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SO ORDERED.

Puno (Chairman), Panganiban, Corona, and *Carpio Morales, JJ.*, concur.

EN BANC

[A.M. No. RTJ-99-1519. June 26, 2003]
(Formerly OCA IPI No. 97-438-RTJ)

GREGORIO LIMPOT LUMAPAS, *complainant, vs.* **JUDGE CAMILO E. TAMIN, Presiding Judge, RTC, Branch 23, 9th Judicial Region, Molave, Zamboanga del Sur,** *respondent.*

SYNOPSIS

Gregorio Limpot Lumapas charged respondent Judge Camilo E. Tamin with grave abuse of authority and gross ignorance of the law for failure to issue a writ of execution of the final and executory judgment in CA-G.R. CV No. 31820. He also claimed that it was in defiance with this Court's Resolution in A.M. No. RTJ-99-1519 dated June 27, 2000 wherein respondent was ordered to pay a fine for failing to fulfill the ministerial duty of issuing a writ of execution in the above-stated case and to obey the writ of *mandamus* issued by the Court of Appeals relative thereto. In his comment, respondent challenged this Court's jurisdiction to entertain the complaint. He also claimed that the Court of Appeals in the aforementioned decision awarded to the complainant only a conditional right of possession to the land in question conditioned upon the validity of his title to be determined in an appropriate proceeding.

This Court stated in its Resolution dated June 27, 2000 that respondent had no option but to obey the writ of *mandamus* issued by the CA and to issue the writ of execution, his refusal

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to obey being "a clear violation of the order of, and a manifest disrespect towards a court of superior jurisdiction."

The delay in the execution of the Court of Appeals' decision, despite its having attained finality as early as March 13, 1995, works great injustice to the complainant. It is an injustice that this Court cannot countenance. Indeed, it is frustrating for the complainant to be declared that he possesses the legal right to occupy a piece of land and have that same right trampled upon by respondent. If the people believed that they cannot expect justice from the courts, they might be driven to take the law into their own hands, and disorder and perhaps chaos might be the result. Courts exist to promote justice. The adage that justice delayed is justice denied finds particular application in this case. Accordingly, having been previously warned, respondent judge deserved the ultimate administrative penalty of dismissal from the service.

SYLLABUS

1. **POLITICAL LAW; JUDICIAL DEPARTMENT; SUPREME COURT; POWERS; THE POWER OF THE SUPREME COURT TO DISCIPLINE JUDGES IS DIFFERENT FROM ITS POWER OF APPELLATE REVIEW.—** This administrative matter involves the exercise of the Court's power to discipline judges. It is distinct from its power of appellate review under Section 5, paragraph 2(e). An administrative case is not a continuation or an appeal from the main case, and it involves different issues although the two cases may have arisen from related facts. Administrative cases are undertaken and prosecuted solely for the public welfare, *i.e.,* to maintain the faith and confidence of the people in the government and its agencies and instrumentalities.

2. **ID.; ID.; ID.; ID.; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; WHEN THE SUPREME COURT ACTS ON COMPLAINTS AGAINST JUDGES OR ANY PERSONNEL UNDER ITS SUPERVISION, IT ACTS AS PERSONNEL ADMINISTRATOR, NOT AS A COURT.—** When this Court acts on complaints against judges or any personnel under its supervision, it acts as personnel administrator, imposing discipline and not as a court judging justiciable controversies. In this case the issue is whether the respondent

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should be held administratively liable for his continued refusal to perform a ministerial duty and to obey the lawful order of a superior court, not whether the complainant is entitled to the land in question or to its possession-the issues in CV No. 31820. Hence, what is involved is not this Court's power to review, revise, reverse, modify, or affirm on appeal or *certiorari* final judgments and orders of lower courts in cases involving only questions of law. The present administrative case does not call for the exercise of this Court's appellate jurisdiction.

3. **JUDICIAL ETHICS; JUDGES; GROSS IGNORANCE OF THE LAW; INSISTENCE THAT THE SUPREME COURT RESOLUTION IS NOT VALID AND HIS CHALLENGE TO THE COURT'S JURISDICTION TO IMPOSE DISCIPLINARY SANCTIONS THROUGH ONE OF ITS DIVISIONS CONSTITUTES GROSS IGNORANCE OF THE LAW.**— Likewise unmeritorious is the respondent's insistence that this Court's previous Resolution in A.M. No. RTJ-99-1519, is not valid. He challenges this Court's jurisdiction to impose disciplinary sanctions, through one of its Divisions. Such effrontery on the part of respondent only reveals ignorance of precedents with regard to administrative powers of this Tribunal.

4. **REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENTS; DISPOSITIVE PORTION OF A JUDGMENT IS THE ONLY PORTION WHICH BECOMES THE SUBJECT OF EXECUTION.**— In *Edwards v. Arce,* this Court has clarified that the dispositive portion is the only portion of a judgment which becomes the subject of execution. Here, the dispositive portion of the CA decision in CA-G.R. CV No. 31820 is unequivocal and requires no interpretation as regards the absolute and unconditional nature of the complainant's right of possession over the subject lot. . . . Clearly therefore, the complainant has the right of possession pending the determination of the validity of his title. Moreover, it is absurd to recognize the right of possession of the complainant and in the same stroke makes it dependent on a determination of the validity of his title. Lastly, respondent's interpretation, which would render nugatory the complainant's right to possession, is no longer called for.

5. **JUDICIAL ETHICS; JUDGE'S INVOCATION OF DOUBLE JEOPARDY IS UNAVAILING IN CASE AT BAR.**— The respondent's invocation of double jeopardy is likewise unavailing.

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The instant administrative case involves the respondent's second refusal to issue the writ of execution, hence with distinct sanction. That the respondent was administratively punished in this Court's previous Resolution dated June 27, 2000, for refusing to perform a ministerial act will not shield him from another instance of administrative discipline in the present case.

6. **ID.; JUDGES SHOULD RESPECT THE ORDERS AND DECISIONS OF HIGHER TRIBUNALS.**— It is hardly necessary to remind respondent that judges should respect the orders and decisions of higher tribunals, much more the Highest Tribunal of the land from which all other courts should take their bearings. A resolution of the Supreme Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively. If at all, this omission not only betrays a recalcitrant flaw in respondent's character; it also underscores his disrespect of the Court's lawful orders and directives which is only too deserving of reproof.

7. **ID.; REFUSAL BY A JUDGE TO OBEY THE WRIT OF *MANDAMUS* ISSUED BY THE COURT OF APPEALS CONSTITUTES DISRESPECT TOWARDS A COURT OF SUPERIOR JURISDICTION.**— It is the respondent's ministerial duty to issue the writ of execution following the finality of the CA decision in CA-G.R. CV No. 31820, and after the CA issued in a separate case, a writ of *mandamus* ordering the issuance of said writ of execution. As this Court stated in its Resolution dated June 27, 2000, respondent had no option but to obey the writ of *mandamus* issued by the CA and to issue the writ of execution, its refusal to obey being "a clear violation of the order of, and a manifest disrespect towards, a court of superior jurisdiction." This directive notwithstanding, up to now the respondent has obstinately refused to issue a writ of execution.

8. **ID.; ID.; THE DELAY IN THE EXECUTION OF THE COURT OF APPEALS' DECISION DESPITE ITS HAVING ATTAINED FINALITY WORKS GREAT INJUSTICE TO THE COMPLAINANT.**— The delay in the execution of the Court of Appeals' decision despite its having attained finality as early as March 13, 1995 works great injustice to the complainant. It is an injustice that this Court cannot countenance. Indeed, it is frustrating for the complainant to be declared that he possesses the legal right to occupy a piece of land and have that same right trampled upon by respondent. If the people believe

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that they cannot expect justice from the courts, they might be driven to take the law into their own hands, and disorder and perhaps chaos might be the result. Courts exist to promote justice. The adage that justice delayed is justice denied finds particular application in this case. We have often said that every officer or employee in the judiciary is duty-bound to obey the orders and processes of this Court without the least delay and to exercise at all times a high degree of professionalism.

9. **ID.; ID.; GROSS IGNORANCE OF THE LAW; IMPOSABLE PENALTY.**— Indifference or defiance to the Court's orders or resolutions may be punished with dismissal, suspension, or fine as warranted by the circumstances. Gross ignorance of the law is also punishable by: (1) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government owned and controlled corporations; (2) suspension from office without pay and other benefits for more than three (3) but not exceeding six (6) months; or (3) a fine of more than ₱20,000 but not exceeding ₱40,000 under Section 11, Rule 140 of the Rules of Court. Under the present circumstances, we find that the recommendation of the Investigating Justice needs to be upgraded. Having been previously warned, respondent judge deserves the ultimate administrative penalty, *i.e.*, dismissal from the service.

DECISION

PER CURIAM:

Because of the obstinate refusal of respondent Judge Camilo E. Tamin of the Regional Trial Court of Molave, Zamboanga del Sur, Branch 23, to issue a writ of execution of the final and executory judgment in CA-G.R. CV No. 31820, complainant Gregorio Limpot Lumapas charged respondent of grave abuse of authority and gross ignorance of the law.[1] Complainant also averred that the respondent's action is in defiance of this Court's Resolution in A.M. No. RTJ-99-1519, dated June 27, 2000[2]

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[1] *Rollo*, pp. 225-226.

[2] *Lumapas v. Tamin*, 334 SCRA 391 (2000).

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where this Court ordered the respondent to pay a fine for failing to fulfill the ministerial duty of issuing a writ of execution in CA-G.R. CV No. 31820 and to obey the writ of *mandamus* issued by the Court of Appeals ordering him to issue a writ of execution. The dispositive portion of our Resolution in *Lumapas v. Tamin* reads as follows:

> WHEREFORE, for refusing to fulfill a ministerial duty and to obey an order issued by a superior court, respondent Judge Camilo E. Tamin, presiding judge of Branch 23, Regional Trial Court, Molave, Zamboanga del Sur, is ordered to pay a fine of ₱20,000.00. He is further warned that a commission of the same or similar offense in the future will be dealt with even more severely.
>
> SO ORDERED.[3]

Complainant averred that following this Court's denial on September 13, 2000[4] of the respondent's motion for reconsideration,[5] he filed with the trial court on September 19, 2000 another motion for execution[6] of the decision in CA-G.R. CV No. 31820. As previously mentioned, the respondent denied the motion by Order[7] dated September 22, 2000.

In his Comment,[8] the respondent challenged this Court's jurisdiction to entertain the instant Complaint. According to him, what is essentially involved is a question of law because it calls for an interpretation of the complainant's right. The administrative complaint being an original action, to entertain it is against the settled rule that a judicial matter involving a question of law cannot be raised to the Supreme Court through an original action but only through either appeal or *certiorari*

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[3] 334 SCRA 397.

[4] *Rollo*, pp. 205-206.

[5] *Id.* at 193-197.

[6] *Id.* at 227-231.

[7] *Id.* at 233-234.

[8] *Id.* at 213-221.

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pursuant to Section 5(2)(e)[9] of Article VIII of the Constitution. He contended that a division of the Supreme Court has no constitutional jurisdiction to impose disciplinary sanction upon judges of lower courts.[10]

Also, respondent judge claimed that the Court of Appeals awarded to the complainant only a conditional right of possession to the land in question, conditioned upon the validity of his title to be determined in an appropriate proceeding. Since the complainant had yet to institute the proper proceedings in court to determine the validity of his title to the land in question, the issuance of a writ of execution was premature. According to the respondent, the situation poses a dilemma for him. On one hand, if he issues the writ of possession before the complainant has complied with the suspensive condition imposed in the Court of Appeals decision, he would be liable for illegally issuing the writ of possession. On the other hand, if he does not issue the writ of possession, the Office of the Court Administrator would prosecute the instant administrative case.[11]

Finally, the respondent asserted that the instant administrative case had placed him in double jeopardy.[12]

By Resolution[13] dated September 17, 2001, this Court resolved to treat this matter as a supplementary complaint and referred this matter to Court of Appeals Justice Conchita Carpio Morales (now a member of this Court) for investigation, report and recommendation.

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[9] SEC. 5. The Supreme Court shall have the following powers:

(2) Review, revise, reverse, modify, or affirm on appeal or *certiorari*, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

(e) All cases in which only an error or question of law is involved.

[10] *Rollo*, p. 216.

[11] *Id.* at 218-220.

[12] *Id.* at 281.

[13] *Id.* at 247-248.

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On January 9, 2002, the parties submitted the case for decision on the basis of the record and the verbal manifestation of the respondent that he is invoking the defense of double jeopardy.[14]

In her report,[15] Justice Carpio Morales found the respondent liable for grave abuse of authority and gross ignorance of the law. She recommended that respondent be suspended for six (6) months without pay. We are in agreement with her recommendation, except as to the penalty to be imposed.

As hereafter discussed, the penalty appears less than commensurate to the administrative offenses found. At the outset, respondent's insistence that the present administrative case may only be brought to this Court by appeal or *certiorari* deserves scant consideration. It must be rejected outright for being baseless.

This administrative matter involves the exercise of the Court's power to discipline judges. It is distinct from its power of appellate review under Section 5, paragraph, 2(e). An administrative case is not a continuation or an appeal from the main case, and it involves different issues although the two cases may have arisen from related facts. Administrative cases are undertaken and prosecuted solely for the public welfare, *i.e.*, to maintain the faith and confidence of the people in the government and its agencies and instrumentalities.

When this Court acts on complaints against judges or any personnel under its supervision, it acts as personnel administrator, imposing discipline and not as a court judging justiciable controversies.[16] In this case the issue is whether the respondent should be held administratively liable for his continued refusal to perform a ministerial duty and to obey the lawful order of a superior court, not whether the complainant is entitled to the land in question or to its possession — the issues in CV No.

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[14] *Id.* at 281-282.

[15] *Id.* at 285-299.

[16] *Icasiano, Jr. v. Sandiganbayan*, G.R. No. 95642, 28 May 1992, 209 SCRA 377, 383.

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31820. Hence, what is involved is not this Court's power to review; revise, reverse, modify, or affirm on appeal or *certiorari* final judgments and orders of lower courts in cases involving only questions of law. The present administrative case does not call for the exercise of this Court's appellate jurisdiction.

Likewise unmeritorious is the respondent's insistence that this Court's previous Resolution in A.M. No. RTJ-99-1519, is not valid. He challenges this Court's jurisdiction to impose disciplinary sanctions, through one of its Divisions. Such effrontery on the part of respondent only reveals ignorance of precedents with regard to administrative powers of this Tribunal.

In *People v. Hon. Gacott, Jr.,*[17] this Court made the following pronouncements:

> . . . [T]he very text of the present Section 11[18] of Article VIII clearly shows that there are actually two situations envisaged therein. The first clause which states that "the Supreme Court *en banc* shall have the power to discipline judges of lower courts," is a declaration of the grant of that disciplinary power to, and the determination of the procedure in the exercise thereof by, the Court *en banc. It was not therein intended that all administrative disciplinary cases should be heard and decided by the whole Court since it would result in an absurdity, as will hereafter be explained.*
>
> The second clause, which refers to the second situation contemplated therein and is intentionally separated from the first by a comma, declares on the other hand that the Court *en banc* can "order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted therein." Evidently, in this instance, the administrative case must be deliberated upon and decided by the full Court itself.

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[17] 316 Phil. 85, 94-96 (1995).

[18] Sec. 11. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court *en banc* shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

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Pursuant to the first clause which confers administrative disciplinary power to the Court *en banc*, on February 9, 1993 a Court *En Banc* resolution was adopted, entitled "Bar Matter No. 209. — In the Matter of the Amendment and/or Clarification of Various Supreme Court Rules and Resolutions," and providing *inter alia:*

For said purpose, the following are considered *en banc* cases:

x x x x x x x x x

6. Cases where the penalty to be imposed is the dismissal of a judge, officer or employee of the Judiciary, disbarment of a lawyer, or either the suspension of any of them for a period of more than one (1) year or a fine exceeding ₱10,000.00, or both.

x x x x x x x x x

This resolution was amended on March 16, 1993 and November 23, 1993, but the aforequoted provision was maintained.

Indeed, to require the entire Court to deliberate upon and participate in all administrative matters or cases regardless of the sanctions, imposable or imposed, would result in a congested docket and undue delay in the adjudication of cases in the Court, especially in administrative matters, since even cases involving the penalty of reprimand would require action by the Court en banc. This would subvert the constitutional injunction for the Court to adopt a systematic plan to expedite the decision or resolution of cases or matters pending in the Supreme Court or the lower courts, and the very purpose of authorizing the Court to sit en banc or in divisions of three five or seven members. (Emphasis supplied).

In his attempt to muddle and confuse the final and executory decision of the Court of Appeals in CA-G.R. CV No. 31820, the respondent relies on the penultimate paragraph in said decision, which states as follows:

What we are saying is that, although appellee has not sufficiently proved his filiation to the late Guillermo Lumapas, the fact that he has a legal title over the subject land entitles him to the possession thereof, pending the final determination of the validity of the title issued to him in an appropriate proceeding.[19]

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[19] *Rollo*, p. 100.

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In *Edwards v. Arce*,[20] this Court has clarified that the dispositive portion is the only portion of a judgment which becomes the subject of execution. Here, the dispositive portion of the CA decision in CA-G.R. CV No. 31820 is unequivocal and requires no interpretation as regards the absolute and unconditional nature of the complainant's right of possession over the subject lot. The dispositive portion reads as follows:

> WHEREFORE, the appealed decision is hereby REVERSED and a new one entered as follows:
>
> (1) Declaring that Gregorio Lumapas has not sufficiently proved that he is the son of Guillermo Lumapas;
>
> (2) *Declaring Gregorio [Lumapas] to have the right of possession over lot 4329;* and,
>
> No pronouncement as to costs.
>
> SO ORDERED.[21] (Italics supplied).

Clearly therefore, the complainant has the right of possession pending the determination of the validity of his title. Moreover, it is absurd to recognize the right of possession of the complainant and in the same stroke makes it dependent on a determination of the validity of his title. Lastly, respondent's interpretation, which would render nugatory the complainant's right to possession, is no longer called for.

The respondent's invocation of double jeopardy is likewise unavailing. The instant administrative case involves the respondent's second refusal to issue the writ of execution, hence with distinct sanction. That the respondent was administratively punished in this Court's previous Resolution dated June 27, 2000, for refusing to perform a ministerial act will not shield him from another instance of administrative discipline in the present case.

Finally, the respondent's fear that the adverse party in CA-G.R. CV No. 31820 would administratively charge him for

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[20] 98 Phil. 688, 692 (1956).

[21] *Supra*, note 19.

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illegally issuing the writ of possession if he issues a writ of possession in favor of the complainant is baseless, at most merely speculative. He invents a false dilemma from an erroneous premise.

Coming now to the question of the respondent's administrative liability, this Court finds the imposition of administrative penalties proper. It is the respondent's ministerial duty to issue the writ of execution following the finality of the CA decision in CA-G.R. CV No. 31820, and after the CA issued in a separate case, a writ of *mandamus* ordering the issuance of said writ of execution. As this Court stated in its Resolution dated June 27, 2000, respondent had no option but to obey the writ of *mandamus* issued by the CA and to issue the writ of execution, its refusal to obey being "a clear violation of the order of, and a manifest disrespect towards, a court of superior jurisdiction." This directive notwithstanding, up to now the respondent has obstinately refused to issue a writ of execution.

It is hardly necessary to remind respondent that judges should respect the orders and decisions of higher tribunals, much more the Highest Tribunal of the land from which all other courts should take their bearings.[22] A resolution of the Supreme Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively.[23] If at all, this omission not only betrays a recalcitrant flaw in respondent's character; it also underscores his disrespect of the Court's lawful orders and directives which is only too deserving of reproof.[24]

The delay in the execution of the Court of Appeals' decision despite its having attained finality as early as March 13, 1995 works great injustice to the complainant. It is an injustice that this Court cannot countenance. Indeed, it is frustrating for the complainant to be declared that he possesses the legal right to

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[22] *Guerrero v. Judge Deray*, A.M. No. MTJ-02-1466, 10 December 2002, p. 7.

[23] *Josep v. Judge Abarquez*, 330 Phil. 352, 359 (1996).

[24] *Supra*, note 22.

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occupy a piece of land and have that same right trampled upon by respondent. If the people believe that they cannot expect justice from the courts, they might be driven to take the law into their own hands, and disorder and perhaps chaos might be the result.[25] Courts exist to promote justice.[26] The adage that justice delayed is justice denied finds particular application in this case. We have often said that every officer or employee in the judiciary is duty-bound to obey the orders and processes of this Court without the least delay and to exercise at all times a high degree of professionalism.[27]

Indifference or defiance to the Court's orders or resolutions may be punished with dismissal, suspension, or fine as warranted by the circumstances.[28] Gross ignorance of the law is also punishable by: (1) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government owned and controlled corporations; (2) suspension from office without pay and other benefits for more than three (3) but not exceeding six (6) months; or (3) a fine of more than ₱20,000 but not exceeding ₱40,000 under Section 11,[29] Rule 140 of the Rules of Court. Under the present

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[25] *In re Sotto*, 82 Phil. 595, 602 (1949).

[26] *Cuaresma v. Enriquez*, A.M. No. MTJ-91-608, 20 September 1995, 248 SCRA 454, 459.

[27] *Martinez v. Zoleta*, A.M. No. MTJ-94-904, 29 September 1999, 315 SCRA 438, 449.

[28] *Guerrero v. Deray*, A.M. No. MTJ-02-1466, 10 December 2002, p. 8.

[29] SEC. 11. *Sanctions*. — A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or

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circumstances, we find that the recommendation of the Investigating Justice needs to be upgraded. Having been previously warned, respondent judge deserves the ultimate administrative penalty, *i.e.*, dismissal from the service.

WHEREFORE, for refusing to fulfill a ministerial duty and for disobedience to an order issued by a superior court, as well as for gross ignorance of the law, respondent Judge Camilo E. Tamin, Branch 23 of the Regional Trial Court of Molave, Zamboanga del Sur, is ordered *DISMISSED* from the service, with forfeiture of all benefits due him except for accrued leave benefits, if any. He is also declared *DISQUALIFIED* from employment in any position in the government service including government-owned or controlled corporations. He is hereby ordered to *VACATE* his sala upon receipt of this decision, which is effective immediately.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Corona, Callejo, Sr., and *Azcuna, JJ.*, concur.

Carpio Morales, J., no part.

Austria-Martinez, J., on leave.

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3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
2. A fine of more than ₱10,000.00 but not exceeding ₱20,000.00

C. If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:

1. A fine of not less than ₱1,000.00 but not exceeding ₱10,000.00 and/or
2. Censure;
3. Reprimand;
4. Admonition with warning.