

DAMASO S. FLORES, COMPLAINANT, VS. HON. BERNARDO P. ABESAMIS, REGIONAL TRIAL COURT, BRANCH 85, QUEZON CITY (NOW DEPUTY COURT ADMINISTRATOR), RESPONDENT.

A.M. No. SC-96-1. December 23, 1996

Ponente: NARVASA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0e6bc04a5008/>

NARVASA, C.J.:

The facts from which the administrative case at bar arose are set forth in the Decision of this Court's First Division dated July 29, 1996 in the consolidated cases of G.R. No. 97556 (Damaso S. Flores v. Court of Appeals [13th Division] and Rolando Ligon) and G.R. No. 101152 (Damaso S. Flores v. Court of Appeals [Former Special Fifth Division]; Hon. Bernardo P. Abesamis, as Presiding Judge of RTC of Quezon City, Branch 85; Hon. Manuela A. Florendo as Ex-Officio Sheriff of Quezon City; and Rolando R. Ligon: motion for reconsideration, denied with finality, by Resolution dated September 25, 1996). These facts are hereunder related. The narration goes into no little detail since, as will be perceived, the case will resolve itself as the narration develops,

It all began with a prosaic action for collection of a sum of money instituted by Rolando R. Ligon against Damaso S. Flores in the Regional Trial Court of Quezon City, docketed as Civil Case No. Q-45825. The parties entered into a compromise agreement, which the Court approved and made the basis of a decision rendered on September 26, 1985. The compromise included a stipulation, among others, that in case of default by Flores in complying with the obligations thereunder established, Ligon would acquire the right to possess, use, operate, and manage a cockpit known as the "Parañaque Cockpit Stadium" of which he (Flores) was then the lessee.

On March 19, 1986, finding merit in Ligon's claim that Flores had infringed the terms of the compromise, the Trial Court issued an order of execution. This, and another order dated April 10, 1986 -- reciting events transpiring after March 19, 1986, including the grant of an extension to Flores to pay the deficiency balance -- were appealed by the latter to the Court of Appeals, on the theory that said orders had altered the provisions of the compromise, particularly as regards computation of interest. His appeal was docketed as CA-G.R. CV No. 10259.

About a week thereafter, Ligon bought the Parañaque Cockpit Stadium from the heirs of the lessor without the knowledge of the lessee, Flores; and transfer certificates of title over the property were in due course issued to Ligon.

Ligon then filed in Civil Case No. Q-45825 a motion for execution pending appeal, of the judgment by compromise of September 26, 1985. The motion was granted by a Special Order dated May 22, 1986, and pursuant thereto Ligon was placed in possession of the cockpit on May 23, 1986.

Flores forthwith instituted a special civil action of certiorari in the Court of Appeals, docketed as CA-G.R. SP No. 09061, to nullify and negate the Special Order. In an Amended Decision dated September 19, 1986, the Court of Appeals invalidated the order and directed Ligon to restore possession of the cockpit to Flores. Ligon's appeal to this Court -- docketed as G.R. No. 76039 -- was unavailing; his petition for review was denied by Resolution dated February 23, 1987, and his motion for reconsideration, denied with finality by Resolution of March 10,

1988.

In the interim, sometime in October, 1987, Ligon leased the cockpit to a Mr. Sergio Ching.

Flores then filed in Civil Case No. Q-45825 a motion for execution of the Appellate Court's judgment. This, the Trial Court granted. A writ of execution issued on April 26, 1988. The sheriff however failed to place Flores in possession of the cockpit, because Ligon refused to leave the premises, and instead filed with the Court of Appeals a petition for certiorari, docketed as CA-G.R. SP No. 14588, impugning the order of execution, obtaining therein a temporary restraining order, enabling him to remain in possession of the cockpit.

By Resolution dated June 9, 1988, the Court of Appeals consolidated CA-G.R. SP No. 14588 with CA-G.R. CV No. 10259 (Flores' appeal from the order dated April 10, 1986); and on August 9, 1988 rendered judgment on the consolidated cases. The decision declared Flores' computation of interest to be correct, and rejected Ligon's contention that it was legally impossible for him to turn over possession of the cockpit to Flores because he had leased it to Sergio Ching. Ligon's motion for reconsideration was denied by Resolution of November 23, 1988.

Ligon appealed the judgment of August 9, 1988 to this Court, but his appeal, docketed as G.R. No. 84644, did not prosper. By Resolution dated August 29, 1989, his petition was denied and the temporary restraining order earlier issued, lifted; and by Resolution dated October 23, 1989, his motion for reconsideration was denied with finality, with the proviso that "any supervening event should be properly addressed to the Trial Court, not to this Court."

Once again, Flores applied for a writ of execution before the Trial Court. Again, the Court ordered execution. Once more, Ligon instituted a special civil action of certiorari in the Court of Appeals to invalidate the order of execution, docketed as CA-G.R. SP No. 19348. And again the Court rebuffed him in a decision dated January 22, 1990, taking occasion to deplore the seemingly endless "petitions for certiorari ** with prayers of temporary restraining orders on the same issues raised."

On January 26, 1990, the Quezon City Sheriff tried to place Flores in possession of the cockpit pursuant to an alias writ of execution issued on January 24, 1990. Again, however, the sheriff failed because of the resistance put up by Ligon and his men.

Further efforts at execution were halted when the Regional Trial Court, Branch 85 (now presided over by Judge Bernardo Abesamis) issued an Order dated February 16, 1990 directing the Sheriff and all persons acting in his behalf to desist from further enforcing and/or implementing the alias writ of January 24, 1990, said Order being based on Ligon's acquisition of ownership of the cockpit theretofore under lease to Flores, which the Court deemed adequate justification for retention of possession thereof by Ligon, as owner.

Flores filed a motion for reconsideration. Since Judge Abesamis was on sick leave at the time, the motion was acted on by Judge Teodoro P. Regino, the former's "pair judge." Citing (1) this Court's Resolution dated August 29, 1989 in G.R. No. 84644 to the effect that the First Division's Decision in G.R. No. 76039 (ordering Ligon to restore possession of the cockpit to Flores), *supra*, "was not a decision on the merits of the controversy," and (2) the Resolution of October 23, 1989 that "any supervening event should be properly addressed to the trial court, not to this Court," Judge Regino ruled -- in an Order dated April 16, 1990 -- that Ligon's lawful acquisition of title to the cockpit and Flores' continuing failure to pay his money obligation to the former were supervening events warranting retention of possession of the cockpit by Ligon and precluding its restoration to Flores. The latter's liability to Ligon at this time admittedly amounted to P1,619,700.00, plus interest at 4% per month from October 1, 1985 until full payment, minus whatever income Ligon might have derived from his operation of the cockpit from date of the Special Order (May 22, 1986) up to the eventual restoration of possession to Flores. Flores' motion for reconsideration of this Order of April 16, 1990 of Judge Regino, was denied in an Order dated

June 6, 1990, issued by Judge Abesamis.

All these three (3) orders -- of February 16, 1990, of April 16, 1990 and of June 6, 1990 -- were challenged in a certiorari suit filed with the Court of Appeals by Flores, docketed as CA-G.R. SP No. 22201. The Court, however, found no merit in his suit, and in a Decision dated October 31, 1990, dismissed the same, and later denied reconsideration thereof, by Resolution dated February 26, 1991.

Flores took an appeal to this Court, which was docketed as G.R. No. 97556, basically ascribing to the Court of Appeals' grave error in upholding the Trial Court's refusal to enforce the final and executory amended decision of September 19, 1986 in CA-G.R. SP No. 09061, on the ground that supervening facts had made execution inequitable.

In addition to his resort to these judicial remedies, Flores also filed administrative complaints against Judge Regino and Judge Abesamis in connection with said adverse dispositions in Case No. Q-45825: -- (a) against Judge Regino, A.M. No. RTJ-90-505 (complaint filed with this Court on May 14, 1990); and (b) against Judge Abesamis: Case No. OMB-0-89-01209 (complaint filed with the Ombudsman on May 22, 1989), and A.M. No. RTJ-89-348 (complaint filed in this Court on June 27, 1989). As regards said Case No. OMB-0-89-01209, its "administrative aspect" was taken cognizance of by this Court, docketed as A.M. No. 90-11-332-SB.

On June 20, 1990, two weeks after issuance of the Order of June 6, 1990, Flores filed a motion for inhibition and suspension of proceedings, praying that Judge Abesamis disqualify himself from further hearing Case No. Q-45825, as he had supposedly become biased in view of the administrative cases filed by Flores against him. Judge Abesamis denied the motion, by Order dated June 25, 1990. His Honor pointed out inter alia: that he had in fact proposed his own inhibition at the hearing of February 8, 1990 "but both parties -- the plaintiff and defendant as well - voiced out the vigorous objection thereto and prevailed upon ** (him) to stay in the case, graciously alleging that they have 'no doubt as to ** (his) integrity, probity and competence ** to decide the pending incidents,' and that 'this Honorable Court can impartially and objectively render a decision of the incidents now pending' (tsn, hearing of Feb. 8, 1990)"; that it appears that Flores' "alleged loss of faith ** (in him) is only a result of, and only stemmed from, the issuance of the Order of June 9, 1990 denying his motion for reconsideration of Judge Regino's order;" and that the "mere filing of an administrative case against a judge is not a ground for inhibition." Flores' attempt to obtain reconsideration of this Order was rejected in another Order, dated August 16, 1990.

To invalidate the Order of June 25, 1990, Flores instituted on September 22, 1990 another certiorari proceeding in the Court of Appeals, docketed as CA-G.R. SP No. 22881.

A few weeks later, another unfavorable adjudication was made against Flores in Case No. Q-45825. On December 10, 1990, the Trial Court handed down an Order concerning another incident: the ascertainment of the amount earned by Ligon while operating the cockpit, which was to be credited to Flores in computing his adjudged liability to Ligon of more than a million pesos. That Order declared, after taking account of Ligon's evidence, and of Flores' "failure and willful refusal to present countervailing evidence despite more than adequate numerous opportunities given him to do so, ** that the cockpit stadium had been operating even at a loss and no income may be said to have been earned therefrom," and decreed execution in favor of Ligon.

Flores lost no time in seeking relief from the Court of Appeals, by filing a supplemental motion in CA-G.R. SP No. 2281. But his supplemental motion was given short shrift. The Appellate Court confirmed the correctness of (a) Judge Abesamis' refusal to inhibit himself there being no ground therefor, as well as (b) his act of considering the incident of the accounting submitted for decision it appearing that the absence of any evidence for Flores was "not because he was denied the right to present evidence but (due to) his adamant refusal to do so." His motion for

reconsideration having been denied on August 12, 1991, Flores once more came to this Court for relief. His appeal was docketed as G.R. No 101152.

Now, adverting back to the administrative complaints filed by Flores against Judge Abesamis and Judge Regino, all said complaints -- against Judge Abesamis: Case No. OMB-0-89-01209, filed in the Ombudsman's Office on May 22, 1989, and A.M. No. RTJ-89-348, filed in this Court on June 27, 1989; and against Judge Regino, A.M. No. RTJ-90-505, filed in this Court on May 14, 1990 -- were dismissed, for lack of merit, in a Resolution issued by this Court on September 14, 1993, reading as follows:

"***. Acting on the separate complaints filed by Damaso Flores in (a) A.M. No. RTJ-89-348 charging respondent Judge Bernardo P. Abesamis with serious misconduct, inefficiency and gross ignorance of the law relative to Civil Case No. Q-45825, entitled 'Rolando R. Ligon vs. Damaso S. Flores' as well as the respondent's comment thereon dated May 7, 1990 and the complainant's reply (there)to **; and (b) A.M. No. RTJ-90-505 charging respondent Judge Teodoro P. Regino (who took over as pairing judge when Judge Abesamis was on sick leave) with serious misconduct, inefficiency and gross ignorance of the law for having issued in Civil Case No. Q-45825 his order of April 16, 1990 which, according to complainant, unlawfully interpreted the final judgment he was supposed to enforce, and in doing so, he callously arrogated unto himself the power to reverse and set aside the said final judgments and rendered the same useless and nugatory as well as the respondent's reply/memorandum dated November 14, 1990 filed in compliance with the resolution of July 16, 1990, the Court Resolved to DISMISS all the charges against respondent Judge Bernardo P. Abesamis in A.M. No. RTJ-89-348 for lack of merit. Similarly, considering that the extensive discussion made by respondent Judge Teodoro P. Regino in A.M. No. RTJ-90-505 in his order of April 16, 1990 of the pertinent facts and law involved is utterly inconsistent with the truth of the charges levelled at him, all the charges against Judge Teodoro P. Regino in A. M. No. RTJ-90-505 are hereby likewise DISMISSED.

Further, the Court Resolved to DISMISS, for lack of merit, the charges against Judge Abesamis in the administrative aspect of OMB Case No. 0-89-01209, entitled 'Damaso S. Flores vs. Hon. Bernardo P. Abesamis' in A.M. No. 90-11-332-SB, considering that the charges therein are fundamentally similar and are based on the same facts and incidents as in A.M. No. RTJ-89-348."

It is worthy of note that earlier, on September 13, 1989, the Office of the Ombudsman dismissed the "criminal aspect" of OMB Case No. 0-89-01209, entitled "Damaso S. Flores vs. Hon. Bernardo P. Abesamis" "for lack of merit and insufficiency of evidence."

Two years later, however, Flores once more charged Judge Abesamis with wrongdoing in connection with the very same Orders of February 16, June 6, and December 10, 1990 (as well as the Order of November 20, 1989) -- subject of the administrative cases dismissed by this Court's Resolution of September 14, 1993 (and the Resolution of the Ombudsman in OMB Case No. 0-89-01209 dated September 13, 1989), just quoted. This he did through an "affidavit-complaint" filed by him on December 21, 1995 in the Office of the Ombudsman, docketed as CPL No. 95-3618, the specific accusation being that of violation of Section (e) of R.A. 3019 (the Anti-Graft and Corrupt Practices Act): "for alleged bias and prejudice in granting a party's motion which caused undue injury to complainant."

Said case, CPL No. 95-3618, was referred on February 27, 1996 by Assistant Ombudsman Abelardo L. Aportadera, Jr. to the Office of the Court Administrator, where it was docketed as A.M. No. SC-96-1. On this Court's requirement, Judge Abesamis filed on April 22, 1996 a Comment on the new complaint. He drew attention to the fact that the new accusations were "based on the same facts and incidents, and are essentially and substantially similar, if not exactly the same" as those contained in Flores' previous complaints in

OMB-0-89-01209 and A.M. No. RTJ-89-348, which had already been dismissed for lack of merit; and that all the orders subject of the new complaint had been upheld by the appellate tribunals against challenges mounted by Flores. A Reply to the Comment was submitted by Flores under date of May 9, 1996, in which he sought to justify the filing of his new complaint by selectively and quite speciously invoking only the favorable adjudications initially made in his favor and studiously ignoring those subsequently rendered against him and sustained by the Appellate Court and this Court.

Now, as already mentioned (in the opening paragraph of this judgment), G.R. No. 97556 (Damaso S. Flores v. Court of Appeals [13th Division] and Rolando Ligon) and G.R. No. 101152 (Damaso S. Flores v. Court of Appeals [Former Special Fifth Division]); Hon. Bernardo P. Abesamis, as Presiding Judge of RTC of Quezon City, Branch 85; Hon. Manuela A. Florendo as Ex-Officio Sheriff of Quezon City; and Rolando R. Ligon) were consolidated and thereafter jointly decided on July 29, 1996 by this Court's First Division. The petitions in said cases were pronounced "without merit" and accordingly DISMISSED. Among other things, the Court made the following pertinent pronouncements (parenthetical insertions being supplied):

"The facts of these cases may seem almost unseemly, unreasonably complicated, and unbearably tedious, but the fact of the matter is that the crux of the controversy is simple enough: the legality of the non-reversion to petitioner (Flores) of the Parañaque Cockpit Stadium. And, on this kernel issue, we sustain the view and so hold that the Court of Appeals correctly affirmed the court a quo's ruling finding petitioner's right to possess the said stadium under CA-G.R. SP No. 09061 to be inefficacious and invalidated by private respondent's (Ligon's) substantial right as absolute owner to possess the said stadium.

*** **

** Petitioner ** has no reason to attack the procedure undertaken by the court a quo which resulted in the cancellation of the previous writ of execution issued in his favor, because such a procedure was in the first place suggested by us.

*** **

**, The decision on the merits was rendered in CA-G.R. CV No. 10259. There, the Court of Appeals found, and we affirm, that petitioner has a due and demandable obligation to private respondent in the amount of P1,619,700.00, plus accrued interest at 4% per month from October 1, 1985 until full payment thereof. Petitioner having been judicially declared so indebted to such an extent to private respondent and the latter having purchased the stadium from its former owners there remains no legal or equitable basis for petitioner to possess the said stadium.

*** **

We consequently hold that, as an exception to the general rule on immutability of final judgments, the supervening event that private respondent has become the owner of the mortgaged premises has rendered the judgment in the main case (earlier rendered in petitioner's favor) impossible of execution.

*** **

Finally, as to the matter of the legality and propriety of the denial by the court a quo of petitioner's motion for Judge Abesamis to inhibit himself in the trial court proceedings as he is imputed to be biased and prejudiced against petitioner who has filed numerous administrative complaints against the said judge, we find petitioner's imputations to be patently without basis. ***."

It is immediately apparent from the foregoing extended recitation of the facts that the charges now leveled against Judge (now Deputy Court Administrator) Abesamis are as utterly without foundation as those already rejected by this Court and the Ombudsman, and should be DISMISSED. All the orders rendered by Judge Abesamis (and

Judge Regino) branded as improper and anomalous by Flores have, upon due review and analysis, been found to be correct, entirely consistent with the relevant facts and applicable legal principles. The Orders of February 16, 1990, April 16, 1990 and June 6, 1990 were all affirmed by the Court of Appeals (CA-G.R. SP No. 22201) as well as this Court (G.R. No. 97556). Judge Abesamis' Orders of June 25, 1990 and December 10, 1990 were also sustained by the Court of Appeals (CA-G.R. SP No. 22881) and this Court (G.R. No. 101152).

Also apparent is that Flores owes Judge Abesamis and this Court an explanation for his actuations, herein described with particularity, which appear *prima facie* to constitute wilful, even disdainful disregard of this Court's judgments and orders and those of the Court of Appeals; abuse of the processes of the courts; and forum-shopping.

It is therefore the judgment of this Court:

- 1) that the complaint against Judge (now Deputy Court Administrator) Bernardo P. Abesamis be DISMISSED for utter lack of merit; and
- 2) that complainant Damaso S. Flores be commanded to EXPLAIN within ten (10) days from notice hereof why, on the basis of the facts recited in this Resolution, he should not be disciplinarily dealt with for willful disregard of this Court's judgments and orders and those of the Court of Appeals; abuse of the processes of the courts; and forum-shopping.

SO ORDERED.

Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Vitug, Kapunan, Mendoza, Francisco, Panganiban, Hermosisima, Jr., and Torres, Jr., JJ., concur.

Melo, J., no part, decided one case in CA relative to the instant case.

Puno, J., no part due to relationship.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.