

**SPOUSES JOSE AND ESTER MARCHADESCH, FELIX VILLAMOR, AND
REV. FR. MANUEL GOMEZ, PETITIONER, VS. JUANITA CINCO VDA. DE
YEPES, RESPONDENT.**

G.R. No. 151160. November 11, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-151160/>

CALLEJO, SR., J.:

On January 30, 1984, respondent Juanita Cinco Vda. de Yepes filed a Complaint with the Regional Trial Court (RTC) of Palo, Leyte, against the petitioners, the Spouses Jose and Ester Marchadesch, Felix Villamor and Fr. Manuel Gomez, for ownership, possession and annulment of documents. She made the following allegations in her complaint:

- That plaintiff is the conjugal owner and administrator of a parcel of land, located at Buri, Tanauan, Leyte, described as follows:
“A parcel of residential land, located at Buri, Tanauan, Leyte, declared for taxation purposes in the name of Domingo Yepes (now deceased) under Tax Dec. No. 13429. Bounded on the North by Nueva St.; on the East by Saturnino Villegas; on the South by Canuto Creer & Julian Encanio; and on the West by Hugo Almaden; containing an area of 591 sq. m., more or less, and assessed at P3,550.00.”
- That herein plaintiff acquired the above-described parcel of land by sale sometime in 1966 with late husband, Domingo Yepes, from one, Victor de Veyra, a xeroxed copy of said Deed of Sale is hereto attached as ANNEX “A;”
- That in 1977, a portion of said land, as well as a house therein owned by plaintiff’s mother, Felisa Cinco, were (sic) utilized by spouses Jose and Ester Marchadesch, up to 1980, with rentals being paid by said spouses;
- That from the month of July 1980, as Jose and Ester Marchadesch failed to pay their monthly rentals, plaintiff asked them to vacate from (sic) the premises but they refused alleging that the land in question was owned by one Felix Villamor, one of the defendants in this case;
- That when plaintiff confronted Felix Villamor, he also alleged his ownership over the said land and later sold the same to Fr. Manuel Gomez, a co-defendant in this case, who also sold a portion of the same to spouses Jose and Ester Marchadesch;
- That plaintiff requested the herein defendants to vacate the land in issue and deliver the possession thereof to her but the latter refused and still refuse to do so, to her damage and prejudice;
- That the claims of ownership by the defendants over the aforesaid land is illegal, fraudulent and malicious, the same being without any basis in law and equity and prejudicial to the rights of plaintiff;
- That plaintiff brought her controversy with respect to this land before the Lupon Tagapayapa for arbitration but the same proved futile as evidenced by a xeroxed certification hereto attached as ANNEX “B;”

- That because of the illegal and malicious acts of herein defendants, plaintiff suffered moral damages due to mental anguish, wounded feelings and other similar sufferings; plaintiff was forced to file this case incurring litigation expenses.[1]

The respondent prayed that, after due proceedings, judgment be rendered in her favor, thus:

WHEREFORE, PREMISES CONSIDERED, it is respectfully prayed that judgment be rendered by this Honorable Court in favor of the plaintiff and against the defendants:

- a) Declaring the herein plaintiff the true and absolute owner of the land in question;
- b) Declaring all documents or muniments of title in the names of herein defendants over the land in question, if any, as null and void;
- c) Ordering the defendants to pay to plaintiff moral damages as well as litigation expenses; and
- d) Ordering such other reliefs in favor of herein plaintiff that may be just and equitable under the circumstances.[2]

The case, docketed as Civil Case No. 6822 was raffled to Branch 6 of the court presided by Judge Godofredo P. Quimsing, a resident of Tacloban City.

In their Answer to the complaint, the petitioners interposed the following affirmative defenses:

Defendants, thru counsel, by way of reference, hereby incorporate the foregoing allegations as part hereof and respectfully aver:

- That defendant Fr. Manuel V. Gomez is a buyer for value and in good faith of the property in litigation from Felix Villamor and who later sold a portion of the same to defendants, Spouses Jose and Ester Marchadesch;
- That the acquisition by plaintiff of the land in litigation is derived from an illegal source and, therefore, has no basis in law and equity;
- That the herein controversy between the party litigants was not submitted to the Lupon Tagapayapa of Barangay Canramos, Tanauan, Leyte, for arbitration/conciliation as mandated by P.D. No. 1508 and, therefore, said case is referable to the Lupon Tagapayapa concerned.[3]

The petitioners also interposed counterclaims against the respondent.

On October 6, 1986, the case was submitted for decision. However, as an aftermath of the political upheaval in 1986, Judge Quimsing submitted his resignation which was accepted by the President of the Philippines on January 31, 1987.[4]

Judge Getulio M. Francisco was appointed to replace Judge Quimsing. On February 16, 1987, Judge Francisco issued a Memorandum[5] to all the stenographic reporters of the court directing them to transcribe the stenographic notes taken during the trial of the number of cases submitted for decision during the incumbency of former Judge Godofredo P. Quimsing.

In the meantime, Judge Quimsing was appointed Presiding Judge of Branch 33 of the RTC of Calbiga, Samar, on July 20, 1990.[6]

Sometime in July 1991, the records of undecided cases pending in Branch 6 of the RTC of Tacloban City were sent to Judge Quimsing for decision. He was able to decide six or so cases, leaving about seven civil cases still to be decided.

Per Administrative Order No. 105-91 of the Court Administrator, dated October 2, 1991, Judge Quimsing was

detailed as Assisting Judge in the RTC of General Santos City. In a letter to the Deputy Court Administrator dated November 12, 1991, he requested that he be allowed to stay in Tacloban City to enable him to decide the seven (7) of the cases heard by him during his incumbency as Presiding Judge of Branch 6 of the RTC of Palo, Leyte.

On December 12, 1991, Judge Quimsing rendered a decision in Civil Case No. 6822 in favor of the respondent and against the petitioners. The fallo of the decision reads:

In view thereof, judgment is hereby rendered in favor of the herein plaintiff Juanita Cinco Vda. de Yepes, against the herein defendants spouses Jose and Ester Marchadesch, Felix Villamor and Fr. Manuel Gomez; and, it is hereby declared:

(1) That the herein plaintiff is the true and absolute owner of the land in question;

(2) That all documents or muniments of title or tax declarations in the names of herein defendants over the land in question, if any, as null and void; and for that matter let a copy of this decision be furnished the Office of the Provincial Assessor of Leyte for his information, guidance and corresponding action on the matter.

Further, the defendants are hereby ordered to pay to plaintiff, jointly and severally, the amount of Ten Thousand (P10,000.00) Pesos as moral damages and One Thousand (P1,000.00) Pesos as litigation expenses; as well as to pay the costs of this case.

SO ORDERED.[7]

Judge Quimsing signed the decision as “Presiding Judge” of of the RTC of Tacloban City, Branch 6.

The petitioners appealed the decision to the Court of Appeals (CA), which appeal was given due course by Judge Francisco on January 15, 1992.[8]

On January 21, 1992, Judge Quimsing wrote the Court Administrator requesting that he be detailed in the RTC of Tacloban City, Branch 6, instead of General Santos City, citing the cost and inconvenience causing him and his family.

Acting on Judge Quimsing’s Letter dated November 12, 1991, the Court issued a Resolution on January 23, 1992 granting the request to remain in Branch 6, RTC, Tacloban City, for him to be able to decide the seven (7) civil cases heard by him.[9]

On October 5, 1992, the RTC records in Civil Case No. 6822 were received by the appellate court.

In their Brief in the CA, the petitioners, as appellants therein, raised the following:

- Lack of Authority or Jurisdiction on the part of Judge Godofredo Quimsing to issue any decision in the above-entitled case and to sign the said questioned decision as Presiding Judge; hence, the decision is null and void.
- Suppression of evidence or facts when Judge Godofredo Quimsing made statement of facts totally contradictory to the statements in the transcript of stenographic notes to suit his own purpose in support of the questioned unauthorized decision.[10]

On July 13, 2001, the CA rendered judgment in favor of the respondent and against the petitioners. On the petitioners’ first assignment of error, the CA cited Section 9, Rule 135 of the Revised Rules of Court, and ruled as follows:

In a Resolution dated February 10, 1983, the Supreme Court En Banc laid down the guidelines in the distribution of cases in the implementation of the Judiciary Reorganization Act of 1981 (B.P. Blg. 129) as follows:

“1. Cases already submitted for decision shall be decided by the Judge to whom they were submitted, except cases submitted for decision to judges who were promoted to higher courts or to those who are no longer in the service.”

Thus, said Resolution merely requires that the Judge who pens the decision is still an incumbent judge, i.e., in this case, a judge of the same court, albeit now assigned to a different branch, at the time the decision is promulgated.

Admittedly, after the resignation of Judge Quimsing as Judge of the Regional Trial Court, Branch 6, Tacloban City, was accepted by then President Aquino in 1987, Judge Quimsing left several undecided cases, one of which is the instant case which was totally heard by him during his incumbency thereat. However, on July 20, 1990, then President Aquino appointed Judge Quimsing as Judge of the Regional Trial Court, Branch 33, Calbiga, Samar, a court of equal jurisdiction as his former assignment. On the other hand, Judge Getulio M. Francisco, who assumed the position of Judge of the Regional Trial Court, Branch 6, Tacloban City, on February 9, 1987, does not appear to have taken any action in this case, except to give due course to defendants-appellants' notice of appeal in an Order dated January 15, 1992. The fact that Judge Francisco gave due course to defendants-appellants' notice of appeal from the decision penned by Judge Quimsing shows that the former had acquiesced to the rendition of judgment by the latter.

It should be noted that the Resolution of the Supreme Court dated January 23, 1992 merely granted Judge Quimsing's request that he be allowed to remain in Tacloban City in order for him to decide the seven (7) cases heard by him in his former sala before proceeding to General Santos City for his detail thereat as Assisting Judge. In other words, the approval of the Supreme Court was only on Judge Quimsing's request to remain in Tacloban City before proceeding to General Santos City, as the authority of Judge Quimsing to decide the seven (7) cases totally heard by him in his former sala is sanctioned under Section 9, Rule 135 of the Revised Rules of Court.[11]

Upon the denial of the petitioners' motion for reconsideration of the decision, the petitioners filed the instant petition for review on certiorari, insisting that:

A CASE WAS SUBMITTED TO A REGIONAL TRIAL COURT JUDGE OF BRANCH 6, TACLOBAN CITY FOR DECISION AND THE CASE COULD NOT BE DECIDED SINCE THE JUDGE WAS DISMISSED/TERMINATED/SEPARATED FROM THE JUDICIARY BUT AFTER MORE THAN THREE (3) YEARS FROM SUCH TERMINATION/SEPARATION/DISMISSAL THE SAME JUDGE WAS RE-APPOINTED AS PRESIDING REGIONAL TRIAL COURT JUDGE IN ANOTHER SALA OF ANOTHER PROVINCE AND TOWN SPECIFICALLY AT BRANCH 33, CALBIGA, SAMAR. CAN THIS NEWLY RE-APPOINTED REGIONAL TRIAL COURT JUDGE WITHOUT AUTHORITY FROM THE SUPREME COURT NOR ANY REQUEST FROM THE PARTIES NOR FROM THE INCUMBENT PRESIDING REGIONAL TRIAL COURT JUDGE OF BRANCH 6, TACLOBAN CITY WHERE THE CASE IS PENDING DECISION, ON HIS OWN, VALIDLY DECIDE THE PENDING UNDECIDED CASE?[12]

The petition is denied due course.

Decisive of the issue at hand is Section 9, Rule 135 of the Rules of Court, which reads:

Sec. 9. Signing Judgments out of the Province.-- Whenever a Judge appointed or assigned in any province or branch of a Court of First Instance in a province shall leave the province by transfer or assignment to another court of equal jurisdiction or by expiration of his temporary assignment without having decided a case totally heard by him and which was argued or an opportunity given for argument to the parties or their counsel, it shall be lawful for him to prepare and sign his decision in said case anywhere in the Philippines. He shall send the same by registered mail to the clerk of court where the case was heard or argued to be filed therein as of the date when the same was received by the clerk in the same manner as if he had been present in court to direct

the filing of the judgment. If a case had been heard only in part, the Supreme Court upon petition of any of the parties to the case and the recommendation of the respective district judge may also authorize the judge who has partly heard the case if another judge had heard the case in part to continue hearing and to decide said case notwithstanding his transfer or appointment to another court of equal jurisdiction.

In relation to the aforequoted rule, the Court En Banc issued a Resolution dated February 10, 1983, providing guidelines in the distribution and decision of cases in the implementation of B.P. Blg. 129, the pertinent provision of which reads as follows:

- Cases already submitted for decision shall be decided by the Judge to whom they were submitted, except cases submitted for decision to judges who were promoted to higher courts or to those who are no longer in the service. Such cases shall be included in the raffle;[13]

Under the Court's Resolution of 10 February 1983, Rule 135 of the Rules of Court and Section 9 thereof, what is essential is that the Judge who pens the decision of a case heard by him before he was assigned or transferred to another district or branch of the court of equal jurisdiction is an incumbent Judge, i.e., in this case, a Judge of the same court (Regional Trial Court), albeit assigned to a different branch at the time the decision was promulgated.[14] There is no reason why the rule and Resolution of the Court should not apply to a case where a Presiding Judge who resigned after a case tried by him had already been submitted for decision, and was, thereafter, re-appointed as Presiding Judge of another regional district and branch of the RTC.

In the present case, Judge Quimsing heard Civil Case No. 6822 after which it was submitted for decision. Although he resigned, he was, however, re-appointed as Presiding Judge of the RTC in Calbiga, Samar. It was then that he decided said case. He was an incumbent Judge when he rendered the decision. His authority to decide the said case under said Rule and Resolution of the Court was affirmed by the Court, per its Resolution in A.M. No. 91-11-2014-RTC, which reads:

A.M. No. 91-11-2014-RTC.- Re: Request of Judge Godofredo P. Quimsing. – Acting on the letter of Judge Godofredo P. Quimsing, Regional Trial Court, Branch 33, Calbiga, Samar, dated November 12, 1991, requesting that he first be allowed to remain in Tacloban City, in order for him to decide seven (7) cases heard by him in his previous sala (Regional Trial Court, Branch 6, Tacloban City) before proceeding to General Santos City for his detail as Assisting Judge, the Court Resolved to GRANT the aforesaid request of Judge Quimsing.

In fine then, we affirm the ruling of the Court of Appeals that Judge Godofredo Quimsing had the authority to decide Civil Case No. 6822 on December 12, 1991.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The assailed Decision of the Court of Appeals is AFFIRMED. No costs.

SO ORDERED.

Austria-Martinez, and Chico-Nazario, JJ., concur.
Puno, (Chairman), and Tinga, JJ., on leave.

[1] Records, pp. 5-7.

[2] Id. at 6.

[3] Id. at 19.

[4] Rollo, p. 11.

[5] CA Rollo, p. 75.

[6] Id. at 72. Pursuant to Republic Act No. 7154, “An Act to Amend Section 14 of B.P. Blg. 129,” nine branches, with seats for the Province of Samar, including Calbiga, were created.

[7] Rollo, p. 53.

[8] Records, p. 301.

[9] CA Rollo, p. 78.

[10] Id. at 54.

[11] Rollo, pp. 100-102.

[12] Id. at 13.

[13] The Resolution was revised by Administrative Circular No. 3-04, dated January 26, 1991, and by Administrative Circular No. 5-98, dated February 18, 1998, in A.M. No. 2004-5-19.

[14] *People v. Court of First Instance*, 227 SCRA 457 (1993).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.