

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. PABLO C. VILLABER, RESPONDENT.

G.R. No. 247248. June 16, 2021

Ponente: INTING, J.

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INTING, J.:

Before the Court is a Petition[1] for Review on Certiorari under Rule 45 of the Rules of Court assailing the Resolution[2] dated November 21, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 08856-MIN which dismissed the petition of the People of the Philippines (petitioner), and affirmed the Order[3] dated March 17, 2017 of Branch 18, Regional Trial Court (RTC), Digos City, Davao del Sur (Branch 18 RTC Digos City) and the Order[4] dated April 17, 2018 of Branch 61, RTC, Digos City, Davao del Sur (Branch 61 RTC Digos City).

The Antecedents

The case stemmed from the conviction of Pablo C. Villaber (respondent) for violation of Batas Pambansa Blg. 22 (BP 22).[5]

Records show that on February 12, 1986, respondent obtained a loan from Efren D. Sawal (private complainant) in the amount of P100,000.00.[6] In payment thereof, respondent issued a check for P100,000.00. However, it was dishonored for having been drawn against insufficient funds. Despite demands from private complainant to make good the check, respondent failed to fund it or replace it and pay the loan.[7] This prompted private complainant to file a criminal complaint against respondent for violation of BP 22.

For his defense, respondent admitted that: (1) he had issued the subject check, but asserted that the loan of P100,000.00 had already been paid; (2) private complainant issued and signed a receipt as evidence of such payment; and (3) there was a written agreement between him and private complainant that the check would only be deposited upon respondent's order that the money is already available in the bank.[8]

On rebuttal, private complainant denied having received payment from respondent. He also testified that the supposed receipt presented by respondent was fake and that the signature appearing therein was not his. To prove his claim, private complainant submitted the document to the National Bureau of Investigation (NBI) for examination. Emmanuel S. De Guzman (De Guzman), a document examiner of the NBI, testified that the alleged signature of the private complainant in the receipt is fake.[9]

The Ruling of Branch 15 RTC Manila

On March 2, 1990, Branch 15, RTC, Manila (Branch 15 RTC Manila) rendered the Decision[10] in Criminal Case No. 86-46197 finding respondent guilty of violation of BP 22. The dispositive portion of the RTC Decision provides:

WHEREFORE, the accused PABLO C. VILLABER is hereby found GUILTY beyond reasonable doubt as principal of the violation of Batas Pambansa Blg. 22, as penalized under Section 1 thereof, and is accordingly sentenced to suffer an imprisonment of One (1) Year, with all the accessory penalties attaching thereto, and to pay the costs.

SO ORDERED.[11]

Respondent appealed to the CA.

The CA Ruling

On April 23, 1992, the CA issued the Decision[12] in CA-G.R. CR No. 09017 affirming respondent's conviction; thus:

WHEREFORE, the decision appealed from is hereby AFFIRMED. Costs against the appellant.

SO ORDERED.[13]

Aggrieved, respondent elevated the case to the Court.

In a Resolution dated October 26, 1992, the Court upheld the CA Decision dated April 23, 1992 in G.R. No. 106709 affirming respondent's conviction.[14] On February 2, 1993, the Court Resolution became final and executory, and thereafter, an Entry of Judgment[15] was issued. Subsequently, the records of the criminal case were remanded to Branch 15 RTC Manila for execution.

On January 20, 1994, Branch 15 RTC Manila issued an Order of Arrest[16] against respondent.

On March 22, 2001, by virtue of the Order of Arrest dated January 20, 1994, NBI agents arrested respondent in Digos City, Davao del Sur and brought him to the NBI Regional Office for Southern Mindanao in Davao City.[17]

Objecting to his arrest, respondent immediately sent a letter to the NBI Director informing him that the Order of Arrest dated January 20, 1994 issued by Branch 15 RTC Manila had already been revoked. He attached in his letter an Order[18] dated February 20, 1994 allegedly issued by Branch 15 RTC Manila revoking its previous Order of Arrest dated January 20, 1994 and stating therein that respondent and private complainant had entered into an amicable settlement.[19] The Order dated February 20, 1994 reads:

Pursuant to and on the basis of the Consolidated PETITION and MANIFESTATION dated January 30, 1994 filed by Atty. Lorenzo D. Fuggan, counsel of the accused, which proposed amicable settlement and was legally agreed and confirmed by the petitioner or private complainant and by the accused, and at the same time the complaint filed by the plaintiff against herein accused was validly withdrawn by the private complainant in consideration of the said amicable settlement as agreed and approved by both the parties on this case, and was thereby finally approved by this Court in accordance with the law and rules of court, the Decision dated March 2, 1990 and the Order dated January 20, 1994, for the Execution of Judgment of the Crime of Violation of B.P. 22 and its corresponding Order of Arrest dated January 20, 1994 against accused Pablo C. Villaber are hereby all withdrawn, revoked, cancelled and set aside by this Court.

SO ORDERED.[20]

On March 23, 2001, respondent, through his counsels, Atty. Rogelio A. Barba (Atty. Barba) and Atty. Samuel Occeña (Atty. Occeña) filed a petition for the issuance of a writ of habeas corpus before Branch 19, RTC, Digos City, Davao del Sur (Branch 19 RTC Digos City). The case was docketed as Special Proceeding Case No. 1325.[21]

On April 5, 2001, Branch 19 RTC Digos City issued an Order[22] granting respondent's Petition for Habeas Corpus. It disposed of the petition as follows:

CONFORMABLY TO THE FOREGOING, the Petition for Habeas Corpus of Pablo C. Villaber, should be, as it is hereby GRANTED. Accordingly, the provisional release of Pablo C. Villaber from the custody of the National Bureau of Investigation (NBI), Regional Office for Southern Mindanao, Davao City, is hereby

declared PERMANENT, unless he is being held for another legal cause.

SO ORDERED.[23]

Branch 19 RTC Digos City ruled that: (1) it was improper for the NBI agents to arrest respondent based on a mere xerox copy of the Order of Arrest; (2) the Order dated February 20, 1994 has not been satisfactorily shown to be a spurious or fabricated document; (3) the RTC of Digos City cannot just simply nullify the Order dated February 20, 1994 as it would unduly interfere with the authority of a co-equal court; (4) the NBI cannot simply assume that, because the Order dated February 20, 1994 does not exist in the records of Branch 15 RTC Manila, it was already spurious; and (5) the execution of the xerox copy of the Order of Arrest dated January 20, 1994 by the NBI was unlawful.[24]

Apparently, the Order dated April 5, 2001 of Branch 19, RTC, Digos City, Davao del Sur in Special Proceedings No. 1325 has attained finality considering that no appeal was taken.

Many years later, or on March 7, 2017, members of the Philippine National Police – Criminal Investigation and Detection Group (PNP-CIDG), Digos City arrested and detained respondent based on the Order of Arrest dated January 20, 1994 issued by Branch 15 RTC Manila.[25]

Again, respondent objected to his arrest and insisted that the Branch 15 RTC Manila Order of Arrest dated January 20, 1994 had already been revoked by the same court through an Order dated February 20, 1994; that he already filed a Petition for Habeas Corpus on March 23, 2001; and that on April 5, 2001, Branch 19 RTC Digos City issued an Order releasing him from the custody of the NBI as the latter agency failed to prove that the Branch 15 RTC Manila Order dated February 20, 1994 was spurious.[26]

On March 8, 2017, respondent, through Atty. Luciano G. Cameros (Atty. Cameros) filed another Petition for the Issuance of Writ of Habeas Corpus[27] before Branch 18 RTC Digos City docketed as Special Proceeding No. 2792.

The Ruling of Branch 18 RTC Digos City

In an Order[28] dated March 17, 2017, Branch 18 RTC Digos City granted the Petition for the Issuance of Writ of Habeas Corpus filed by respondent and directed the latter's immediate release from the PNP-CIDG custody.[29] The dispositive portion of the Order states:

WHEREFORE, in light of the foregoing premises, the Petition for Habeas Corpus of Pablo C. Villaber is hereby GRANTED. Consequently, the respondents in this case, namely: PCI Jose Teody G. Condesa, SPO4 Ferdinan Micayran, SPO2 Ariel Marie, and PO3 Bernard Meñosa are hereby directed to immediately release petitioner PABLO C. VILLABER from custody unless he is being detained for some other lawful cause.

SO ORDERED.

Thereafter, a timely motion for reconsideration was filed by the prosecutor and Presiding Judge Carmelita Sarno-Davin of Branch 18 RTC Digos City issued an Order inhibiting herself in Special Proceeding No. 2792.[30] Thus, the case was raffled to Branch 61 RTC Digos City.

On April 17, 2018, Branch 61 RTC Digos City denied the People's Motion for Reconsideration.[31]

Aggrieved, petitioner, through the Office of the Solicitor General (OSG), filed a petition for certiorari under Rule 65 of the Rules of Court before the CA. The OSG averred that Branch 18 and Branch 61 of the RTC, Digos City, respectively, committed grave abuse of discretion in granting respondent's petitions for habeas corpus despite proof that the Order dated February 20, 1994 is inexistent in the records of Branch 15 RTC Manila.

The CA Ruling

In the assailed Resolution[32] dated November 21, 2018, the CA dismissed the petition; thus:

ACCORDINGLY, the Petition is DISMISSED.

SO ORDERED.

The CA dismissed the petition based on a technicality. It ruled that a writ of certiorari under Rule 65 of the Rules of Court will not issue if there are other remedies available in the ordinary course of law; that petitioner should have filed an ordinary appeal under Rule 41 of the Rules of Court and not a petition for certiorari under Rule 65 of the same rules; that under Section 39 of BP 129,[33] which amended Section 3, Rule 41 of the Rules of Court, the period for appeal from the judgment of any court in habeas corpus cases shall be 48 hours from notice of judgment appealed from; that because petitioner still has another plain and speedy remedy, that is an ordinary appeal under Rule 41 of the Rules of Court, petitioner is barred from resorting to the extraordinary remedy of certiorari under Rule 65 of the Rules of Court;[34] and that petitioner likewise failed to attach the Petition for Habeas Corpus filed before Branch 18 RTC Digos City.[35]

Hence, the instant petition.

Petitioner, through the OSG, maintains: (1) that no court can grant a petition for habeas corpus in disregard of the Supreme Court's final judgment of conviction; (2) that the CA erred in affirming a void judgment of the RTC which granted respondent's petition for habeas corpus; (3) that there was a valid reason for petitioner's failure to appeal the grant of the petition for habeas corpus within 48 hours from receipt of the Order denying its motion for reconsideration as the Department of Justice (DOJ) Acting Prosecutor General's letter to the OSG asking the latter to file a petition for certiorari was received only on June 5, 2018; (4) that it was impossible for the OSG to file an appeal within 48 hours from notice of Order denying its motion for reconsideration; (5) that the RTC Resolutions granting respondent's petition for habeas corpus were void and cannot attain finality as they were based on a spurious court order supposedly revoking the Order of Arrest; (6) that Atty. Desiree Dayag (Atty. Dayag), the Branch Clerk of Court of Branch 15 RTC Manila testified that its last order in Criminal Case No. 86-46197 (People v. Pablo C. Villaber) is the Order of Arrest dated January 20, 1994; (7) that Atty. Dayag issued a Certification dated March 20, 2001 stating that the Order dated February 20, 1994, supposedly revoking the Order of Arrest dated January 20, 1994, does not exist in the records of Criminal Case No. 86-46197; and (8) that Atty. Justin Michael B. Berango (Atty. Berango), the present Branch Clerk of Court of Branch 15 RTC Manila testified that the Order of Arrest dated January 20, 1994 is still valid and existing.

In his Comment,[36] respondent asserts that petitioner had already lost its standing in court for failure to appeal to the CA within 48 hours from receipt of the Order denying its Motion for Reconsideration. Respondent likewise insists that the instant petition is barred by res judicata in the mode of conclusiveness of judgment because there was already a previous habeas corpus case filed by respondent in 2001 where he was released from the custody of the NBI.

The Issue

Whether the CA erred in upholding the grant of respondent's petition for habeas corpus, notwithstanding the Entry of Judgment of the Court in G. R. No. 106709 affirming respondent's conviction for violation of BP 22.

The Court's Ruling

The petition is meritorious.

To be clear, at issue here is the Order dated March 17, 2017 of Branch 18, RTC Digos City granting the petition for habeas corpus; and the Order dated April 17, 2018 of Branch 61, RTC Digos City denying petitioner's motion

for reconsideration in Special Proceeding No. 2792.

A petition for review on certiorari under Rule 45 of the Rules of Court must, as a general rule, only raise questions of law.[37] As a rule, questions of fact are proscribed in Rule 45 petitions.[38] Parties may only raise issues that can be determined without having to review or reevaluate the evidence on record.[39] This Court generally gives weight to the factual findings of the lower courts "because of the opportunity enjoyed by the [lower courts] to observe the demeanor of the witnesses on the stand and assess their testimony." [40]

The rule, however, admits of exceptions.[41] In *Total Petroleum Philippines Corp. v. Lim*, [42] the Court held that the findings of facts of the CA are not binding in this Court when there is grave abuse of discretion and the judgment is based on misapprehension of facts. Hence, the Court may take cognizance of the case and discuss questions of facts even if the case was filed under Rule 45 when there is clear grave abuse of discretion and misapprehension of facts committed by the tribunal or lower courts.

After carefully evaluating the factual background of the instant case, the Court finds that Branch 18 RTC Digos City committed grave abuse of discretion in granting the respondent's petition for habeas corpus based on a spurious Order dated February 20, 1994 allegedly issued by Branch 15 RTC Manila. It must be emphasized that as early as March 20, 2001, Atty. Dayag already issued a certification stating that the alleged Order dated February 20, 1994 does not exist in the records of the case. Despite the certification, both Branch 19 and 18 of the RTC, Digos City granted respondent's petition for habeas corpus.

Hence, it is clear that the CA misapprehended the fact that the Order dated February 20, 1994 is a spurious one as Atty. Dayag, the Branch Clerk of Court of Branch 15 RTC Manila, already testified that its last order in Criminal Case No. 86-46197 (*People vs. Pablo C. Villaber*) is the Order of Arrest dated January 20, 1994 and no Order dated February 20, 1994 exists in the records.

The rule that a petition for certiorari under Rule 65 is not a substitute for lost appeal admits of exceptions.

The CA dismissed the petition for certiorari based on the grounds that the petitioner failed to file an ordinary appeal within 48 hours from notice of judgment appealed from and failed to attach a copy of the Petition for Habeas Corpus filed before Branch 18 RTC Digos City.

The CA erred in dismissing the petition on pure technicality.

The Court is mindful that as a rule, the special civil action of certiorari under Rule 65 of the Rules of Court is not a substitute for an appeal.[43]

In *Butuan Development Corporation v. CA*, [44] the Court discussed:

A party cannot substitute the special civil action of certiorari under Rule 65 of the Rules of Court for the remedy of appeal. The existence and availability of the right of appeal are antithetical to the availability of the special civil action of certiorari. Remedies of appeal (including petitions for review) and certiorari are mutually exclusive, not alternative or successive. Hence, certiorari is not and cannot be a substitute for an appeal, especially if one's own negligence or error in one's choice of remedy occasioned such loss or lapse. One of the requisites of certiorari is that there be no available appeal or any plain, speedy and adequate remedy. Where an appeal is available, certiorari will not prosper, even if the ground therefor is grave abuse of discretion.[45]

In *Madrigal Transport Inc., v. Lapanday Holdings Corporation*, [46] the Court extensively explained the substantial distinctions of an ordinary appeal and a petition for certiorari. There is no arguing that where an appeal is available to the aggrieved party, the action for certiorari will not be entertained.[47] Remedies of appeal,

including petitions for review, and certiorari are mutually exclusive, not alternative, or successive.[48]

Nevertheless, it must be stressed that the rule that certiorari is not a substitute to an appeal is not absolute, and thus, admits of certain exceptions. The Court may exercise liberality in cases where one of the following exceptions is applicable, to wit: (a) when public welfare and the advancement of public policy dictates; (b) when the broader interest of justice so requires; (c) when the writs issued are null and void; or (d) when the questioned order amounts to an oppressive exercise of judicial authority.[49]

Apparently, exception (b) applies in the case. The CA should have applied exception (b) and treated the petition for certiorari as an appeal. The provisions of the Rules of Court, which are technical rules, may be relaxed in certain exceptional situations.[50] Procedural rules may be relaxed where there are strong considerations of substantive justice which are manifest in the petition.[51] Cases should be decided on the merits after full opportunity to all parties for ventilation of their causes and defenses, rather than on technicality or some procedural imperfections so that the ends of justice would be served better.[52] The Court has emphasized that dismissal of appeals purely on technical grounds is frowned upon and the rules of procedure ought not to be applied in a very rigid, technical sense, for they are adopted to help secure, not override substantial justice.[53] The Court has relaxed the observance of procedural rules to advance substantial justice.[54]

After a careful analysis of the instant case, the Court finds that the CA Resolution dismissing the petition for certiorari on technical grounds would result in a miscarriage of justice. The assailed CA Resolution would ultimately defeat the broader interest of justice in prosecuting criminals, enforcing a final judgment of conviction issued by the Court, and protecting the public from convicts such as respondent.

To highlight, there was already a final and executory judgment of conviction issued by the Court. It became final and executory on February 2, 1993; hence the Entry of Judgment. Subsequently, Branch 15 RTC Manila issued an Order of Arrest dated January 20, 1994 against respondent. However, to evade arrest, respondent presented an Order dated February 20, 1994 allegedly issued by Branch 15 RTC Manila purportedly revoking the earlier Order of Arrest dated January 20, 1994.

Records show that respondent presented the Order dated February 20, 1994 to both NBI and PNP-CIDG for him to be released and obtain a favorable ruling from Branches 18 and 19 of RTC, Digos City in his petitions for habeas corpus despite the final and executory judgment of conviction issued by the Court. When petitioner, through the OSG, raised the matter to the CA, the latter dismissed the OSG's cause based on pure technicality without reexamining the substantive aspect of the case—whether (1) the RTC Orders granting respondent's petition for habeas corpus disregarded the final judgment of conviction issued by the Court against the respondent and the Branch 15 RTC Manila Order dated January 20, 1994 for his arrest; and (2) the RTC committed grave abuse of discretion in giving full weight to the Order dated February 20, 1994 allegedly issued by Branch 15 RTC Manila submitted by the respondent despite evidence presented that it does not exist in the records of Criminal Case No. 86-46197.

Moreover, the OSG already offered a substantial explanation why it failed to timely file an appeal within 48 hours from notice of judgment. To recall, it was only on June 5, 2018 when the OSG received the letter dated May 29, 2018 of the DOJ Acting Prosecutor General requesting it to file a petition for certiorari.[55] Obviously, it was impossible for the OSG to file an appeal within 48 hours upon receipt of the Order dated April 17, 2018 denying the petitioner's motion for reconsideration. The OSG's valid justification should have been considered by the CA in ruling the instant case to prevent miscarriage of justice.

Thus, the substantial interest of protecting the petitioner's right to prosecute offenders and to be protected from convicts, and the public interest to enforce the Court's final judgment of conviction against respondent should be

upheld rather than defeated on a pure technicality.

The principle of res judicata is not applicable.

Respondent asserts that the instant petition is barred by res judicata in the mode of conclusiveness of judgment because there was already a previous habeas corpus case he filed in 2001 which was decided in his favor resulting in his release from the custody of the NBI.

Respondent's contention holds no water.

There is res judicata by conclusiveness of judgment when all the following elements are present: (1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, but not identity of causes of action.[56] Res judicata means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." [57]

However, after a judicious scrutiny of the Order issued by Branch 19 RTC Digos City, the Court finds that such judgment is not conclusive as to the authenticity of the Order dated February 20, 1994 allegedly revoking the Order of Arrest issued against the respondent. Branch 19 RTC Digos City simply ruled that "the fact that the Order dated February 20, 1994 does not exist in the records does not mean that it is a fake document." It is evident that the authenticity of the Order dated February 20, 1994 was never settled. The judgment sought to bar the new action is not yet final as to the issue of the authenticity of the Order dated February 20, 1994 considering that there is still a need to determine its authenticity.

Stated differently, only the matters adjudged in the Order issued by Branch 19 RTC Digos City not pertaining to the authenticity of the Order dated February 20, 1994 are considered conclusive upon Branch 18 RTC Digos City. Well-settled is the rule that only those matters actually and directly determined or controverted are covered by the concept of res judicata known as "conclusiveness of judgment." [58]

Writ of habeas corpus is unavailing if the detention is based on a valid court order.

Taking into account that the Order dated February 20, 1994 is spurious, it follows that respondent's arrest was under a valid court order which is the Order of Arrest dated January 20, 1994. The Order of Arrest is based on the Court's final and executory judgment of conviction against respondent. Hence, the writs of habeas corpus issued by both Branches 18 and 19 of the RTC, Digos City have no leg to stand on.

In *In re: Abellana v. Paredes*, [59] the Court elucidated the nature of the writ of habeas corpus and when it should be issued, viz.:

Broadly speaking, the writ of habeas corpus extends to all cases of illegal confinement or detention by which any person is deprived of his liberty, or by which the rightful custody of any person is withheld from the person entitled thereto. Thus, the most basic criterion for the issuance of the writ is that the individual seeking such relief be illegally deprived of his freedom of movement or placed under some form of illegal restraint.

Concomitantly, if a person's liberty is restrained by some legal process, the writ of habeas corpus is unavailing. The writ cannot be used to directly assail a judgment rendered by a competent court or tribunal which, having

duly acquired jurisdiction, was not ousted of this jurisdiction through some irregularity in the course of the proceedings.

However, jurisprudence has recognized that the writ of habeas corpus may also be availed of as a post-conviction remedy when, as a consequence of a judicial proceeding, any of the following exceptional circumstances is attendant: 1) there has been a deprivation of a constitutional right resulting in the restraint of a person; 2) the court had no jurisdiction to impose the sentence; or 3) the imposed penalty has been excessive, thus voiding the sentence as to such excess. Here, petitioner is invoking the first circumstance.

Nevertheless, it must be noted that when the detention complained of finds its origin in what has been judicially ordained, the range of inquiry in a habeas corpus proceeding is considerably narrowed. Whatever situation the petitioner invokes from the exceptional circumstances listed above, the threshold remains high. Mere allegation of a violation of one's constitutional right is not enough. The violation of constitutional right must be sufficient to void the entire proceedings. This, petitioner failed to show.^[60] (*Italics supplied.*)

Considering that respondent's arrest was based on a lawful process or court order that proceeded from a final and executory judgment of conviction issued by the Court, Branches 18 and 19 of the RTC, Digos City should not have respectively issued the writ of habeas corpus, much more granted respondent's petitions for habeas corpus. Respondent was restrained by virtue of a valid Order of Arrest and his detention was legal. The writ of habeas corpus is unavailing.

The Order dated February 20, 1994 was proven baseless.

Further, aside from being inexistent, the Order dated February 20, 1994 has no basis at all. Both Branches 18 and 19 of the RTC, Digos City overlooked the fact that respondent failed to attach a certified copy of the alleged amicable settlement of the parties and the alleged Consolidated Petition and Manifestation for amicable settlement filed before the Branch 15 RTC Manila.

Respondent also failed to substantiate his allegation that private complainant already withdrew his complaint before the prosecutor's office. There was no shadow of evidence supporting the facts stated in the spurious Order dated February 20, 1994. From the circumstances alone, Branches 18 and 19 of RTC, Digos City should have alerted themselves of the veracity of the Order dated February 20, 1994. Yet, the trial courts turned a blind eye on the patent loopholes of the Order dated February 20, 1994.

The Order dated February 20, 1994 defeats the immutable judgment of the Court.

Even for argument's sake that the Order dated February 20, 1994 legally exists in the records of the criminal case, it is still void for being in derogation of the Court's final and immutable judgment of conviction against respondent. To emphasize, the Court already issued an Entry of Judgment on respondent's conviction which resulted in the issuance of the Order of Arrest dated January 20, 1994. It is beyond doubt that respondent's conviction for violation of BP 22 became final and executory.

In *Aliviado, et al. v. Procter & Gamble Phils., Inc. et al.*,^[61] the Court explained the effects of the finality of judgment, thus:

It is a hornbook rule that once a judgment has become final and executory; it may no longer be modified in any respect, even if the modification is meant to correct an erroneous conclusion of fact or law, and regardless of

whether the modification is attempted to be made by the court rendering it or by the highest court of the land, as what remains to be done is the purely ministerial enforcement or execution of the judgment.

The doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice that at the risk of occasional errors, the judgment of adjudicating bodies must become final and executory on some definite date fixed by law. [. . .], the Supreme Court reiterated that the doctrine of immutability of final judgment is adhered to by necessity notwithstanding occasional errors that may result thereby, since litigations must somehow come to an end for otherwise, it would 'even be more intolerable than the wrong and injustice it is designed to correct.'

In *Mocorro, Jr. v. Ramirez*, we held that:

A definitive final judgment, however erroneous, is no longer subject to change or revision.

A decision that has acquired finality becomes immutable and unalterable. This quality of immutability precludes the modification of a final judgment, even if the modification is meant to correct erroneous conclusions of fact and law. And this postulate holds true whether the modification is made by the court that rendered it or by the highest court in the land. The orderly administration of justice requires that, at the risk of occasional errors, the judgments/resolutions of a court must reach a point of finality set by the law. The noble purpose is to write finis to dispute once and for all. This is a fundamental principle in our justice system, without which there would be no end to litigations. Utmost respect and adherence to this principle must always be maintained by those who exercise the power of adjudication. Any act, which violates such principle, must immediately be struck down. Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of what are ordinarily known as courts but extends to all bodies upon which judicial powers had been conferred.

The only exceptions to the rule on the immutability of final judgments are (1) the correction of clerical errors, (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party, and (3) void judgments. x x x[62] (Italics supplied and in the original.)

Fundamental is the rule that where the judgment of a higher court has become final and executory and has been returned to the lower court, the only function of the latter is the ministerial act of executing such final decision.[63] A decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the highest court of the land.[64] The doctrine is founded on considerations of public policy and sound practice that, at the risk of occasional errors, judgments must become final at some definite point in time.[65]

Nonetheless, the immutability of final judgments is not a hard and fast rule as the Court has the power and prerogative to relax the same to serve the demands of substantial justice considering: (a) matters of life, liberty, honor, or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) the lack of any showing that the review sought is merely frivolous and dilatory; and (f) that the other party will not be unjustly prejudiced thereby.[66] But, it must be stressed that these exceptions can be cited only by a higher court/tribunal to modify or reverse a final judgment of a lower court/tribunal and not the other way around. Thus, even if one of the exceptions exists, it still cannot be used to reverse the judgment of conviction against the respondent because the final judgment was issued by the Court which, in the hierarchy of courts, is the highest court of the land.

Thus, the final and immutable judgment of conviction issued by the Court cannot be disregarded by any subsequent court order such as the Order dated February 20, 1994 purportedly issued by Branch 15 RTC Manila. The final judgment of conviction against respondent stands. What remains to be done in this case is the purely

ministerial enforcement or execution of the judgment of conviction by Branch 15 RTC Manila, through the existing Order of Arrest dated January 20, 1994.

To rule otherwise would mean that the Court's power to issue a final judgment of conviction can be reversed by a mere order of a lower court. This will not put an end to any controversy. Besides, this will defeat the power of the Supreme Court and render inutile the principle of immutability of judgment.

In fine, Branch 18, RTC, Digos City, Davao del Sur committed grave abuse of discretion amounting to lack or in excess of jurisdiction when it issued the Order dated March 17, 2017 in Special Proceeding No. 2792. The same is true with Branch 61, RTC, Digos City, Davao del Sur when it denied petitioner's Motion for Reconsideration.

Further, the Court directs the Integrated Bar of the Philippines (IBP) to investigate and determine the administrative liabilities of the respondent's counsels, Atty. Barba, Atty. Occeña, and Atty. Cameros, for presenting a spurious court order as basis of their petition for habeas corpus in Special Proceeding Nos. 1325 and 2792.

WHEREFORE, the petition is GRANTED. The Resolution dated November 21, 2018 of the Court of Appeals in CA-G.R. SP No. 08856-MIN is REVERSED and SET ASIDE.

The Petition for the Issuance of Writ of Habeas Corpus of respondent Pablo C. Villaber in Special Proceeding No. 2792 before Branch 18, Regional Trial Court, Digos City, Davao del Sur and later transferred to Branch 61, Regional Trial Court, Digos City, Davao del Sur is hereby DISMISSED. The Resolution dated October 26, 1992 of the Court is final and executory, and Branch 15, Regional Trial Court, Manila is hereby DIRECTED to EXECUTE its Order of Arrest dated January 20, 1994.

The Integrated Bar of the Philippines is hereby COMMANDED to investigate the acts of Atty. Rogelio A. Barba, Atty. Samuel Occeña, and Atty. Luciano G. Cameros, respondent's counsels in relation to the cases in Special Proceeding Nos. 1325 and 2792, for presenting a spurious Order dated February 20, 1994 as basis of their petitions for habeas corpus.

SO ORDERED.

Leonen, (Chairperson), Delos Santos, and J. Lopez, JJ., concur
Hernando, J., on official leave.

[1] Rollo, pp. 11-22.

[2] Id. at 27-31; penned by Associate Justice Walter S. Ong with Associate Justices Oscar V. Badelles and Evalyn M. Arellano-Morales, concurring.

[3] Id. at 87-92; penned by Acting Presiding Judge Carmelita Sarno-Davin.

[4] Id. at 107-108.

[5] See Decision dated March 2, 1990 penned by Judge Gil S. Sta. Maria of Branch 15, Regional Trial Court (RTC), Manila, id. at 48.

[6] Id. at 44.

[7] Id. at 44-45.

[8] Id. at 45.

[9] Id.

[10] Id. at 43-49.

[11] Id. at 48-49.

[12] Id. at 50-58. Penned by Associate Justice Consuelo Ynares-Santiago with Associate Justices Fidel P. Purisima and Minerva P. Gonzaga-Reyes, concurring.

[13] Id. at 58.

[14] See Court's Decision dated November 15, 2001, id. at 61.

[15] Id. at 71.

[16] Id. at 72; rendered by Judge Eloy R. Bello, Jr.

[17] Id. at 82.

[18] Id. at 74; rendered by Judge Eloy R. Bello, Jr..

[19] Id.

[20] Id.

[21] Id. at 82.

[22] Id. at 82-86; penned by Judge Hilario I. Mapayo.

[23] Id. at 86.

[24] Id. at 84-86.

[25] See Order dated March 17, 2017 penned by Acting Presiding Judge Carmelita Sarno-Davin of Branch 18, RTC, Digos City, Davao del Sur, id. at 87-92.

[26] Id. at 87-88.

[27] Id. at 93-97.

[28] Id. at 87-92; penned by Acting Judge Carmelita Sarno-Davin.

[29] Id. at 91.

[30] Id. at 15.

[31] See Order dated April 17, 2018 penned by Presiding Judge Carfelita B. Cadiente-Flores of Branch 61, RTC, Digos City, Davao del Sur, id. at 107-108.

[32] Id. at 27-31.

[33] The Judiciary Reorganization Act of 1980, approved on August 14, 1981.

[34] Rollo, pp. 28-30.

[35] Id. at 30.

[36] Id. at 141-144.

[37] Section 1, Rule 45 of the Rules of Court provides:

SECTION 1. Filing of petition with Supreme Court. — A party desiring to appeal by certiorari from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Regional Trial Court or other courts, whenever authorized by law, may file with the Supreme Court a verified petition for review, on certiorari. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law, which must be distinctly set forth. The petitioner may seek the same provisional remedies by verified motion filed in the same action or proceeding at any time during its pendency. (As amended by A.M. No. 07-7-12-SC, December 12, 2007.)

[38] Philippine National Police-Criminal Investigation and Detection Group v. Villafuerte, G.R. Nos. 219771 & 219773, September 18, 2018.

[39] Lapi v. People, G.R. No. 210731, February 13, 2019.

[40] Id.

[41] As provided in Twin Towers Condominium Corp. v. Court of Appeals, 446 Phil. 280 (2003) the following are the exceptions: (a) where there is grave abuse of discretion; (b) when the finding is grounded entirely on speculations, surmises or conjectures; (c) when the inference made is manifestly mistaken, absurd or impossible; (d) when the judgment of the Court of Appeals was based on a misapprehension of facts; (e) when the factual findings are conflicting; (f) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same are contrary to the admissions of both appellant and appellee; (g) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion; and, (h) where the findings of fact of the Court of Appeals are contrary to those of the trial court, or are mere conclusions without citation of specific evidence, or where the facts set forth by the petitioner are not disputed by the respondent, or where the findings of fact of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record.

[42] G.R. No. 203566, June 23, 2020.

[43] Butuan Dev't. Corp. v. Court of Appeals, et al., 808 Phil. 443, 451 (2017).

[44] Id.

[45] Id. at 451, citing Spouses Leynes v. Former Tenth Division of the Court of Appeals, et al., 655 Phil. 25, 43 (2011), further citing Madrigal Transport, Inc. v. Lapanday Holdings Corp., 479 Phil. 768, 782-783 (2004).

[46] 479 Phil. 768 (2004).

[47] Id. at 779-782.

[48] Id.

[49] See Punongbayan-Visitacion v. People, et al., 823 Phil. 212, 221 (2018), citing Department of Education v. Cuanan, 594 Phil. 451, 459-460 (2008).

[50] Butuan Dev't Corp. v. Court of Appeals, et al., supra note 43 at 451-452.

[51] Spouses Godinez v. Spouses Norman, G.R. No. 225449, February 26, 2020.

[52] See Garcia v. PAL, Inc., 498 Phil. 808 (2005).

[53] Id. at 821, citing Cusi-Hernandez v. Sps. Diaz, 390 Phil 1245, 1252 (2000).

[54] See Dr. Malixi, et al. v. Dr. Baltazar, 821 Phil. 423 (2017).

[55] Rollo, pp. 122-123.

[56] Heirs of Elliot v. Corcuera, G.R. No. 233767, August 27, 2020.

[57] Dy, et al. v. Yu, et al., 763 Phil. 491, 508 (2015), citing Spouses Torres v. Medina, 629 Phil. 101, 111 (2010).

[58] See Spouses Ocampo v. Heirs of Dionisio, 744 Phil 716 (2014).

[59] G.R. No. 232006, July 10, 2019.

[60] Id.

[61] 665 Phil. 542 (2011).

[62] Id. at 551-552.

[63] See FGU Insurance Corp. v. Regional Trial Court of Makati City, Branch 66, 659 Phil. 117 (2011).

[64] Id.

[65] Office of the Ombudsman v. Borja, 772 Phil. 470, 480 (2015), citing Mauleon v. Porter, 739 Phil. 203, 213 (2014), further citing Ocampo v. Vda. de Fernandez, 552 Phil. 166, 188 (2007).

[66] Bigler v. People, et al., 782 Phil 158, 166 (2016). Citation omitted.

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