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Order dated April 7, 1997 in OMB-ADM-0-94-0983 are *REVERSED* and *SET ASIDE*. The petitioner is hereby ordered *REINSTATED* immediately to his position in the government service more particularly in the Bureau of Investigation and Deportation, Manila, without loss nor diminution in his salaries and benefits.

SO ORDERED.

Bellosillo, Acting C.J. (Chairman), Mendoza, Quisumbing, and *Buena, JJ.*, concur.

EN BANC

[A.M. No. RTJ-01-1620. March 18, 2002]

SPOUSES ADRIANO and HILDA MONTEROLA, *complainants, vs.* **JUDGE JOSE F. CAOIBES, JR.,** *respondent.*

SYNOPSIS

Respondent judge promulgated a decision in favor of herein complainants in Civil Case No. LP-98-0141. The complainants filed with the Office of the Court Administrator a verified complaint against the respondent for unreasonable refusal to grant their motions for execution, and dereliction of duty. In his comment, respondent denied the allegations in the complaint. He argued that the motion for execution was a mere scrap of paper and that there is a need to determine the exact amount due the complainants in accordance with his decision before he could issue an order for the issuance of the writ of execution. He prayed for the dismissal of the complaint.

The Supreme Court held that there is no dispute that the decision of respondent had already become final and executory. Execution of the said decision should have issued as a matter

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of right. It becomes a ministerial duty on the part of the court to order execution of its final and executory judgment. In failing to issue the writ of execution, respondent either deliberately disregarded the rule in accordance with Section 1, Rule 39 of the 1997 Rules on Civil Procedure or demonstrated ignorance thereof.

The alleged *pro forma* character of the motion for execution does not excuse respondent from not issuing, or delaying issuance of, a writ of execution because his judgment is already final and executory.

Respondent was found guilty of gross ignorance of procedural law and unreasonable delay in the issuance of an order for execution of the judgment in Civil Case No. LP-98-0141 and fined the amount of ₱30,000.00.

SYLLABUS

1. **REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENT; EXECUTION OF FINAL AND EXECUTORY JUDGMENT, A MATTER OF RIGHT; CASE AT BAR.**— There is no dispute that the decision of 15 March 1999 of respondent had already become final and executory. Execution of the said decision should have issued as a matter of right, in accordance with Section 1, Rule 39 of the 1997 Rules on Civil Procedure, which reads: "Section 1. *Execution upon judgment or final orders.* — Execution shall issue as a matter of right, on motion, upon a judgment or order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected." In other words, it becomes a ministerial duty on the part of the court to order execution of its final and executory judgment. This is a basic legal principle which every trial judge ought to know.

2. **ID.; ID.; ID.; ID.; *PRO FORMA* MOTION OF EXECUTION DOES NOT JUSTIFY NON-ISSUANCE OF WRIT OF EXECUTION; CASE AT BAR.**— The alleged *pro forma* character of the motion of execution does not excuse respondent from not issuing, or delaying issuance of, a writ because his judgment is already final and executory. Besides, he had in fact recognized the existence of the motion but simply delayed resolution thereof because of the attempt of the Delgados to delay execution by filing a clearly unnecessary motion.

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3. JUDICIAL ETHICS; JUDGES; OBSERVANCE OF THE LAW IS REQUIRED OF EVERY JUDGE.— Observance of the law, which respondent ought to know, is required of every judge. When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than that is either deliberate disregard thereof or gross ignorance of the law. It is a continuing pressing responsibility of judges to keep abreast with the law and changes therein. Ignorance of the law, which everyone is bound to know, excuses no one — not even judges — from compliance therewith. We cannot expect a judge to deliberately disregard an unequivocal rule on execution and a doctrine laid down by the Supreme Court. Canon 4 of the Canons of Judicial Ethics requires that the judge should be studious of the principles of law. Canon 18 mandates that he should administer his office with due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under the sanction of law.

4. ID.; JUDGES SHOULD BE CONVERSANT WITH FUNDAMENTAL AND BASIC LEGAL PRINCIPLES.— While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgments, it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry. Respondent Judge has shown lack of familiarity with our laws, rules and regulations as to undermine the public confidence in the integrity of the courts (*Cacayoren v. Suller, 344 SCRA 159, 167 [2000]; Rodriguez v. Bonifacio, 344 SCRA 519 [2000]*).

5. REMEDIAL LAW; COURTS; SHOULD NOT ALLOW SAME PARTIES OR THEIR PRIVIES TO LITIGATE ANEW A CASE ALREADY DECIDED WITH FINALITY.— Courts must refuse to open what has been decided. They should not allow the same parties or their privies to litigate anew a question once it has been considered and decided with finality. Litigations must end and terminate sometime and somewhere. The effective and efficient administration of justice requires that once a judgment has become final, the prevailing party should not be deprived of the fruits of the verdict by subsequent suits on the same issues filed by the same parties or by orders for clarification by the magistrates themselves (*Buaya v. Stronghold Insurance*

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Co., Inc., 342 SCRA 576 [2000]). Courts are duty-bound to put an end to controversies. Any attempt to prolong, resurrect or juggle them should be firmly struck down. The system of judicial review or judicial processes should not be misused and abused to evade the operation of final and executory actions even by Judges themselves under the guise of the very thing they have sworn to uphold, which is justice (*Buaya v. Stronghold Insurance Co., Inc., supra*).

6. JUDICIAL ETHICS; JUDGES MUST ADOPT A SYSTEM OF RECORD MANAGEMENT; JUDGES CANNOT TAKE REFUGE BEHIND THE INEFFICIENCY OF HIS STAFF.— Respondent's third proffered reason — which is confusion of court records due to the resignation of some of his staff — is likewise trivial. Judges must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business (*Report on the Judicial Audit Conducted in the RTC, Brs. 87 and 98, Quezon City, 338 SCRA 141, 148 [2000]*). A judge cannot simply take refuge behind the inefficiency or mismanagement of his court personnel, for the latter are not the guardians of the former's responsibility (*Ibid., at 149; V.C. Ponce Co., Inc. v. Eduarte, 343 SCRA 445, 461 [2000]; Ong v. Rosales, 325 SCRA 689, 692-693 [2000]*).

7. ID.; GROSS IGNORANCE OF THE LAW; UNDUE DELAY IN RENDERING DECISION OR ORDER; PENALTIES; CASE AT BAR.— Respondent Judge JOSE F. CAOIBES, Jr., is thus found guilty of gross ignorance of procedural law and unreasonable delay in the issuance of an order for the execution of the judgment in Civil Case LP No. 98-0141. Under Rule 140 of the Rules of Court, as recently amended, gross ignorance of the law or procedure is a serious charge (Sec. 8[9]); while undue delay in rendering a decision or order is a less serious charge (Sec. 9[1]). The penalty for the former may be a fine of more than ₱20,000 but not exceeding ₱40,000 (Section 11[A-3]); while the penalty for the latter may be a fine of more than ₱10,000 but not exceeding ₱20,000 (Section 11[B-2]). All told, he can be punished with a fine of ₱30,000).

APPEARANCES OF COUNSEL

Magno L. Dajao for complainants.

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RESOLUTION

DAVIDE, JR., *C.J.*:

On 15 March 1999, the Regional Trial Court of Las Piñas City, Branch 253, through respondent Judge Jose F. Caoibes, Jr., promulgated a decision in favor of herein complainants Spouses Adriano and Hilda Monterola in Civil Case No. LP-98-0141. The dispositive portion of said decision reads:

> IN VIEW OF THE FOREGOING, judgment is rendered as follows:
>
> 1. Defendants are ordered to pay the plaintiffs the amount of Two Hundred Seven Thousand Seven Hundred Eight Pesos (₱207,708.00); less the amount for capital gains and documentary taxes, with interest at the rate of 6% per annum from the time of the filing of the complaint until the same has been fully paid.
> 2. Defendants are likewise enjoined from effecting further construction/renovation works over the subject property until after possession and ownership of the same are formally delivered to them by full payment of the agreed purchase price.
>
> Costs against defendants.

On 3 September 1999, the complainants filed with the Office of the Court Administrator a verified complaint against the respondent for unreasonable refusal to grant their motions for execution, and dereliction of duty. They alleged therein as follows:

1. They filed a Motion for Execution on 28 April 1999, since the defendants Spouses Mario and Mavis Delgado did not appeal the decision and the period of appeal had already lapsed;
2. Judge Caoibes refused to grant the motion;
3. Thereafter or on 13 May 1999, the Delgados filed a Motion to Accept Deposit of Chinabank Check in the amount of ₱81,000 and set the motion for hearing on 21 May 1999;

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4. On said date, complainants appeared in court and rejected the offer, as it did not conform with the amount stated in the decision; they then formally filed an opposition to the Delgados' motion and prayed anew for the issuance of a writ of execution;

5. But, to their consternation and in spite of the non-appearance of the Delgados or their counsel on this date, Judge Caoibes refused to grant the motion for issuance of a writ of execution; instead he ordered the parties to meet before his Clerk of Court to discuss about the deposited check on 30 May 1999 at 8:30 a.m., which was reset to 10 June 1999.

6. On 10 June 1999, the Delgados arrived late only to move for the resetting of the meeting, as their counsel was allegedly indisposed; and

7. On 24 June 1999, complainants filed an *Ex-Parte* Motion for Execution stating that they needed the monetary award because, as earlier manifested by complainant Adriano, he was leaving for the United States for a second operation, but Judge Caoibes still refused to issue an order for a writ of execution.

The complaint was initially docketed as OCA IPI No. 99-814-RTJ. In his 1st Indorsement of 30 September 1999, then Court Administrator Alfredo Benipayo referred the verified complaint to Respondent.

In his Comment dated 2 December 1999, respondent Judge denied the allegations in the complaint. He made it clear that he would issue the order for the issuance of the writ of execution but that there was a necessity to determine first the exact amount due the complainants. According to him, this delay could not be considered as dereliction of duty because it was basically due to the sudden resignation of his personnel which gave rise to confusion that affected the disposition of pending matters. Additionally, the motion for execution filed by complainants was a *pro forma* motion for failing to comply with the requirements of Section 5, Rule 15 of the 1997 Rules of Civil Procedure, as it lacked notice of hearing, date of the motion, and proof of service.

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Respondent also asserted that it was the complainants who failed to appear on the date of the hearing of the Delgados' Motion to Accept Deposit for the parties to consider his directive to discuss before the Clerk of Court the apparent conflict in the computation of the amount due. The hearing was later reset.

Upón the recommendation of the Court Administrator, we directed the re-docketing of the case as a regular administrative matter and required the parties to manifest whether they were willing to submit the case for resolution based on the pleadings already filed.

In our Resolution of 18 June 2001 we noted the respective Manifestations of the parties, with the complainants stating their willingness to submit the case for resolution on the basis of the pleadings and with the respondent asking for leave to file additional pleadings.

In the Addendum to his Comment dated 21 May 2001, respondent reiterated his argument in his Comment to emphasize that the motion for execution was a mere scrap of paper, and stressed that there is a need to determine the exact amount due the complainants in accordance with his decision before he could issue an order for the issuance of the writ of execution. He prayed for the dismissal of the complaint.

There is no dispute that the decision of 15 March 1999 of respondent had already become final and executory. Execution of the said decision should have issued as a matter of right, in accordance with Section 1, Rule 39 of the 1997 Rules on Civil Procedure, which reads:

> Section 1. *Execution upon judgment or final orders.* — Execution shall issue as a matter of right, on motion, upon a judgment or order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

In other words, it becomes a ministerial duty on the part of the court to order execution of its final and executory judgment. This is a basic legal principle which every trial judge ought to know.

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In failing to issue the writ of execution in compliance with the clear mandate of the above rule, respondent either deliberately disregarded the rule or demonstrated ignorance thereof. His justifications for his admitted delay in the issuance of the writ, namely, *pro forma* character of the motion for execution, necessity to determine the exact amount and confusion of court records due to the resignation of his key staff, are very flimsy. In attempting to hide his ignorance by anchoring his "inaction" on other provisions of the Rules of Court, respondent all the more manifests a lack of familiarity on the harmonious interplay of the provisions of procedural law.

The alleged *pro forma* character of the motion of execution does not excuse respondent from not issuing, or delaying issuance of, a writ because his judgment is already final and executory. Besides, he had in fact recognized the existence of the motion but simply delayed resolution thereof because of the attempt of the Delgados to delay execution by filing a clearly unnecessary motion. His second justification is nonsensical. He clearly specified in the dispositive portion of his decision the exact amount due the complainants, which is ₱207,708. The capital gains and documentary taxes, which are deductions therefrom, and the interest rate and cost, which are add-on amounts, are themselves capable of exact determination without need of resorting to complex mathematical computation. The sheriff who will implement the writ of execution will know how to do that. Moreover, the Delgados had not seasonably filed a motion for clarification of the judgment on this point.

There was, therefore, absolutely no need for respondent to direct or compel the parties to meet with the Clerk of Court for the computation of the amount due the complainants. The amount is beyond debate just as the final and executory decision is beyond amendment, change or correction. Basic is the rule that a judge cannot amend a final decision. There is nothing more to be done, in such a case, except to execute the judgment.

Observance of the law, which respondent ought to know, is required of every judge. When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than

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that is either deliberate disregard thereof or gross ignorance of the law. It is a continuing pressing responsibility of judges to keep abreast with the law and changes therein. Ignorance of the law, which everyone is bound to know, excuses no one — not even judges — from compliance therewith. We cannot expect a judge to deliberately disregard an unequivocal rule on execution and a doctrine laid down by the Supreme Court. Canon 4 of the Canons of Judicial Ethics requires that the judge should be studious of the principles of law. Canon 18 mandates that he should administer his office with due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under the sanction of law. Indeed, it has been said that when the inefficiency springs from a failure to consider a basic and elemental rule, a law or principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and the title he holds or is too viscious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority (*De Guzman, Jr. v. Sison, A.M. No. RTJ-01-1629, 26 March 2001*).

While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgments, it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry. Respondent Judge has shown lack of familiarity with our laws, rules and regulations as to undermine the public confidence in the integrity of the courts (*Cacayoren v. Suller, 344 SCRA 159, 167 [2002]; Rodriguez v. Bonifacio, 344 SCRA 519 [2000]*).

Even assuming *arguendo* that respondent cannot be faulted for ignorance of the law, he deliberately misapplied and twisted the law to favor defendants and frustrate the enjoyment of complainants' right by virtue of a favorable judgment. His inordinate delay to issue the order for a writ of execution amounted to a deliberate refusal to give complainants what is due them under the judgment. Worse, he allowed to a certain extent to open the case for a possible relitigation, thereby prolonging the

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agony of complainants whose right under the final judgment can no longer be altered.

Courts must refuse to open what has been decided. They should not allow the same parties or their privies to litigate anew a question once it has been considered and decided with finality. Litigations must end and terminate sometime and somewhere. The effective and efficient administration of justice requires that once a judgment has become final, the prevailing party should not be deprived of the fruits of the verdict by subsequent suits on the same issues filed by the same parties or by orders for clarification by the magistrates themselves (*Buaya v. Stronghold Insurance Co., Inc., 342 SCRA 576 [2000]*).

Courts are duty-bound to put an end to controversies. Any attempt to prolong, resurrect or juggle them should be firmly struck down. The system of judicial review or judicial processes should not be misused and abused to evade the operation of final and executory actions even by Judges themselves under the guise of the very thing they have sworn to uphold, which is justice (*Buaya v. Stronghold Insurance Co., Inc., supra*).

Respondent's third proffered reason — which is confusion of court records due to the resignation of some of his staff — is likewise trivial. Judges must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business (*Report on the Judicial Audit Conducted in the RTC, Brs. 87 and 98, Quezon City, 338 SCRA 141, 148 [2000]*). A judge cannot simply take refuge behind the inefficiency or mismanagement of his court personnel, for the latter are not the guardians of the former's responsibility (*Ibid., at 149; V.C. Ponce Co., Inc. v. Eduarte, 343 SCRA 445, 461 [2000]; Ong v. Rosales, 325 SCRA 689, 692-693 [2000]*).

It is interesting to note that on 19 September 2001, respondent Judge filed with us a Manifestation averring in essence that he had already issued an order on 14 August 2001 (a copy of which was attached to the Manifestation) denying Delgados'

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Motion to Accept the Chinabank Check in the amount of ₱81,927.70 and ordering the issuance of a writ of execution upon computation of the amount due the complainants, which is ₱129,421.09.

While we give respondent credit for finally issuing the order for a writ of execution, we cannot but observe that the same could have been issued at the outset when the motion for execution was filed in accordance with the law and in the spirit of fair play and fairness. That he finally complied with the requirements of procedural law is then of no moment. Respondent cannot now be allowed to evade the effects of his deliberate inaction or gross ignorance of procedural law that gave rise to this administrative complaint.

Respondent Judge JOSE F. CAOIBES, Jr., is thus found guilty of gross ignorance of procedural law and unreasonable delay in the issuance of an order for the execution of the judgment in Civil Case LP No. 98-0141. Under Rule 140 of the Rules of Court, as recently amended, gross ignorance of the law or procedure is a serious charge (Sec. 8[9]); while undue delay in rendering a decision or order is a less serious charge (Sec. 9[1]). The penalty for the former may be a fine of more than ₱20,000 but not exceeding ₱40,000 (Section 11[A3]); while the penalty for the latter may be a fine of more than ₱10,000 but not exceeding ₱20,000 (Section 11[B-2]). All told, he can be punished with a fine of ₱30,000).

It may not be amiss to mention that only last 23 January 2002, in our resolution in A.M. No. RTJ-99-1431, entitled "*Judge Florentino Alumbres vs. Judge Jose F Caoibes, Jr.*," we imposed on respondent the penalty of Fine in the amount of ₱20,000 for delivering fistic blows on complainant Judge in violation of the Code of Judicial Conduct.

WHEREFORE, Respondent Judge JOSE F. CAOIBES, JR., is hereby *FINED in the amount of ₱30,000* for gross ignorance of procedural law and unreasonable delay in the issuance of an order for the execution of the judgment in Civil Case No. LP 98-0141, with stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

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SO ORDERED.

Bellosillo, Melo, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

Puno, J., abroad on official business.

EN BANC

[G.R. No. 124171. March 18, 2002]

LETICIA R. MERCIALES, *petitioner, vs.* **THE HONORABLE COURT OF APPEALS, THE PEOPLE OF THE PHILIPPINES, JOSELITO NUADA, PAT. EDWIN MORAL, ADONIS NIEVES, ERNESTO LOBETE, DOMIL GRAGEDA, and RAMON "POL" FLORES,** *respondents.*

SYNOPSIS

Petitioner, who is the mother of the victim in Criminal Cases Nos. 6307-6312 for rape with homicide, filed before the Court of Appeals a petition to annul the order of the trial court which dismissed the charge of rape with homicide based on a demurrer to evidence filed by the private respondents, accused therein for failure of the prosecution to present evidence in support of its prayer for the discharge of accused Nuada to be a state witness. However, the said petition was dismissed by the Court of Appeals.

The Supreme Court reversed the decision of the Court of Appeals and ruled that the public prosecutor deliberately failed to present an available witness and thereby allowed the court to declare that the prosecution has rested its case. In this sense, he was remiss in his duty to protect the interest of the offended