

Title

****Spouses Abaga v. Spouses Panes: A Mandamus Case on Execution of Final and Executory Judgment****

Facts

The legal journey started when the Spouses Eliseo and Rogelia Panes (respondents) filed a complaint for specific performance against Spouses Norberto and Calixta Abaga (petitioners) on February 22, 1989, with the Regional Trial Court (RTC), Makati City. The root of the dispute lay in an agreement where the petitioners purportedly assigned a portion of their lot to the respondents in exchange for the use of their building permit for construction purposes.

The RTC ruled in favor of the respondents on August 9, 1990, a decision which was later upheld with minor modification by the Court of Appeals, and eventually by the Supreme Court when it denied the petitioners' petition for review on certiorari, affirming the directive for the petitioners to execute a deed of assignment for the respondents.

Attempts to execute the judgment encountered various hiccups, including a partial expropriation of the lot by the local government, reducing the area concerned to 72 square meters. The RTC's order for the petitioners to execute a deed of assignment for this reduced area remained unexecuted, leading the respondents to seek the court's intervention through motions for alias writs of execution and for the court's clerk or another appointed person to execute the deed, both of which saw denials and litigations up to the Court of Appeals.

The Court of Appeals eventually issued a writ of mandamus, compelling the trial court to enforce its final and executory judgment by ordering the clerk of court or another appointed person to execute the deed of assignment at the petitioners' cost.

Issues

1. Whether the writ of mandamus is the correct remedy to compel the execution of a final and executory judgment.
2. Whether the duty of the court to execute its final judgment is ministerial, demanding compliance through mandamus.

Court's Decision

The Supreme Court affirmed the decision of the Court of Appeals, holding that the writ of mandamus was properly issued. It stipulated that once a judgment becomes final and executory, executing said judgment transforms into a ministerial duty for the court, thereby

making mandamus an appropriate remedy to compel the performance of such a duty. The Court reiterated that the final judgments must be executed as a matter of right, emphasizing the non-discretionary nature of the court's obligation to enforce its rulings.

Doctrine

The Supreme Court underscored the principle that the execution of a final and executory judgment is a ministerial duty of the courts, and mandamus is a proper remedy to compel the performance of this duty. It elucidated on the conditions under which a writ of mandamus may issue, especially in ensuring the execution of final judgments or orders.

Class Notes

- **Mandamus**: A legal mechanism to compel a party, often a governmental institution or official, to perform a duty that is mandatory or ministerial and owed to the petitioner.
- **Ministerial Duty vs. Discretionary Duty**: A ministerial duty is one that an official is obliged to perform based on a given set of facts, in a prescribed manner, without regard for the official's own judgment or opinion. Discretionary duties, however, involve judgment and decision-making.
- **Execution of Judgments**: Once a judgment becomes final and executory, it is incumbent on the court to ensure its execution as a matter of right. The delay or refusal to perform this task can be remedied through a writ of mandamus.

Historical Background

This case highlights the procedural journey and mechanisms available within the Philippine legal system for enforcing final judgments, especially the role of mandamus in compelling the execution of such judgments. It underscores the principle of finality in litigation and the duty of courts to conclude disputes definitively and ensure compliance with their resolutions.