

THIRD DIVISION

[G.R. No. 202860, April 10, 2019]

LEE T. ARROYO, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND ULYSSES A. BRITO, RESPONDENTS.

DECISION

REYES, A., JR., J.:

This is a petition for *certiorari*^[1] under Rule 65 of the Rules of Court, seeking to nullify the Resolutions dated December 7, 2010^[2] and June 8, 2012^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 60768. In these resolutions, the CA granted the motion of respondent Ulysses A. Brito (Bruto) to execute the Decision^[4] dated August 30, 2004 of the CA in the same case, which partially granted the petition for *quo warranto* initiated against petitioner Lee T. Arroyo (Arroyo) and several other individuals.

Factual Antecedents

This case arose from the enactment of Republic Act (R.A.) No. 8371, otherwise known as "The Indigenous Peoples' Rights Act of 1997,"^[5] which resulted in the reorganization of two (2) offices: (1) the Office for Northern Cultural Communities (ONCC);^[6] and (2) the Office of Southern Cultural Communities (OSCC).^[7] Pursuant to the passage of R.A. No. 8371, the ONCC and OSCC were merged as the organic offices of the National Commission on Indigenous Peoples (NCIP). The reorganization likewise entailed the creation of several offices subsumed under the NCIP, which are tasked to implement its policies: (a) the Ancestral Domains Office; (b) the Office on Policy, Planning and Research; (c) the Office of Education, Culture and Health; (d) the Office on Socio-Economic Services and Special Concerns; (e) the Office of Empowerment and Human Rights; (f) the Administrative Office; and (g) the Legal Affairs Office.^[8] Meanwhile, the functions of the regional and field offices of the ONCC and OSCC were retained under the new organizational structure of the NCIP.^[9]

Upon the effectivity of R.A. No. 8371, the positions of Staff Directors, Bureau Directors, Deputy Executive Directors and Executive Directors, except the positions of Regional Directors and below, were phased-out.^[10] Absorbed personnel were nonetheless subject to the qualifications set by the Civil Service Commission and the Placement Committee created pursuant to Section 77 of R.A. No. 8371.^[11]

Bruto, who was then the Regional Director for Region V of the OSCC, was temporarily appointed to the same position pursuant to the NCIP Executive Director's Memorandum Order No. 01-98 dated May 23, 1998.^[12]

On August 31, 2000, a list of appointees to the positions of Regional Directors and Bureau Directors of the NCIP was transmitted to the NCIP Executive Director. Among them was Arroyo, who was appointed as the Regional Director of Region V.^[13]

Unsatisfied with the appointment of Arroyo and three (3) other appointees,^[14] Brito, together with several other individuals formerly holding the positions of Bureau Director and Regional Director,^[15] initiated a petition for *quo warranto* to challenge their appointment before the CA.^[16] Brito invoked his right to security of tenure under R.A. No. 6656,^[17] and argued that Arroyo does not possess the required Career Executive Service (CBS) eligibility for the position of Regional Director.^[18]

Arroyo accordingly refuted these arguments in her comment to the petition for *quo warranto*.^[19] She argued that Brito cannot invoke the right to security of tenure because his appointment was made in a temporary capacity.^[20] Arroyo also questioned the standing of Brito to initiate the *quo warranto* petition, and argued that Brito was not qualified to be a Regional Director of the NCIP.^[21]

In a Decision^[22] dated August 30, 2004, the CA partially granted the petition for *quo warranto* insofar as Brito and his co-petitioner Amador P. Batay-an (Batay-an) were concerned, to wit:

WHEREFORE, the petition for *quo warranto* is PARTLY GRANTED. [Batay-an] and **[Brilo] are hereby reinstated to their former positions as Regional Director**, NCIP for the Cordillera Administrative Region (CAR) and Region V. respectively. However, the petition of Rudita Blanco and Ben Tandoyog is DISMISSED for lack of merit.

SO ORDERED.^[23] (Emphasis Ours)

The CA held that since Section 74 of R.A. No. 8371 did not phase-out the Regional Director positions, the incumbent Regional Directors were retained, subject to the qualifications prescribed under Civil Service Rules and the standards set by the newly-created Placement Committee.^[24] Since Brito held a Career Executive Service Officer (CESO) Rank III eligibility, with a percentage score of 85.10 from the Placement Committee, he possessed the necessary qualifications as Regional Director for Region V. Consequently, the CA found that Brito should not have been removed from office and replaced with Arroyo.^[25]

On September 24, 2004, Arroyo moved for the reconsideration of this decision by arguing that the CESO Rank III eligibility of Brito is void. According to Arroyo, Brito falsified his bachelor's degree from the Naga College Foundation (NCF) and there are numerous administrative complaints against Brito regarding this matter. She explained that the argument was raised at that stage of the proceedings because the complaints were filed only after the appointment of Brito as the Officer-In-Charge of the NCIP Regional Office in Region IV, or after the CA rendered its decision in the *quo warranto* petition.^[26]

Pending the resolution of her motion, Arroyo filed a Manifestation on February 24, 2006 with the CA. She cited newly discovered evidence supporting her claim that

Brito did not obtain a bachelor's degree, which is an academic qualification for the position of Regional Director.^[27] Attached to her manifestation is a certified true copy of the Decision dated December 15, 2005, rendered by the Office of the President (OP) in O.P. Case No. 05-F-175, entitled "*Timuay Langhap Rio Olimpio A. Lingating v. Ulysses A. Brito*." In this decision, the OP affirmed the recommendation of the Presidential Anti-Graft Commission (PAGC) to hold Brito liable for falsifying his scholastic records, or specifically, his bachelor's degree from NCF, viz.:^[28]

WHEREFORE, premises considered and as recommended by the [PAGC], [Brito] is hereby found guilty of Dishonesty and Falsification of Official Document and correspondingly imposed the penalty of Dismissal from Government Service including the accessory penalties of cancellation of eligibility, forfeiture of leave credits and retirement benefits, and disqualification for reemployment in the government service, without prejudice to civil and criminal liability.

SO ORDERED.^[29]

However, the CA remained unmoved by these arguments. Arroyo's motion for reconsideration was denied in the Resolution^[30] dated June 30, 2006, thus:

ACCORDINGLY, the motion for partial reconsideration or clarification or affirmation filed by petitioners [Batay-an] and Brito is **DENIED** for lack of merit. The separate motions for reconsideration of respondents San Juan and Arroyo are likewise **DENIED**.

SO ORDERED.^[31]

Following the resolution of the motion for reconsideration, Arroyo did not elevate the matter to this Court for review.^[32] This prompted Brito to file a Motion for Entry of Judgment and for the Issuance of a Writ of Execution dated March 26, 2007, praying for the CA to execute the judgment granting his *quo warranto* petition.^[33]

On May 3, 2007, Arroyo opposed this motion and argued that the petition for *quo warranto* was rendered moot and academic by virtue of the decision of the OP in O.P. Case No. 05-F-175, which dismissed Brito from government service for falsifying his college academic records. This OP decision allegedly became final and executory because Brito failed to appeal to the CA.^[34]

Brito, on the other hand, countered that the OP decision dismissing him from service was not yet final and executory. He posited that there is an existing appeal from the OP decision, lodged before the CA.^[35]

Ruling of the CA

In the first assailed Resolution^[36] dated December 7, 2010, the granted Brito's motion for execution. The CA found that the Decision dated August 30, 2004 of the CA, granting the *quo warranto* petition of Brito against Arroyo, had become final and executory, thus warranting the enforcement of the decision:

WHEREFORE, premises considered, instant motion is GRANTED. For purposes of paragraph 2, Section 11, Rule 51 of the 1997 Rules of Civil Procedure, let two (2) photocopies of the Decision rendered by this Court on August 30, 2004 and the partial entry of judgment made therein be transmitted to the [NCIP] for the issuance of the writ of execution.

SO ORDERED.^[37]

Consequently, Arroyo filed a Motion for Reconsideration dated December 29, 2010.^[38] Arroyo insisted that Brito was dismissed from government service and disqualified from holding government office. In order to further bolster her claim, she attached a certified true copy of the OP's Order dated October 20, 2007, which attested to the finality of its Decision dated December 15, 2005 in O.P. Case No. 05-F-175.^[39]

The CA found Arroyo's argument unmeritorious and denied her motion for reconsideration. Hence, in its second assailed Resolution^[40] dated June 8, 2012, the CA held that "upon verification from the concerned offices of this Court," Brito indeed appealed the OP decision to the CA.^[41]

Aggrieved, Arroyo filed the present petition for *certiorari* assailing the Resolutions dated December 7, 2010 and June 8, 2012 of the CA for having been issued with grave abuse of discretion amounting to lack or excess of jurisdiction. Arroyo insists that Brito is not qualified to hold the position of Regional Director because he falsified his bachelor's degree from NCF. For this reason, Arroyo argues that Brito is not the proper party to initiate the *quo warranto* petition pursuant to Section 5, Rule 66 of the Rules of Court.^[42]

As regards the finality of the OP's Decision dated December 15, 2005, Arroyo argues that Brito was unable to establish the existence of his appeal before the CA. Arroyo also alleges that the CA's independent verification of the appeal with its offices was an arbitrary exercise of its jurisdiction.^[43]

The Court is therefore asked to resolve whether the CA gravely abused its discretion, amounting to lack or excess of jurisdiction, in directing the execution of its Decision dated August 30, 2004 granting the *quo warranto* petition of Brito.

Ruling of the Court

The Court grants the petition.

Courts may modify a final and executory decision when circumstances transpire that render the execution unjust or inequitable.

It is true that the execution of a court's judgment becomes a matter of right upon the expiration of the period to appeal and no appeal was duly perfected.^[44] Generally, therefore, courts may no longer review or modify a final and executory judgment. This is otherwise referred to as the principle of immutability of judgments, which dictates that once a decision becomes final, the enforcement or execution of the judgment becomes a purely ministerial act.^[45]

This notwithstanding, the doctrine on immutability of judgments admits of the following exceptions: (a) the correction of clerical errors; (b) the so-called *nunc pro tunc* entries that cause no prejudice to any party; (c) void judgments; and (d) whenever circumstances transpire after the finality of the judgments rendering execution unjust and inequitable.^[46] The Court applies these exceptions in order to serve the interests of justice.^[47]

In this case, Arroyo invoked the last exception, which relates to supervening events. According to Arroyo, the OP's Decision dated December 15, 2005 in O.P. Case No. 05-F-175, which found Brito liable for dishonesty because he falsified his college degree, changed the situation of the parties in such a manner that renders the execution of the *quo warranto* judgment unjust and inequitable.^[48] Thus, in granting the enforcement of the *quo warranto* decision, she argues that the CA gravely abused its discretion, amounting to lack or excess of jurisdiction.^[49]

A supervening event, in order to apply, must rest on proven or certain facts.^[50] Hence, Arroyo should establish through competent evidence there are events, which transpired after the finality of the decision altered or modified the parties' situation in such manner that renders execution of the judgment inequitable, impossible, or unfair.^[51] It should directly affect the matter already litigated and settled, or substantially change the rights or relations of the parties.^[52]

While Arroyo raised the fact that Brito falsified his college degree in her motion for the reconsideration of the *quo warranto* decision, it was only on October 30, 2007 that the OP declared final its decision to dismiss and disqualify Brito from government service. By then, the period to appeal to the Court has lapsed without Arroyo filing an appeal,^[53] and Brito has commenced the execution of the *quo warranto* decision in his favor.^[54] Verily, the supervening event referred to in the present case transpired *after* the finality of the judgment that Brito sought to execute.

More importantly, the OP's Decision dated December 15, 2005 found that Brito falsified his bachelor's degree from NCF. The following factual findings of the PAGC, which the OP affirmed on appeal, resulted in the judgment holding Brito liable for Dishonesty and Falsification of Official Document:

The sole issue in this case is whether [Brito] may be held administratively liable for dishonesty and grave misconduct for the use of fraudulent academic records. In this regard, the PAGC ruled:

"In the present case, the registrar, Josefina P. Villanueva of the [NCF], has declared that [Brito] never obtained a diploma from their institution.

x x x

"In the same vein, Ms. Villanueva has shed light to the burning issue by sending to the Commission a copy of the Official Transcript of Records of Mr. Brito. The last page thereof shows that he only completed thirty[-]three (33) units or a