

EDGAR T. BARROSO, PETITIONER, VS. HON. JUDGE GEORGE E. OMELIO, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 14, DAVAO CITY AND TRAVELLERS INSURANCE & SURETY CORPORATION, ANTONI...

G.R. No. 194767. October 14, 2015

Ponente: PERALTA, J.

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PERALTA, J.:

This deals with the Petition for Certiorari under Rule 65 of the Rules of Court praying that the Order[1] dated July 29, 2009, and the Order[2] dated September 15, 2010, both of the Regional Trial Court of Davao City, Branch 14 (RTC-Br. 14), be reversed and set aside.

The antecedent facts are as follow.

Sometime in 2007, herein petitioner filed with the Regional Trial Court of Davao City, Branch 16 (RTC-Br. 16) a Complaint for sum of money, damages and attorney's fees against Dennis Li. The complaint included a prayer for the issuance of a writ of attachment, and after Dennis Li filed his Answer, RTC-Br. 16 granted herein petitioner's application for a Writ of Attachment and approved the corresponding attachment bond. On the other hand, Dennis Li filed a counter-attachment bond purportedly issued by herein respondent Travellers Insurance & Surety Corporation (Travellers).

On January 7, 2008, petitioner filed a Motion for Approval of Compromise Agreement. Thereafter, RTC-Br. 16 issued a Judgment on Compromise Agreement dated January 22, 2008. However, Dennis Li failed to pay the sums of money as provided for under said Judgment on Compromise Agreement. Herein petitioner then filed a Motion for Execution and RTC-Br. 16 issued a Writ of Execution solely against Dennis Li. When said Writ of Execution against Dennis Li was returned by the Sheriff unsatisfied, petitioner then filed a Motion for Execution of Judgment upon the Counterbond. Acting on said Motion, RTC-Br. 16 issued an Order[3] dated April 2, 2009, pertinent portions of which read as follows:

Since the Writ was returned "UNSATISFIED", plaintiff filed a Motion for Execution of Judgment upon the Counter-Bond, a copy of which was sent to the Head Office of Travellers Insurance Surety Corporation. In accordance with the Rules, a summary hearing to determine the liability under the counterbond was set. Notice of said hearing was likewise sent to the Head Office of the surety corporation at the address appearing on the face of the counterbond issued. For reasons unknown, the notice was simply returned.

The case law cited by movant x x x justifies the issuance of an Alias Writ of Execution against the Defendant Dennis Li but this time including the Travellers Insurance Surety Corporation based on its counterbond. x x x.[4]

An Alias Writ of Execution dated April 28, 2009 was then issued against both Dennis Li and respondent Travellers based on the counterbond it issued in favor of the former, and pursuant to said writ, Sheriff Anggot

served a Demand Letter on Travellers. In a letter dated July 1, 2009 addressed to Sheriff Anggot, Travellers asked for a period of seven (7) days within which to validate the counterbond and, thereafter, for its representative to discuss the matter with complainant, herein petitioner.

However, on July 10, 2009, instead of appearing before RTC-Br. 16, Travellers filed a separate case for Declaration of Nullity, Prohibition, Injunction with Prayer for Writ of Preliminary Injunction & Temporary Restraining Order (TRO), and Damages, which was raffled to RTC-Br. 14. Said petition prayed for the following reliefs: (a) the issuance of a TRO enjoining Sheriff Anggot and herein petitioner from implementing and enforcing the Writ of Execution dated April 28, 2009, and after hearing, the issuance of a writ of preliminary injunction; (b) judgment be rendered declaring the counterbond and its supporting documents to be null and void; ordering Sheriff Anggot and herein petitioner to desist from further implementing the Writ of Execution dated April 28, 2009; and (c) ordering Sheriff Anggot and herein petitioner to pay Travellers actual and moral damages, attorney's fees and costs of suit.

After hearing on the application for a writ of preliminary injunction, herein respondent judge issued the assailed Order dated July 29, 2009 directing the issuance of the writ of preliminary injunction. RTC-Br. 14, in its Order dated July 29, 2009, ratiocinated, thus:

Be it noted that under letter (b) of paragraph six (6) of respondents' [herein petitioner among them] answer with counterclaim they alleged that: "x x x The evidence the counter-attachment bond is fake has yet to be proven by the petitioner [Travellers] in the proper forum. Till then, said judicial officers enjoy the presumption of regularity in the performance of their judicial duties . . ."

Precisely, herein petitioner [comes] before this Court, which is the "proper forum" referred to by the respondents in their answer, to prove that the counter-attachment bond which herein respondents are about to implement, is fake. And the only remedy for the petitioner to hold in abeyance the enforcement of the subject writ of execution lest the decision of this Court on the merit more so if favorable to the petitioner will become moot and academic or phyrirc victory, is the writ of preliminary injunction.

Anent the respondents' defense that "this Court has no jurisdiction to interfere with the judgment of RTC, Branch 16 in Davao City" x x x, suffice it to state that this Court is not interfering with the Order or judgment of RTC-Br. 16 which is a coordinate Court. On the contrary[,] this Court is merely exercising its complementary jurisdiction with that of the jurisdiction of RTC 16 - a coordinate court, the latter - to hypothetically state, was hoodwinked into believing as to the regularity and due production of the subject counter-attachment bond now subject to be executed and enforced against herein petitioner. While this Court is aware of this doctrine of non-interference by a Court against the Order or judgment of another coordinate court, this doctrine, however, is not without exception. The maxim is: For every rule, there is an exception; for in every room, there is always a door. This case is an exception, x x x[5]

On July 30, 2009, the Writ of Preliminary Injunction was issued, commanding Sheriff Anggot to refrain from implementing the Writ of Execution dated April 28, 2009. Petitioner's motion for reconsideration of the afore-quoted Order was denied in the Order dated September 15, 2010.

Hence, the instant petition was filed with this Court, alleging that respondent judge committed grave abuse of discretion amounting to lack or in excess of jurisdiction and gross ignorance of the law by (1) acting on respondent Travellers' petition despite the lack of jurisdiction of RTC-Br. 14; (2) issuing the writ of preliminary injunction without requiring Travellers to put up an injunction bond; and (3) assuming jurisdiction over the action for prohibition and injunction against the executive sheriff of a co-equal court.

Herein petitioner, while acknowledging that the Court of Appeals (CA) had concurrent jurisdiction over this petition, justified his immediate resort to this Court by pointing out that respondent judge's conduct shows his

gross ignorance of the law, and any other remedy under the ordinary course of law would not be speedy and adequate.

Private respondents, on the other hand, counter that its petition before RTC-Br. 14 involved the issue of the validity of a contract, hence, the court presided by respondent judge had jurisdiction to take cognizance of the same. Private respondent then reiterated its arguments regarding the dubious authenticity and genuineness of the counterbond purportedly issued by Travellers and filed by Dennis Li before RTC-Br. 16.

It must first be emphasized that trifling with the rule on hierarchy of courts is looked upon with disfavor by the Court. Said rule is an important component of the orderly administration of justice and not imposed merely for whimsical and arbitrary reasons. This doctrine was exhaustively explained in *The Diocese of Bacolod*, represented by the Most Rev. Bishop Vicente M. Navarra and the Bishop Himself in *His Personal Capacity v. Commission on Elections and the Election Officer of Bacolod City*, Atty. Mavil V. Majarucon[6] in this wise:

x x x we explained the necessity of the application of the hierarchy of courts:

The Court must enjoin the observance of the policy on the hierarchy of courts, and now affirms that the policy is not to be ignored without serious consequences. The strictness of the policy is designed to shield the Court from having to deal with causes that are also well within the competence of the lower courts, and thus leave time for the Court to deal with the more fundamental and more essential tasks that the Constitution has assigned to it. The Court may act on petitions for the extraordinary writs of certiorari, prohibition and mandamus only when absolutely necessary or when serious and important reasons exist to justify an exception to the policy.

x x x x

The doctrine that requires respect for the hierarchy of courts was created by this court to ensure that every level of the judiciary performs its designated roles in an effective and efficient manner. Trial courts do not only determine the facts from the evaluation of the evidence presented before them. They are likewise competent to determine issues of law which may include the validity of an ordinance, statute, or even an executive issuance in relation to the Constitution. To effectively perform these functions, they are territorially organized into regions and then into branches. Their writs generally reach within those territorial boundaries. Necessarily, they mostly perform the all-important task of inferring the facts from the evidence as these are physically presented before them. In many instances, the facts occur within their territorial jurisdiction, which properly present the "actual case" that makes ripe a determination of the constitutionality of such action. The consequences, of course, would be national in scope. There are, however, some cases where resort to courts at their level would not be practical considering their decisions could still be appealed before the higher courts, such as the Court of Appeals.

The Court of Appeals is primarily designed as an appellate court that reviews the determination of facts and law made by the trial courts. It is collegiate in nature. This nature ensures more standpoints in the review of the actions of the trial court. But the Court of Appeals also has original jurisdiction over most special civil actions. Unlike the trial courts, its writs can have a nationwide scope. It is competent to determine facts and, ideally, should act on constitutional issues that may not necessarily be novel unless there are factual questions to determine.

This court, on the other hand, leads the judiciary by breaking new ground or further reiterating - in the light of new circumstances or in the light of some confusion of bench or bar - existing precedents. Rather than a court of first instance or as a repetition of the actions of the Court of Appeals, this court promulgates these doctrinal devices in order that it truly performs that role.[7]

However, in the same case, it was acknowledged that for exceptionally compelling reasons, the Court may

exercise its discretion to act on special civil actions for certiorari filed directly with it. Examples of cases that present compelling reasons are: (1) those involving genuine issues of constitutionality that must be addressed at the most immediate time; (2) those where the issues are of transcendental importance, and the threat to fundamental constitutional rights are so great as to outweigh the necessity for prudence; (3) cases of first impression, where no jurisprudence yet exists that will guide the lower courts on such issues; (4) where the constitutional issues raised are better decided after a thorough deliberation by a collegiate body and with the concurrence of the majority of those who participated in its discussion; (5) where time is of the essence; (6) where the act being questioned was that of a constitutional body; (7) where there is no other plain, speedy, and adequate remedy in the ordinary course of law that could free petitioner from the injurious effects of respondents' acts in violation of their constitutional rights; and (8) the issues involve public welfare, the advancement of public policy, the broader interest of justice, or where the orders complained of are patent nullities, or where appeal can be considered as clearly an inappropriate remedy.[8]

Verily, the issues in this case could have been competently resolved by the CA, thus, the Court was initially inclined to reject taking cognizance of this case. However, we cannot close our eyes to the unbecoming conduct exhibited by respondent judge in obstinately issuing an injunction against the orders of a co-equal court despite this Court's consistent reiteration of the time-honored principle that "no court has the power to interfere by injunction with the judgments or decrees of a court of concurrent or coordinate jurisdiction. The various trial courts of a province or city, having the same or equal authority, should not, cannot, and are not permitted to interfere with their respective cases, much less with their orders or judgments." [9] The issue raised in this case, therefore, falls under one of the exceptions to the rule on hierarchy of courts, i.e., where the order complained of is a patent nullity.

Atty. Cabili v. Judge Balindong [10] is closely analogous to the present case. In Cabili, the RTC of Iligan City issued a writ of execution, but the judgment debtor, instead of complying with said writ, filed a separate petition for prohibition and mandamus with application for issuance of temporary restraining order (TRO) and/or preliminary injunction with the RTC of Marawi City. After the hearing, the Presiding Judge of the RTC of Marawi City issued the TRO restraining the sheriff from enforcing the writ of execution issued by the RTC of Iligan City.

In the aforementioned case, the Court struck down such action of the RTC of Marawi City, ruling thus:

The doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court is an elementary principle in the administration of justice: no court can interfere by injunction with the judgments or orders of another court of concurrent jurisdiction having the power to grant the relief sought by the injunction. The rationale for the rule is founded on the concept of jurisdiction: a court that acquires jurisdiction over the case and renders judgment therein has jurisdiction over Its judgment, to the exclusion of all other coordinate courts, for its execution and over all its incidents, and to control, in furtherance of justice, the conduct of ministerial officers acting in connection with this judgment.

Thus, we have repeatedly held that a case where an execution order has been issued is considered as still pending, so that all the proceedings on the execution are still proceedings in the suit. A court which issued a writ of execution has the inherent power, for the advancement of justice, to correct errors of its ministerial officers and to control its own processes. To hold otherwise would be to divide the jurisdiction of the appropriate forum in the resolution of incidents arising in execution proceedings-Splitting of jurisdiction is obnoxious to the orderly administration of justice.

x x x x

To be sure, the law and the rules are not unaware that an issuing court may violate the law in issuing a writ of

execution and have recognized that there should be a remedy against this violation. The remedy, however, is not the resort to another co-equal body but to a higher court with authority to nullify the action of the issuing court. This is precisely the judicial power that the 1987 Constitution, under Article VIII, Section 1, paragraph 2, speaks of and which this Court has operationalized through a petition for certiorari, under Rule 65 of the Rules of Court.

x x x x

It is not a viable legal position to claim that a TRO against a writ of execution is issued against an erring sheriff, not against the issuing Judge. A TRO enjoining the enforceability of a writ addresses the writ itself, not merely the executing sheriff x x x As already mentioned above, the appropriate action is to assail the implementation of the writ before the issuing court in whose behalf the sheriff acts, and, upon failure, to seek redress through a higher judicial body, xxx.[11]

Applying the foregoing ruling, it is quite clear that, in this case, the issuance of the subject writ of preliminary injunction was improper and, thus, correctible by certiorari. Herein respondent judge does not have jurisdiction to hinder the enforcement of an order of a co-equal court. He must be aware that said co-equal court had the exclusive jurisdiction or authority to correct its own issuances if ever there was, indeed, a mistake. There is no question, therefore, that subject writ of preliminary injunction is null and void.

Further, had Judge Omelio not been dismissed from the service in 2013 for gross ignorance of the law and violation of judicial conduct, he could have been subjected to an investigation again for gross ignorance due to his unprecedented acts in the case at bar.

WHEREFORE, the instant petition is GRANTED and the Orders dated July 29, 2009 and September 15, 2010, both issued by the Regional Trial Court of Davao City, Branch 14, are hereby SET ASIDE and declared NULL and VOID.

SO ORDERED

Velasco, Jr., (Chairperson), Villarama, Jr., Mendoza,[*] and Jardeleza, JJ., concur.

October 22, 2015

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on ____October 14, 2015____ a Decision, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on October 22, 2015 at 10:17 a.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[*] Designated Acting Member in lieu of Associate Justice Bienvenido L. Reyes, per Special Order No. 2084 (Revised) dated June 29, 2015.

[1] Penned by Judge George E. Omelio; rollo, pp. 25-26.

[2] Id. at 28.

[3] Id. at 60-61.

[4] Id. at 60.

[5] Id. at 25-26.

[6] G.R. No. 205728, January 21, 2015.

[7] The Diocese of Bacolod, represented by the Most Rev. Bishop Vicente N. Navarra and the Bishop Himself in His Capacity v. Commission on Elections and the Election Officer of Bacolod City, Atty. Mavil V. Majarucon, G.R. No. 205728, January 21, 2015. (Emphasis supplied)

[8] Id.

[9] Heirs of the Late Spouses Lauro Yadao and Pugsong Mat-an v. Heirs of the Late Spouses Mauro and Elisa Anchales, G.R. No. 174582, October 11, 2012, 684 SCRA 106, 115-116. (Emphasis supplied) 672 Phil. 398(2011).

[11] Atty. Cabili v. Judge Balindong, *supra*, at 406-411. (Emphasis in the original; citations omitted: underscoring supplied)

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