452 Phil. 972

EN BANC

[A.M. No. RTJ-99-1519 (Formerly OCA IPI No. 97-438-RTJ), June 26, 2003]

GREGORIO LIMPOT LUMAPAS, COMPLAINANT, VS. JUDGE CAMILO E. TAMIN, PRESIDING JUDGE, RTC, BRANCH 23, 9TH JUDICIAL REGION, MOLAVE, ZAMBOANGA DEL SUR, RESPONDENT.

D E C I S I O N

PER CURIAM:

Because of the obstinate refusal of respondent Judge Camilo E. Tamin of the Regional Trial Court of Molave, Zamboanga del Sur, Branch 23, to issue a writ of execution of the final and executory judgment in CA-G.R. CV No. 31820, complainant Gregorio Limpot Lumapas charged respondent of grave abuse of authority and gross ignorance of the law.[1] Complainant also averred that the respondent's action is in defiance of this Court's Resolution in A.M. No. RTJ-99-1519, dated June 27, 2000[2] where this Court ordered the respondent to pay a fine for failing to fulfill the ministerial duty of issuing a writ of execution in CA-G.R. CV No. 31820 and to obey the writ of mandamus issued by the Court of Appeals ordering him to issue a writ of execution. The dispositive portion of our Resolution in *Lumapas v. Tamin* reads as follows:

> WHEREFORE, for refusing to fulfill a ministerial duty and to obey an order issued by a superior court, respondent Judge Camilo E. Tamin, presiding judge of Branch 23, Regional Trial Court, Molave, Zamboanga del Sur, is ordered to pay a fine of P20,000.00. He is further warned that a commission of the same or similar offense in the future will be dealt with even more severely.
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> SO ORDERED.[3]

Complainant averred that following this Court's denial on September 13, 2000[4] of the respondent's motion for reconsideration,[5] he filed with the trial court on September 19, 2000 another motion for execution[6] of the decision in CA-G.R. CV No. 31820. As previously mentioned, the respondent denied the motion by Order[7] dated September 22, 2000.

In his Comment,[8] the respondent challenged this Court's jurisdiction to entertain the instant Complaint. According to him, what is essentially involved is a question of law because it calls for an interpretation of the complainant's right. The administrative complaint being an original action, to entertain it is against the settled rule that a judicial matter involving a question of law cannot be raised to the Supreme Court through an original action but only through either appeal or

certiorari pursuant to Section *5(2)(e)*[9] of Article VIII of the Constitution. He contended that a division of the Supreme Court has no constitutional jurisdiction to impose disciplinary sanction upon judges of lower courts.[10]

Also, respondent judge claimed that the Court of Appeals awarded to the complainant only a conditional right of possession to the land in question, conditioned upon the validity of his title to be determined in an appropriate proceeding. Since the complainant had yet to institute the proper proceedings in court to determine the validity of his title to the land in question, the issuance of a writ of execution was premature. According to the respondent, the situation poses a dilemma for him. On one hand, if he issues the writ of possession before the complainant has complied with the suspensive condition imposed in the Court of Appeals decision, he would be liable for illegally issuing the writ of possession. On the other hand, if he does not issue the writ of possession, the Office of the Court Administrator would prosecute the instant administrative case.[11]

Finally, the respondent asserted that the instant administrative case had placed him in double jeopardy.[12]

By Resolution[13] dated September 17, 2001, this Court resolved to treat this matter as a supplementary complaint and referred this matter to Court of Appeals Justice Conchita Carpio Morales (now a member of this Court) for investigation, report and recommendation.

On January 9, 2002, the parties submitted the case for decision on the basis of the record and the verbal manifestation of the respondent that he is invoking the defense of double jeopardy.[14]

In her report,[15] Justice Carpio Morales found the respondent liable for grave abuse of authority and gross ignorance of the law. She recommended that respondent be suspended for six (6) months without pay. We are in agreement with her recommendation, except as to the penalty to be imposed.

As hereafter discussed, the penalty appears less than commensurate to the administrative offenses found. At the outset, respondent's insistence that the present administrative case may only be brought to this Court by appeal or certiorari deserves scant consideration. It must be rejected outright for being baseless.

This administrative matter involves the exercise of the Court's power to discipline judges. It is distinct from its power of appellate review under Section *5,* paragraph 2(e). An administrative case is not a continuation or an appeal from the main case, and it involves different issues although the two cases may have arisen from related facts. Administrative cases are undertaken and prosecuted solely for the public welfare, *i.e.,* to maintain the faith and confidence of the people in the government and its agencies and instrumentalities.

When this Court acts on complaints against judges or any personnel under its supervision, it acts as personnel administrator, imposing discipline and not as a court judging justiciable controversies.[16] In this case the issue is whether the respondent should be held administratively liable for his continued refusal to

perform a ministerial duty and to obey the lawful order of a superior court, not whether the complainant is entitled to the land in question or to its possession—the issues in CV No. 31820. Hence, what is involved is not this Court's power to review, revise, reverse, modify, or affirm on appeal or certiorari final judgments and orders of lower courts in cases involving only questions of law. The present administrative case does not call for the exercise of this Court's appellate jurisdiction.

Likewise unmeritorious is the respondent's insistence that this Court's previous Resolution in A.M. No. RTJ-99-1519, is not valid. He challenges this Court's jurisdiction to impose disciplinary sanctions, through one of its Divisions. Such effrontery on the part of respondent only reveals ignorance of precedents with regard to administrative powers of this Tribunal.

In *People v. Hon. Gacott, Jr.,*[17] this Court made the following pronouncements:

> ...[T]he very text of the present Section 11[18] of Article VIII clearly shows that there are actually two situations envisaged therein. The first clause which states that "the Supreme Court *en banc* shall have the power to discipline judges of lower courts," is a declaration of the grant of that disciplinary power to, and the determination of the procedure in the exercise thereof by, the Court *en banc.* It was not therein intended that all administrative disciplinary cases should be heard and decided by the whole Court since it would result in an absurdity, as will hereafter be explained.
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> The second clause, which refers to the second situation contemplated therein and is intentionally separated from the first by a comma, declares on the other hand that the Court *en banc* can "order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted therein." Evidently, in this instance, the administrative case must be deliberated upon and decided by the full Court itself.
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> Pursuant to the first clause which confers administrative disciplinary power to the Court *en banc,* on February 9, 1993 a Court *En Banc* resolution was adopted, entitled "Bar Matter No. 209. - In the Matter of the Amendment and/or Clarification of Various Supreme Court Rules and Resolutions," and providing *inter alia:*
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> For said purpose, the following are considered *en banc* cases:
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> xxx
>
> 6. Cases where the penalty to be imposed is the dismissal of a judge, officer or employee of the Judiciary, disbarment of a lawyer, or either the suspension of any of them for a period of more than one (1) year or a fine exceeding P 10,000.00, or both.
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> xxx
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> This resolution was amended on March 16, 1993 and November 23, 1993, but the aforequoted provision was maintained.

> Indeed, to require the entire Court to deliberate upon and participate in all administrative matters or cases regardless of the sanctions, imposable or imposed, would result in a congested docket and undue delay in the adjudication of cases in the Court, especially in administrative matters, since even cases involving the penalty of reprimand would require action by the Court *en banc.* This would subvert the constitutional injunction for the Court to adopt a systematic plan to expedite the decision or resolution of cases or matters pending in the Supreme Court or the lower courts, and the very purpose of authorizing the Court to sit en banc or in divisions of three, five, or seven members. (Underscoring supplied).

In his attempt to muddle and confuse the final and executory decision of the Court of Appeals in CA-G.R. CV No. 31820, the respondent relies on the penultimate paragraph in said decision, which states as follows:

> What we are saying is that, although appellee has not sufficiently proved his filiation to the late Guillermo Lumapas, the fact that he has a legal title over the subject land entitles him to the possession thereof, pending the final determination of the validity of the title issued to him in an appropriate proceeding.[19]

In *Edwards v. Arce,*[20] this Court has clarified that the dispositive portion is the only portion of a judgment which becomes the subject of execution. Here, the dispositive portion of the CA decision in CA-G.R. CV No. 31820 is unequivocal and requires no interpretation as regards the absolute and unconditional nature of the complainant's right of Possession over the subject lot. The dispositive portion reads as follows:

> WHEREFORE, the appealed decision is hereby REVERSED and a new one entered as follows:
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> > (1) Declaring that Gregorio Lumapas has not sufficiently proved that he is the son of Guillermo Lumapas;
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> > (2) Declaring Gregorio [Lumapas] to have the right of possession over lot 4329; and,
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> No pronouncement as to costs.
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> SO ORDERED.[21] (Underscoring supplied).

Clearly therefore, the complainant has the right of possession pending the determination of the validity of his title. Moreover, it is absurd to recognize the right of possession of the complainant and in the same stroke makes it dependent on a determination of the validity of his title. Lastly, respondent's interpretation, which would render nugatory the complainant's right to possession, is no longer called for.

The respondent's invocation of double jeopardy is likewise unavailing. The instant administrative case involves the respondent's second refusal to issue the writ of execution, hence with distinct sanction. That the respondent was administratively punished in this Court's previous Resolution dated June 27, 2000, for refusing to