

and ordered that the record be forwarded to the latter Court for whatever action it may deem proper to take in the premises.

It appears that while the trial court was in the process of receiving evidence on the damages incident to the issuance of the writ of preliminary injunction, Lucia Javier, the defendant, died and because of this supervening event, the trial court entertained the view that the claim for damages should be denied because that claim should be filed against the estate of the deceased. It also appears that, when respondent pressed for action on his motion for assessment of damages, counsel for the bonding party, Alto Surety Company, opposed said move on the ground that the action contemplated is too late because the order of the trial court denying respondent's motion for reconsideration and cancelling the bond filed by the surety has already become final and unappealable; and considering that a petition for damages holding the surety liable should be filed before judgment becomes final, the court sustained the opposition and denied the motion to assess damages. The incident is now before this Court for the corresponding appropriate action.

The finding of the trial court that the claim for damages of respondent should be denied because of the death of the debtor, Lucia Javier, and the claim should be filed against the estate of the latter, is not well taken. This result only obtains if the claim is for recovery of money, debt or interest thereon, and the defendant dies before final judgment in the Court of First Instance, (Rule 3, Section 21, Rules of Court), but not when the claim is for damages for an injury to person or property, (Rule 68, Section 1, *Idem*). In the present proceeding, the claim for damages had arisen, not while the action was pending in the Court of First Instance, but after the case had been decided by the Supreme Court. Moreover, the claim of respondent is not merely for money or debt but for damages to said respondent. Thus, Chief Justice Moran, commenting on Section 1, Rule 3, says: "The above section has now removed all doubts by expressly providing that the action should be discontinued upon defendant's death if it is for the recovery of money, debt, or interest thereon, while, on the other hand, in Rule 88, Section 1, it is provided that actions to recover damages for injury to person or property, real or personal, many be maintained against the executor or administrator of the deceased." (Moran, Comments on the Rules of Court, Vol. 1, 1952 ed., p. 109.)

On the other hand, under Rule 3, Section 17, Rules of Court, when a party dies and the claim is not thereby extinguished, the court shall order the legal representative of the deceased, or the heirs to be substituted for him within a period of 30 days, or within such time as may be granted. Here, it appears that no step has so far been taken relative to the settlement of the estate, nor an executor or administrator of the estate has been appointed. This deficiency may be obviated by making the heirs take the place of the deceased.

The claim that the move of respondent to have the damages assessed against Lucia Javier has come late because the order of the court denying the motion for reconsideration of respondent and cancelling the bond filed by the surety has already become final and unappealable, is not also well taken, it appearing that the motion of respondent pressing for action on the motion to assess damages was filed only five days after said order has been entered. It should be noted that the original order entered by the court on April 7, 1953, was not a denial of the claim but merely a statement of its view that no action thereon can be taken in view of the death of Lucia Javier because in its opinion the claim should be filed against her estate, and the order which ordered the cancellation of the bond was entered only on May 27, 1953.

It appearing that the trial court has refrained from assessing the damages which it was directed to assess in the resolution of this Court issued on November 21, 1951, for reasons which, in the opinion of the court, are not well founded, it is the sense of this Court that the record should be remanded to the trial court for it to act as directed in said resolution.

Paras, Benzon, Tunzon, Reyes, Padilla, Montemayor, Jugo, and Labrador, concur. Pablo, J. took no part.

TEODULO T. ORIAS, ET AL., VS. MAMERTO S. RIBO ET AL.,
G.R. No. L-4945, October 28, 1953.

ADMINISTRATIVE CODE; TEMPORARY APPOINTMENT WITHOUT EXAMINATION AND CERTIFICATION BY THE CIVIL SERVICE.—Appointments under Sec. 682 of the Revised Administrative Code, as amended by Com. Acts Nos. 177 and 281 are temporary, when the public interests so require and only upon the prior authorization of the Commissioner of Civil Service, not to exceed three months and in no case shall extend beyond thirty days from receipt by the chief of the bureau or office of the Commissioner's certification of eligibles.

Id., *Id.* — The fact that the petitioners who were appointed under Sec. 682 of the Revised Administrative Code as amended by Com. Acts Nos. 177 and 281 held the positions for more than three months does not make them civil service eligibles.

Id., *Id.* — The fact that the acting Commissioner of Civil Service authorized their appointments "under section 682 of the Revised Administrative Code to continue only until replaced by an eligible" does not make them eligibles.

Id., *Id.* — The holding of a position by a temporary appointee until replaced by an eligible in disregard of the time limitation of three months is unauthorized and illegal.

Id., *Id.* — The temporary appointment of other non-eligibles to replace those whose term have expired is not prohibited.

Prisco M. Bitos for respondents-appellants and Gonzales and Acasio for respondents-appellees, Provincial Guards. Filemon Saavedra for petitioners-appellants.

DECISION

PADILLA, J.:

This is a petition for a writ of *quo warranto* to test the legality of the appointments of Isidro Magallanes as deputy provincial warden, Pedro Flores as corporal of the provincial guards, and Crisanto Cab, Dalmacio Cortel, Rafael Galeon, Bienvenido Gonzales, Filemon Adobas, Francisco Tavera, Jacinto Barro, Constancio Acasio, Tereso Caidnoy, Narciso Ravago and Arcadio Maglines, as provincial guards of Leyte, with station at Maasin; and of *mandamus* to compel the respondent Mamerto S. Ribo in his capacity as provincial governor to reinstate the petitioners in the positions held by his co-respondents named above, and him (Ribo) and Melcio Palma, the latter in his capacity as provincial treasurer of Leyte, to pay the unpaid salaries allegedly due the petitioners from 1 November 1950 up to the final disposition of this case, and Francisco P. Lopez, in his capacity as clerk of the Court of First Instance of Leyte, to turn over to the petitioners all the prisoners in the provincial jail.

Simultaneously on 12 April 1951 the parties entered into the following stipulations of facts, the first reading as follows—

The petitioners and the respondents Provincial Governor Mamerto S. Ribo and Provincial Treasurer Melcio Palma assisted by their respective counsels have come to the following:

AGREED STATEMENTS OF FACTS

1. That residences of petitioners and respondents are admitted to be that of Leyte as well as of their respective capacities;
2. That the respondents admit the appointment and commissions of the petitioners per Exhibits A, A-1 to A-14. In each and every appointment of said petitioners appear the following authorization by the Acting Commissioner of Civil Service:

"AUTHORIZED under Sec. 682 of the Revised Administrative Code to continue only until replaced by an eligible, but not beyond thirty (30) days from the date of receipt of the certification of eligibles, provided, there is no qualified employee from the ranks who may be promoted to the positions involved.

(Sgd.) Acting Commissioner of Civil Service'

3. That the respondent Governor Ribo addressed a communication to petitioners informing the latter that their services were ordered terminated as of the last working hours of October 31, 1950;

4. That the petitioners are all married and have their children except Felipe Enelo, Vedasto Cabales and Teotimo Mullet who are still single;

5. That the petitioners have not received their salaries cor-

responding to the period from October 16 to October 31, 1950 except on January 26, 1951, already;

6. That until now said petitioners have not been given their salaries corresponding to the period from November 1, 1950 up to the present;

7. That the petitioners despite the termination order issued by the Provincial Governor remained in their posts and occupied still the Provincial Jail proper in the court house of the Court of First Instance, Maasin, Leyte, until January 8, 1951, pursuant to their contention that their case is covered by Rep. Act. No. 557 as per telegram dated November 1, 1950 by Orasis addressed to Governor Ribo as Exhibit H. That respondents Isidro Magallanes, Narciso Ravago, Bienvenido Gonzales, Constanco Acasio, Francisco Tavera, Dalmacio Cortel, Tereso Kaindoy, Pedro Flores, Arcadio Maglines, Filomeno Adobas, Rafael Galeon, Crisanto Cab, Jacinto Barro, have been holding their offices in the upper story of the said court house, Court of First Instance, Maasin, Leyte, from November 1, 1950, to January 8, 1951;

8. Said respondents admit the following documents:

- (a) Telegram by the Hon. Secretary of Justice to Provincial Fiscal Lardizabal dated November 14, 1950, Exhibit C;
- (b) The communication addressed by Governor Mamerto S. Ribo to the Provincial Fiscal of Leyte, dated November 2, 1950, Exhibit D;
- (c) Respondents also admit the communication addressed by the Provincial Fiscal Jose O. Lardizabal to the Provincial Governor dated November 13, 1950, marked Exhibit E;
- (c-1) Both counsels in this stipulation of facts agreed that Teodulo Orasis was appointed on September 1, 1949 instead of September 1, 1950 in paragraph 1 of Exhibit E;
- (d) Communication addressed by Provincial Fiscal Lardizabal to petitioners Teodulo Orasis dated November 3, 1950, as Exhibit I;
- (e) The communication addressed by Acting Provincial Warden Isidro P. Magallanes to petitioners herein dated December 7, 1950, Exhibit J;
- (f) The telegram addressed by Fiscal Veloso to petitioner Teodulo Orasis dated November 29, 1950 as Exhibit K;
- (g) The telegram addressed by the Auditor General to the Provincial Auditor, Tacloban, Leyte, dated November 1, 1950, Exhibit F.

9. That said respondents admit the genuineness and due execution but not the legality and conclusion of the following:

Letter by the Commissioner of Civil Service Jose Gil addressed to Speaker Domingo Veloso dated February 15, 1951, Exhibit B, and the additional papers: Honorable Discharge of Alfredo Lucin, Exhibit B-1; Honorable Discharge of Felipe Enelo, Exhibit B-2; Honorable Discharge of Manuel Kangleon, Exhibit B-3; and Honorable Discharge of Luis Marte, Exhibit B-4.

WHEREFORE, the parties to this Honorable Court, most respectfully submit the foregoing stipulation of facts with the reservation to submit such additional evidence as each party deems necessary.

Maasin, Leyte, April 12, 1951.

The second reads thus—

COME now the parties hereto duly assisted by their respective counsels and to this Honorable Court respectfully submit stipulation of facts, as follows:

1. That the parties, petitioners and respondents, are residents of the Province of Leyte within the jurisdiction of this Court;

2. That the positions of provincial guard stationed in Maasin Provincial Jail, subject matter of this petition, were duly created by law;

3. That the petitioners were duly appointed members of the Provincial Guard Corps stationed at Maasin, Leyte, on the dates indicated after their respective names, and they duly qualified and assumed office, discharged their duties as such provincial guards on the dates hereinbelow indicated, to wit:

Name of Petitioner	Date of Appointment	Date Assumed	Position
1. Teodulo T. Orasis	Sept. 1, 1949	Sept. 2, 1949	Sgt. P. G.
2. Eulalio Hernandez	Sept. 1, 1949	Sept. 2, 1949	P. G.
3. Dominador Cordoves	Sept. 1, 1949	Sept. 2, 1949	P. G.
4. Domingo Saligo	Sept. 1, 1949	Sept. 2, 1949	P. G.
5. Teotimo Mallet	Sept. 1, 1949	Sept. 2, 1949	P. G.
6. Ramon Kadavero	Sept. 1, 1949	Sept. 2, 1949	P. G.
7. David Lim	Sept. 1, 1949	Sept. 2, 1949	P. G.
8. Nicomedes Conejos	Sept. 1, 1949	Sept. 2, 1949	P. G.
9. Vedasto Cabales	Sept. 1, 1949	Sept. 2, 1949	P. G.
10. Meliton de Garcia	Sept. 1, 1949	Sept. 2, 1949	P. G.
11. Margarito Basuza	Sept. 1, 1949	Sept. 2, 1949	P. G.
12. Felipe Enelo	Sept. 1, 1949	Sept. 2, 1949	P. G.
13. Luis Marte	Sept. 1, 1949	Sept. 2, 1949	P. G.
14. Alfredo Lucin	Sept. 1, 1949	Sept. 2, 1949	Actg. Cpl.
15. Manuel Kangleon	Sept. 1, 1949	Sept. 2, 1949	P. G.

as shown by Exhibits A, A-1 to A-14;

4. That petitioners Manuel Kangleon, Alfredo Lucin, Felipe Enelo and Luis Marte are veterans pursuant to Republic Act No. 65, as amended by Republic Act No. 154, but are not civil service eligibles (See Communication of Commissioner of Civil Service to Speaker Protrepore Veloso, dated February 15, 1951, marked Exhibit B and additional papers as Exhibits B-1, B-2, B-3, and B-4); and the rest of the petitioners are not veterans and have not qualified in any civil service examination for the classified civil service.

5. That from the respective dates of petitioners' assumption of office and the termination of their services, as hereinbelow indicated, to wit:

Name of Petitioner	Assumption	Termination
1. Teodulo T. Orasis	Sept. 2, 1949	Oct. 31, 1950
2. Eulalio Hernandez	Sept. 2, 1949	Oct. 31, 1950
3. Dominador Cordoves	Sept. 2, 1949	Oct. 31, 1950
4. Domingo Saligo	Sept. 2, 1949	Oct. 31, 1950
5. Timoteo Maule	Sept. 2, 1949	Oct. 31, 1950
6. Ramon Kadavero	Sept. 2, 1949	Oct. 31, 1950
7. David Lim	Sept. 2, 1949	Oct. 31, 1950
8. Nicomedes Conejos	Sept. 2, 1949	Oct. 31, 1950
9. Vedasto Cabales	Sept. 2, 1949	Oct. 31, 1950
10. Meliton de Garcia	Sept. 2, 1949	Oct. 31, 1950
11. Margarito Basuza	Sept. 2, 1949	Oct. 31, 1950
12. Felipe Enelo	Sept. 2, 1949	Oct. 31, 1950
13. Luis Marte	Sept. 2, 1949	Oct. 31, 1950
14. Alfredo Lucin	Sept. 2, 1949	Oct. 31, 1950
15. Manuel Kangleon	Sept. 2, 1949	Oct. 31, 1950

the said petitioners have continuously performed the duties of their office regularly and without interruption;

6. That the respondent Provincial Governor, Hon. Mamerto S. Ribo, ordered the services of each and everyone of the petitioners terminated effective as of October 31, 1950; and appointed in their stead the respondent provincial guards who qualified and assumed their respective positions and discharged the duties as such provincial guards on the dates opposite their names up to present time as indicated below, to wit:

Respondents	Date of Appointments	Assumed Office
1. Isidro Magallanes	Oct. 1, 1950	Nov. 1, 1950
2. Pedro Flores	Oct. 31, 1950	Nov. 1, 1950
3. Francisco Tavera	Oct. 31, 1950	Nov. 1, 1950
4. Narciso Ravago	Oct. 31, 1950	Nov. 1, 1950
5. Crisanto Cab	Oct. 31, 1950	Nov. 1, 1950
6. Dalmacio Cortel	Oct. 31, 1950	Nov. 1, 1950
7. Rafael Galeon	Oct. 31, 1950	Nov. 1, 1950
8. Bienvenido Gonzales	Oct. 31, 1950	Nov. 1, 1950
9. Filomeno Adobas	Oct. 31, 1950	Nov. 1, 1950
10. Jacinto Barro	Oct. 31, 1950	Nov. 1, 1950
11. Constanco Acasio	Oct. 31, 1950	Nov. 1, 1950
12. Tereso Kaindoy	Oct. 31, 1950	Nov. 1, 1950
13. Arcadio Maglines	Oct. 31, 1950	Nov. 1, 1950

as shown by Exhibits 1, 2, 2(a), 3, 4, 4(a), 5, 6, 6(a), 7, 7(a), 8, 8(a), 9, 9(a), 10, 10(a), 11, 11(a), 12, 12(a), 13, and 13(a);

7. That the petitioners declined or refused to vacate their respective positions as provincial guards at Maasin, Leyte, in favor of respondent provincial guards, notwithstanding the order of respondent Provincial Governor, Hon. Mamerto S. Ribo, terminating their services effective as of October 31, 1950, and continued to hold their respective positions until January 8, 1951, when they turned over their quarters and jail facilities to the respondent provincial guards;

8. That respondent Isidro Magallanes, a civil service eligible, replaced petitioner Teodulo T. Orasis, a non-eligible; respondent Pedro Flores, a civil service eligible, replaced petitioner David Lim, a non-eligible; respondent Francisco Tavera, a civil service eligible, replaced petitioner Domingo Saligo, a non-eligible; respondent Narciso Ravago, a civil service eligible, replaced petitioner Eulalio Hernandez, a non-eligible; respondent Crisanto Cab, a non-eligible, replaced petitioner Nicomedes Conejos, a non-eligible; respondent Dalmacio Cortel, a non-eligible, replaced petitioner Ramon Kadavero, a non-eligible; respondent Rafael Galeon, a non-eligible, replaced petitioner Vedasto Cabales, a non-eligible; respondent Bienvenido Gonzales, a non-eligible, replaced petitioner Felipe Enelo, a non-eligible; respondent Filomeno Adobas, a

non-eligible, replaced petitioner Meliton de Gracia, a non-eligible; respondent Jacinto Barro, a non-eligible, replaced petitioner Margarito Basuga, a non-eligible; respondent Constancio Acasio, a non-eligible, replaced petitioner Luis Marte, a non-eligible; respondent Tereso Caindoy, a non-eligible, replaced petitioner Dominador Cordoves, a non-eligible; and respondent Arcadio Maglines, a non-eligible, replaced petitioner Teotimo Mullet, a non-eligible, as shown by Exhibits 1 to 13;

9. That since the aforesaid petitioners have been duly appointed and qualified and assumed the performance of their respective offices up to the time their services were ordered terminated effective as of October 31, 1950, they did not resign nor have they been removed either for misconduct, incompetency, disloyalty to the Philippine Government, neither have they ever committed any irregularity in the performance of their duties nor have they violated any law or duty or committed any act that may cause abandonment of their duties nor have they been investigated for cause.

10. That until the present, the respondents, Governor, Treasurer and Guards, have refused and continue to refuse the petitioners their respective positions above mentioned and they have not been paid their salaries from the time of the termination of their services or removal from their offices until the present;

11. That the respondent provincial guards were paid their salaries as such provincial guards, the first salary payment having been made on December 26, 1950, after their respective appointments have been duly authorized by the Commissioner of Civil Service and approved by the Secretary of the Interior;

12. Respondents and petitioners admit the authenticity and due execution of Exhibits A, A-1 to A-14, B, B-1 to B-4, C, D, E, F, G, H, I, J, K, L, L-1, L-2, L-3 of petitioners and of Exhibits 1, 1(a), 1(b), 2, 2(a), 3, 4, 4(a), 4(b), 4(c), 4(d), 4(e), 4(f), 4(g), 5, 6, 6(a), 7, 7(a), 8, 8(a), 9, 9(a), 10, 10(a), 11, 11(a), 12, 12(a), 13, 13(a), 14, 16, 16 (2 pages), 17 (2 pages), 17(b), 17(c), 17(d), 17(e), and 17(f) for respondents, respectively, without necessarily admitting their validity, legality nor the conclusions therein contained.

WHEREFORE, the parties to this Honorable Court most respectfully submit the foregoing stipulation of facts for approval with the reservation to submit such additional evidence as each party may deem necessary.

Maasin, Leyte, April 12, 1951.

Upon the above quoted stipulations of facts, the Court of First Instance of Leyte rendered judgment, the dispositive part of which is —

(a) Declarado a los recurrentes Teodulo Orasis, Eulalio Bernades, Dominador Cadavero, David Lim, Nicomedes Conejos, Vedaasto Cabales, Meliton de Gracia, y Margarito Basuga sin derecho a los cargos de sargento de la guardia provincial y guardias provinciales ocupados por los recurridos Isidro Magallanes, Pedro Flores, Francisco Tavera, Narciso Ravago, Crisanto Cab, Dalmacio Cortel, Rafael Galleon, Filomeno Adobas, Jacinto Barro, Tereso Caindoy y Arcadio Maglines, y sobreyendo su accion.

(b) Declarando a los recurrentes Felipe Enelo y Luis Marte con derecho de continuar en sus cargos como guardias provinciales y que los nombramientos extendidos a favor de los recurridos Bienvenido Gonzales y Constancio Acasio son contrarios a la ley, y ordenando a estos dos ultimos que entreguen sus puestos a los referidos recurrentes Felipe Enelo y Luis Marte.

(c) Ordenando al tesorero provincial Sr. Melecio Palma, o a su sucesor que pague los sueldos de los recurrentes Felipe Enelo y Luis Marte desde el primero de Noviembre de 1950 y mientras dichos recurrentes continuen desempeñando sus cargos legalmente.

(d) Sobreyendo la accion de los recurrentes Manuel Kangleon y Alfredo Lucin.

(e) Absolviendo libremente de la demanda a los recurridos Mamerto S. Ribo y Francisco P. Lopez; y

(f) Condenando a los recurrentes, excepcion de Felipe Enelo y Luis Marte, a pagar las costas del juicio.

From this judgment the petitioners, with the exception of Felipe Enelo and Luis Marte, appealed. Respondents Bienvenido Gonzales and Constancio Acasion appealed from the decision in so far as the trial court found them not entitled to the positions claimed by them.

The respondents Isidro Magallanes, Pedro Flores, Francisco Tavera and Narciso Ravago, all civil service eligibles, replaced the

petitioners Teodulo T. Orasis, David Lim, Domingo Saligo and Eulalio Bernades, respectively, who are not civil service eligibles. The rest of the respondents, all not civil service eligibles, replaced the rest of the petitioners, except Manuel Kangleon and Alfredo Lucin, who are also not civil service eligibles. Respondents Bienvenido Gonzales and Constancio Acasio, not civil service eligibles, replaced Felipe Enelo and Luis Marte who though not civil service eligibles are veterans.

Petitioners invoke in support of their claim section 682 of the Revised Administrative Code, as amended by Com. Acts Nos. 177 and 281. Said section provides:

Temporary appointment without examination and certification by the Commissioner of Civil Service or his local representative shall not be made to a competitive position in any case, except when the public interests so require, and then only upon the prior authorization of the Commissioner of Civil Service; and any temporary appointment so authorized shall continue only for such period not exceeding three months as may be necessary to make appointment through certification of eligibles, and in no case shall extend beyond thirty days from receipt by the chief of the bureau or office of the Commissioner's certification of eligibles; x x x.

Appointments made under the section are temporary, when the public interests so require and only upon the prior authorization of the Commissioner of Civil Service, not to exceed three months and in no case shall extend beyond thirty days from receipt by the chief of the bureau or office of the Commissioner's certification of eligibles. The fact that the petitioners held the positions for more than three months does not make them civil service eligibles. Also the fact that the acting Commissioner of Civil Service authorized their appointments "under section 682 of the Revised Administrative Code to continue only until replaced by an eligible" does not make them eligibles. The holding of a position by a temporary appointee until replaced by an eligible in disregard of the time limitation of three months is unauthorized and illegal. The temporary appointment of other non-eligibles to replace those whose term have expired is not prohibited. Hence the replacement of Teodulo T. Orasis, David Lim, Domingo Saligo and Eulalio Bernades, who are non-eligibles, by Isidro Magallanes, Pedro Flores, Francisco Tavera and Narciso Ravago, who are eligibles, is in accordance with law. The replacement of non-eligibles by non-eligibles is lawful under and pursuant to section 682 of the Revised Administrative Code. The replacement of Felipe Enelo and Luis Marte, non-eligibles but veterans, by Bienvenido Gonzales and Constancio Acasio, who are non-eligibles, is unlawful. The former are preferred under Rep. Act No. 65, as amended by Rep. Act No. 154, they have been appointed within the term provided for in said Republic Acts. If the preference of a veteran is to be confined to appointment and promotion only and does not include the right to continue to hold the position to which he was appointed until an eligible is certified by the Commissioner of Civil Service, then he would be in no better situation than a non-eligible who is not a veteran. The appointment of a veteran, however, is subject to cancellation or his removal from office or employment must be made by competent authority when the Commissioner of Civil certifies that there is an eligible.

There is no averment in the petition that the positions held by Manuel Kangleon and Alfredo Lucin were usurped or that they were replaced by others in their positions as provincial guards. Hence the petition in so far as it concerns them must be dismissed.

Republic Act No. 557 is also invoked by the appellants Bienvenido Gonzales and Constancio Acasio. The act guarantees the tenure of office of provincial guards and members of city and municipal police who are eligibles. Non-eligibles like the two appellants do not come under the protection of the act invoked by them.

The judgment appealed from is affirmed, without costs. *Paras, Benzong, Montenegro, Jugo, Pablo, Tuazon, Reyes, Bastista, Angelo and Labrador, J. J., concur.*

VI

The Leyte-Samar Sales Co. and Raymond Tomasi, versus Sulpio V. Cea, in his capacity as Judge of the Court of First Instance of Leyte; and Atty. Olegario Lustrillo, G. R. No. L-5963, May 20, 1953.

CIVIL PROCEDURE; EXECUTION; WHERE PROPERTY SOLD AT PUBLIC AUCTION IS CLAIMED BY THIRD PERSON.—

In a suit for damages by S Co. and RT against I. Co., AH PB and JR, judgment against defendants, jointly and severally, for the amount of P31,589.14 was rendered. On June 9, 1951 the