384 Phil. 694

SECOND DIVISION

[A.M. No. RTJ-00-1544, March 15, 2000]

ACTING SOLICITOR GENERAL ROMEO DE LA CRUZ, COMPLAINANT, VS. JUDGE CARLITO A. EISMA, REGIONAL TRIAL COURT, BRANCH 13, ZAMBOANGA CITY, RESPONDENT.

D E C I S I O N

MENDOZA, J.:

This is a complaint filed by then Acting Solicitor General Romeo C. de la Cruz against Judge Carlito A. Eisma, Regional Trial Court, Branch 13, Zamboanga City for gross ignorance of the law and manifest bias in favor of a party in a case.

The facts are as follows:

In a decision, dated December 8, 1954, the then Court of First Instance of Zamboanga gave judgment in favor of the Republic of the Philippines for the expropriation of 280,885 square meters of land which now form part of the Zamboanga International Airport. Its decision was subsequently affirmed by this Court in *Republic v. Garcellano*.[1]

It appears, however, that on February 17, 1996, Juanito Ledesma, Arsenio Nuevo, and Aida Ledesma-Nuevo, alleged heirs of Juan Ledesma, one of the defendants in the said expropriation case, forcibly entered the property by destroying the perimeter fence of the airport and thereafter caused a concrete wall to be built separating the property from the rest of the airport. Ledesma, Nuevo, and Ledesma-Nuevo acted on the basis of an allegedly reconstituted title in their names.

This prompted the government to file a complaint for forcible entry against Ledesma, Nuevo, and Ledesma-Nuevo. The case was filed in the Metropolitan Trial Court, Zamboanga City, which, however, dismissed the same in its decision dated December 19, 1996. On appeal, the Regional Trial Court, Branch 17, Zamboanga City, reversed the decision. As Ledesma, Nuevo, and Ledesma-Nuevo did not appeal, the decision of the Regional Trial Court, Branch 17, Zamboanga City became final.

It appears, however, that Ledesma-Nuevo had filed in the meantime a complaint for *accion publiciana*, which was raffled and assigned to the Regional Trial Court, Branch 13, Zamboanga City, presided by respondent Judge Carlito A. Eisma. The government moved to dismiss the case invoking *res judicata,* prematurity, and estoppel, but Judge Eisma did not resolve the motion. Instead, he issued a temporary restraining order, dated November 18, 1997, directing the Metropolitan Trial Court to cease and desist from enforcing the decision in the forcible entry case. Later, he issued a writ of preliminary injunction, dated December 16, 1997, which reads in part:

In the case at bar, it is undisputed that by virtue of the Decision in Civil Case No. 357 for Eminent Domain by the then Court of First Instance, herein defendant ATO has been in possession of the property in question. However, it is also undisputed that plaintiffs are likewise in possession of the property. While it may be admitted that plaintiffs' physical possession came later than the ATO, because of which the latter filed the ejectment case but surprisingly against only three (3) of herein plaintiffs, it must likewise be admitted that the former have the legal title to the property. Granting, for the sake of argument, that no compensation has yet been made for the property so expropriated, defendant ATO's possession thereof since 1954 did not in any way vest in it the naked ownership over the property. As the Court appropriately stated in the Decision now sought to be enjoined, defendant ATO is only a de facto owner of the property. On the basis of the assumption, it is not at all difficult to hold, as logic and justice dictate, that plaintiffs have a clear and substantial right over the property. To outrightly deny the injunctive relief sought without giving plaintiffs their day in court is to cause them injustice and irreparable injury should this Court later find out they are entitled to the reliefs sought for in the complaint. Upon the other hand, the Government stands to lose nothing by merely preserving the status quo ante. More than anything else, justice will be better served.

Admittedly, the decision in the ejectment case had already become final, hence, executory. However, that it is the ministerial duty of the court to order execution of final and executory judgments admits of certain exception. Quoting Lipana vs. Development Bank of Rizal, 154 SCRA 257, the Supreme Court, in Cruz vs. Leabros, 244 SCRA 194, reiterated that "the rule that once a decision become final and executory, it is the ministerial duty of the court to order its execution, admits of certain exceptions as in the cases of special and exceptional nature where it becomes imperative in the higher interest of justice to direct the suspension of its execution" (Vecine vs. Geronimo, 59 O.G. 579); "whenever it is necessary to accomplish the aims of justice" (Pascual vs. Tan, 85 Phil. 164); or "when certain facts and circumstances transpired after the judgment become final which could render the execution of the judgment unjust" (Cabrias vs. Adil, 135 SCRA 354).

In the present case, the stay of execution is warranted by the facts that plaintiffs claim they are legal owners of the land in question and are occupants thereof. To execute the judgment by ejecting plaintiffs pending determination of their claim would certainly result in injustice, considering that plaintiff Aida Nuevo has already spent much for the relocation of squatters. Moreover, to reiterate, the plaintiffs claim they have not yet been compensated for the land expropriated. Certainly, the Government should not sacrifice justice and the citizen's rights in the altar of technicality. Otherwise, the courts are duty-bound to protect.

WHEREFORE, on the basis of the foregoing, plaintiffs' prayer for the issuance of a writ of preliminary injunction is hereby GRANTED upon their posting of a bond in the amount of P50,000.00 executed to herein defendants to the effect that the former will pay defendant all damages