



CERTIFIED TRUE COPY
Wilfredo Lapitan
WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

Republic of the Philippines
Supreme Court
 Manila

MAR 09 2018

THIRD DIVISION

SIMEON TRINIDAD PIEDAD G.R. No. 208614
 (deceased) survived and assumed by
 his heirs, namely: **ELISEO PIEDAD**
 (deceased)*, **JOEL PIEDAD,**
PUBLIO PIEDAD, JR., GLORIA
PIEDAD, LOT PIEDAD, ABEL
PIEDAD, ALI PIEDAD, and LEE
PIEDAD,
 Petitioners,

Present:
VELASCO, JR., J., Chairperson
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, JJ.**

-versus-

CANDELARIA
BOBILLES and
BOBILLES,
 Respondents.

LINEHAN
MARIANO

Promulgated:
 November 27, 2017

Wilfredo Lapitan

X-----X

DECISION

LEONEN, J.:

Courts should take to heart the principle of equity if the strict application of the statute of limitations or laches would result in manifest wrong or injustice.

This resolves the Petition for Review¹ filed by Eliseo Piedad, Joel Piedad, Publio Piedad, Jr., Gloria Piedad, Lot Piedad, Abel Piedad, Ali Piedad, and Lee Piedad (the Heirs of Piedad) assailing the Resolutions dated

* Substituted by his heirs Remedios Veloso Cascon, Ronald C. Piedad, Janus C. Piedad and Ralph C. Piedad. See *Rollo*, p. 106.

** On leave.

¹ *Rollo*, pp. 37-43.

l

December 10, 2012² and July 10, 2013³ of the Court of Appeals in CA-G.R. SP No. 07176.

The facts as established by the pleadings of the parties are as follows:

Sometime in 1974, Simeon Piedad (Piedad) filed a case for annulment of an absolute deed of sale against Candelaria Linehan Bobilles (Candelaria) and Mariano Bobilles (Mariano). The case was docketed as Civil Case No. 435-T and raffled to Branch 9, Regional Trial Court, Cebu City, presided over by Judge Benigno Gaviola (Judge Gaviola).⁴

On March 19, 1992, the trial court ruled in Piedad's favor and declared the deed of sale as null and void for being a forgery.⁵ The *fallo* of this Decision read:

WHEREFORE, premises considered and by preponderance of evidence, the Court hereby renders a Decision in favor of herein plaintiff Simeon Piedad and against defendants Candelaria Linehan-Bobilles and Mariano Bobilles, by declaring the deed of sale in question (Exhibit "A" or "5") to be NULL and VOID for being a mere forgery, and ordering herein defendants, their heirs and/or assigns to vacate the house and surrender their possession of said house and all other real properties which are supposed to have been covered by the voided deed of sale (Exhibit "A" or "5") to the administrator of the estate of spouses Nemesio Piedad and Fortunata Nillas. Furthermore, herein defendants are hereby ordered to pay plaintiff or his heirs the following: (1) P3,000.00 Moral Damages; (2) P2,000.00 Exemplary Damages; and (3) P800.00 attorney's fees, plus costs.

SO ORDERED.⁶

Candelaria and Mariano appealed the trial court Decision, but on September 15, 1998, the Court of Appeals in CA-G.R. CV No. 38652 dismissed the appeal and affirmed the trial court ruling.⁷

The Court of Appeals Decision became final and executory on November 1, 1998.⁸ On October 22, 2001, Judge Gaviola issued an order

² Id. at 59–60. The Resolution was penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Pampio A. Abarintos and Pedro B. Corales of the Eighteenth Division, Court of Appeals, Cebu City.

³ Id. at 23–24. The Resolution was penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Pampio A. Abarintos and Maria Luisa Quijano Padilla of the Special Former Eighteenth Division, Court of Appeals, Cebu City.

⁴ Id. at 11.

⁵ Id.

⁶ Id.

⁷ Id. at 11–12.

⁸ Id. at 12.

l

for the issuance of a writ of demolition.⁹ The dispositive portion of this Order read:

WHEREFORE, let a writ of demolition issue against Candelaria Linehan Bobilles and Mariano Bobilles. The sheriff implementing the writ is ordered to allow the defendants 10 days to remove their improvements in the premises and for them to vacate. Should defendant still fail to do so within the period aforesated, the sheriff may proceed with the demolition of the improvements without any further order from this Court.

SO ORDERED.¹⁰

On November 26, 2001, Judge Gaviola denied Candelaria's Motion for Reconsideration.¹¹

On December 4, 2001, Judge Gaviola issued a Writ of Demolition against Candelaria and Mariano and referred it to Sheriff Antonio A. Bellones (Sheriff Bellones) for its implementation.¹²

That same day,¹³ in the same case, Candelaria filed a Petition for the Probate of the Last Will and Testament of Simeon Piedad. Judge Gaviola ordered that the petition be heard independently and that it be raffled to another branch.¹⁴

Candelaria's Petition for the Probate of the Last Will and Testament of Simeon Piedad was eventually docketed as S.P. Proc. No. 457-T and raffled to Branch 59, Regional Trial Court, Toledo City, presided over by Judge Gaudioso D. Villarin (Villarin).¹⁵

On May 16, 2002, Candelaria also filed a verified petition for the issuance of a temporary restraining order and/or preliminary injunction against Sheriff Bellones to restrain him from enforcing the writ of demolition. This was docketed as S.P. Proc. No. 463-T.¹⁶

Judge Cesar O. Estrera (Judge Estrera), Executive Judge of the Regional Trial Court of Toledo City and Presiding Judge of Branch 29, ordered the raffle of the petition against Sheriff Bellones. A few days later,

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Id. at 13.

¹³ Id. at 38.

¹⁴ Id. at 13.

¹⁵ Id.

¹⁶ Id.

after summarily hearing the case, Judge Estrera issued a restraining order against Sheriff Bellones.¹⁷

Upon Candelaria's motion, Judge Estrera consolidated S.P. Proc. No. 457-T with S.P. Proc. No. 463-T before Branch 59, Regional Trial Court, Toledo City.¹⁸

On May 27, 2002, again upon Candelaria's motion, Judge Villarin of Branch 59 extended the temporary restraining order against Sheriff Bellones for 17 days.¹⁹

The following motions were eventually filed before Judge Villarin, but he never resolved them: (1) a motion to dismiss, as amended; (2) a motion requesting the issuance of an order lifting the injunction order; and (3) a joint motion to resolve the motions.²⁰

On February 28, 2007, the Heirs of Piedad filed an administrative complaint against Judges Estrera and Villarin. The administrative complaint charged them with Issuing an Unlawful Order Against a Co-Equal Court and Unreasonable Delay in Resolving Motions.²¹

On December 16, 2009, this Court found both Judges Estrera and Villarin administratively liable for gross ignorance of the law, and Judge Villarin liable for undue delay in rendering an order.²² The *fallo* of this Court's Decision read:

WHEREFORE, the Court finds Judge Cesar O. Estrera and Judge Gaudioso D. Villarin of the RTC in Toledo City, Cebu, Branches 29 and 59, respectively, **GUILTY** of **GROSS IGNORANCE OF THE LAW** and imposes upon them a **FINE** in the amount of twenty[-]one thousand pesos (PhP 21,000) each, with the stern warning that a repetition of similar or analogous infractions in the future shall be dealt with more severely. Also, the Court finds Judge Gaudioso D. Villarin **GUILTY** of **UNDUE DELAY IN RENDERING AN ORDER** and imposes upon him a **FINE** in the additional amount of eleven thousand pesos (PhP 11,000)[.]

SO ORDERED.²³

¹⁷ Id. at 13–14.

¹⁸ Id. at 14.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 10–11.

²² Id. at 10–20. *Heirs of Simeon Piedad v. Exec. Judge Estrera*, 623 Phil. 178 (2009) [Per J. Velasco, Jr., En Banc].

²³ Id. at 19.

Civil Case No. 435-T before Branch 9, Regional Trial Court, Cebu City was eventually transferred to Branch 29, Regional Trial Court, Toledo City.²⁴

On July 12, 2010, the Heirs of Piedad filed their Motion Praying that an Order Be Issued to Sheriff Antonio Bellones to Resume the Unfinished Writ of Execution and/or Writ of Demolition before Regional Trial Court, Branch 29, Toledo City.²⁵

In his Order²⁶ dated May 15, 2012, Presiding Judge Ruben F. Altubar (Judge Altubar) of Branch 29, Regional Trial Court, Toledo City denied the motion.

Judge Altubar opined that since more than 12 years had passed since the Court of Appeals September 15, 1998 Decision became final and executory, the execution should have been pursued through a petition for revival of judgment, not a mere motion.²⁷

On August 16, 2012, Judge Altubar denied the Motion for Reconsideration of the Heirs of Piedad.²⁸

The Heirs of Piedad appealed the denial of their motions with a petition under Rule 42 of the Rules of Court. On December 10, 2012, the Court of Appeals²⁹ dismissed the appeal for being the wrong remedy:

First, assailed in the instant petition are Orders denying petitioners' motion to enforce a writ of execution and writ of demolition in Civil Case No. 435-T.

Second, the Orders assailed in this petition were not rendered in the exercise of the RTC's appellate jurisdiction. In fact, Civil Case No[.] 435-T is an original action for annulment of a Deed of Absolute Sale.

Under the Rules, appeals to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

The appropriate course of action for the petitioner was to file a Petition for Certiorari under Rule 65 alleging grave abuse of discretion amounting to lack or excess of jurisdiction committed by the presiding judge who issued the assailed Orders dated May 15, 2012 and August 16,

²⁴ Id. at 66.

²⁵ Id. at 67.

²⁶ Id. at 66-70.

²⁷ Id. at 69.

²⁸ Id. at 38.

²⁹ Id. at 59-60.

2012.³⁰

On July 10, 2013, the Court of Appeals³¹ denied the Heirs of Piedad's Motion for Reconsideration.

On September 27, 2013, petitioners Heirs of Piedad filed a Petition for Review on Certiorari³² before this Court, where they adopted the findings of fact in the administrative case against Judges Estrera and Villarin.³³

Petitioners assert that the Court of Appeals committed grave abuse of discretion when it denied their motion for the resumption of the writ of demolition and their motion for reconsideration.³⁴

Petitioners chide Judge Altubar for being equally ignorant of the law as Judges Estrera and Villarin. They also point out that Court of Appeals Justice Gabriel T. Ingles, who penned the dismissal of their appeal, presided over S.P. Proc No. 463-T when he was still the acting Regional Trial Court Judge of Branch 59, Toledo City³⁵ and even issued an Order³⁶ dated July 9, 2008.

Petitioners pray for the resumption of the writ of demolition issued by Branch 9, Regional Trial Court, Cebu City.³⁷

In its October 21, 2013 Resolution,³⁸ this Court granted petitioners' motion for extension and directed respondents to comment on the Petition.

On January 15, 2014, respondents filed their Comment³⁹ to the Petition where they claim that it cannot be determined if the Petition falls under Rule 45 or Rule 65.⁴⁰ Nonetheless, whether viewed as a petition under Rule 65 or an appeal under Rule 45, respondents assert that the Petition was still devoid of merit.⁴¹

Respondents opine that petitioners' motion for the implementation of the writ of demolition was already barred by prescription since it was filed

³⁰ Id.

³¹ Id. at 23-24.

³² Id. at 37-43

³³ Id. at 37.

³⁴ Id. at 39.

³⁵ Id. at 39-40.

³⁶ Id. at 57.

³⁷ Id. at 40.

³⁸ Id. at 72.

³⁹ Id. at 80-93.

⁴⁰ Id. at 81-82.

⁴¹ Id. at 82-83

12 years after the Court of Appeals September 15, 1998 Decision, which upheld the validity of the writ of demolition, became final and executory.⁴²

Respondents further claim that the ruling in the administrative case against Judges Estrera and Villarín cannot bind them since they were not parties to the case and the issue resolved was the administrative liability of these judges. They emphasize that this Court did not rule on the validity of Judges Estrera's and Villarín's issuances and orders in S.P. Proc No. 463-T and S.P. Proc. No. 457-T.⁴³

Respondents also question the personality of petitioners to institute the case on Piedad's behalf.⁴⁴

Finally, respondents put petitioners to task for their disrespectful tone towards the judges and justice involved in this case.⁴⁵

On February 12, 2014, petitioners filed a Motion for Substitution of Heirs,⁴⁶ alleging that petitioner Eliseo Piedad died on January 8, 2014 and would be substituted by his surviving spouse and their children.⁴⁷

In its July 14, 2014 Resolution,⁴⁸ this Court required petitioners to file a reply to the Comment.

In their Reply,⁴⁹ petitioners assert that their Petition was filed under Rule 65 because it alleges grave abuse of discretion⁵⁰ on the part of the Court of Appeals.

Petitioners apologized for the confusion created by their former counsel in filing the appeal before the Court of Appeals. They claimed that their former counsel, now deceased, was almost 100 years old when he filed the appeal before the Court of Appeals and Petition before this Court. However, petitioners insist that considering the merit of their case, the Court of Appeals should not have dismissed their appeal on mere technicalities.⁵¹

⁴² Id. at 84–85.

⁴³ Id. at 86–87.

⁴⁴ Id. at 88–89.

⁴⁵ Id. at 90.

⁴⁶ Id. at 106–109.

⁴⁷ Id. at 106.

⁴⁸ Id. at 117.

⁴⁹ Id. at 158–168.

⁵⁰ Id. at 158–160.

⁵¹ Id. at 160–161.

Petitioners ask this Court for liberality for the procedural lapses committed by their former counsel.⁵²

The issues submitted for this Court's resolution are:

First, whether or not petitioners have duly established their personality to file the petition as heirs of Simeon Piedad; and

Second, whether or not the motion to revive judgment was timely filed.

I

Rule 3, Section 2 of the Rules of Civil Procedure provides who may be a party in interest in a civil action:

Section 2. *Parties in interest* – A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. Unless otherwise authorized by law or these Rules, every action must be prosecuted or defended in the name of the real party in interest.

Rule 3, Section 16⁵³ then provides for the process of substitution of parties when the original party to a pending action dies and death does not extinguish the claim.

Petitioners claim to be Piedad's children; thus, they assert that they are the real parties in interest to the action begun by their father. On the other hand, respondents claim that petitioners did not properly substitute Piedad upon his death; hence, they failed to substantiate their personality to move for the revival of judgment.⁵⁴

⁵² Id. at 163.

⁵³ RULES OF COURT, Rule 3, sec. 16 provides:

Section 16. *Death of party; duty of counsel.*— Whenever a party to a pending action dies, and the claim is not thereby extinguished, it shall be the duty of his counsel to inform the court within thirty (30) days after such death of the fact thereof, and to give the name and address of his legal representative or representatives. Failure of counsel to comply with his duty shall be a ground for disciplinary action.

The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of an executor or administrator and the court may appoint a guardian ad litem for the minor heirs.

The court shall forthwith order said legal representative or representatives to appear and be substituted within a period of thirty (30) days from notice.

If no legal representative is named by the counsel for the deceased party, or if the one so named shall fail to appear within the specified period, the court may order the opposing party, within a specified time to procure the appointment of an executor or administrator for the estate of the deceased and the latter shall immediately appear for and on behalf of the deceased. The court charges in procuring such appointment, if defrayed by the opposing party, may be recovered as costs.

⁵⁴ *Rollo*, pp. 88–89.

Respondents fail to convince. Petitioners have been repeatedly recognized as Piedad's rightful heirs not only by the Court of Appeals but also by this Court.

In *Heirs of Simeon Piedad v. Exec. Judge Estrera*,⁵⁵ petitioners filed an administrative case in their capacity as Piedad's heirs and this Court acknowledged their standing to sue in this capacity. The same is also true in the assailed Court of Appeals September 15, 1998 Decision where petitioners filed their appeal as Piedad's heirs and their personality to represent their father was never questioned or assailed.

This Court upheld petitioners' personality to sue in *Heirs of Simeon Piedad* and sees no reason to deny them the same recognition in the case at bar when the current case is merely an offshoot of their father's original complaint for nullity of deed of sale.

Furthermore, this Court takes judicial notice of how respondents, through their counsels,⁵⁶ deliberately and maliciously delayed the execution of a final and executory judgment by filing patently dilatory actions. These actions include the Petition for the Probate of the Last Will and Testament of Simeon Piedad,⁵⁷ filed in the same case as Piedad's complaint for annulment of absolute deed of sale. The Petition for Probate of the Last Will and Testament of Simeon Piedad was filed in response to the Writ of Demolition issued on December 4, 2001, pursuant to the final and executory Court of Appeals September 15, 1998 Decision in CA-G.R. CV No. 38652.⁵⁸

Respondents, through their counsels, further delayed the execution of the judgment by filing a petition against Sheriff Bellones of Branch 9, Regional Trial Court, Cebu City to restrain him from enforcing the writ of demolition.⁵⁹

The extent of the insidious machinations employed by respondents and their counsels were highlighted when they assailed petitioners' motion for execution for purportedly being filed beyond the prescriptive period of 10 years, when they themselves were part of the reason for the delay in execution.

Counsels for respondents are reminded that as officers of the law, they are mandated by Rule 12.04 of the Code of Professional Responsibility to "not unduly delay a case, impede the execution of a judgment or misuse

⁵⁵ 623 Phil 178 (2009) [Per J. Velasco, Jr., En Banc].

⁵⁶ Attys. Roberto R. Arendain, Randy M. Pareja and Patrina T. Soco of the Arendain Pareja and Soco Law Offices.

⁵⁷ *Heirs of Simeon Piedad v. Exec. Judge Estrera*, 623 Phil 178, 184 (2009) [Per J. Velasco, Jr., En Banc].

⁵⁸ Id. at 182-184.

⁵⁹ Id. at 184.

court processes.” While counsels for respondents are expected to serve their clients to the utmost of their ability, their duty to their clients does not include disrespecting the law by scheming to impede the execution of a final and executory judgment. As members of the Bar, counsels for respondents are enjoined to represent their clients “with zeal within the bounds of the law.”⁶⁰

Thus, counsels for respondents are given a *stern warning* to desist from committing similar acts which undermine the law and its processes. Any similar infractions in the future from counsels for respondents will be dealt with more severely.

II

Rule 39, Section 6 of the Rules of Civil Procedure provides the two (2) ways of executing a final and executory judgment:

Section 6. Execution by motion or by independent action. — A final and executory judgment or order may be executed on motion within five (5) 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. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

Rule 39, Section 6 of the Rules of Court must be read in conjunction with Articles 1144(3) and 1152 of the Civil Code, which provide:

Article 1144. The following actions must be brought within ten years from the time the right of action accrues:

....

(3) Upon a judgment.

....

Article 1152. The period for prescription of actions to demand the fulfillment of obligation declared by a judgment commences from the time the judgment became final.

Thus, the prevailing party may move for the execution of a final and executory judgment as a matter of right within five (5) years from the entry of judgment. If no motion is filed within this period, the judgment is converted to a mere right of action and can only be enforced by instituting a complaint for the revival of judgment in a regular court within 10 years from finality of judgment.⁶¹

⁶⁰ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 19.

⁶¹ *Villeza v. German Management and Services, Inc.*, 641 Phil 544, 550 (2010) [Per J. Mendoza, Second Division].

In the case at bar, the Court of Appeal's ruling on the nullity of the deed of absolute sale executed between Piedad and respondents became final and executory on November 1, 1998. Judge Gaviola, upon motion, then issued an order for the issuance of a writ of demolition on October 22, 2001.⁶²

However, the writ of demolition was never served on respondents due to their dilatory tactics and the gross ignorance of the law and undue delay caused by Judges Estrera and Villarin. The case only began to gain traction on July 12, 2010,⁶³ when petitioners filed their motion for the revival of judgment. But by this time, almost 12 years had passed since the Court of Appeals September 15, 1998 Decision became final and executory. This led Branch 29, Regional Trial Court, Toledo City, where the case was transferred from Branch 9, Regional Trial Court, Cebu City, to deny the motion in its Order dated May 15, 2012 for being the wrong remedy. The Regional Trial Court stated:

In the instant case, reckoned from November 1, 1998, the date when the Decision of the Court of Appeals became final and executory, 12 years and 1 day had already elapsed when the instant motion was filed on November 2, 2010. There may be instances that execution may still pursue despite the lapse of ten years from finality of judgment but it should be a result of a well-justified action for revival of judgment, not a mere motion, as can be found in the cited Supreme Court Decision.⁶⁴

The Regional Trial Court likewise referred to *Bausa v. Heirs of Dino*⁶⁵ to support its denial of petitioners' motion, claiming that the case at bar is very similar⁶⁶ with *Bausa*. However, a careful reading of *Bausa* shows that while it contains similarities with the case at bar, the factual circumstances and ruling in *Bausa* tend to support petitioners' motion for revival, not its denial.

In *Bausa*, the Decision declaring petitioners as the rightful owners of the disputed property became final and executory on January 28, 1987. On May 8, 1987, petitioners filed a motion for execution which was granted by the trial court but was not served on the respondent.⁶⁷

Petitioners in *Bausa* subsequently applied for the issuance of an alias writ of execution, which was likewise granted. The sheriff then executed a Delivery of Possession, but respondents refused to sign the Delivery of

⁶² *Rollo*, p. 12.

⁶³ *Id.* at 67.

⁶⁴ *Id.* at 69.

⁶⁵ 585 Phil. 526 (2008) [Per J. Ynares-Santiago, Third Division].

⁶⁶ *Rollo*, p. 70.

⁶⁷ 585 Phil. 526, 534–535 (2008) [Per J. Ynares-Santiago, Third Division].

Possession and refused to vacate the premises. This prompted petitioners to apply for a writ of demolition, which was again granted but could not be implemented due to respondents' continued resistance. Finally, petitioners filed an action to revive⁶⁸ the judgment of the trial court, which respondents asserted was not timely filed.

Bausa stated that the law set time limitations in the enforcement of judgments "to prevent obligors from sleeping on their rights."⁶⁹ *Bausa* then held that considering petitioners' diligent efforts in the enforcement of what was already rightfully theirs and respondents' machinations that prevented petitioners from possessing their property, it cannot be said that petitioners slept on their rights:

Despite diligent efforts and the final and executory nature of the Decision, petitioners have yet to regain possession of what is legally their own. These circumstances clearly demonstrate that the failure to execute the judgment was due to respondents' refusal to follow the several writs ordering them to vacate the premises. It would be unfair for the Court to allow respondents to profit from their defiance of valid court orders.⁷⁰

Bausa likewise emphasized that if manifest wrong or injustice would result with the strict adherence to the statute of limitations or doctrine of laches, it would be better for courts to rule under the principle of equity:

It is a better rule that courts, under the principle of equity, will not be guided or bound strictly by the statute of limitations or the doctrine of laches when to do so, manifest wrong or injustice would result. It would be more in keeping with justice and equity to allow the revival of the judgment rendered by Branch 52 of the Regional Trial Court of Sorsogon in Civil Case No. 639. To rule otherwise would result in an absurd situation where the rightful owner of a property would be ousted by a usurper on mere technicalities. Indeed, it would be an idle ceremony to insist on the filing of another action that would only unduly prolong respondents' unlawful retention of the premises which they had, through all devious means, unjustly withheld from petitioners all these years.⁷¹

Just like in *Bausa*, it also cannot be said that petitioners slept on their rights. Petitioners filed a motion for execution well within the five (5)-year period prescribed by Rule 39, Section 6 of the Rules of Court. However, their efforts were thwarted by respondents' machinations and Judges Estrera's and Villarin's illegal acts of issuing restraining orders against a co-equal court. Nonetheless, petitioners continued to persevere and filed several motions⁷² before Judge Villarin, which the judge proceeded to

⁶⁸ Id. at 535.

⁶⁹ Id. at 534.

⁷⁰ Id. at 535.

⁷¹ Id. at 535 citing *Spouses Santiago v. Court of Appeals*, 343 Phil 612, 627 (1997) [Per J. Hermosisima, Jr., First Division] and *David v. Ejercito*, 163 Phil 509 (1976) [Per J. Martin, First Division].

⁷² *Rollo*, p. 14.

ignore. This Court recognized the illegality of the acts committed by Judges Estrera and Villarín when this Court held them administratively liable for gross ignorance of the law and undue delay in rendering an order, imposing upon them a fine and a stern warning that a repetition of a similar act will be dealt with more severely.⁷³

In dismissing the motion for revival, the Regional Trial Court adopted a strict interpretation of Rule 39, Section 6 of the Rules of Court because the proper remedy was supposedly an action for revival of judgment, not just a mere motion.⁷⁴ The Court of Appeals, in turn, also dismissed the petition for being the wrong remedy.⁷⁵

The lower courts are mistaken.

In *David v. Ejercito*,⁷⁶ for reasons of equity, this Court treated the motion for execution, alias writ of execution, and motion for demolition as substantial compliance with the requirement to file an action to revive judgment if no motion for execution is filed within five (5) years from the date of its entry of judgment.⁷⁷ *David* pointed out that petitioner's deliberate efforts at delaying the execution of a final and executory judgment should not be condoned:

It would be an idle ceremony to insist on the filing of a separate action that would only unduly prolong petitioner's unlawful retention of the premises which he has through all devious means unjustly withheld from respondents all these years.⁷⁸

This Court, in a long line of cases,⁷⁹ has allowed for the execution of a final and executory judgment even if prescription has already set in, if the delay was caused by the judgment obligor for his or her benefit or advantage. The reason behind this exception was explained in *Camacho v. Court of Appeals*:⁸⁰

The purpose of the law in prescribing time limitations for enforcing judgments or actions is to prevent obligors from sleeping on their rights. Far from sleeping on their rights, respondents persistently pursued their

⁷³ Id. at 19.

⁷⁴ Id. at 69.

⁷⁵ Id. at 59–60.

⁷⁶ 163 Phil 509 (1976) [Per J. Martin, First Division].

⁷⁷ Id. at 515.

⁷⁸ Id.

⁷⁹ *Rizal Commercial Banking Corporation v. Serra*, 713 Phil 722, 726 (2013) [Per J. Carpio, Second Division]; *Yau v. Silverio*, 567 Phil 493, 502–503 (2008) [Per J. Sandoval-Gutierrez, First Division]; *Francisco Motors Corp v. Court of Appeals*, 535 Phil 736, 751–752 (2006) [Per J. Velasco, Jr., Third Division]; *Republic v. Court of Appeals*, 329 Phil. 115, 123–124 (1996) [Per J. Panganiban, Third Division]; *Camacho v. Court of Appeals*, 351 Phil. 108, 114–115 (1998) [Per J. Bellosillo, First Division].

⁸⁰ 351 Phil. 108 (1998) [Per J. Bellosillo, First Division].

rights of action. It is revolting to the conscience to allow petitioner to further avert the satisfaction of her obligation because of sheer literal adherence to technicality. After all, the Rules of Court mandates that a liberal construction of the Rules be adopted in order to promote their object and to assist the parties in obtaining just, speedy and inexpensive determination of every action and proceeding. This rule of construction is especially useful in the present case where adherence to the letter of the law would result in absurdity and manifest injustice.⁸¹

This Court has also interrupted⁸² the tolling of the prescriptive period or deducted⁸³ from the prescriptive period when the peculiar circumstances of the case or the dictates of equity called for it. This Court held in *Lancita v. Magbanua*:⁸⁴

In computing the time limited for suing out of an execution, although there is authority to the contrary, the general rule is that there should not be included the time when execution is stayed, either by agreement of the parties for a definite time, by injunction, by the taking of an appeal or writ of error so as to operate as a supersedeas, by the death of a party, or otherwise. Any interruption or delay occasioned by the debtor will extend the time within which the writ may be issued without *scire facias*.⁸⁵

It is not disputed that the deed of absolute sale between Piedad and respondents was declared null and void for being a forgery, and that the Court of Appeals September 15, 1998 Decision became final and executory as early as November 1, 1998. However, due to respondents' schemes and maneuvers, they managed for many years to prevent Piedad and his heirs from enjoying what had already been decreed to be rightfully theirs, leading to an empty victory and petitioners' continued struggle for their rights.

Considering that the Regional Trial Court May 15, 2012 Order dismissing petitioners' motion for revival was utterly devoid of legal or factual basis, it is clear that it was attended by grave abuse of discretion for being issued capriciously and with a gross misapprehension of the facts.⁸⁶

To reiterate, jurisprudence is consistent that when the delay in filing a motion or action for execution could not be attributed to the prevailing party,

⁸¹ Id. at 115.

⁸² *Republic v. Court of Appeals*, 329 Phil. 115, 123–124 [Per J. Panganiban, Third Division]; *Francisco Motors Corp. v. Court of Appeals*, 535 Phil 736, 751–752 (2006) [Per J. Velasco, Third Division]; *Lancita v. Magbanua*, 117 Phil 39, 44 (1963) [Per J. Paredes, En Banc].

⁸³ *Villaruel v. Court of Appeals*, 254 Phil 305, 314–315 (1989) [Per J. Padilla, Second Division]; *Gonzales v. Court of Appeals*, 287 Phil. 656, 666 (1992) [Per J. Bellosillo, First Division]; *Provincial Government of Sorsogon v. Vda de Villaroya*, 237 Phil. 280 (1987) [Per J. Gutierrez, Jr., Third Division].

⁸⁴ 117 Phil 39 (1963) [Per J. Paredes, En Banc].

⁸⁵ Id. at 44–45.

⁸⁶ *United Coconut Planters Bank v. Looyuko*, 560 Phil 581, 591–592 (2007) [Per J. Austria-Martinez, Third Division].

a liberal interpretation of the rules of procedure should be resorted to where a literal and strict adherence will most likely result in miscarriage of justice.⁸⁷

WHEREFORE, this Court resolves to **GRANT** the Petition. The assailed Resolutions of the Court of Appeals dated December 10, 2012 and July 10, 2013 in CA-G.R. SP No. 07176 are **REVERSED** and **SET ASIDE**. The Writ of Demolition issued on December 4, 2001 by Branch 9, Regional Trial Court, Cebu City is **ORDERED SERVED** on Candelaria Linehan Bobilles and/or Mariano Bobilles or any of their heirs, successors, or assigns to resume the execution process against them.

SO ORDERED.



MARVIC M.V.F. LEONEN

Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson



LUCAS P. BERSAMIN

Associate Justice



SAMUEL R. MARTIRES

Associate Justice

On leave

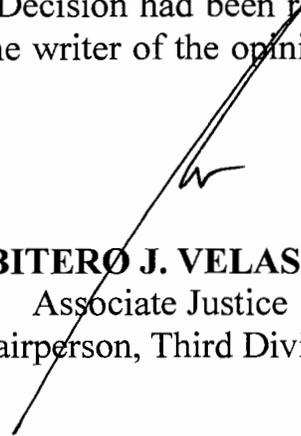
ALEXANDER G. GESMUNDO

Associate Justice

⁸⁷ *Republic v. Court of Appeals*, 221 Phil 685, 693 (1985) [Per J. Cuevas, Second Division]; *Philippine Veterans Bank v. Solid Homes*, 607 Phil 14, 26–27 (2009) [Per J. Corona, First Division]; *Villeza v. German Management and Services, Inc.*, 641 Phil 544, 551–552 (2010) [Per J. Mendoza, Second Division].

ATTESTATION

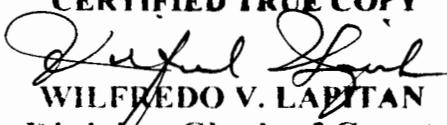
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
MAR 09 2018