

EXEC. JUDGE HENRY B. BASILLA, COMPLAINANT, VS. JUDGE AMADO L. BECAMON, CLERK OF COURT LOLITA DELOS REYES AND JUNIOR PROCESS SERVER EDDIE DELOS REYES, MCTC, PLACER-ESPERANZA-CAWA...*A.M. No. MTJ-02-1404. December 14, 2004*

Ponente: GARCIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2de4f2a3766c/>**GARCIA, J.:**

Under consideration is the sworn letter-complaint^[1] (with enclosures) dated December 6, 2000 filed with the Office of the Court Administrator by herein complainant, Executive Judge Henry B. Basilla, of the Regional Trial Court, Branch 49, Cataingan, Masbate against herein respondents, namely: Judge Amado L. Becamon of the Municipal Circuit Trial Court (MCTC) of Placer-Esperanza-Cawayan, Masbate; his clerk of court Lolita delos Reyes; and process server Eddie delos Reyes, charging them with gross neglect of duty and/or grave misconduct, gross ignorance of the law and violation of Canon 3 of the Code of Judicial Conduct on the part of respondent judge, relative to Civil Case No. 288 (MCTC Case No. 263-C), entitled *Visitacion Mahusay vda. de Du vs. Benjamin Du, et al.*, an action for recovery of possession and ownership of land.

In an earlier administrative case filed by the same complainant against the three (3) herein respondents, priorly docketed as A.M. No. MTJ-02-1438, entitled *Exec. Judge Henry B. Basilla*^[2] vs. Judge Amado L. Becamon, Clerk of Court Lolita delos Reyes and Process Server Eddie delos Reyes, this Court, in an en banc Resolution promulgated on January 22, 2004 (420 SCRA 608), found respondent Judge Amado L. Becamon liable for gross ignorance of the law and procedure and imposed upon him a fine in the amount of P21,000, while his co-respondents therein, Lolita delos Reyes and Eddie delos Reyes, were found guilty of simple neglect of duty and were each fined in the amount equivalent to one month and one day of their respective salaries.

A close examination of A.M. No. MTJ-02-1438 and the present case, A.M. No. MTJ-02-1404, reveals that the latter case presents the same matter and raises the same issues as that of the earlier administrative case. Hereunder is our comparative study anent the complaint in both cases:

A.M. No. MTJ-02- 1438 arose from an Order dated April 5, 2000 issued by Executive Judge Henry B. Basilla dismissing the appeal in Civil Case No. 288 (MCTC Case No. 263-C) for being frivolous and filed out of time. In that same Order, Judge Basilla likewise required herein respondents to explain in writing why they should not be dealt with administratively. In full, said Order reads:

O R D E R

After considering the following facts in the record:

- Judgment of the court a quo dated January 15, 1999 (mailed to counsels only on March 2, 1999) was received by defendants-appellants thru counsel on March 12, 1999 (p. 369, rec.);
- Motion for reconsideration of the decision by defendants-appellants thru counsel was filed with the court a

quo on March 15, 1999 by registered mail (p. 371, registry receipt, rec.);

- Order of the court a quo dated May 7, 1999 denying the motion for reconsideration (p. 381, rec.);
- Motion for execution of judgment dated September 9, 1999 filed with the court a quo on September 14, 1999 (rec.);
- Order dated February 14, 2000 of the court a quo denying motion for execution of judgment and granting defendants fifteen (15) days to appeal (p. 400, rec.);
- Notice of appeal filed with the court a quo on November 3, 1999 (p. 412, rec.);
- Appeal fee paid after four (4) months on March 14, 2000 (p. 427, rec.); and
- Order of the court a quo dated March 14, 2000 approving the appeal. (p. 429, rec.)

the court hereby resolved to dismiss the appeal for being filed out of time and frivolous.

The court has observed that:

- Judge Amado L. Becamon, Mrs. Lolita delos Reyes and Mr. Eddie delos Reyes released the decision only after one month and a half (1 1/2) (p. 365, registry receipt, rec.) and the order dated May 7, 1999 denying the motion for reconsideration only after five (5) months (p. 381, registry receipt, rec.);
- Judge Amado L. Becamon extended the period of appeal fixed by the Rules (p. 400, rec.);
- The court still received the appeal fee on March 14, 2000 despite the lapse of the period of appeal (p. 427, rec.); and
- Judge Amado L. Becamon still approved the appeal despite the lapse of the period of appeal (p. 429, rec.).

And, considering the gross irregularity in the record, Judge Amado L. Becamon, Mrs. Lolita delos Reyes, Clerk of Court II, and Eddie delos Reyes, Process Server, of the 4th MCTC of Placer-Cawayan-Esperanza, Masbate are hereby ordered to explain in writing within ten (10) days from notice why they should not be dealt with administratively for grave misconduct, ignorance of law and dishonesty.

Furnish a copy of this order to Honorable Court Administrator for his information.

So ordered.

On the other hand, the present case - A.M. No. MTJ-02-1404 - stemmed from a sworn letter-complaint of the same complainant against the very same respondents addressed to then Court Administrator Alfredo L. Benipayo. In said sworn letter-complaint, Judge Henry B. Basilla averred:

In compliance with your letter dated October 25, 2000, I, in my capacity as Executive Judge, after a careful study of the record in Civil Case No. 288 (MCTC Case No. 263-C) entitled "Visitacion Mahusay vda. de Du, Plaintiff vs. Benjamin Du, et al., Defendants for Recovery of Possession and Ownership of Land", hereby formally charge administratively Judge Amado L. Becamon, Mrs. Lolita delos Reyes, Clerk of Court II and Mr. Eddie delos Reyes, Junior Process Server, of MCTC of Placer-Cawayan-Esperanza, Masbate, for Gross Neglect of Duty and/or Grave Misconduct, for Ignorance of Law and for violation of Canon 3 of the Code of Judicial Conduct of 1989 (specially for Judge Amado L. Becamon) ---committed by freezing and delaying the release of the decision and the order denying to reconsider it, for one and a half months and five months, respectively, and extending the period of appeal fixed by the rules, and for receiving the appeal fee and after which approving the appeal despite the time to do so had long elapsed.

Attached herewith are the following documents:

1.)

Annex “A” – Order dated April 5, 2000;

2.)

Annex “B” – Judgment of the court a quo dated January 15, 1999 (mailed to counsel only on March 2, 1999, p. 365, registry receipt, rec.) was received by defendants-appellants thru counsel on March 12, 1999 (p. 369, rec.);

3.)

Annex “C” – Motion for Reconsideration of the decision by defendants-appellants thru counsel was filed with the court a quo on March 15, 1999 by registered mail (p. 371, registry receipt, rec.);

4.)

Annex “D” – Order of the court a quo dated May 7, 1999 denying the motion for reconsideration (p. 381, registry receipt, rec.);

5.)

Annex “E” – Motion for execution of judgment dated September 9, 1999 filed with the court a quo on September 14, 1999 (rec.);

6.)

Annex “F” – Order dated February 14, 2000 of the court a quo denying motion for execution of judgment and granting defendants fifteen (15) days to appeal (p. 400, rec.);

6.)

Annex “G” – Notice of appeal filed with the court a quo on November 3, 1999 (p. 412, rec.);

8.)

Annex “H” – Appeal fee paid after four (4) months on March 14, 2000 (p. 427, rec.);

9.)

Annex “I” – Order of the court a quo dated March 14, 2000 approving the appeal (p. 429, rec.).

Clear it is from the above that both A.M. No. MTJ-02-1438 and the instant administrative case - A.M. No. MTJ-02-1404 - refer to the same subject matter, raise the same issues and involve the same parties.

Applying the principle of res judicata or bar by prior judgment, the present administrative case becomes dismissible. Section 47, Rule 39 of the Rules of Court enunciates the rule of res judicata or bar by prior judgment, thus:

SEC. 47. Effect of judgments or final orders. - The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

xxx xxx xxx

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors-in-interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity;

Under the said doctrine, a matter that has been adjudicated by a court of competent jurisdiction must be deemed to have been finally and conclusively settled if it arises in any subsequent litigation between the same parties and for the same cause.[3] It provides that [a] final judgment on the merits rendered by a court of competent jurisdiction is conclusive as to the rights of the parties and their privies; and constitutes an absolute bar to subsequent actions involving the same claim, demand, or cause of action.[4] Res judicata is based on the ground that the party to be affected, or some other with whom he is in privity, has litigated the same matter in the former action in a court of competent jurisdiction, and should not be permitted to litigate it again.[5]

This principle frees the parties from undergoing all over again the rigors of unnecessary suits and repetitious trials. At the same time, it prevents the clogging of court dockets. Equally important, res judicata stabilizes rights and promotes the rule of law.[6]

The records reveal that the two (2) administrative cases stemmed from the same factual circumstances between the same parties. The earlier administrative case (A.M. No. MTJ-02-1438) which was already terminated in our en banc Resolution of January 22, 2004, arose when the OCA was furnished with a copy of the order dated April 5, 2000 issued by complainant Judge Henry B. Basilla. Complete record of MCTC Case No. 263-C was also transmitted to the said office, and, after evaluating the matter, Deputy Court Administrator Jose P. Perez, in his Report dated April 19, 2002, recommended that the same be re-docketed as a regular administrative matter, which recommendation was adopted by this Court in its Resolution of July 10, 2002, and accordingly had the matter docketed as A.M. No. MTJ-02-1438.

Meanwhile, on December 6, 2000, Executive Judge Henry B. Basilla, in compliance with then Court Administrator Alfredo L. Benipayo's letter dated October 25, 2000, filed his sworn letter-complaint formally charging herein respondents for the same irregularities committed by them relative to the same MCTC Case No. 263-C. Later, in his January 16, 2002 Report, the incumbent Court Administrator, Presbitero J. Velasco, Jr., recommended the re-docketing of the present complaint as a regular administrative matter. And, in our Resolution dated February 27, 2002, we adopted said recommendation and thus docketed that very same letter-complaint as A.M. No. MTJ-02-1404. This explain why two (2) administrative cases, having identical subject matter, cause of action and involving the same parties existed.

WHEREFORE, the instant administrative complaint is **DISMISSED** for being a mere duplication of the complaint in A.M. No. MTJ-02-1438 which, to stress, was already resolved by this Court in its en banc Resolution promulgated on January 22, 2004 (420 SCRA 608).

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.
Corona, J., on leave.

[1] Rollo, pp. 1-20.

[2] Should be Executive Judge Henry B. Basilla

[3] Equitable Philippine Commercial International Bank vs. Hon. Court of Appeals, G.R. No. 143556, 16 March 2004.

[4] Bardillon vs. Barangay Masili of Calamba, Laguna, G.R. No. 146886. 30 April 2003, 402 SCRA 441.

[5] Development Bank of the Philippines vs. Court of Appeals, 357 Phil. 626 [2001].

[6] Supra.

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