

LICERIO P. NIQUE, COMPLAINANT, VS. JUDGE FELIPE G. ZAPATOS, RESPONDENT.

A.M. No. MTJ-92-655. March 08, 1993

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

The complainant, Licerio Nique, was the plaintiff in an ejectment case in the Municipal Trial Court in Cities of Tangub City presided over by respondent Judge Felipe G. Zapatos.

Civil Case No. 300 entitled "Licerio P. Nique vs. Eugene Lim, et al.," is an action for Forcible Entry with Restraining Order and Writ of Preliminary Injunction. The subject of the case is a fishpond belonging to the plaintiff.

On November 18, 1987, after due notice and hearing and upon the filing of a bond, the MTCC of Tangub City, then presided over by Judge Ricardo L. Salvanera, directed the defendants to vacate the fishpond in question and restore its possession to the plaintiff. The defendants filed a motion to lift the restraining order, but the court maintained it. They filed a second motion for reconsideration. On February 22, 1988, Judge Salvanera lifted the restraining order and delivered the possession of the property to them. In his order dated April 5, 1988, Judge Salvanera denied the plaintiff's motion for reconsideration.

The plaintiff filed a petition for certiorari in the Court of Appeals to annul Judge Salvanera's orders of February 22, 1988 and April 5, 1988. The Court of Appeals referred the case to the Regional Trial Court (RTC), Branch XIV, in Tangub City, which has concurrent jurisdiction over the case.

On May 19, 1989, the RTC set aside Judge Salvanera's orders and directed him to reinstate the Writ of Preliminary Mandatory Injunction and restore the petitioner in the peaceful possession and occupation of the fishpond.

After the RTC decision had become final and executory, plaintiff Nique filed a motion for execution in the trial court. The motion was heard by Judge Felipe G. Zapatos who, in the meantime, had succeeded Judge Salvanera. The defendants filed a motion to lift the preliminary mandatory injunction. The plaintiff opposed their motion.

In an order dated December 27, 1990, Judge Zapatos denied the plaintiff's motion for execution and dissolved the writ of preliminary mandatory injunction which the RTC had ordered to be reinstated.

On November 19, 1992, Nique filed this administrative complaint against Judge Zapatos, charging him with:

1. gross ignorance of the law and failure to perform an act which he had been directed to do, thereby committing a criminal act punishable under Articles 205, 206 or 207 of the Revised Penal Code (knowingly rendering an unjust decision and/or interlocutory order);
2. causing unnecessary delay in the case, and damages to the complainant in the form of unrealized income amounting to hundreds of thousands of pesos; and

3. giving undue advantage to the defendants by allowing them to earn enormous profits from the fishpond in question.

Commenting on the complaint, respondent Judge alleged:

1. that he is authorized under Sections 6 & 7, Rule 58 of the Rules of Court to dissolve an injunction reinstated by the RTC since it appeared that after the injunction was issued, there was a change in the situation of the parties e.g., (a) the defendants filed a supersedeas bond or counter-bond of P60,000.00, or double the plaintiff's bond, and (b) the defendants and their witnesses submitted affidavits alleging that the defendants have already invested Two Million Pesos (P2,000,000.00) in the fishpond;
2. that a writ of preliminary mandatory injunction is an interlocutory order that remains at all times within the control of the court that issued it, before final judgment on the merits of the case;
3. that the defendant's counter-bond is more than enough to compensate the plaintiff for his damages; and
4. that the dissolution of the restraining order or preliminary mandatory injunction is justified because free patent titles (OCT-P-395 dated June 17, 1987 and OCT-P-394 dated June 23, 1987) have been issued in the names of defendants Eugene Lim and Regino Nique (the defendants in Civil Case No. 300 entitled "Licerio P. Nique vs. Eugene Lim, Jimmy Chan and Regino P. Nique, Jr."), and these titles are indefeasible.

Respondent Judge discussed the procedure for obtaining free patents and argued that the procedure clearly and unmistakably shows that the defendants had been in possession of the subject land before June 17, 1987 or a little thereafter.

Those arguments are unavailing. Respondent Judge ought to know his place in the judicial ladder. Occupying as he does a court that is lower in rank than the RTC, he owes respect to the latter and is bound by the disposition or decision of said appellate court upon a petition for review of an order/orders issued by him. His act of "reversing" the final judgment of the RTC, instead of complying with his mandatory and ministerial duty of executing the same, is the height of audacity, arrogance and presumption on his part (*Habaña vs. Vamen-ta*, 33 SCRA 569; *Republic vs. Angeles*, 20 SCRA 608; *Baclayon vs. Court of Appeals*, 182 SCRA 761) for if the decision of the RTC was unacceptable to the defendants, their remedy was to appeal it to a higher court. Having failed to do that, they, as well as the lower court, were bound by the judgment. There was no avoiding compliance with it for the execution of a final judgment is a ministerial duty of the trial court. The alleged "change in the situation of the parties" which respondent Judge imagined (defendants' alleged investment of P2 million and their filing of a P60,000.00 counterbond) did not supervene for after the RTC had rendered its decision for the alleged P2-million investment of the defendants in the fishpond may have been made during their occupation of the fishpond as a result of Judge Salvanera's order lifting the restraining order. The defendants' offer to post a counterbond twice the amount of the plaintiff's bond was not a sufficient justification for defying the decision of the appellate (RTC) court.

A municipal trial judge, figuratively speaking, is "the low man in the totem pole" of the judiciary. He should, of necessity, defer to orders of the higher courts regardless of his personal opinion in the case. "A becoming modesty of inferior courts demands realization of the position that they occupy in the interrelation and operation of the integrated judicial system of the nation (*People vs. Vera*, 65 Phil. 56)." (*Ysasi vs. Fernandez*, 26 SCRA 393, 395.) The appellate jurisdiction of a higher court would be meaningless if a lower court may disregard and disobey with impunity its final judgment or order. As we held in another case:

"If each and every Court of First Instance could enjoy the privilege of overruling decisions of the Supreme Court, there would be no end to litigation, and judicial chaos would result. Appellate jurisdiction would be a

farce if the Supreme Court did not have the power of preventing inferior courts from meddling with decisions when sent to them for compliance." (Shioji vs. Harvey, 43 Phil. 333, 337.)

WHEREFORE, the Court finds respondent MTCC Judge Felipe G. Zapatos GUILTY of disobedience of a final judgment of a superior court, and of obstructing the administration of justice. He is ordered to pay a fine of P1,000.00 to the Cashier of the Supreme Court and warned that a repetition of this sort of misfeasance in the future will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Campos, Jr., and Quiason, JJ., concur.

Gutierrez, Jr., J., on leave.

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