

Title

****Juanito Cardoza vs. Hon. Pablo S. Singson, et al.****

Facts

1. ****Initial Case:****

- Plaintiffs Juana Corollo, et al. filed Civil Case No. 1853 against Juan Cardoza and others, seeking recovery of certain parcels of land.
- The Court of First Instance of Southern Leyte ruled on February 7, 1938, granting the plaintiffs the right to half of parcels A, B, C, and D and dismissing claims to other parcels.

2. ****Appeal and Affirmation:****

- The decision was appealed, and the Court of Appeals on December 6, 1939, modified and affirmed the original ruling.

3. ****Discovery of Ruling (1974-1981):****

- For unclear reasons, the plaintiffs, represented by Atty. Adelino B. Sitoy, only became aware of the Court of Appeals' decision on November 11, 1974.
- After discovering that there was no recorded entry of judgment, they sought a writ of execution.

4. ****Procedural Motions (1979):****

- Plaintiffs moved for execution on August 29, 1979, arguing that the judgment from decades ago had never been officially entered.
- The court directed both parties to submit memoranda, and plaintiffs complied, but the defendants did not respond or submit any documentation.

5. ****Nunc Pro Tunc Judgment (1980-1981):****

- On July 6, 1981, the trial court issued an order for a nunc pro tunc judgment to reflect the decision of the Court of Appeals and ordered a writ of execution.
- A writ of execution was issued on July 21, 1981 and served to the parties on July 29-30, 1981.

6. ****Reconsideration and Manifestation (1981):****

- Juanito Cardoza's counsel filed a motion for reconsideration on July 31, 1981, which temporarily halted the writ's implementation.
- The heirs of the original defendants filed a manifestation that they had no objection to the nunc pro tunc judgment.
- The trial court reinstated its order and issued an alias writ of execution on October 14,

1981.

7. **Execution of Writ (November 1981):**

- The writ was executed on November 11, 1981, and properties were turned over to the plaintiffs.
- Juanito Cardoza was summoned to explain alleged contempt of court on November 26, 1981.

8. **Supreme Court Petition (1982):**

- On January 8, 1982, Juanito Cardoza filed for certiorari, mandamus, and prohibition, with preliminary injunction, arguing improper jurisdiction and mishandling of nunc pro tunc judgment.

Issues

1. **Whether the decision of the trial court as modified by the Court of Appeals can still be enforced after so many years.**
2. **Whether the trial court committed a grave abuse of discretion in making the entry of judgment nunc pro tunc and issuing the writ of execution.**

Court's Decision

1. **Enforcement of Judgment:**

- The Supreme Court held that the judgment can indeed be enforced. Under Section 443, Chapter IX of Act No. 190 (Code of Civil Procedure), the five-year period for execution starts from the entry of judgment, not its promulgation. As no entry of judgment was recorded at the appellate or lower court levels, the presumption of regularity does not apply.

2. **Nunc Pro Tunc Judgment:**

- The court found no abuse of discretion in the trial court's issuance of a nunc pro tunc judgment. The order merely aimed to record the decision that was already rendered by the Court of Appeals.
- The lower court acted within its equity-based jurisdiction, a principle also recognized in *Lichauco v. Tan Pho* (51 Phil. 862).
- Petitioner was allowed due process as he could present opposition and failed to substantiate claims over the properties.

Doctrine

- **Nunc Pro Tunc Judgment:**

When an order or judgment should have been entered earlier but wasn't due to

administrative errors, a court can issue a nunc pro tunc (now for then) judgment to correct the record. This principle aims to ensure the historical accuracy of court records.

- **Final and Executory Judgment:**

Once a judgment becomes final and executory, it can no longer be amended or corrected by the court, except for clerical errors, invoking the doctrine that jurisdiction over the matter ceases except for execution purposes.

Class Notes

- **Nunc Pro Tunc Judgments:**

- Allows the court to rectify the record to reflect past judgments accurately.

- Courts have discretion to issue such orders to prevent administrative oversights from impacting legal rights.

- **Execution of Judgments:**

- Under the Code of Civil Procedure (Act No. 190), the period for executing judgments starts upon the entry of judgment, not its announcement.

- **Section 443** of the Code of Civil Procedure encapsulates this rule.

- The judgment must be executed within five years of its entry unless stated otherwise.

Historical Background

- **Court of Appeals (1930s-1940s):**

The original Court of Appeals was established under Commonwealth Act No. 3 in 1936 and underwent several amendments before being abolished by Executive Order No. 37 in 1945.

The historical transition influenced the record-keeping and subsequent case administration.