

NO. 29372

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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ESTATE OF FRANCISCO SISON, JOSE MARIA SISON,  
and JAIME PIOPONGCO,  
Plaintiffs-Appellants,

vs.

ESTATE OF FERDINAND E. MARCOS,  
Defendant-Appellee.

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CERTIFIED QUESTION FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I  
(MDL NO. 840)

ORDER ON CERTIFIED QUESTION

(By: Moon, C.J., Nakayama and Duffy, JJ.,  
Intermediate Court of Appeals Associate Judge Leonard,  
in place of Levinson, J., recused<sup>1</sup>, and Intermediate Court of  
Appeals Associate Judge Fujise, in place of Acoba, J., recused)

The United States District Court for the District of  
Hawai'i ("federal district court") has certified to this court  
the following question of law ("Certified Question"):

With regard to the time period for executing a  
judgment in [Hawai'i Revised Statutes (HRS)] § 657-5 [(Supp.  
2001)],<sup>[2]</sup> does the time period begin after the appellate

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<sup>1</sup> Associate Justice Steven H. Levinson retired on  
December 30, 2008.

<sup>2</sup> HRS § 657-5 provides, in its entirety:

Unless an extension is granted, every judgment and  
decree of any court of the State shall be presumed to be  
paid and discharged at the expiration of ten years after the  
judgment or decree was rendered. No action shall be  
commenced after the expiration of ten years from the date a  
judgment or decree was rendered or extended. No extension  
of a judgment or decree shall be granted unless the  
extension is sought within ten years of the date the  
original judgment or decree was rendered. A court shall not  
extend any judgment or decree beyond twenty years from the

process is completed (because the appeal may provide relief in the form of damages not provided for in the original judgment and because the completion of the appellate process allows the judgment creditor to proceed without limitation to collect the judgment), or, in the alternative, given that an amended judgment establishes the relationship between judgment creditor and debtor, does an amendment or modification of the original judgment (including an amended judgment providing for additional relief) start the time period anew?

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that this court's recent published opinion in Roxas v. Marcos, 121 Hawai'i 59, 214 P.3d 598 (2009), vacating 120 Hawai'i 123, 202 P.3d 584 (App.) constitutes a "clear controlling precedent in the Hawai'i judicial decisions" that answers the Certified Question before this court.<sup>3</sup> Therefore,

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date of the original judgment or decree. No extension shall be granted without notice and the filing of a non-hearing motion or a hearing motion to extend the life of the judgment or decree.

<sup>3</sup> Hawai'i Rules of Appellate Procedure ("HRAP") Rule 13(a) (2008) provides:

When a federal district or appellate court certifies to the Hawai'i Supreme Court that there is involved in any proceeding before it a question concerning the law of Hawai'i that is determinative of the cause and that there is no clear controlling precedent in the Hawai'i judicial decisions, the Hawai'i Supreme Court may answer the certified question by written opinion.

(Emphasis added.)

IT IS HEREBY ORDERED that the federal district court's Certified Question is answered in accordance with our recent published opinion in Roxas<sup>4</sup>.

DATED: Honolulu, Hawai'i, November 5, 2009.

On the briefs:

Carl M. Varady  
for Plaintiffs-Appellants,  
Estate of Francisco Sison,  
Jose Maria Sison, and Jamie  
Piopongco

Lex R. Smith, Joseph A.  
Stewart, Thao T. Tran,  
James P. Linn, pro  
hac vice, and D. Patrick Long,  
pro hac vice, for Defendant-  
Appellee Estate of Ferdinand E.  
Marcos

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<sup>4</sup>See 121 Hawai'i at \_\_\_\_, 214 P.3d at 611.