

### Title: Omaira Lomondot and Saripa Lomondot vs. Hon. Rasad G. Balindong, Presiding Judge, Shari'a District Court, 4th Shari'a Judicial District, Marawi City, Lanao del Sur and Ambog Pangandamun and Simbanatao Diaca

### Facts:

The petitioners, Omaira and Saripa Lomondot, filed a complaint on August 16, 1991, against respondents Ambog Pangandamun and Simbanatao Diaca for recovery of possession and damages in the Shari'a District Court (SDC) in Marawi City. The petitioners claimed ownership of 800 sq. meters of land, alleging illegal encroachment of 100 sq. meters by Pangandamun and 200 sq. meters by Diaca. The respondents claimed ownership as well.

Following a trial, the SDC rendered a decision on January 31, 2005, in favor of the petitioners, declaring them rightful owners and ordering the respondents to vacate and pay damages. The decision became final and executory after the Supreme Court dismissed the respondents' appeal on March 28, 2007, due to insufficient showing of grave abuse of discretion by the SDC.

Petitioners filed for a writ of execution, which was granted on February 7, 2008. However, when carrying out the demolition, respondents alleged compliance, asserting their buildings were not encroaching, prompting the SDC to order a survey and later denying the writ of demolition, citing the need to first verify the alleged encroachment through a survey.

Petitioners filed for reconsideration, which was denied, and subsequently, a petition for certiorari with the Court of Appeals (CA), which dismissed the petition due to jurisdictional issues, stating the matter should be taken directly to the Supreme Court since the Shari'a Appellate Court has not yet been established.

### Issues:

1. Whether the SDC committed grave abuse of discretion in denying the motion for the issuance of a writ of demolition based on contiguous surveys after the judgment has become final and executory.
2. Whether the directive to conduct further surveys to verify encroachment constitutes an impermissible amendment to a final and executory decision.
3. Jurisdictional challenges posed by the non-establishment of the Sharia Appellate Court.

### Court's Decision:

The Supreme Court granted the petitioners' appeal, ruling that the SDC committed grave abuse of discretion by denying the motion for a writ of demolition. The Court emphasized

that the decision, which had become final and executory, explicitly recognized the petitioners' ownership and right to recover possession of the encroached land. Ordering a survey to determine encroachment was deemed an inappropriate modification of the final decision. The SDC was therefore ordered to issue the writ of demolition to enforce its earlier decision from January 31, 2005.

### ### Doctrine:

The doctrine of immutability of final judgments asserts that once a judgment becomes final and executory, it can no longer be altered or amended, except under certain recognized exceptions, such as supervening events that substantially change the rights or relations of the parties involved. However, claims of encroachment that were central to the original action cannot be considered supervening events justifying deviation from executing a final decision.

### ### Class Notes:

- **Finality of Judgment:** Once a judgment is final, it cannot be modified or amended; any execution must conform to the judgment as rendered.
- **Supervening Events:** Recognized exceptions to the immutability rule include supervening events, which substantially alter the rights or relations of the parties; however, for the execution stage, these events must truly be subsequent to the judgment and directly relevant to the case.
- **Execution of Judgments:** The execution is the final stage of litigation, aiming to enforce the rights affirmed by the court's judgment. Delay or undue modification in this stage defeats the ends of justice.

### ### Historical Background:

This case highlights challenges within the Philippine legal framework, notably concerning the application and execution of Shari'a law in a secular court system and the procedural complexities arising from the non-establishment of the Sharia Appellate Court.