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Furthermore, the petitioner Doroteo F. Bala appealed to the Court of Appeals after the denial of his motion for reconsideration and supplemental motion for reconsideration, assigning as error, the findings of the trial court that he was notified of the hearing of November 23, 1967 and in considering the case as submitted for decision. After the appeal was dismissed by the Court of Appeals, no attempt was made to elevate the question of lack of notice to this Court. It is only after the lapse of almost seven (7) years from the issuance of the questioned order of November 23, 1967, and after the petitioner Doroteo F. Bala had been cited to appear in court to answer contempt proceedings, that he has brought the matter to the attention of the Court. He is now precluded from further questioning the validity of the judgment sought to be annulled and set aside, otherwise there will be no end to litigations.

WHEREFORE, the petition should be, as it is hereby, dismissed. Costs against the petitioners.

SO ORDERED.

Fernando (Chairman), Barredo, Antonio, Aquino, and *Santos, JJ.*, concur.

SECOND DIVISION

[A.M. No. 1308-CFI. March 21, 1978]

SATURNINO O. PASCUA, *complainant, vs.* **JUDGE MAGNO B. PABLO, Judge of the Court of First Instance of Pangasinan, Alaminos Branch XIII,** *respondents.*

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SYLLABUS

ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COMPLAINT AGAINST JUDICIAL OFFICER FOR NEGLECT OF DUTY; UNFOUNDED IF COMPLAINANT FAILED TO COMPLY WITH THE COURT'S ORDER.— The complaint is baseless and has only nuisance value. No neglect of duty can be imputed to Judge Pablo. What Pascua should have done after this Court's resolution denying his petition had become final was to comply with the lower court's order for the amendment of his complaint. Because he did not heed Judge Pablo's advice to hire a lawyer to handle his case, he did not grasp the import of this Court's resolutions as well as the decision of the Court of Appeals and the order for the amendment of his complaint. His pleadings in L-38008, like his complaint herein, were exercises in futility.

RESOLUTION

AQUINO, *J.*:

Saturnino Pascua, a former public school teacher, filed on May 25, 1973 a complaint for damages amounting to ₱57,000 against his relatives, Pedro Caampued and Estefania Ibañez, in the Court of First Instance of Pangasinan, Alaminos Branch XIII, presided over by Judge Magno B. Pablo. Pascua could not secure the services of a lawyer. He insisted on handling his own case. That case was dismissed by the lower court in its order of October 1, 1973 because the complaint did not state a cause of action. (Civil Case No. A-827).

While Pascua was trying to perfect his appeal from the order of dismissal, the trial court in its order of November 12, 1973 reconsidered the dismissal and gave Pascua thirty days from notice within which to amend his complaint.

Instead of complying with that order, Pascua filed a petition for *mandamus* in the Court of Appeals to compel Judge Pablo to give due course to his appeal. The Appellate Court dismissed the petition. It noted that Pascua "should be happy that the respondent Judge reconsidered his order of dismissal, instead

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of complaining against it" and appealing from an order that had already been reconsidered (*Pascua vs. Hon. Judge Magno B. Pablo, et al.*, CA-G. R. No. SP-02614-R, December 7, 1973).

Not satisfied with the decision of the Court of Appeals and probably not understanding its legal implications, because he is not a lawyer, Pascua filed in this Court on January 3, 1974 a petition for the review of that decision. This Court denied the petition for lack of merit in its resolution of January 10, 1974 (L-38008, *Pascua vs. Caampued*). Pascua's motion for reconsideration and his "motion for leave to file subsequent motions for reconsideration" were denied in this Court's resolution of February 25, 1974. Entry of judgment was made in this Court on March 18, 1974.

On March 25, 1974 he filed in this Court a "motion for new trial." It was denied on April 1, 1974. On April 30, 1974 Pascua sent to this Court by registered mail another "petition for review." It was received on May 8. That "petition" was noted in the resolution of May 17, 1974. On November 28, 1975 Pascua filed a "motion for execution" in the lower court. Judge Pablo ignored it.

On December 18, 1975 Pascua sent a letter to Atty. Gloria C. Paras, the Clerk of Court of this Court's First Division, requesting her to "instruct" Judge Pablo "to issue the writ of execution" based on the Court's resolution of May 17, 1974. That letter was noted in the resolution of January 21, 1976.

In another letter dated January 26, 1976, consisting of six pages, addressed to the Chief Justice and Atty. Paras and containing citations of legal provisions and rulings in decided cases, Pascua requested Atty. Paras to send to the lower court "the certified copy of the judgment" "for execution." Atty. Paras transmitted to Pascua on February 11, 1976 a copy of this Court's resolution of January 21, 1976.

In the lower court Pascua filed a 15-page motion dated February 20, 1976, praying for the "execution" of this Court's resolution of May 17, 1974, as "granted by the resolution" of

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January 21, 1976, Judge Pablo denied the motion in a minute order dated March 1, 1976.

On March 12, 1976 Pascua mailed to this Court a "motion for contempt of court and for an order commanding" Judge Pablo to issue a writ of execution. That motion was noted in the resolution of March 26, 1976 with the explanation that Pascua's petition for review was denied in the resolution of January 10, 1974 and that entry of final judgment was made on March 18, 1974.

Apparently, Pascua did not comprehend that resolution because on June 4, 1976 he filed in this Court a verified complaint against Judge Pablo for his refusal to issue the "writ of execution" and again praying that the writ be issued and that Judge Pablo "be charge accordingly." Respondent Judge in his comment explained that he denied the motion for execution because there was nothing to execute.

We hold that the complaint is baseless and has only nuisance value. No neglect of duty can be imputed to Judge Pablo. What Pascua should have done after this Court's resolution denying his petition had become final was to comply with the lower court's order for the amendment of his complaint.

Because he did not heed Judge Pablo's advice to hire a lawyer to handle his case, he did not grasp the import of this Court's resolutions as well as the decision of the Court of Appeals and the order for the amendment of his complaint. His pleadings in L-38008, like his complaint herein, were exercises in futility.

WHEREFORE, the complaint is dismissed and this case is considered closed.

SO ORDERED.

Fernando (Chairman), Barredo Antonio, Concepcion Jr., and *Santos JJ.*, concur.