

**BELEN CRUZ AND HON. LUCIANO G. ELIZAGA, IN HIS CAPACITY AS
PRESIDING JUDGE OF BRANCH 10, RTC – BULACAN,
PETITIONERS, VS. FE ESPERANZA LEABRES, RESPONDENT.**

G.R. No. 99846. May 22, 1995

Ponente: ROMERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-99846/>

ROMERO, J.:

This is a petition for review on certiorari of the decision[1] of the Court of Appeals dated April 30, 1991 which (1) annulled and set aside the injunction order of Judge Luciano G. Elizaga of the Regional Trial Court of Bulacan in Civil Case No. 624-M-88, and (2) ordered the Municipal Trial Court of Meycauayan, Bulacan to reinstate the writ of execution in Civil Case No. 87-1377.

The facts show that private respondent Fe Esperanza Leabres acquired a parcel of land with a two-door apartment on December 31, 1981 from its registered owners, the spouses Roque David and Concordia Regoso. The latter executed a Deed of Absolute Sale in favor of private respondent and a corresponding Transfer Certificate of Title was issued in her name. No lis pendens or encumbrance of whatever form or nature was annotated at the back of the title. Petitioner Belen Cruz Regoso, widow of Concordia Regoso's father was an occupant of one of the units of the said apartment at the time of the sale and continues to occupy the same up to the present.

On September 26, 1986, private respondent asked petitioner to vacate the unit she was occupying because private respondent needed to use it. Petitioner refused to vacate the same and, as a consequence, private respondent filed a complaint for ejectment with the Municipal Trial Court of Bulacan, branch I, docketed as Civil Case No. 87-1377.

On March 28, 1988, the Municipal Trial Court of Meycauayan rendered judgment, the dispositive portion of which reads:

"WHEREFORE, with all the foregoing, judgment is hereby rendered in favor of the plaintiff ordering:

1. the defendant and those claiming rights under her to vacate the premises in question and restore possession to plaintiff;
2. the defendant to pay plaintiff actual damages in the amount of P2,000.00 exclusive of expenses in case of appeal;
3. the defendant to pay the sum of P5,000.00 for and as attorney's fees plus P300.00 as court appearance fees for every court attendance of herein plaintiff's retained counsel; and
4. the costs of suit.

Further, the counterclaim of defendant is hereby dismissed for lack of merit.

SO ORDERED."

Petitioner appealed the decision to the Regional Trial Court of Bulacan, docketed as Civil Case No. 193-M-88. On June 14, 1988, the said court rendered its decision affirming in toto the decision of the Municipal Court.

Petitioner received the aforesaid decision on June 22, 1988 and on July 8, 1988, she filed her motion for reconsideration, which was denied on September 6, 1988.

On September 21, 1988, petitioner filed a notice of appeal but the same was denied. The decision having become final and executory, the Regional Trial Court of Bulacan, Branch 22 issued an order dated October 5, 1988 remanding the case to the court of origin.

On November 23, 1988, petitioner filed a civil action for the rescission of the sale between the spouses Roque David and Concordia Regoso and Fe Esperanza Leabres with damages and preliminary injunction with the RTC of Bulacan docketed as Civil Case No. 624-M-88. On September 5, 1989, upon motion of private respondent, the Municipal Trial Court of Meycauayan issued an order for the execution of its judgment. The RTC issued a restraining order dated November 24, 1989 enjoining the Municipal Trial Court of Meycauayan, from issuing a writ of execution of the ejectment case.

On January 8, 1990, the RTC of Bulacan issued the assailed order for the issuance of a writ of preliminary injunction, the dispositive portion of which reads as follows:

"WHEREFORE, the writ of preliminary injunction prayed for is hereby granted and

1. The Presiding Judge of Branch I of the Municipal Trial Court of Meycauayan, Bulacan is enjoined from taking further action in the implementation of its decision dated March 8, 1988 in Civil Case No. 87-1377 entitled 'Fe Esperanza Leabres vs. Belen Regoso'; and
2. If a writ of execution has already been issued, the ex-officio Provincial Sheriff of Bulacan or any of her Deputies is enjoined from enforcing/implementing any writ of execution issued in connection with the aforementioned MTC case and not to molest or otherwise disturb plaintiff in the peaceful enjoyment and possession of the property in question until further orders from this court.

SO ORDERED."

At this juncture, certain antecedent facts have become material. On February 14, 1969, petitioner purchased a parcel of land from the spouses Emmanuel Galang and Rosalina Villegas. Petitioner caused the registration of the Deed of Sale, and accordingly, Transfer Certificate of Title No. T-108088 was issued in the name of Belen Cruz married to Maximo Regoso.

In July 1969, petitioner was made to sign a "Kasulatan ng Pagwawalang-bahala ng Karapatan" renouncing whatever rights she had in her property and transferred the same to her husband Maximo Regoso.

A new Transfer Certificate of Title was then issued in the name of Maximo Regoso married to Belen Cruz-Regoso. On October 23, 1979, he sold the property to the spouses Roque David and Concordia Regoso, who in turn sold the property to private respondent Leabres on December 31, 1981. The two-door apartment standing on the said property was constructed out of the conjugal funds of petitioner and Maximo Regoso. One door was leased since 1972 while the other was occupied by petitioner up to the present.

While her husband was still alive, petitioner filed a case against him with the RTC of Malolos, Bulacan on October 12, 1981 for partition with accounting and damages. He died on January 17, 1985 while the case was pending.

On November 14, 1988, the court rendered a decision^[2] in said case finding that the subject property now being litigated is paraphernal, and the improvement thereon (the two-door apartment), conjugal. The said court also

found that the "Kasulatan" executed in July 1969 is a nullity as it runs counter to the pertinent provisions of the Civil Code, namely Article 133[3] and Article 1490[4] which provides, respectively, that all donations between spouses made during marriage shall be void and which prohibits the husband and wife from selling their property to each other.

Since the "Kasulatan" could not have validly transferred the property in favor of Maximo Regoso, the court held that he could not, in turn, sell the same in favor of his daughter Concordia Regoso-David because the transfer to him was void.

When the case was appealed to the Court of Appeals by the Heirs of Maximo Regoso, the same was dismissed by the appellate court on January 30, 1990.

The Heirs of Maximo Regoso then filed a petition for review on certiorari with this Court docketed as G.R. No. 91879. We denied the said petition in a Decision promulgated on July 6, 1992; hence the RTC decision of November 14, 1988 declaring the property in question as paraphernal property of the petitioner is now final.

Meanwhile, Civil Case No. 624-M-88 for rescission was filed on November 23, 1988 by petitioner with the RTC of Bulacan, the same court which issued the now assailed order of injunction.

After said order was issued, private respondent filed a petition for certiorari with the Court of Appeals. On April 30, 1991, the appellate court annulled and set aside the injunction order and ordered the Municipal Trial Court of Bulacan to reinstate the writ of execution of the ejectment case against petitioner.

Hence, this petition.

Petitioner argues that when the Court of Appeals rendered the decision appealed from, it failed to consider the supervening facts that occurred before and after the Municipal Trial Court of Meycauayan, Branch I issued a writ of execution and that these facts, if properly considered and evaluated, would result in a decision in her favor.

We find the petition meritorious.

The principal issue to be resolved here is whether or not the Regional Trial Court of Bulacan acted in excess of its jurisdiction or with grave abuse of discretion in granting the writ of preliminary injunction which enjoined implementation of the writ of execution issued by the Municipal Court.

Petitioner admits that the ejectment suit against her became final and executory on September 21, 1988. However, she argues that the facts and circumstances that occurred before and after the Municipal Court judgment make the case an exception to Sec. 1, Rule 39 of the Rules of Court[5] where the prevailing party is entitled as a matter of right to the issuance of a writ of execution.

In *Lee v. De Guzman, Jr.*, [6] we said:

"It is well-settled that when after a judgment has become final and executory, facts and circumstances transpire which render its execution impossible or unjust, the interested party may ask a competent court to stay its execution or prevent its enforcement."

In *Lipana v. Development Bank of Rizal*, [7] we enumerated the exceptions to the general rule:

"The rule that once a decision becomes final and executory, it is the ministerial duty of the court to order its execution, admits of certain exceptions as in cases of special and exceptional nature where it becomes imperative in the higher interest of justice to direct the suspension of its execution (*Vecine vs. Geronimo*, 59 O.G. 579); whenever it is necessary to accomplish the aims of justice (*Pascual vs. Tan*, 85 Phil. 164); or when certain facts and circumstances transpired after the judgment became final which could render the execution of

the judgment unjust (Cabrias vs. Adil, 135 SCRA 354)."

In the instant case, the stay of execution of the judgment ejecting petitioner from where she is staying is warranted by the fact that the transfer to her husband of the said property and his subsequent sale thereof to his son-in-law and daughter had been earlier declared null and void. To execute the judgment by ejecting petitioner would result in an injustice, considering that the decision of November 14, 1988 declaring the property in question as her paraphernal property has already become final.

Accordingly, respondent Judge did not gravely abuse his discretion in issuing the assailed injunction order which was necessary to preserve the status quo between the parties while the action for rescission of the sale was still being tried.

WHEREFORE, the decision of the court of Appeals is hereby REVERSED and SET ASIDE.

SO ORDERED.

Feliciano, (Chairman), Melo, and Vitug, JJ., concur.
Francisco, J., on leave.

[1] CA-G.R. SP No. 19941, Alfredo Marigomen, J., ponente, Lorna S. Lombos-De La Fuente and Jainal D. Rasul, JJ., concurring; Rollo, p. 20.

[2] Rollo, p. 37.

[3] ART. 133. Every donation between the spouses during the marriage shall be void. This prohibition does not apply when the donation takes effect after the death of the donor.

Neither does this prohibition apply to moderate gifts which the spouses may give each other on the occasion of any family rejoicing.

[4] ART. 1490. The husband and the wife cannot sell property to each other, except:

- (1) When a separation of property was agreed upon in the marriage settlements; or
- (2) When there has been a judicial separation of property under article 191.

[5] Sec. 1, Rule 39, Rules of Court states:

"SECTION 1. Execution upon final judgments or orders. - Execution shall issue only upon a judgment or order that finally disposes of the action or proceeding. Such execution shall issue as a matter of right upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

If the judgment has been duly appealed, execution may issue as a matter of right from the date of the service of the notice provided in Section 11 of Rule 51."

[6] 187 SCRA 280 (1990).

[7] 154 SCRA 257 (1987).

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.