Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

EDILBERTO "EDDIE" PINEDA, MARIA FRANCISCO, FLORENCIO M. MANARANG, ROLANDO "ROLAN" AQUINO, ERNESTO P. VILLANUEVA, MERCEDES P. LACSINA, ANDRES A. FRANCISCO, BERNARDO V. GASTON, BASILIO A. ILANO, ADELAIDA VILLANUEVA, EULOGIO FRANCISCO, CRISANTO Q. AQUINO, EDUARDO P. NAVARRO, WILFREDO "JUNIOR" C. CAPULOY, JR., CHOLITA P. SANTOS, ALVIN LUGTU, JOSE BALBOA, REYNALDO "REY" LUGTU, ESTRELITA "ESTER" C. LUGTU, MELQUIADES MANARANG, OFRECINA PINEDA, RICARDO L. BALBOA, FILEMON F. FRANCISCO, PEDRO F. FRANCISCO, CASTOR I. YUNUN, PEDRO P. UNGOS, LUDOVICO "RUDY" P. UNGOS, WILFREDO "WILLY" BANDOLA, NOEL "NONONG" PALO, JESUS M. FRANCISCO, EDUARDO "EDDIE" COLLADO, SONNY LACSINA, FERNANDO "NANDY" COLLADO, BENJAMIN "AMIN" DELA CRUZ, RIZALINO "RIZAL" MATIC, CEZAR RAMIREZ, GERRY GASTON, EDUARDO FRANCISCO, ERNESTO TAYAG, NESTOR AQUINO, BERT AQUINO, AVELINO MANUCDUC, ARNEL NAVARRO, GREGORIO EMATA,	**G.R. No. 204997**

ARTURO ZURBITO, LILIA DAVID, DOMINGO "BOND" CADIANG, JR., EDUARDO BALTAZAR, AMMONIO "AMON" DUMLAO, PEPITO Q. LUGTU, EDUARDO "EDDIE" PALO, DOMINGA PUNO, JOSEPH "JOSE" CORTEZ, BIENVENIDO BALBOA, ROSE MANQUIL, ROMEL BALBOA, ARSENIA PALO, WILFREDO "WILLY" FRANCISCO, CELADONIA VILLANUEVA, EMILIO GARCIA, ROLANDO "RODON" MARCOS, JIMMY NAVARRO, JUANITO FRANCISCO, ERNESTO NAVARRO, MARINA JACINTO, ROLANDO LUGTU, JESUS JACINTO, CORNELIO GAMPOY, DAVID DANDAN, ORLANDO TABLANTE, NIDA SOLAMO, ABELARDO YUMUL, LAURO MALIG, ORLANDO DELA CRUZ, EFIFANIO[*] MAGAT, JR., CONRADO CASTRO, RODEL PALO, RODRIGO DELA CRUZ, EFREN DELA CRUZ, EVA CHAVEZ, ILDEFONSO "BOY" RAMOS, JR., MARIO DEQUINON, NOLITO CARBUNGCO, CRISANTO[**] LAURONILLA, HENRY SANTOS, RODERICK UNGOS, LEANDO PENAREDONDO, BONIFACIO OJANO, SEVERO JAVIER, ROGER FAJARDO, SIANO COLLADO, ERLINDA TIMPUG, and ROYNALDO "ROY" DELA CRUZ,

Petitioners,

- versus -

ABELARDO C. MIRANDA, ELIAS C. MIRANDA and CARMENCITA D. MIRANDA,

Respondents.

Present:

PERLAS-BERNABE, *SAJ.*,
Chairperson,
HERNANDO,
INTING,
GAERLAN, and
ROSARIO,[***] *JJ.*

Promulgated:

AUG 04 2021

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[*] Spelled as Epifanio in some parts of the records.
[**] Spelled as Cristino in some parts of the records.
[***] Designated as additional Member per S.O. No. 2835 dated July 15, 2021.

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DECISION

HERNANDO, *J.*:

Petitioners assail the December 14, 2012 Decision[1] of the Court of Appeals (CA) Fifteenth Division in CA-G.R. CV No. 97317, which affirmed the March 20, 2009 Decision[2] of the Regional Trial Court (RTC), Branch 43 of San Fernando, Pampanga in Civil Case No. 13259. The March 20, 2009 RTC Decision, Branch 43 revived the May 17, 1999 Decision[3] of the RTC, Branch 42 of San Fernando, Pampanga in Civil Case No. 11757 which affirmed with modification the December 15, 1998 Decision[4] of the Municipal Trial Court (MTC), Branch 3 of San Fernando, Pampanga in Civil Case No. 7463, a case for unlawful detainer, entitled *Abelardo C. Miranda, et al. v. Eddie Pineda, et al.*

The Antecedents:

On October 27, 1997, herein respondents Abelardo C. Miranda, Elias C. Miranda and Carmencita D. Miranda (respondents) filed a Complaint[5] for Unlawful Detainer against petitioners who are residents of Barangay Sindalan, San Fernando, Pampanga, before the MTC of San Fernando City, Pampanga. On December 15, 1998, the MTC, Branch 3 rendered a Decision[6] in favor of respondents, holding the latter to be the registered owners of 24 parcels of land located in Barangay Sindalan, San Fernando, Pampanga which petitioners surreptitiously and arbitrarily occupied without respondents' consent and knowledge. The dispositive portion of the MTC Decision reads as follows:

> WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the [respondents] and against the [petitioners] ordering the latter:
>
> 1. to remove the temporary structures they have unlawfully erected on the subject lots, vacate said lots and surrender the same peacefully to the [respondent] owner;
>
> 2. to pay to the [respondents] reasonable compensation for their unauthorized entry, occupation and use of the subject lots, reckoned from October 1995 to the date they actually and completely vacate the same, at the rate of P200.00 per lot every month;

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1 *Rollo,* pp. 84-97, penned by Associate Justice Franchito N. Diamante with Associate Justices Celia C. Librea-Leagogo and Melchor Q.C. Sadang concurring.
2 Id. at 75-82, penned by Presiding Judge Carmelita S. Gutierrez-Fruelda.
3 Id. at 35-36, penned by Judge Pedro M. Suñga, Jr.
4 Id. at 32-34, penned by Judge Rodrigo R. Flores.
5 Id. at 23-25.
6 Id. at 32-34.

3. to pay to [respondents] attorney's fees of P60,000.00, litigation expenses P10,000.00 and the costs of suit.

SO ORDERED.[7]

Aggrieved, petitioners filed an Appeal[8] before the RTC of San Fernando City, Pampanga which was raffled to Branch 42. On May 17, 1999, the RTC, Branch 42 of San Fernando, Pampanga, affirmed with modification the MTC Decision, to wit:

WHEREFORE, considering that the conclusion or final order in the appealed decision is fully supported by law and the facts proven in the record, said decision is hereby AFFIRMED with modification insofar as attorney's fees and award of damages. The Court hereby orders the [petitioners] to pay [respondents] the amount of P100.00 as rental per lot for the unauthorized occupation of the same from the time of demand to vacate up to the date when they actually vacate the lot, and to pay [respondents] P10,000.00 as attorney's fees and the cost of suit.

SO ORDERED.[9]

On January 6, 2000, herein respondents, through their counsel, filed a Motion for Issuance of Writ of Execution, which was granted by the MTC on February 14, 2000.[10]

On May 9, 2006, respondents filed a Complaint for Revival of Judgment,[11] holding that the Writ of Execution issued on February 14, 2000 was not implemented within five years from the finalization of the decision. Respondents held that the judgment was not yet barred by the statute of limitations. In turn, petitioners filed an Answer,[12] alleging that the Complaint for Revival of Judgment should be dismissed on the ground that the case does not fall within the ambit of unlawful detainer, thus, the MTC has no jurisdiction over the case. Furthermore, they averred that the Complaint must have been filed with the MTC, the court that rendered the decision sought to be revived, not with the RTC.

On July 20, 2006, petitioners subsequently filed a Motion to Quash Writ of Execution[13] with the MTC for failure of respondents to implement the Writ of Execution within five years from the time of its issuance.

Thus, on November 15, 2006, the MTC issued an Order quashing the Writ of Execution, thus:

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7 Id. at 34.
8 CA *rollo*, p. 45.
9 *Rollo*, p. 36.
10 Records, pp. 22-23.
11 *Rollo*, pp. 37-40.
12 Id. at 42-50.
13 Records, pp. 53-60.

> From the date of rendition of decision by the Regional Trial Court, Branch 42, on May 17, 1999 as well as from the date of issuance of the writ of execution in the instant case on February 14, 2000, more than five (5) years had clearly elapsed. Hence, under the provisions of Sec. 6, Rule 39, both decisions in the instant case – either that issued by this Court on December 15, 1998 or that issued by the appellate court on May 17, 1999 – can no longer be implemented by a mere motion. A revival of the judgment by an action is necessary before its execution. The reason is that after the lapse of the five-year period, the judgment is reduced to a mere right of action, which judgment must be enforced, as all other ordinary actions, by institution of a complaint in a regular form.[14]

Pending the RTC Branch 43's resolution on respondents' Complaint for Revival of Judgment, petitioners filed a Petition for Annulment of Judgment[15] before the CA, assailing the Decisions respectively rendered by the MTC and the RTC Branch 42 in an action for unlawful detainer.[16]

Ruling of the Regional Trial Court:

On March 20, 2009, the RTC Branch 43 rendered its Decision[17] in the Complaint for Revival of Judgment in favor of herein respondents, holding that the RTC Branch 42 Decision dated May 17, 1999 can still be revived because the filing of the Complaint for Revival of Judgment was still within the 10-year period. The pertinent portions of the Decision read as follows:

> In the light of the foregoing rulings of the court, [respondents] properly instituted their action for revival of judgment in this court which is a co-equal court of RTC, Branch 42, City of San Fernando, Pampanga.
>
> WHEREFORE, premises considered, judgment is hereby rendered reviving the Decision, dated May 17, 1999, in Civil Case No. 11757.
>
> SO ORDERED.[18]

In an Order[19] dated July 23, 2009, the RTC Branch 43 denied petitioners' Motion for Reconsideration for lack of merit. On September 24, 2009, the RTC Branch 43 issued an Order[20] dismissing petitioners' Notice of Appeal and granting herein respondents' Motion to Dismiss. On December 28, 2009, the RTC Branch 43 issued another Order[21] granting herein respondents' Motion to Remand Record of Case to the Municipal Trial Court of Origin,[22] thus:

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[14] Id. at 16.
[15] CA *rollo*, p. 94.
[16] *Rollo*, p. 89.
[17] Id. at 75-82.
[18] *Rollo*, p. 82.
[19] CA *rollo*, pp. 102-103.
[20] Id. at 109.
[21] Records, p. 263.
[22] Id. at 258-259.

> IN VIEW HEREOF, as prayed for in the Motion to Remand Record of Case to the Municipal Trial Court of Origin filed by [respondents'] counsel, that was received by the court on November 10, 2009, said motion is GRANTED. Let the complete record of the case be remanded to the court a quo for further proceedings or for the enforcement of the Decision.
>
> Furnish all concerned parties with copies of this Order.
>
> SO ORDERED.[23]

Finally, the petitioners elevated the matter to the CA through a Petition for *Mandamus* and Prohibition[24] under Rule 65 of the Rules of Court to compel the RTC to give due course to their Notice of Appeal.

Ruling of the Court of Appeals:

On June 10, 2009, the CA Special Seventeenth Division issued a Resolution[25] in CA-G.R. SP No. 107677 dismissing petitioners' Petition for Annulment of Judgment. The CA ruled that it had no jurisdiction to annul judgments or final orders and resolutions issued by the MTC. Furthermore, the CA held that petitioners failed to show why no appeal was first taken from the RTC Branch 42 Decision which affirmed with modification the MTC Decision.

In a Decision[26] promulgated on November 2, 2010, the CA Former First Division in CA-G.R. SP No. 111554 acted on the Petition for *Mandamus* and Prohibition in this wise:

> Clear it is then, on the basis of the foregoing, that the respondent court should have indeed given due course to herein petitioners' Notice of Appeal dated 12 August 2009 since the same was filed well within the prescribed period to do so. Stated differently, the remedy of mandamus will lie to compel the respondents to give due course to the appeal timely interposed by the petitioners on 12 August 2009.
>
> WHEREFORE, premises considered, the present petition is hereby GRANTED. Accordingly, the assailed Order dated 24 September 2009 is hereby SET ASIDE and a new one is entered DIRECTING the respondent court to give due course to herein petitioners' Notice of Appeal dated 12 August 2009.
>
> SO ORDERED.[27]

On December 14, 2012, the CA Fifteenth Division promulgated a Decision[28] and acted on the respondents' ordinary appeal from the RTC

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[23] Id. at 263.
[24] *Rollo*, p. 91.
[25] CA *rollo*, 94-97.
[26] Id. at 114-125.
[27] Id. at 124-125.
[28] *Rollo*, pp. 84-97.

Branch 43 Decision dated March 20, 2009 in CA-G.R. CV No. 97317. The CA Fifteenth Division stated the facts as follows:

> On January 14, 2011, [petitioners] filed a Manifestation with Motion to Comply with the Provisions of Rule 41, Revised Rules of Court. In the said motion, [petitioners] informed the RTC of the favorable judgment rendered by the Court of Appeals on their petition for mandamus and prohibition. Hence, they prayed that the complete records of the case be forwarded to the RTC by the MTC, their Notice of Appeal dated August 12, 2009 be given due course and that the pertinent provisions of Rule 41, 1997 Rules of Civil Procedure be complied with.
>
> On May 25, 2011, taking into consideration the Decision rendered by this Court on November 2, 2010 which had attained finality on November 27, 2010, the RTC issued an Order directing the Branch Clerk of Court of Branch III, Municipal Trial Court, City of San Fernando, Pampanga to forward the record of the case before the former in order for it to give due course to herein [petitioners'] Notice of Appeal.
>
> On June 6, 2011, the RTC issued an Order approving the Notice of Appeal filed by herein [petitioners]. In the same Order, the Officer-in-Charge of the RTC was directed to transmit the entire record of the instant case to the Court of Appeals for further proceedings.
>
> Hence, the present recourse with the lone assignment of error:
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> "x x x It is respectfully submitted that the sole issue to be resolved in this appeal is whether or not the Regional Trial Court, Branch 43, City of San Fernando, Pampanga has jurisdiction to try and [decide] Civil Case No. 13259, an action for revival of judgment."[29]

The CA held that it cannot rule on the merits of the case filed before the lower courts for it runs counter to the nature of an action for revival of judgment and would be tantamount to trying the cases anew. Thus, the CA concluded that the RTC Branch 42 Decision dated May 17, 1999 had indeed become final and executory, thus:

> WHEREFORE, in view of the foregoing, the instant appeal is hereby DENIED. Consequently, the assailed Decision dated March 20, 2009 by Branch 43 of the Regional Trial Court, City of San Fernando, Pampanga in Civil Case No. 13259 for Revival of Judgment is hereby AFFIRMED.
>
> SO ORDERED.[30]

Issue

Whether or not the CA Fifteenth Division in CA-G.R. CV No. 97317 erred in denying the appeal pursuant to the provisions of Section 6, Rule 39 of the Rules of Court, and in citing *Saligumba v. Palanog*.[31]

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[29] Id. at 92-93.
[30] Id. at 96.
[31] 593 Phil. 420, 420-434 (2008).

Our Ruling

The Court denies the Petition for Review on *Certiorari*.[32] Despite the several petitions and motions filed by the petitioners in different courts throughout the course of the proceedings, the Court emphasizes that the case at bar is simply a review of the CA and RTC Decisions granting respondents' Complaint for Revival of Judgment.

An action for revival of judgment is an action with the exclusive purpose of enforcing a judgment which could no longer be enforced by a motion.[33] The action is best explained in Rule 39, Section 6 of the Rules of Court:

> Sec. 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.** (Emphasis supplied)

The above provision should also be read in relation to Articles 1144 (3) and 1152 of the Civil Code, to wit:

> Article 1144. The following actions must be brought **within ten years** from the time the right of action accrues:
>
> x x x
>
> (3) Upon a judgment. (Emphasis supplied)
>
> x x x
>
> Article 1152. The period of prescription of actions to demand the fulfillment of obligation declared by a judgment commences from the time the judgment became final.

Both the Rules of Court and the Civil Code provisions relating to an action for revival of judgment are clear. Once a judgment becomes final and executory, the prevailing party has two remedies:

> (1) [To have the judgment] executed as a matter of right by mere motion within five years from the date of entry of judgment; or
>
> (2) If the prevailing party fails to have the judgment enforced by motion after the lapse of five years, to have the judgment enforced as a right of action by the institution of a complaint in a regular court within 10 years from the time the judgment became final.[34]

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[32] *Rollo*, pp. 3-21.
[33] *Anama v. Citibank, N.A.*, 822 Phil. 630, 638 (2017).
[34] Id. at 638-639.

The revival action is a new action altogether; it is different and distinct from the original judgment sought to be revived or enforced.[35] It is a new and independent action, **wherein the cause of action is the decision itself and not the merits of the action** upon which the judgment sought to be enforced is rendered. The Court agrees with the CA in citing *Saligumba v. Palanog*,[36] especially when it ruled that **revival of judgment is premised on the assumption that the decision to be revived, either by motion or by independent action, is already final and executory.**[37]

In this case, the RTC Branch 42 Decision dated May 17, 1999 became final and executory when no further legal action was undertaken by herein petitioners concerning the RTC Branch 42 Decision. Thus, on January 6, 2000 or less than a year after the RTC Branch 42 Decision became final, respondents filed a Motion for the Issuance of a Writ of Execution. The Motion was granted on February 14, 2000. However, seven years later, the RTC Branch 42 Decision had not yet been executed. Thus, on May 9, 2006, the respondents filed a Complaint for Revival of Judgment in accordance with the above legal provisions. On the premise that the RTC Branch 42 Decision was already final and executory, respondents filed a revival suit as a procedural means of securing the execution of the RTC Branch 42 Decision which had become dormant after the passage of several years. The revival suit filed by respondents did not intend to re-open any issue affecting the merits of the case or the propriety or correctness of the first judgment.[38]

As for petitioners, the ordinary remedy of appeal was still readily available as a proper legal remedy after the RTC Branch 42 promulgated its Decision on May 17, 1999. However, instead of filing an ordinary appeal, petitioners filed the following motion and petitions throughout the course of the proceedings: (1) Motion to Quash Writ of Execution; (2) Petition for Annulment of Judgment; and (3) Petition for Mandamus and Prohibition.

Firstly, the Motion to Quash the Writ of Execution was filed on the ground that the Writ of Execution cannot be enforced anymore because more than five years had elapsed since its issuance.[39] However, the Court notes that respondents' Complaint for Revival of Judgment was filed on May 9, 2006, two months before petitioners filed their Motion to Quash the Writ of Execution on July 20, 2006. Neither did petitioners show that there had been a change in the situation of the parties which makes the execution inequitable; or that the writ of execution was improperly issued, defective in substance, or is issued against the wrong party; or that the judgment debt had been paid or otherwise satisfied; or that the writ was issued without authority.[40] Petitioners' Motion to Quash the Writ of Execution was therefore groundless.

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35 Id. at 639.
36 Supra note 32.
37 Id. at 427.
38 Id. at 426-427.
39 *Records*, pp. 57-58.
40 *Vargas v. Cajucom*, 761 Phil. 43, 53 (2015).

Secondly, petitioners' Petition for Annulment of Judgment of both the MTC and RTC Decisions was correctly dismissed by the CA not only because it did not have jurisdiction over the Petition but also because it was not the proper legal remedy.

Rule 47, Sections 1 and 2[41] of the Rules of Court are clear. The remedy of annulment of judgment can only be availed of when the ordinary remedy of appeal, among others, is no longer available through no fault of the petitioners. Furthermore, the annulment may be based only on grounds of extrinsic fraud and lack of jurisdiction which were clearly not present in this case.

Lastly, petitioners' Petition for Mandamus and Prohibition filed with the CA was to compel the RTC to give due course to petitioners' Notice of Appeal filed after the RTC granted respondents' Complaint for Revival of Judgment. A Petition for Mandamus and Prohibition is only available when there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law.[42] Again, the Court reiterates that the ordinary remedy of appeal was easily available to petitioners when the RTC Branch 42 promulgated its May 17, 1999 Decision.

In the end, the Court finds that the CA correctly ruled that the RTC Branch 42 Decision can still be revived as the respondents properly filed a Complaint for Revival of Judgment in accordance with existing law and jurisprudence. The Court therefore instructs the RTC to execute Civil Case No. 11757 with deliberate dispatch.

WHEREFORE, the Petition is **DENIED**. The Decision dated December 14, 2012 Decision of the Court of Appeals Fifteenth Division in CA-G.R. CV No. 97317 is **AFFIRMED**. The Decision dated May 17, 1999 of the Regional Trial Court, Branch 42 of San Fernando, Pampanga in Civil Case No. 11757 which affirmed with modification the December 15, 1998 Decision of the Municipal Trial Court, Branch 3 of San Fernando, Pampanga in Civil Case No. 7463, a case for unlawful detainer, entitled *Abelardo C. Miranda, et al. v. Eddie Pineda, et al.*, is hereby **REVIVED.**

Cost against petitioners.

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[41] RULES OF COURT, Rule 47, Sections 1 and 2 read as follows:
SECTION 1. *Coverage.* – This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.
SECTION 2. *Grounds for Annulment.* – The annulment may be based only on the grounds of extrinsic fraud and lack of jurisdiction.
Extrinsic fraud shall not be a valid ground if it was availed of, or could have been availed of, in a motion for new trial or petition for relief.

[42] RULES OF COURT, Rule 65, sections 2 and 3.

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

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.

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

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.

ALEXANDER G. GESMUNDO
Chief Justice