

PAQUITO BUAYA, PETITIONER, VS. STRONGHOLD INSURANCE CO., INC., RESPONDENT.

G.R. No. 139020. October 11, 2000

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Courts are duty-bound to put an end to controversies. Any attempt to prolong, resurrect or juggle them should be firmly struck down. The system of judicial review should not be misused and abused to evade the operation of final and executory judgments. Moreover, the remand of a case does not nullify the entire proceedings. It merely authorizes the trial court to receive additional evidence, not to conduct a trial de novo.

The Case

Before us is a Petition for Review on Certiorari of the August 28, 1998 Decision[1] of the Court of Appeals (CA) in CA-GR CV No. 52999, dismissing Petitioner Paquito Buaya's appeal of the trial court's Order dated November 13, 1995, which denied his Petition for Relief. The assailed Decision disposed as follows:

"IN THE LIGHT OF ALL THE FOREGOING, the Appeal is DISMISSED. The Order appealed from is AFFIRMED. With costs against the Appellant." [2]

The Facts

The facts of this case are as follows:[3]

"On July 31, 1985, x x x Stronghold Insurance Company, Inc., the [respondent] in the present recourse, filed a complaint against Paquito B. Buaya, its erstwhile [b]ranch [m]anager for Cebu and the [petitioner] in the present recourse, for the collection of the principal amount of P678,076.83, representing his unremitted premium collections owing to the [respondent]. For failure of the [petitioner] and his counsel to appear at the scheduled pre-trial, the [petitioner] was declared x x x in default, and the [respondent] was allowed, by the [c]ourt, to adduce its evidence, ex parte. On the basis of the evidence of the [respondent], the Court a quo promulgated a Decision, dated September 17, 1987, in favor of the [respondent], the decretal portion of which reads as follows:

'WHEREFORE, judgment is hereby rendered in favor of the [respondent] and against the [petitioner] ordering the latter to pay the former the sum of P678,076.83 plus legal interest thereon from the filing of the complaint until fully paid; the sum equivalent to 25% of [respondent's] claim as and for attorney's fees plus the cost of suit.

SO ORDERED.' (at page 135, Records).'

The [petitioner] appealed, from said Decision, to [the CA], entitled and docketed 'Stronghold Insurance Co., Inc., versus Paquito B. Buaya, CA-GR. No. 17329.' On March 30, 1990, this [c]ourt promulgated a Decision in favor of the [petitioner] annulling the Decision of the [c]ourt a quo and remanding the case to the lower [c]ourt for further proceedings. (at page 154, Records). The Decision of this [c]ourt became final and executory.

Accordingly, the [c]ourt a quo issued an Order setting the case for hearing on December 13, 1990 at 8:30 o'clock in the morning (at page 169, Records). The [petitioner] himself filed a 'Motion for Postponement' of the hearing. [Petitioner's] motion was granted by the [c]ourt a quo and the hearing was reset [to] February 15, 1991, at 8:30 in the morning. However, the hearing was reset to March 14, 1991, at the same time, on motion of the [respondent] (at page 180, Record). The [petitioner] himself filed a 'Motion for Postponement' of the hearing set on March 14, 1991 on the ground that his [c]ounsel, Atty. Bartolome A. Avancena, had died and [petitioner] needed time to engage the services of new counsel. The hearing was reset to May 16, 1991 at the same time (at page 187, Record). However, the [petitioner] filed another motion for the resetting of said hearing on the ground that he needed [more] time to secure the services of new counsel. The hearing was reset to July 26, 1991, at the same time. But then, the [petitioner] filed another motion for the postponement of said hearing on the ground that 'he was weak and sickly'. However, the [respondent] opposed [petitioner's] motion. Nevertheless, the [c]ourt reset the hearing to November 29, 1991, at the same time, but subject to the condition that if, for any reason, the [petitioner] still failed to appear on said setting, such failure shall be deemed a waiver of his right to present evidence (at page 250, Records). On November 27, 1991, Atty. Manuel Maranga, the new counsel of the [petitioner], filed a 'Motion to Postpone'. The [respondent] opposed [petitioner's] motion. On December 19, 1991, the [c]ourt a quo issued an Order denying [petitioner's] motion and declaring the [petitioner] to have waived his right to adduce evidence in his behalf (at page 222, Record). The [respondent] forthwith filed a motion praying the [c]ourt to reinstate its Decision, dated September 17, 1987. The [petitioner] filed a 'Motion for Reconsideration' of the Order of the [c]ourt a quo, dated December 19, 1991. On March 18, 1992, the [c]ourt a quo issued an Order denying [petitioner's] 'Motion for Reconsideration' and granting [respondent's] motion for the reinstatement of its Decision, dated September 17, 1987. The [petitioner] filed a 'Petition for Certiorari' with [the CA], entitled and docketed as 'Paquito Buaya versus Hon. Fernando Agdamag, et al.,['] CA-G.R. No. 27814 (SP), assailing the Orders of the [c]ourt a quo, dated December 19, 1991 and March 18, 1992. On August 24, 1992, [the CA] promulgated a Decision dismissing [petitioner's] Petition for lack of merit (at page 261, Record). The Decision of this [c]ourt became final and executory on June 28, 1993 (at page 282).[4] On [m]otion of the [respondent], the [c]ourt a quo issued an Order, dated October 29, 1993, directing the issuance of a [W]rit of [E]xecution (at page 298, Record). The [petitioner] filed a 'Motion for Reconsideration' of said Order, dated October 29, 1993. On March 16, 1995, the [c]ourt a quo issued an Order denying motion (at pages 359-360, Record). On April 12, 1995, the [petitioner] filed a 'Notice of Appeal' from said Order. However, on May 11, 1995, the [c]ourt [a quo] issued an Order declining to give due course to the appeal of the [petitioner] considering that the Decision of the [c]ourt had already become final and executory (at page 365, Record). On June 2, 1995, the [c]ourt a quo issued a Writ of Execution. On July 27, 1995, the [petitioner] filed a 'Petition for Relief from Order'. On November 13, 1995, the [c]ourt a quo issued an Order denying the Petitioner's 'Petition for Relief.'

Ruling of the Court of Appeals

The CA denied petitioner's appeal which centered on these issues: (1) whether the September 17, 1987 Decision of the trial court had become final and executory, and (2) whether the failure of petitioner to inform his new counsel of the status of the case before the trial court constituted "mistake and excusable negligence."

In view of the amount involved in the collection suit, the CA disbelieved petitioner's contention that he had failed to apprise his counsel of the status and the particulars of the case in the trial court. Granting *arguendo* that he did make such omission through sheer inadvertence, his counsel was duty-bound to familiarize himself with the case before accepting the same, specially because litigation had already commenced. Such omission did not constitute "mistake or excusable negligence" that would have entitled him to relief from the trial court's judgment. Thus, he deserved to suffer the consequences of his own mistake or omission.

Noting that the validity of the March 18, 1992 Order of the trial court reinstating its September 17, 1987 Decision had been affirmed by both the CA and the Supreme Court, the CA also condemned the penchant of petitioner for resurrecting the same issues. Hence, his appeal was solely designed to further derail the execution of the lower court's Decision.

Besides, the present posture of petitioner is antithetical to his earlier "Petition for Relief from Order," which was denied by the trial court. In filing said action for relief, he was admitting that the Decision of the trial court had become final and executory. Hence, he cannot claim the Decision's nullity.

Hence, this Petition.[5]

Issues

Petitioner interposes the following issues for resolution:[6]

"I -

Petitioner is presenting in this petition a question of law which is believed or which appears to be one of first impression, namely: Can a decision of a Regional Trial Court which is annulled by the Court of Appeals be reinstated by the trial court which rendered the decision or any trial court for that matter and thereafter order its execution?

"II -

When the decision of a trial court is annulled by the Court of Appeals for having been rendered without notice to the [petitioner] of the pre-trial and subsequent hearing and remanded to the court of origin for further proceedings, does the jurisdiction of the trial court merely require the presentation of evidence for the [petitioner] and without anymore requiring the presentation of [respondent's] evidence for cross-examination by the [petitioner]?"

The Court's Ruling

This Petition has no merit.

First Issue: Annulled Decision

Petitioner persistently avers that no trial court can reinstate a decision that has been annulled by the CA because such a decision is "dead" in legal contemplation.

We disagree. We doubt the veracity of petitioner's claim that the September 11, 1987 Decision of the trial court was annulled by the CA, because his Appeal Brief stated that it had merely been set aside. He merely alleged that "[t]he aforesaid judgment of September 11, 1987, was a judgment by default x x x so that the Court of Appeals, on appeal by [petitioner], in its decision rendered on March 30, 1990, SET ASIDE said judgment and ordered the case to be REMANDED to the court of origin for FURTHER PROCEEDINGS. x x x." [7] This allegation shows that the trial court's Decision was reversed and set aside, not annulled, by the appellate court. Since it was merely set aside to enable petitioner to present his evidence, then there was nothing wrong with the Order of the trial court reinstating its original decision after he had failed to take advantage of the ample opportunity given him to present evidence.

Moreover, the failure of petitioner to attach a copy of the March 30, 1990 CA Decision, which he claims annulled the September 11, 1987 trial court Decision, is an added reason why this Petition should be denied. True, said CA Decision is not in question here. Nonetheless, an authentic copy thereof should have been submitted to support his claim that the Decision of the trial court had indeed been annulled by that of the CA. [8] Hence, a copy of the latter is a "material portion of the record [that] would support the petition." Failure to attach or submit it is sufficient

ground for this Petition's dismissal.[9]

We also reject the assertion of petitioner that the CA Decision of August 24, 1992 did not affirm the reinstatement of the September 11, 1987 trial court Decision, but only sustained the denial of his Motion for Postponement. This is simply not true. The CA specifically resolved the issue of the legality of the RTC Orders dated December 19, 1991 and March 18, 1992, which not only denied petitioner's Motion for Postponement but also reinstated the September 17, 1987 trial court Decision.[10] The appellate court ruled that respondent judge showed no arbitrariness or capriciousness that would warrant the grant of that Petition.[11] Hence, there was no need for the CA to explicitly reinstate the September 11, 1987 trial court Decision. Indeed, petitioner cannot be allowed to prevent that RTC Decision from attaining finality by engaging in useless hairsplitting distinctions. On this dilatory practice, the CA clearly and cogently ruled:

"x x x. The [Petitioner] raised the same issue in his Petition for Certiorari in CA-GR No. 27814 (SP) filed with this Court where he assailed the validity of the Order of the Court a quo, dated March 18, 1992, ordering the reinstatement of the Decision of the Court a quo, dated September 17, 1987, and this Court dismissed [petitioner's] Petition for lack of merit, and, [i]n effe[c]t, affirmed the aforesaid Order of the Court a quo. The [petitioner] filed a "Petition to Review" with the Supreme Court, from said Decision of this Court and the Supreme Court dismissed [petitioner's] Petition. Appellant's penchant [for] resurrecting the same issue in the Court a quo x x x, in the present recourse, deserves the severest condemnation as it was designed solely to further derail the execution of the Decision of the Court a quo. x x x." [12]

Second Issue: Final and Executory Judgment

Petitioner condemns the unfairness of the trial court when it ruled that he had waived his right to submit evidence, when it should have merely ordered plaintiff to present its evidence first. He interprets the CA remand to mean that both parties, subject to cross-examination, would again present their respective sets of evidence.

We disagree. The CA remanded the case to the court of origin for further hearing, not for retrial. A motion for new trial under Rule 37 of the Rules of Court, is a remedy separate and distinct from an appeal. Plaintiff (herein respondent) had rested its case long before the September 11, 1987 Decision was rendered. In fact, the evidence adduced by herein respondent became the sole basis of the Default Judgment of September 11, 1987.

Finally, the Court holds that the September 11, 1987 Decision of the trial court become final and executory on June 28, 1993.[13] A Writ of Execution of the March 16, 1995 Order of the trial court reinstating the September 17, 1987 Decision was issued by the trial court on May 11, 1995. Once a judgment becomes final and executory, the prevailing party can have it executed as a matter of right, and the issuance of a Writ of Execution becomes a ministerial duty of the court.[14] It is axiomatic that once a decision attains finality, it becomes the law of the case regardless of any claim that it is erroneous.[15] Having been rendered by a court of competent jurisdiction acting within its authority, the judgment may no longer be altered even at the risk of occasional legal infirmities or errors it may contain.[16]

The February 24, 1993 Resolution of this Court in GR No. 108354 barred not only a rehash of the same issues resolved in the Petition, but also any other issues that might have been raised therein. An existing final judgment or decree -- rendered upon the merits, without fraud or collusion, by a court of competent jurisdiction acting upon a matter within its authority -- is conclusive of the rights of the parties and their privies. This ruling holds in all other actions or suits, in the same or any other judicial tribunal of concurrent jurisdiction, touching on the points or matters in issue in the first suit.[17]

Indeed, nothing decided on in the first appeal, between the same parties and the same facts, can be reexamined in a second or subsequent appeal. Right or wrong, the decision in the first appeal is binding on both the trial and the

appellate courts for the purpose of that case and for that case only.

Courts will simply refuse to reopen what has been decided. They will not allow the same parties or their privies to litigate anew a question, once it has been considered and decided with finality. Litigations must end and terminate sometime and somewhere. The effective and efficient administration of justice requires that once a judgment has become final, the prevailing party should not be deprived of the fruits of the verdict by subsequent suits on the same issues filed by the same parties.

Courts are duty-bound to put an end to controversies. Any attempt to prolong, resurrect or juggle them should be firmly struck down. The system of judicial review should not be misused and abused to evade the operation of final and executory judgments.

WHEREFORE, the Petition is DENIED, and the assailed Decision AFFIRMED. Double costs against petitioner.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] Penned by Justice Romeo J. Callejo Sr., with the concurrence of Justices Consuelo Ynares Santiago (chairman, now a member of this Court) and Mariano M. Umali (member).

[2] Rollo, p. 27.

[3] CA Decision, pp. 1-3; rollo, pp. 21-23.

[4] This statement is inaccurate because the Entry of Judgment found in the CA rollo, p. 67, is for the SC Resolution in GR No. 108354 [formerly UDK-11205] (Paquito Buaya v. Court of Appeals et al.). Petitioner appealed the August 24, 1992 CA Decision to the Supreme Court.

[5] The case was submitted for resolution upon receipt by this Court of the Memorandum for petitioner on May 24, 2000. This was signed by Atty. Manuel D. Maranga. Respondent's Memorandum, signed by Atty. Rodolfo T. Gascon, was received on May 8, 2000.

[6] Memorandum for Petitioner, p. 7.

[7] Appellant's Brief, CA rollo, p. 27.

[8] Ramos v. Court of Appeals, 275 SCRA 167, 172, July 7, 1997

[9] §5, in relation to §4, Rule 45 of the 1997 Rules of Court.

[10] Appellant's Brief, pp. 4-5; CA Rollo, pp. 29-30.

[11] Rollo, pp. 41-42.

[12] CA Decision, p. 5; rollo, p. 25.

[13] Entry of Judgment was made on June 28, 1993. CA rollo, p. 67.

[14] Rubio v. MTCC, Branch 4, Cagayan de Oro City, 252 SCRA 172, 183, January 24, 1996; Soco v. Court of Appeals, 263 SCRA 449, 457, October 21, 1996.

[15] Asuncion v. National Labor Relations Commission, 273 SCRA 498, 501, June 17, 1997; Enriquez v. Court of Appeals, 202 SCRA 487, 491-492, October 4, 1991.

[16] San Juan v. Cuento, 160 SCRA 277, 284, April 15, 1988.

[17] Phil. National Bank v. Barretto, 52 Phil. 818, 823-824, February 21, 1929.

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