

## EN BANC

[ A.M. No. RTJ-02-1705, May 05, 2003 ]

**JOHN SIY LIM, COMPLAINANT, VS. JUDGE ANTONIO J. FINEZA,  
RESPONDENT.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

Litigation must at some time be terminated, even at the risk of occasional errors, for public policy dictates that once a judgment becomes final, executory and unappealable, the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party.<sup>[1]</sup>

In a sworn letter complaint<sup>[2]</sup> dated November 27, 2001 filed with the Office of the Court Administrator (OCA), John Siy Lim charged Judge Antonio J. Fineza, Presiding Judge of the Regional Trial Court, Branch 131, Caloocan City, with gross ignorance of the law and grave misconduct for his refusal to issue a writ of execution in Civil Case No. 14542.

Complainant alleged that he is the defendant in Civil Case No. 14542, "*Tomas See Tuazon vs. John Siy Lim*," raffled to respondent judge's sala. On December 2, 1991, respondent decided the case in his favor. Dissatisfied with the verdict, both parties seasonably filed their respective motions for reconsideration. On November 16, 1992, respondent issued an Order reversing his Decision. Thus, complainant appealed to the Court of Appeals. On March 31, 1995, the Court of Appeals rendered its Decision reversing respondent's assailed Order and reinstating his Decision, prompting plaintiff Tomas See Tuazon to file with this Court a petition for review on certiorari. Complainant also alleged that on October 3, 2000, this Court rendered its Decision<sup>[3]</sup> denying the petition and affirming the Decision of the Court of Appeals. Plaintiff Tuazon filed a motion for reconsideration, but the same was denied in a Resolution dated March 7, 2001 for having been filed out of time. On March 16, 2001, an Entry of Judgment was issued and eventually the records of the case were remanded to the lower court for execution of the judgment.

On June 14, 2001, complainant filed with respondent's court a motion for execution. On June 22, 2001, plaintiff Tuazon filed an opposition thereto contending that his Motion to Recall Resolution dated March 7, 2001 and the Entry of Judgment is still pending resolution by this Court.

On June 28, 2001, plaintiff Tuazon filed with respondent's court a motion for leave to file memorandum to expound his grounds alleged in his opposition. This motion was granted by respondent judge.

Complainant further alleged that on September 10, 2001, respondent judge issued an order denying his motion for execution for being premature. Respondent was not

being honest considering that as early as August 13, 2001, this Court ordered that plaintiff's Motion to Recall Resolution dated March 7, 2001 and Entry of Judgment be expunged from the records.

In his comment<sup>[4]</sup> on the complaint, respondent denied the charges leveled against him, claiming that complainant's allegations are untrue and misleading. He explained that he denied complainant's motion for execution because it was prematurely filed. Moreover, he did not resolve complainant's motion for execution immediately because he filed a wrong pleading. He should have submitted a motion for reconsideration of the Order denying his motion for execution. Instead, he filed a Manifestation and Comment informing respondent that this Court dismissed plaintiff's Motion to Recall Resolution dated March 7, 2001 and Entry of Judgment.

On March 17, 2002, the OCA, through Deputy Court Administrator Christopher O. Lock, submitted its Report<sup>[5]</sup> recommending that respondent judge be held liable for gross ignorance of the law and that a fine of P10,000.00 be imposed upon him, with a warning that a repetition of the same or similar offense will be dealt with more severely.

Pursuant to the Resolution dated June 26, 2002 of this Court (Third Division),<sup>[6]</sup> this case was re-docketed as a regular administrative case and was referred to Justice Mercedes Gozo-Dadole of the Court of Appeals for investigation, report and recommendation.

On October 3, 2002, Justice Dadole submitted her Report. Her findings and recommendation are reproduced hereunder:

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"There is no dispute that the subject decision in Civil Case No. 14542 had already become final and executory. In fact, an entry of judgment was already issued by the Honorable Supreme Court where this case was elevated. Hence, as such, execution of the said decision should have been issued as a matter of right, in accordance with Section 1, Rule 39 of the 1997 Rules of procedure, as amended, 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 basic legal principle which every trial judge ought to know.**

"In denying the issuance of the writ of execution in compliance with the clear mandate of the above-quoted procedural law, **respondent judge either deliberately disregarded this law** or demonstrated ignorance thereof. Judge Fineza's justification that said Motion for Execution was prematurely filed considering plaintiff Tomas See Tuazon's Motion to Recall Supreme Court Resolution dated 7 March 2001 and Entry of

Judgment dated 16 March 2001 was still pending before the Supreme Court is thus misplaced. Basic is the rule that a judge cannot amend a final decision. There was nothing more to be done, in such a case, except to execute the judgment.

"The explanation of Judge Fineza that it is not true that he incurred a delay in resolving complainant's motion for writ of execution deserves scant consideration. The records reveal that complainant's Motion for Execution was filed by complainant on 14 June 2001 with a denial for trivial and flimsy reasons. A total of eight-eighty (88) days was, therefore, incurred by respondent. **An actuation suggestive not only of bad faith on his part but also manifest delay in the administration of justice.** For a Motion for Execution is an uncontroverted and non-litigious pleading, most especially if the subject decision is already final and executory. **Thus, respondent judge clearly deprived the complainant of what is due him under the judgment which was already final and executory.**

"Moreover, **with respondent judge's state of being an RTC Judge for quite a number of years already, Investigating Justice cannot believe that he does not know how to distinguish a motion that is filed for justifiable and valid reason from that which is filed merely for the purpose of delay.**

"In the same vein, respondent judge exhibited gross ignorance of the law when he assumed that plaintiff's Motion to Recall Supreme Court Resolution dated 7 March 2001 and Entry of Judgment dated 16 March 2001 could stay a final and executory decision by the Honorable Supreme Court. Settled is the rule 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 vs. Stronghold Insurance Co., Inc.*, 342 SCRA 576 [2000]).

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"Even assuming *arguendo* that respondent cannot be faulted for ignorance of the law, **he deliberately allowed himself to be used as a tool or instrument of the losing party in that civil case by deliberately favoring the latter in order to frustrate the enjoyment of complainant's right by virtue of a favorable decision.**

"While judges should not be disciplined for inefficiency on account 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 vs. Suller*, 344 SCRA 159, 167 [2002]; *Rodriguez vs. Bonifacio*, 344 SCRA 519 [2000]).