

## **SPECIAL FIRST DIVISION**

**[ A.M. No. RTJ-14-2378 [Formerly OCA IPI No. 11-3629-RTJ], November 04, 2020 ]**

**IMELDA P. YU, VS. COMPLAINANT, JUDGE DECOROSO M. TURLA,  
RESPONDENT.**

### **R E S O L U T I O N**

**INTING, J.:**

Before the Court is the Memorandum<sup>[1]</sup> dated November 20, 2019 of Court Administrator Jose Midas P. Marquez requesting clarification as to the penalty imposed upon Presiding Judge Decoroso M. Turla (Judge Turla), Branch 21, Regional Trial Court (RTC), Laoang, Northern Samar in the Court's Resolution<sup>[2]</sup> dated July 30, 2019 in A.M. No. RTJ-14-2378 [Formerly OCA IPI No. 11-3629-RTJ].

#### *The Antecedents*

This case is rooted on a verified Letter-Complaint<sup>[3]</sup> dated April 4, 2011 filed by complainant Imelda P. Yu (Imelda) against Judge Turla for grave misconduct, gross ignorance of the law, incompetence, violation of the provisions of the Code of Judicial Conduct, and violation of Section 3(e) of Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act.

Imelda is the private complainant and aunt of Teresita Y. Tan and Romeo Y. Tan, the accused in Criminal Case No. 4503 entitled "*People of the Philippines v. Teresita Y Tan and Romeo Y. Tan*," for Robbery with Force Upon Things under Article 299 of the Revised Penal Code which was raffled to the sala of Judge Turla.<sup>[4]</sup>

In the Resolution dated July 30, 2019, the Court found Judge Turla administratively liable for:

- (1) *gross ignorance of the law* for his failure to- issue warrants of arrest in Criminal Case No. 4503 despite the finding of probable cause against the accused therein, in violation of Section 5(a) Rule 112 of the Rules of Court;<sup>[5]</sup>
- (2) *undue delay in rendering orders* for having incurred unjustifiable delay in resolving the motions filed by Imelda and the accused in Criminal Case No. 4503. in breach of Section 15(1), Article VIII of the Constitution as well as Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 5, Canon 6 of the Ntvv Code of Judicial Conduct;<sup>[6]</sup> and
- (3) *simple misconduct* for communicating with Imelda while Criminal Case No. 4503 was pending before his court.<sup>[7]</sup>

Accordingly, the Court deemed it proper to reprimand Judge Turla for his actions, with a stern warning that the commission of the same or similar acts shall be dealt with more severity, viz.:

As for the penalty, the Court notes that this is the first time that Judge Turla has been the subject of an administrative complaint.

Considering the absence of bad faith and that this will be his first offense, the Court deems it proper to *issue a reprimand* against Judge Turla with a stern warning that the commission of similar acts shall be dealt with more severity.<sup>[8]</sup> (Italics supplied.)

This notwithstanding, the *fallo* of the Resolution reads:

WHEREFORE, the Court FINDS Judge Decoroso M. Turla, Presiding Judge, Regional Trial Court, Branch 21, Laoang, Northern Samar, GUILTY of gross ignorance of the law, undue delay in rendering orders and simple misconduct; and issues a STERN WARNING that a repetition of the same or similar acts shall be dealt with more severity.

Let a copy of this Decision [sic] be attached to the personnel records of Judge Decoroso M. Turla in the office of the Administrative Services, Office of the Court Administrator..

SO ORDERED.<sup>[9]</sup>

Given the apparent discrepancy between the body and *fallo* of the Resolution, the Office of the Court Administrator now seeks clarification as to the penalty to be imposed against Judge Turla.

### *The Court's Ruling*

In cases where there is a conflict between the *fallo*, or the dispositive part, and the body of a decision, the *fallo* is generally controlling on the theory that it is the final order which becomes the subject of execution <sup>[10]</sup> while the body of the decision merely contains the *ratio decidendi* for the disposition.<sup>[11]</sup> In other words, the execution of a decision must conform to that which is ordained or decreed in the *fallo*; otherwise, the order of execution has pro-ten 'o no validity.<sup>[12]</sup>

It should be stressed, however, that this rule is not absolute. "The only exception when the body of a decision prevails over the *fallo* is when the inevitable conclusion from the former is that there was a glaring error in the latter, in which case the body of the decision will prevail."<sup>[13]</sup> In such cases, the clerical error, mistake, or omission in the *fallo* may be *corrected* or *supplied* even after the judgment has been entered to make it conform with the body of the decision.<sup>[14]</sup>

Here, a careful perusal of the Resolution clearly reveals a *clerical error* in the *fallo* as to the penalty to be imposed upon Judge Turla. After all, the Court, in no uncertain terms, resolved to impose the penalty of reprimand against Judge Turla for his actions, taking into account the absence of bad faith on his part and his being a first-time offender.