

HEIRS OF JOSEFINA A. PATRIACA, HEIRS OF ROSELLER A. PATRIACA, HEIRS OF ARLENE A. PATRIACA, HEIRS OF ROGER A. PATRIACA, HEIRS OF EVA PATRIACA, HEIRS OF DIANA A. PATRIACA, HEIRS O...

G.R. No. 59701. August 31, 1983

Ponente: CONCEPCION JR., J.

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CONCEPCION JR., J.:

This is a petition for prohibition with preliminary injunction to restrain the Court of Appeals (now Intermediate Appellate Court) from further hearing Civil Case CA-G.R. No. 67434-R. Petitioners also pray for the lifting of the restraining order issued by the Court of Appeals against the sheriff of Manila from enforcing the writ of execution against private respondent Compania Maritima.

Petitioners are pauper-litigants and plaintiffs in a civil case for recovery of compensatory damages filed against private respondent and docketed as Civil Case No. 76308 of Branch I, Court of First Instance, Manila (now Regional Trial Court). The trial court, after hearing, rendered judgment in favor of petitioners.[1]

Private respondent appealed the trial court's decision to the Court of Appeals. The appeal was perfected on August 29, 1979. However, private respondent failed to file its appellant's brief within the reglementary period, and the Court of Appeals, in a resolution dated June 17, 1981, dismissed the appeal, which order of dismissal became final on August 9, 1981.[2]

Thereafter, the case was remanded to the trial court for execution. A writ of execution was issued and served upon private respondent, whose chief legal counsel then negotiated with the petitioners' counsel for the payment of the judgment amount in installments.[3]

During the pendency of the above settlement negotiation, however, the Dinglasan Law Office, as counsel for private respondent, filed with the Court of Appeals a motion for reconsideration with prayer to admit defendant-appellant's brief and an urgent motion to set aside entry of judgment and reinstate appeal.[4]

The Court of Appeals in an Order dated September 25, 1981 granted both motions filed by private respondent;[5] and also issued a restraining order to restrain the sheriff of Manila from enforcing the writ of execution against private respondent.[6] Petitioners filed an urgent motion for reconsideration alleging lack of jurisdiction of the Court of Appeals to reinstate the appeal and to lift the entry of judgment, the decision having become final and executory. But, the Court of Appeals denied the motion for reconsideration for lack of merit.[7]

Hence, the instant petition for certiorari to annul and set aside the resolutions dated September 25, 1981 and February 4, 1982.

The petitioners contend that the respondent Court of Appeals having lost its jurisdiction over the case after its order dismissing the appeal became final and executory and the case had been remanded to the trial court for

execution, its subsequent order reinstating the appeal was null and void.

The Court finds merit in the petition. The Court of Appeals was not justified in reinstating the appeal. It is well settled that once a decision becomes final and executory, it is removed from the power or jurisdiction of the court which rendered it to further alter or amend, much less, revoke it. The doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice that at the risk of occasional error, the judgments of courts must become final at some definite date set by law.[8]

Judgments of the Court of Appeals become final after the lapse of fifteen (15) days from notice thereof, after which the Court loses jurisdiction over the case. The subsequent filing of a motion for reconsideration cannot disturb the finality of a judgment, nor restore jurisdiction which had already been lost.[9]

After the judgment has become final, no addition can be made thereto, and nothing can be done therewith except its execution; otherwise, there would be no end to litigations, thus, setting at naught the main role of Courts of Justice, which is to assist in the enforcement of the rule of law and the maintenance of peace and order, by setting justiciable controversies with finality.[10]

WHEREFORE, the resolutions of the respondent Court of Appeals dated September 25, 1981 and February 4, 1982 should be, as they are hereby, **ANNULLED and SET ASIDE**. With costs against the private respondent.

SO ORDERED.

Makasiar, (Chairman), Aquino, Guerrero, and Escolin, JJ., concur.

Abad Santos, J., on official leave.

De Castro, J., on sick leave.

[1] Rollo, p. 3.

[2] Id., p. 7.

[3] Id., p. 3.

[4] Rollo, p. 3.

[5] Id., p. 12.

[6] Id., p. 13.

[7] Id., p. 14.

[8] *Turqueza vs. Hernando*, 97 SCRA 483.

[9] *Pfleider vs. Victoriano*, 98 SCRA 491.

[10] *Pariscal Vda. De Emmas vs. Emmas*, 95 SCRA 471.

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