Supreme Court E-Library

As we ruled in the case of *Pag-ibig Village Association v. Aquilino Angon,*[9]

"We have been exacting in our demands that court sheriffs should always faithfully adhere to, hold inviolate and invigorate the principle solemnly enshrined in the Constitution that a public office is a public trust. Pursuant thereto, we have, without hesitation, dismissed or disciplined sheriffs who failed to meet our expectations. However, such as here, we shall likewise be the first to protect them against unfounded administrative complaints which do not appear to be genuine efforts to rid the court of the scalawags in the service, or which are merely designed to frustrate the due administration of justice."

WHEREFORE, the complaint against Rolando C. Leyva, Deputy Sheriff, Regional Trial Court, Branch 74, Antipolo, Rizal is hereby *DISMISSED.*

SO ORDERED.

Bellosillo (Chairman), Puno, Mendoza, and *Buena, JJ.,* concur.

FIRST DIVISION

[A.M. No. RTJ-98-1423. March 10, 1999]

ROMAN CAGATIN, EMMIE HURBODA, FRANCISCO OLAER, LEONCIO BUSTAMANTE, FRANCISCO RANARIO, JOSE OSIN, JORGE PEDIDA, JOSE BATISTING, LUCIO BATISTING, SEGUNDINO BOLOTAOLO, DEMOCRITO RANARIO, HEIRS OF LOPE NAKILA (represented by surviving spouse YOLING DAKILA), BONIFACIO BUSCAGAN, MARIANO CAPA, JUAN MORALES, GODOFREDO

---

[9] A.M. No. P-98-1268, August 25, 1998.

Supreme Court E-Library

RACHO, ELIZABETH AMARILLO, BENIGNO ACAMPADO, PEDRO AREGLO, SERVITO BATAO, ELEODORO BATISTING, ROGELIO DE CLARO, SILFORO LIBANDO, HILARIO MARINAS, ALEJANDRO NOJA, HEIRS OF PEDRITA OLAER (represented by the surviving husband FRANCISCO OLAER), SILFORO MORALES, ANTONIO RETUERTO, STELLA FILIPINAS, TEODOLO FILIPINAS, MANSUETO NATAD, NATIVIDAD NATAD, AMADO MAGSIGAY, TIMOTEO GOLORAN, GREGORIO COQUILLA, ANTONIO CANOY, APOLINARIO PLAZA, JESUS GODELOSAO, APOLONIO ANTIPASADO, TERESO CAGADAS, LUCIO BERONG, LEONARDO LAPIZ, FRANCISCO PAIGAN, FELIX UY, ARTURO ESCOBIDO, JAMES ENGUITO, BONIFACIO BUNOL, FRANCISCO PATAYAN, SALVADOR CENA, BASILIO PAJE, DOMINADOR DAGONDON, FAUSTINO LASTIMADO, EMPERATREZ MORAN, EUGENIO MIRA, NAGELO PLAZA, DEMETRIA ABAY-ABAY, ROLANDO GASCON, DORETEO GASCON, RIZALINO CUBILLAS, FAUSTINO NAGLAHUS, JOEL PLAZA AND ADOLFO LLAGAS, *complainants, vs.* **JUDGE LEONARDO N. DEMECILLO,** *respondent.*

SYNOPSIS

Atty. Dominador Calonia filed a case for collection of attorney's fees, preliminary injunction and damages against the herein complainants which was raffled to the sala of the respondent Judge Demecillo. In relation to the said case, the complainants filed the instant case claiming that Judge Demecillo committed grave abuse of authority when he issued the Order dated April 11 1996 which granted the prayer for a temporary restraining order and subsequently issued on April 26, 1996 a writ of preliminary injunction, which prevented the complainants from collecting or withdrawing their back salaries. While it is true that the writ of preliminary injunction was dissolved, the respondent nevertheless imposed upon the complainants a

Supreme Court E-Library

condition to put up a bond of ₱50,000.00, as well as declared that the local government unit was not liable for the payment of their back salaries, but the official who illegally dismissed them. They also charged respondent Judge of inefficiency for failure to decide their case despite the lapse of the 90-day period from the time the case was filed or from the time the parties submitted their respective pre-trial briefs. After investigation, the Office of the Court Administrator (OCA) recommended that respondent Judge be exonerated on the charge of inefficiency but found him to have committed grave abuse of authority.

The Court agreed with the findings of the OCA that respondent judge is liable to a certain degree for abuse of authority. Respondent judge abused his power when he interfered by injunction with the final judgment of the Civil Service Commission, an independent constitutional body, the judgment of which had become final and executory and, therefore, inappealable and unreviewable. Nonetheless, it has not been shown that respondent acted in bad faith, with malice, or in willful disregard of complainant's rights. In fact, after proper notice and hearing, respondent, upon manifestation/motion of complainants, dissolved the writ of preliminary injunction he had previously issued. At the most, he merely committed an error of judgment. But not every error or mistake of a judge in the performance of a judge's duties would render him liable therefor when no proof is adduced to show that the error was made with deliberate intent to do an injustice (*Bacar vs. De Guzman, Jr.*, 271 SCRA 328). This is not to say, however, that respondent need not observe due care in the performance of his functions. The respondent judge was ordered to pay a fine of ₱1,000.00.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; MANDATED TO RENDER DECISION WITHIN THREE MONTHS FROM DATE OF SUBMISSION.**— Indeed, a lower court judge is mandated to render a decision within three months from date of submission. Additionally, Canon 3, Rule 3.05 of the Code of Judicial Conduct requires a judge to dispose of the court's business promptly and decide cases within

Supreme Court E-Library

the period specified (*Lambino v. De Vera*, 275 SCRA 560 [1997]). Such rule, however, finds no application in the instant case considering that Civil Case No. 96-213 is still on its pre-trial stage.

2. **ID.; ID.; LIABLE FOR ABUSE OF AUTHORITY; CASE AT BAR.**— The Court agrees with the findings of the OCA that respondent judge is liable to a certain degree for abuse of authority. Respondent judge abused his power when he interfered by injunction with the final judgment of the Civil Service Commission, an independent constitutional body, the judgment of which had become final and executory and, therefore, inappealable and unreviewable.

3. **REMEDIAL LAW; FINAL JUDGMENT; IMMUTABLE AND UNALTERABLE; EXCEPTION.**— The settled rule is that a judgment which has acquired finality becomes immutable and unalterable and hence, may no longer be modified in any respect except only to correct clerical errors or mistakes. Litigations must end and terminate sometime and somewhere, it being essential to the effective and efficient administration of justice that once a judgment has become final, the prevailing party be not, through a mere subterfuge, deprived of the fruits of the verdict (*Johnson & Johnson [Phils.] Inc. vs. CA,* 262 SCRA 298 [1996]).

4. **LEGAL AND JUDICIAL ETHICS; JUDGES; MUST OBSERVE DUE CARE IN THE PERFORMANCE OF THEIR FUNCTIONS.**— Nonetheless, it has not been shown that respondent acted in bad faith, with malice, or in willful disregard of complainants' rights. In fact, after proper notice and hearing, respondent, upon manifestation/motion of complainants, dissolved the writ of preliminary injunction he had previously issued. At the most, he merely committed an error of judgment. But not every error or mistake of a judge in the performance of a judge's duties would render him liable therefor when no proof is adduced to show that the error was made with deliberate intent to do an injustice *(Bacar vs. Guzman, Jr.*, 271 SCRA 328). This is not to say, however, that respondent need not observe due care in the performance of his functions.

Supreme Court E-Library

DECISION

MELO, *J.*:

In a letter-complaint addressed to the Court through the Court Administrator dated September 25, 1996, herein complainants charged Presiding Judge Leonardo N. Demecillo of Branch 24 of Regional Trial Court of the 10th Judicial Region stationed in Cagayan De Oro City, with grave abuse of authority and inefficiency in relation to orders issued in Civil Case No. 96-213 entitled, "Dominador Calonia *v.* Roman Cagatin, *et al.*" for attorney's fees, preliminary injunction, and damages, with a prayer for temporary restraining order.

In a decision dated January 29, 1993, the Civil Service Commission ordered the reinstatement of complainants who had been previously dismissed from the Provincial Engineer's Office of Agusan del Sur. In their fight for reinstatement, it appears that complainants had engaged the legal services of Atty. Dominador Calonia, plaintiff in Civil Case No. 96-213 which was raffled to the sala of respondent judge, wherein the plaintiff sought to collect his attorney's fees.

Despite the finality of the decision of the CSC, respondent judge issued an order dated April 11, 1996 granting the prayer for a temporary restraining order and subsequently issued on April 26, 1996 a writ of preliminary injunction directing Atty. Dominador Calonia to put up a ₱50,000.00 bond and enjoining complainants from collecting or withdrawing their back salaries from the Provincial Treasurer of Agusan del Sur and for the Provincial Treasurer not to release the back salaries pending further orders from the court.

Accordingly, complainants filed a manifestation/motion for the dissolution of the writ of injunction which respondent judge granted, thus:

> Wherefore, the manifestation/motion filed by defendants on September 2, 1996 is hereby granted. Consequently, the Writ of Injunction is dissolved but to take effect only after defendants shall have put up a bond conditioned for the payment of all damages which

Supreme Court E-Library

plaintiff may suffer by the dissolution of the injunction, in the sum of ₱50,000.00.

After defendants shall have put up a bond in the aforestated amount, the Provincial Treasurer of Agusan del Sur should release to defendants their backwages if allowed by auditing rules considering that originally, in case of illegally dismissed employees, it is not the local government unit that will be liable but the official who illegally dismissed them.

The Supreme Court in the case of *Corres vs. CFI of Bulacan*, G.R. No. L-46096, July 30, 1979, said:

The public officer who commits a tort as other wrongful act, done in excess or beyond the scope of his duty, is not protected by his office and is personally liable therefore like any private individual. This principle of personal liability has been applied to cases where a public officer removes another officer or discharge an employee wrongfully.

The complaint asserted that Judge Demecillo committed grave abuse of authority when he issued the orders dated April 11 and 26, 1996, thereby preventing complainants from collecting or withdrawing their back salaries; and that while it is true that the writ of preliminary injunction dated April 26, 1996 was dissolved on November 18, 1996, respondent nevertheless imposed upon complainants a condition to put up a bond of ₱50,000.00 and went on to declare that the local government unit is not liable for the payment of their back salaries, but the official who illegally dismissed them.

As regards the charge of inefficiency, complainants alleged that respondent judge failed to decide the aforementioned Civil Case No. 96-213 despite the lapse of the 90-day period from the time the case was filed on March 28, 1996 or from the time of the submission of their respective pre-trial briefs on May 26 and 28, 1996.

In his comment respondent judge averred that he issued a temporary restraining order after a summary hearing was conducted. On the hearing for the application for preliminary injunction, counsel for complainants had manifested that he would not present evidence to show cause why no writ should be issued, thus, respondent said, he had no recourse but to grant

Supreme Court E-Library

the writ of preliminary injunction, as prayed for. However, he claimed that he ordered the dissolution of said writ upon motion of complainants.

On his alleged inefficiency, respondent judge emphasized that Civil Case No. 96-213 is still in its pre-trial stage and that it is only after the parties shall have rested their case or after the filing of memoranda that the 90-day period within which to decide the case will start to run.

The Office of the Court Administrator would have respondent judge exonerated on the charge of inefficiency, but would have him found to have committed grave abuse of authority, and thus, recommends:

> Accordingly, it is respectfully recommended that respondent judge be held liable for abuse of authority and a fine of Five Thousand Pesos (₱5,000.00) be imposed upon him with stern warning that a repetition of the same or similar act(s) will be dealt with more severely.

We do not see any substantial reason to disagree with the findings of OCA, although the penalty recommended is a bit severe.

Indeed, a lower court judge is mandated to render a decision within three months from date of submission. Additionally, Canon 3, Rule 3.05 of the Code of Judicial Conduct requires a judge to dispose of the court's business promptly and decide cases within the period specified (*Lambino v. De Vera,* 275 SCRA 560 [1997]). Such rule, however, finds no application in the instant case considering that Civil Case No. 96-213 is still on its pre-trial stage. No charge of inefficiency could, therefore, be sustained.

Anent the other charge, the Court agrees with the findings of the OCA that respondent judge is liable to a certain degree for abuse of authority. Respondent judge abused his power when he interfered by injunction with the final judgment of the Civil Service Commission, an independent constitutional body, the judgment of which had become final and executory and, therefore, inappealable and unreviewable.

Supreme Court E-Library

The settled rule is that a judgment which has acquired finality becomes immutable and unalterable and hence, may no longer be modified in any respect except only to correct clerical errors or mistakes. Litigations must end and terminate sometime and somewhere, it being essential to the effective and efficient administration of justice that once a judgment has become final, the prevailing party be not, through a mere subterfuge, deprived of the fruits of the verdict (*Johnson & Johnson [Phils.] Inc. v. CA,* 262 SCRA 298 [1996]).

Nonetheless, it has not been shown that respondent acted in bad faith, with malice, or in willful disregard of complainants' rights. In fact, after proper notice and hearing, respondent, upon manifestation/motion of complainants, dissolved the writ of preliminary injunction he had previously issued. At the most, he merely committed an error of judgment. But not every error or mistake of a judge in the performance of a judge's duties would render him liable therefor when no proof is adduced to show that the error was made with deliberate intent to do an injustice (*Bacar vs. De Guzman, Jr.,* 271 SCRA 328). This is not to say, however, that respondent need not observe due care in the performance of his functions.

WHEREFORE, respondent judge is hereby found liable for abuse of authority and is ordered to pay a fine of ONE THOUSAND (₱1,000.00) PESOS, with the warning that a repetition of the same or similar offense will be dealt with more severely,

SO ORDERED.

Davide, Jr., C.J. (Chairman), Kapunan, and *Pardo, JJ.,* concur.