

KOREAN AIRLINES CO., LTD., PETITIONER, VS. COURT OF APPEALS AND JUANITO C. LAPUZ, RESPONDENTS.

G.R. No. 114061. August 23, 1995

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

The case is of 1980 vintage. It originated from the Regional Trial Court, appealed to the Court of Appeals, then finally elevated to this Court. From the Court's disposition of the case stemmed incidents which are now the subjects for resolution. To elaborate:

In an action for breach of contract of carriage, Korean Airlines, Co., Ltd., (KAL) was ordered by the trial court to pay actual/compensatory damages, with legal interest, attorney's fees and costs of suit in favor of plaintiff Juanito C. Lapuz.[1] Both parties appealed to the Court of Appeals, but the trial court's judgment was merely modified: the award of compensatory damages reduced, an award for moral and exemplary damages added, with 6% interest per annum from the date of filing of the complaint, and the attorney's fees and costs deleted.

The parties subsequently elevated the case to this Court, docketed as G.R. No. 114061 and G.R. No. 113842. On August 3, 1994, the Court in a consolidated decision affirmed the decision of the Court of Appeals, modified only as to the commencement date of the award of legal interest, i.e., from the date of the decision of the trial court and not from the date of filing of the complaint.[2] The parties filed their respective motions for reconsideration with KAL, for the first time, assailing the Court's lack of jurisdiction to impose legal interest as the complaint allegedly failed to pray for its award. In a resolution dated September 21, 1994, the Court resolved to deny both motions for reconsideration with finality. Notwithstanding, KAL filed subsequent pleadings asking for reconsideration of the Court's consolidated decision and again impugning the award of legal interest. Lapuz, meanwhile, filed a motion for early resolution of the case followed by a motion for execution dated March 14, 1995, praying for the issuance of a writ of execution. KAL, in response, filed its Opposition and Supplemental Argument in Support of the Opposition dated March 28, 1995, and March 30, 1995, respectively. Additionally, on May 3, 1995, Lapuz filed another Urgent Motion for Early Resolution stating that the case has been pending for fifteen years which KAL admitted in its Comment filed two days later, albeit stressing that its pleadings were not intended for delay.[3]

KAL's asseveration that the Court lacks jurisdiction to award legal interest is devoid of merit. Both the complaint and amended complaint against KAL dated November 27, 1980, and January 5, 1981, respectively, prayed for reliefs and remedies to which Lapuz may be entitled in law and equity. The award of legal interest is one such relief, as it is based on equitable grounds duly sanctioned by Article 2210 of the Civil Code which provides that: "[i]nterest may, in the discretion of the Court, be allowed upon damages awarded for breach of contract".[4]

Furthermore, in its petition for review before the Court of Appeals, KAL did not question the trial court's imposition of legal interest. Likewise, in its appeal before the Court, KAL never bewailed the award of legal interest. In fact, KAL took exception only with respect to the date when legal interest should commence to run.[5] Indeed, it was only in its motion for reconsideration when suddenly its imposition was assailed for having been

rendered without jurisdiction. To strengthen its languid position, KAL's subsequent pleadings clothed its attack with constitutional import for alleged violation of its right to due process. There is no cogent reason and none appears on record that could sustain KAL's scheme as KAL was amply given, in the courts below and in this Court, occasion to ventilate its case. What is repugnant to due process is the denial of opportunity to be heard[6] which opportunity KAL was extensively afforded. While it is a rule that jurisdictional question may be raised at any time, this, however, admits of an exception where, as in this case, estoppel has supervened.[7] This Court has time and again frowned upon the undesirable practice of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction when adverse.[8] The Court shall not countenance KAL's undesirable move. What attenuates KAL's unmeritorious importuning is that the assailed decision has long acquired finality. It is a settled rule that a judgment which has acquired finality becomes immutable and unalterable, hence may no longer be modified in any respect except only to correct clerical errors or mistake.[9] Once a judgment becomes final, all the issues between the parties are deemed resolved and laid to rest.

KAL's filing of numerous pleadings delayed the disposition of the case which for fifteen years remained pending. This practice may constitute abuse of the Court's processes for it tends to impede, obstruct and degrade the administration of justice. In *Li Kim Tho v. Go Siu Ko, et. al.*, [10] the Court gave this reminder to litigants and lawyers' alike:

"Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them." [11]

Likewise, in *Banogan v. Zerna* [12] the Court reminded lawyers of their responsibility as officers of the court in this manner:

"As officers of the court, lawyers have a responsibility to assist in the proper administration of justice. They do not discharge this duty by filing pointless petitions that only add to the workload of the judiciary, especially this Court, which is burdened enough as it is. A judicious study of the facts and the law should advise them when a case, such as this, should not be permitted to be filed to merely clutter the already congested judicial dockets. They do not advance the cause of law or their clients by commencing litigations that for sheer lack of merit do not deserve the attention of the courts." [13]

A lawyer owes fidelity to the cause of his client, but not at the expense of truth and the administration of justice. [14] Counsel for KAL is reminded that it is his duty not to unduly delay a case, impede the execution of a judgment or misuse Court processes. [15]

With respect to Lapuz' motion for execution, suffice to state that the application for a writ of execution should be addressed to the court of origin and not to this Court. As the judgment has become final and executory then all that is left of the trial court is the ministerial act of ordering the execution thereof.

ACCORDINGLY, KAL's motion for reconsideration is DENIED. Counsel for KAL is hereby warned that repetition of his undesirable practice shall be dealt with severely.

SO ORDERED.

Regalado, Puno, and Mendoza, JJ., concur.
Narvasa, C.J., (Chairman), on leave.

- [1] Decision dated November 14, 1990, Civil Case No. 82-2790, Br. 30, RTC Manila.
- [2] Penned by Cruz, J., with Davide, Bellosillo, Quason and Kapunan, JJ., Concurring; 234 SCRA 717 (1994).
- [3] Rollo in G.R.No. 113842: Comment of KAL dated May 5, 1995, p.2; rollo p. 203.
- [4] Cf. Cabral v. Court of Appeals, 178 SCRA 90 (1989); De Lima v. Laguna Tayabas Co., 160 SCRA 70 (1988); Vda. de Bonifacio v. B.L.T. Bus Co., Inc. 34 SCRA 618 (1970).
- [5] Rollo in G.R. No. 114061: Petition for Review on Certiorari of KAL dated March 14, 1994, pp. 20-21; rollo pp. 29-30.
- [6] Caltex Phil. Inc. v. Castillo, 21 SCRA 1071, 1078 (1967); Bermejo v. Barrios, 31 SCRA 764, 775-776 (1970).
- [7] Suarez v. Court of Appeals, 186 SCRA 339, 342 (1990).
- [8] Sesbreno v. Court of Appeals, 240 SCRA 606, 612 (1995); Banaga v. Commission on Settlement of Land Problems, 181 SCRA 599, 608-609 (1990); Tijam v. Sibonghanoy, 23 SCRA 29, 36 (1968).
- [9] Lim v. Jabalde, 172 SCRA 211, 223 (1989).
- [10] 82 Phil. 776 (1949).
- [11] Id., at 778.

[12] 154 SCRA 593 (1987).

- [13] Id., at 598.
- [14] Garcia v. Francisco, 220 SCRA 512, 515 (1993).
- [15] Canon 12, Rule 12.04, Canon of Professional Responsibility.

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