

JOAQUIN T. BORROMEO, PETITIONER, VS. COURT OF APPEALS AND SAMSON LAO, RESPONDENTS.

G.R. No. 82273. June 01, 1990

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PER CURIAM:

In a complaint for damages filed with the Regional Trial Court of Cebu, Branch 8, docketed as Civil Case No. CEB-8679, petitioner Joaquin T. Borrromeo charges Attys. Julieta Y. Carreon and Alfredo P. Marasigan, Division Clerk of Court and Asst. Division Clerk of Court, respectively, of the Third Division, and Atty. Jose I. Ilustre, Chief of the Judicial Records Office of this Court, with usurpation of judicial functions, for allegedly "maliciously and deviously issuing biased, fake, baseless and unconstitutional 'Resolution' and 'Entry of Judgment' in G. R. No. 82273."

Summons were issued by the lower court requiring the respondents to answer the complaint within fifteen (15) days from receipt thereof. Since the summons arose from a complaint against a resolution of the Third Division and the complaint is against personnel of the Third Division acting in their official capacity upon orders issued to them by the Third Division, the summons were initially referred to the Third Division. In a resolution dated April 25, 1990, the summons were referred by the Third Division to the Court En Banc.

This is not the first time that Mr. Borrromeo has filed charges/complaints against officials of the Court. In several letter-complaints filed with the courts and the Ombudsman,[1] Borrromeo had repeatedly alleged that he "suffered injustices," because of the disposition of the four (4) cases he separately appealed to this Court which were resolved by minute resolutions, allegedly in violation of Sections 4 (3), 13 and 14 of Article VIII of the 1987 Constitution.[2] His invariable complaint is that the resolutions which disposed of his cases do not bear the signatures of the Justices who participated in the deliberations and resolutions and do not show that they voted therein. He likewise complained that the resolutions bear no certification of the Chief Justice and that they did not state the facts and the law on which they were based and were signed only by the Clerks of Court and therefore "unconstitutional, null and void."

In the present case for damages filed with the Regional Trial Court of Cebu, Mr. Borrromeo charges that Attys. Carreon, Marasigan and Ilustre usurped judicial functions by issuing a "supposed" resolution of the Third Division of the Court in G. R. No. 82273, and further alleges that, "the wanton, malicious and deceitful acts of defendants in impeding, obstructing, and defeating the proper administration of justice by depriving plaintiff of due process, equal protection of the laws, and his cardinal primary rights through said illegal, unjust and fake 'resolutions' and 'Entry of Judgment,' has caused plaintiff grave moral shock, mental anguish, sleepless nights, severe embarrassment and endless worry, for which the former must be condemned to pay MORAL DAMAGES in the amount of not less than P50,000.00."

The September 13, 1989 resolution of the Supreme Court through its Third Division which disposed of Borrromeo's petition is a four-page resolution which more than adequately complies with the constitutional requirements governing resolutions refusing to give due course to petitions for review. The petition and its incidents were discussed and deliberated upon by the Justices of the Third Division during the April 13, 1988

session; the September 28, 1988 session; the November 28, 1988 session; the January 25, 1989 session; and the April 12, 1989 session before the issuance of the September 13, 1989 resolution. On November 27, 1989, a motion for reconsideration, which was received by the Court more than a month after a copy of the September 13, 1989 resolution denying the petition was served on the petitioner, was noted without action as the Court found that the motion merely reiterated the same argument earlier raised in the petition and already passed upon by the Court and was, therefore without merit.

The Court reminds all lower courts, lawyers, and litigants that it disposes of the bulk of its cases by minute resolutions and decrees them as final and executory, as where a case is patently without merit, where the issues raised are factual in nature, where the decision appealed from is supported by substantial evidence and is in accord with the facts of the case and the applicable laws, where it is clear from the records that the petition is filed merely to forestall the early execution of judgment and for non-compliance with the rules. The resolution denying due course or dismissing the petition always gives the legal basis. As emphasized in *In Re: Wenceslao Laureta* (148 SCRA 382, 417 [1987]), "[T]he Court is not 'duty bound' to render signed Decisions all the time. It has ample discretion to formulate Decisions and/or Minute Resolutions, provided a legal basis is given, depending on its evaluation of a case" (Underlining supplied). This is the only way whereby it can act on all cases filed before it and, accordingly, discharge its constitutional functions. The Court ordinarily acts on the incidents or basic merits of three hundred (300) to four hundred (400) cases through its three Divisions every Monday and Wednesday when the Divisions meet and on one hundred (100) to one hundred twenty (120) cases every Tuesday and Thursday that it meets en banc or around one Thousand (1,000) cases a week. It is only on Fridays and week-ends that the members of the Court work in their separate chambers or at home because the Court does not meet in session -- either in Divisions or En Banc.

For a prompt dispatch of actions of the Court, minute resolutions are promulgated by the Court through the Clerk of Court, who takes charge of sending copies thereof to the parties concerned by quoting verbatim the resolution issued on a particular case. It is the Clerk of Court's duty to inform the parties of the action taken on their cases by quoting the resolution adopted by the Court. The Clerk of Court never participates in the deliberations of a case. All decisions and resolutions are actions of the Court. The Clerk of Court merely transmits the Court's action. This was explained in the case - G. R. No. 56280, *"Rhine Marketing Corp. v. Felix Gravante, et al."*, where, in a resolution dated July 6, 1981, the Court said - "[M]inute resolutions of this Court denying or dismissing unmeritorious petitions like the petition in the case at bar, are the result of a thorough deliberation among the members of this Court, which does not and cannot delegate the exercise of its judicial functions to its Clerk of Court or any of its subalterns, which should be known to counsel. When a petition is denied or dismissed by this Court, this Court sustains the challenged decision or order together with its findings of facts and legal conclusions."

In G. R. No. 76355, *Macario Tayamura, et al. v. Intermediate Appellate Court, et al.* (May 21, 1987), the Court clarified the constitutional requirement that a decision must express clearly and distinctly the facts and law on which it is based as referring only to decisions. Resolutions disposing of petitions fall under the constitutional provision which states that, "No petition for review x x x shall be refused due course x x x without stating the legal basis therefor" (Section 14, Article VIII, Constitution). When the Court, after deliberating on a petition and any subsequent pleadings, manifestations, comments, or motions decides to deny due course to the petition and states that the questions raised are factual or no reversible error in the respondent court's decision is shown or for some other legal basis stated in the resolution, there is sufficient compliance with the constitutional requirement.

Minute resolutions need not be signed by the members of the Court who took part in the deliberations of a case nor do they require the certification of the Chief Justice. For to require members of the Court to sign all

resolutions issued would not only unduly delay the issuance of its resolutions but a great amount of their time would be spent on functions more properly performed by the Clerk of Court and which time could be more profitably used in the analysis of cases and the formulation of decisions and orders of important nature and character. Even with the use of this procedure, the Court is still struggling to wipe out the backlogs accumulated over the years and meet the ever increasing number of cases coming to it. Remedial legislation to meet this problem is also pending in Congress.

In discharging its constitutional duties, the Court needs the full time and attention of its Clerks of Court and other key officials. Its officers do not have the time to answer frivolous complaints filed by disgruntled litigants questioning decisions and resolutions of the Court and involving cases deliberated upon and resolved by the Court itself. As earlier stated, all resolutions and decisions are actions of the Court, not its subordinate personnel. The Court assumes full responsibility for all its acts. Its personnel cannot answer and should not be made to answer for acts of the Court.

IN VIEW OF THE FOREGOING, all private law practitioners, government lawyers, government prosecutors, and Judges of trial courts are ORDERED to familiarize themselves with the above procedures and to refrain from filing, taking cognizance of, and otherwise taking part in harassment suits against officers of the Supreme Court insofar as the latter are sought to be held liable for decisions, resolutions, and other actions of the Supreme Court and/or its Justices. Instead, all such complaints against resolutions, decisions, and other actions of the Supreme Court must be forwarded to the Court itself for remedial or other appropriate action. Any violation of this order by a member of the Bar or the judiciary shows gross ignorance of the law and shall constitute a ground for appropriate proceedings. In this particular case, Judge Rafael R. Ybañez, Presiding Judge of the Regional Trial Court of Cebu, Branch 18, is hereby ORDERED to QUASH the summons issued and to DISMISS Civil Case No. CEB-8679. He is further DIRECTED not to issue summons or otherwise entertain cases of similar nature which may in the future be filed in his court.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Gancayco, Padilla, Bidin, Sarmiento, Medialdea, and Regalado, JJ., concur.

Feliciano, Cortes, and Griño-Aquino, JJ., on leave.

[1] a) Civil Case No. CEB-8176 - for Damages, with the Regional Trial Court of Cebu, Branch 15, against the Justices of the First Division and Atty. Estrella Pagtanac, then Clerk of Court, and Atty. Marissa Villarama, Assistant Clerk of Court, respectively, of the First Division.

b) Case No. OMB-VIS-90-00418 - of the Office of the Ombudsman (Visayas) filed against Atty. Julieta Carreon, et al.

c) Letter-Complaint against the Clerk of Court Daniel Martinez, which was referred to the Office of the Ombudsman for disposition.

Various letters-complaints attached to the records of the following cases - G. R. Nos. 77248, 83306 and 84054.

[2] The Court has received a letter-complaint from Mr. Borromeo dated May 10, 1990, addressed to Attys. Fermin Garma and Tomasita Dias, Clerk of Court and Assistant Clerk of Court, respectively of the Second Division, threatening them that they will be facing various charges and damage suits "as your colleagues Carreon and Marasigan are facing," in connection with a resolution issued in G. R. No. 91030.

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