ignacio.

Under Section 17, Rule 39 of the Rules of Court, it is provided that -

Sec. 17. Proceedings where property claimed by third person.- If property levied on be claimed by any other person than the judgment debtor or his agent, and such person make an affidavit of his title thereto or right to the possession thereof, stating the grounds of such right or title, and serve the same upon the officer making the levy, and a copy thereof upon the judgment creditor, the officer shall not be bound to keep the property, unless such judgment creditor or his agent, on demand of the officer, indemnify the officer against such claim by a bond in a sum not greater than the value of the property levied on. In case of disagreement as to such value, the same shall be determined by the court issuing the writ of execution.

The officer is not liable for damages, for the taking or keeping of the property, to any third-party claimant unless a claim is made by the latter and unless an action for damages is brought by him against the officer within one hundred twenty (120) days from the date of the filing of the bond. But nothing herein contained shall prevent such claimant or any third person from vindicating his claim to the property by any proper action.

When the party in whose favor the writ of execution runs, is the Republic of the Philippines, or any officer duly representing it, the filing of such bond shall not be required, and in case the sheriff or levying officer is sued for damages as a result of the levy, he shall be represented by the Solicitor General and if held liable therefor, the actual damages adjudged by the court shall be paid by the National Treasurer out of such funds as may be appropriated for the purpose. (Underscoring supplied)

From the foregoing provision, it is clear that a third party claim must be filed by a person other than the judgment debtor (defendant) or his agent.

In the present case, although Ignacio was not named as defendant there is no doubt that as wife of defendant Sunga she shares a common interest with him in the litigation. Indeed she represented herself to be the agent of Sunga by signing the answer in their behalf.[1] She is therefore as much a judgment debtor and agent of the defendant and not a third party to the litigation.

Of course in a total turn about, in her affidavit to support her third party claim, she alleges that she is single and that Sunga was only her helper in the land, not her husband. This masquerade which is belied by the records showing she is actually the spouse of Sunga cannot be dignified as to justify the filing of the third party claim.

The trial court obviously committed a grave abuse of discretion in requiring petitioner to put up an indemnity bond to secure said third party claim before possession of the property can be turned over to the Samahang Nayon ng Mag-asawang Sampaloc. This requirement is not contained in the dispositive part of the final judgment of the appellate court. The trial court has no authority to vary or modify such final and executory judgment.[2] Its only

duty is to execute the same in accordance with the terms and conditions thereof. Where the execution is not in harmony with the judgment which gives it life and exceeds it, it has pro tanto no validity.[3]

The execution of a final and executory judgment is mandatory and its execution is a ministerial act.[4] In this case wherein it is clearly stated in the dispositive part of the final judgment that the claim of ownership of Ignacio should be determined in a separate action and that the subject property should be delivered to the possession of the Samahang Nayon ng Mag-asawang Sampaloc, no other condition should be imposed for such delivery of the property.

WHEREFORE, the petition is GRANTED and the questioned orders of the trial court of December 3, 1984, December 24, 1984, November 5, 1985 and November 26, 1985 are set aside as null and void, and the trial court is directed to enforce the execution of the judgment in AC-G.R. SP No. 1440 without further delay with costs against private respondents. This judgment is immediately executory. SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Section 2, Rule 3, Rules of Court.

[2] *Ang Li Chi vs. Castelo, et al.*, 83 Phil. 263; *Mata vs. Reyes*, L-29433, May 31, 1974; *Damaso vs. Montemayor*, L-3737, December 27, 1950.

[3] *Velez vs. Martinez*, 63 Phil. 231; *Dollente vs. Blanco*, L-3525, November 29, 1950; *Collector of Internal Revenue vs. Gutierrez*, L-13819, May 25, 1960.

[4] *Zulueta vs. Paredes*, 63 Phil. 1, 5.

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.