

DOMINGO LUIS AND EMILIA LUIS, PETITIONERS, VS. ANTONIO BELMONTE ETC., ET AL., RESPONDENTS.*G. R. No. L-5224. March 26, 1953*

Ponente: REYES, J.

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In the decision rendered by this Court in the case of *People vs. Antonio Guillermo (alias Silver) et al.* [*] (47 Off. Gaz., Supp. (12) 59), the said Antonio Guillermo was declared guilty of seven murders and sentenced to suffer life imprisonment and to indemnify the heirs of each, of the victims in the sum of P6,000. After the decision had become final the case was remanded to the court of origin for the execution of the judgment. But instead of ordering execution, the lower court, upon motion of the accused and his bondsmen, did in effect suspend execution by ordering that promulgation be held in abeyance pending determination of the accused's petition for amnesty before the Seventh Guerrilla Amnesty Commission sitting in Manila. Alleging that it was a ministerial duty on the part of the lower court immediately to execute the judgment of the Supreme Court and that the lower court acted without authority and with grave abuse of its discretion in suspending execution, the children and only heirs of Donato Luis, one of the victims, brought the present action for mandamus to compel the judge of the Court of First Instance of Ilocos Norte to order the immediate incarceration of the accused in compliance with the judgment and to issue a writ of execution to satisfy the indemnity awarded in said judgment.

Our record shows that this is not the first time the accused has attempted to thwart the action of this Court. Following the promulgation of the sentence against him in the criminal case and pending consideration of his motion for a reconsideration of the judgment he filed a motion with this Court asking that proceedings be suspended and the case referred to the Seventh Guerrilla Amnesty Commission. This motion, however, as well as his motion for reconsideration, was denied. But when the record of the case was remanded to the Court of First Instance of Ilocos Norte for the execution of the judgment, the Commission, acting on a petition for amnesty filed by the accused, required the clerk of said court to forward the record of the case to it and set the petition for hearing despite opposition from the Solicitor General. To prevent the Commission from further proceeding in the case the Solicitor General, in the name of the People of the Philippines, brought an action for prohibition in this Court against the members of the Commission and the accused himself (*People of the Philippines vs. Hon. Higinio Macadaeg* [*] et al., G. R. No. L-4316), alleging that this Court had already ruled that the accused was not entitled to amnesty and that the Commission had no jurisdiction over the case. After hearing this Court granted the writ applied for, holding—

"* * * (1) that the finding of this Court that Guillermo is not entitled to the benefits of amnesty, is not an obiter dictum but a pronouncement on a material issue, and is final and conclusive against him and may not, under the principle of *res judicata*, be again raised in issue by him in any tribunal, judicial or administrative; (2) that having voluntarily raised the issue in this Court during the consideration of his case, he is now estopped from contesting the judgment, or the jurisdiction of the court that rendered the adverse ruling; (3) that his petition is an ill-advised attempt of doubtful good faith, to arrest or delay the execution of a final judgment of conviction; and (4) that the respondent Commission has no jurisdiction to take cognizance of the application for amnesty."

That decision has already become final and should write finis to all attempts to delay the execution of the judgment against the accused Antonio Guillermo in criminal case G. R. No. L-2188, supra, made on the pretext of any pending petition for amnesty to which the said accused has already been declared not entitled.

The interests of justice demand that the final judgments of courts be executed without unnecessary delay, and it being undeniable that the heirs of the deceased Donato Luis have interest in the execution of the judgment rendered in the criminal case above mentioned because of the indemnity awarded to them in said judgment, their petition for a writ of mandamus to compel execution is hereby granted. With costs against the respondent Antonio Guillermo.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, Bautista Angelo and Labrador, JJ., concur.

[*] 86 Phil., 395.

[*] 91 Phil., 410.

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