

EN BANC

[A.M. No. RTJ-07-2062*, January 18, 2011]

**IMELDA R. MARCOS, COMPLAINANT, VS. JUDGE FERNANDO VIL
PAMINTUAN, RESPONDENT.**

D E C I S I O N

PER CURIAM:

The judiciary cannot keep those who cannot meet the exacting standards of judicial conduct and integrity. This being so, in the performance of the functions of their office, judges must endeavor to act in a manner that puts them and their conduct above reproach and beyond suspicion. They must act with extreme care for their office indeed is burdened with a heavy load of responsibility.^[1]

At bench is an administrative case filed by Imelda R. Marcos (*Marcos*) against Judge Fernando Vil Pamintuan (*Judge Pamintuan*), Presiding Judge, Branch 3, Regional Trial Court, Baguio City (*RTC*), for Gross Ignorance of the Law.

THE FACTS:

From the records, it appears that on November 15, 2006, Marcos filed a complaint-affidavit charging Judge Pamintuan with Gross Ignorance of the Law for reversing *motu proprio* the final and executory order of then Acting Presiding Judge Antonio Reyes (*Judge Reyes*) dated May 30, 1996 (and modified in the September 2, 1996 order), in Civil Case No. 3383-R, entitled "*Albert D. Umali, in his capacity as the exclusive administrator and as President of the Treasure Hunters Association of the Philippines v. Jose D. Roxas, et al.*"

Judge Reyes dismissed Civil Case No. 3383-R in an order, dated May 30, 1996, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing premises and further, for failure to comply with Supreme Court Administrative Circular No. 04-94 dated April 1, 1994 on forum shopping, the petition is **DISMISSED**.

It is further **ORDERED** that the Buddha statuette in the custody of this Court be immediately **RELEASED** to the children of the late Rogelio Roxas, namely, Henry Roxas and Gervic Roxas and to decedent's brother, Jose Roxas, **IN TRUST FOR** the estate of the late Rogelio Roxas.

SO ORDERED.

The parties filed their separate motions for reconsideration of the said order but both motions were denied by the RTC for lack of merit in its June 24, 1996 Order.

On June 25, 1996, the Office of the Solicitor General (OSG) filed its own motion for reconsideration which was also denied in a court order dated September 2, 1996.

Ten (10) years later, in an order dated May 9, 2006, Judge Pamintuan set the case for hearing on June 29, 2006 purportedly to formally and finally release the Golden Buddha to its rightful owner. Marcos was one of the subpoenaed parties, being a person with interest in the case.

On August 15, 2006, Judge Pamintuan issued an order, the dispositive portion of which reads:

WHEREFORE, in accordance with the final and executory Order of this Court dated September 2, 1996, the Buddha Statuette or Buddha replica is awarded to the estate of Rogelio Roxas. However, the Buddha Statuette or Buddha replica shall be under custodia legis until the final settlement of the estate of the late Rogelio Roxas, or upon the appointment of his estate's administrator.

This Court further rules that the Golden Buddha in its custody is a fake one, or a mere replica of the original Golden Buddha which has a detachable head, which has been missing since 1971 up to the present, or for a period of thirty five (35) years by now, and has been in unlawful possession of persons who do not have title over it, nor any right at all to possess this original Golden Buddha.

Marcos averred that the act of Judge Pamintuan in reversing a final and executory order constituted gross ignorance of the law. In her complaint, citing A.M. No. 93-7-696-0, she argued that final and executory judgments of lower courts were not reviewable even by the Supreme Court. Judge Pamintuan reversed a final and executory order not upon the instance of any of the parties in Civil Case No. 3383-R but *motu proprio*. He even failed to indicate where he obtained the information that the Golden Buddha sitting in his sala was a "mere replica." Marcos claimed that his order was in conflict with Rule 36 of the Revised Rules of Civil Procedure which provides that a judgment or final order shall state "clearly and distinctly the facts and the law on which it (his order) is based xxx."

In his Comment, Judge Pamintuan argued that Marcos could have just filed a pleading manifesting lack of interest or moving for the recall of the subpoena, but she did not. In fact, her counsel, Atty. Robert Sison, entered his appearance and actually appeared in court. With her appearance through counsel, she subjected herself to the jurisdiction of the court. She should have filed a motion for reconsideration of the August 15, 2006 Order instead of filing an administrative complaint. As she did not, Judge Pamintuan opined that her lost judicial remedies could not be substituted with the filing of this case.

Marcos, in her Reply-Affidavit, stated that she was not a party in Civil Case No.

3383-R, hence, she could not file a motion for reconsideration. She cited Section 1 of Rule 37 which provides that only the aggrieved party may file a motion for reconsideration within the period for taking an appeal.

In its Report, dated June 29, 2007, the Office of the Court Administrator (OCA) recommended that Judge Pamintuan be *dismissed* from the service with the additional penalty of forfeiture of all his retirement benefits and disqualification from re-employment in the government service, including government owned or controlled corporations, for Gross Ignorance of the Law and for "violation of Canon 4 of the Code of Judicial Conduct." The OCA pointed out that:

As held, execution is the fruit and end of the suit and is the life of the law. A judgment, if left unexecuted, would be nothing but an empty victory for the prevailing party. Bearing this in mind, respondent issued the questioned Order dated August 15, 2006, the pertinent text of which reads:

Despite said Order which was issued almost ten (10) years ago, the estate of the late Rogelio Roxas has not taken possession of the Buddha Statuette or the Buddha replica from the Court, thus, this incumbent Presiding Judge, *seeing the necessity of finally disposing of the Buddha Statuette physically, and finding out the present statue of the late Rogelio Roxas, ordered the hearing on June 29, 2006. (Italics supplied)*

xxx xxx xxx

WHEREFORE, in accordance with the final and executory Order of this Court dated September 2, 1996, the Buddha Statuette or Buddha replica is awarded to the estate of Rogelio Roxas. However, the Buddha Statuette or Buddha replica shall be under custodia legis until the final settlement of the estate of the late Rogelio Roxas, or upon the appointment of his estate's administrator.

Clearly, the questioned Order conforms to the directive of the Court in its previous Order dated May 30, 1996, which provides:

It is further ORDERED that the Buddha Statuette in custody of this Court be immediately RELEASED to the children of the late Rogelio Roxas, namely, Henry Roxas and Gervic Roxas and to the decedent's brother, Jose Roxas, IN TRUST FOR the estate of the late Rogelio Roxas.

And modified in an Order dated September 2, 1996, which reads:

"WHEREFORE, the Motion for Reconsideration filed by the Solicitor General is DENIED. The Order of this Court on May 30, 1996 remains insofar as the Buddha statuette is awarded to the state of the late Rogelio Roxas and is at the same time MODIFIED in the sense that the Buddha statuette shall be under the custodia legis until the final settlement of the estate of the late Rogelio Roxas or upon the appointment of his estate's administrator."

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A normal course of proceedings would have been that respondent Judge waits for the proper party to go to court to ask for the release of the Buddha statuette. x x x.

However, respondent was being overzealous when he ruled that the Golden Buddha in its custody is a "fake one, or a mere replica." Notwithstanding that the same may be his' and the litigants' opinion during the hearing of June 29, 2006. (sic) He should have borne in mind that there were no issues nor controversies left for consideration in Civil Case No. 3383-R. It must be noted that the Order dated May 30, 1996 (and modified on September 2, 1996) has become final and executory. Hence, issues have been settled and the matter laid to rest. As repeatedly ruled by this Court, a decision that has acquired finality becomes immutable and unalterable. A final judgment may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law. Should judgment of lower courts - which may normally be subject to review by higher tribunals - become final and executory before, or without exhaustion of all recourse of appeal, they too become inviolable, impervious to modification. They may, then, no longer be reviewed, or in any way modified directly or indirectly, by a higher court, not even by Supreme Court, much less by any other official, branch or department of government.

It is inexcusable for respondent Judge to have overlooked such an elementary legal principle."

Upon recommendation of the OCA, the Court, in its July 31, 2007 Resolution, preventively suspended Judge Pamintuan pending resolution of this administrative case to stop him from committing further damage to the judiciary. Judge Pamintuan moved for reconsideration and eventually filed a Motion for Early Resolution of Motion for Reconsideration and to Submit the Case for Decision.

The matter was referred again to the OCA for evaluation, report and recommendation. In its Memorandum dated November 22, 2007, the OCA recommended that "the Motion for Reconsideration filed by respondent be GRANTED and that the Order of Preventive Suspension dated July 31, 2007, be LIFTED." Thus, in its December 11, 2007 Resolution, the Court granted the Motion for Reconsideration filed by Judge Pamintuan and lifted the Order of Preventive Suspension effective immediately.