

SECOND DIVISION

[A.M. No. RTJ-15-2422 [Formerly OCA I.P.I. No. 13-4129-RTJ], July 20, 2015]

FLOR GILBUENA RIVERA, COMPLAINANT, VS. HON. LEANDRO C. CATALO, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 256, MUNTINLUPA CITY, RESPONDENT.

DECISION

MENDOZA, J.:

"A void judgment for want of jurisdiction is no judgment at all. It neither is a source of any right nor the creator of any obligation. All acts performed pursuant to it and all claims emanating from it have no legal effect. Hence, it can never become final and any writ of execution based on it is void. It may be said to be a lawless thing which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head."^[1]

A judge who adheres to this principle cannot be administratively held liable and be sanctioned.

Subject of this disposition is the petition^[2] filed on September 10, 2013, by complainant Flor Gilbuena Rivera (*complainant*), charging respondent Judge Leandro C. Catalo (*Judge Catalo*), Presiding Judge of the Regional Trial Court, Branch 256, Muntinlupa City (*RTC*), with a violation of Canon 3 of the Code of Judicial Conduct^[3] when he flip-flopped by first setting aside and then recalling a final and executory judgment.

The Facts:

On February 1, 2012, complainant filed her Amended Petition^[4] before the RTC, praying for the issuance of new owner's duplicate copy of Transfer Certificate of Title (*TCT*) No. 3460, docketed as LRC Case No. 12-005. The case was raffled to the branch presided by Judge Catalo.

The amended petition alleged that complainant was one of the heirs of Juan Gilbuena (*Gilbuena*); that TCT No. 3460 was registered under the name of Gilbuena; and that the owner's duplicate copy of the said title had remained missing despite their diligent efforts to locate the same. When the case was called for hearing, no oppositor appeared before the RTC. Upon motion, complainant was allowed to present evidence *exparte* on March 18, 2012.

On May 18, 2012, Judge Catalo rendered his decision^[5] granting the petition for issuance of new owner's duplicate copy on the basis of the evidence presented by

complainant, particularly the affidavit of loss and the certification issued by the Register of Deeds of Muntinlupa City (RD). The decretal portion thereof reads:

WHEREFORE, finding the petition to be meritorious, the same is hereby granted. Accordingly, the Owner's Duplicate Copy of Transfer Certificate of Title No. 3460 that was lost is hereby declared null and void. **The Register of Deeds of Muntinlupa City is hereby ordered to issue a new Owners Duplicate Copy of Transfer Certificate of Title No. 3460**, which said title shall be entitled to full faith and credit as the lost one.

SO ORDERED.^[6]

[Emphasis Supplied]

The RTC decision became final and executory on July 3, 2012 and the Certificate of Finality^[7] was issued on July 6, 2012.

In a Letter,^[8] dated August 16, 2012, the RD informed complainant that the Affidavit of Loss, annotated on TCT No. 3460, was being recalled considering that the said title was already cancelled and being a cancelled title, it could no longer be a subject of any transaction.

On October 15, 2012, RD Acting Records Officer Vivian V. Dacanay (Dacanay), formally filed her Manifestation^[9] before the RTC stating, among others, that upon examination of the documents submitted to their office, it appeared that TCT No. 3460 had long been cancelled as early as April 2, 1924; that on August 16, 2012, the RD issued a letter recalling the approval of the annotation of the Affidavit of Loss on TCT No. 3460 after it was discovered that the said title was already cancelled and, therefore, could no longer be the subject of any transaction; that the discovery of the cancellation of the title was sometime in August 2012, when their office found out *that several titles had already originated from said title*; that the truth was that the title was not lost, rather, it was cancelled by virtue of valid transactions and conveyance as early as April 2, 1924; and that the basis of the petition for issuance of new owner's duplicate, which was an affidavit of loss, was totally false, untrue and fabricated.

Dacanay added that "[t]o allow, otherwise, would result to reviving a dead title and double titling and later on, spread spurious titles."^[10]

Acting thereon, Respondent Judge issued an order requiring the complainant and all the parties concerned to attend a hearing on November 7, 2012 on the Manifestation filed by Dacanay. Despite being given 15 days to give his side, the complainant did not appear in court.^[11]

In the Order,^[12] dated June 21, 2013, Judge Catalo recalled and set aside the May 18, 2012 decision of the RTC.

Aggrieved, complainant filed the subject administrative complaint before the Court alleging that Judge Catalo committed gross misconduct for recalling a final and executory judgment.

Position of Complainant

Complainant avers that the act of Judge Catalo in recalling and setting aside the final and executory decision was of doubtful legal and moral basis. Complainant adds that his act of flip-flopping was considered a violation of the Canon on Judicial Conduct as it flagrantly disregarded well-known legal rules and constituted grave misconduct punishable by dismissal from the service.

Accordingly, complainant prays that Judge Catalo be dismissed from the service with forfeiture of all his retirement benefits.

Position of Respondent Judge

In his Comment,^[13] Judge Catalo averred that on October 15, 2012, after the RTC decision became final and executory, Dacanay filed her Manifestation,^[14] informing the trial court that TCT No. 3460 was already cancelled; that he then set it for hearing on November 7, 2012 and required complainant to present his stand; that during the scheduled hearing, Dacanay testified that the subject title was already cancelled and that the previous records officer, who misinformed the RD on the status of the title, had been sacked; that he even required the RD to submit the English translation of the Spanish entries just to confirm that the subject title was previously cancelled; that complainant failed to present his stand despite being given 15 days to do it; that because complainant fraudulently filed the petition for issuance of new owner's duplicate with the use of spurious documents, the RTC decision was void and could be recalled; and that, for said reason, he recalled the said decision in his June 21, 2013 order.

Judge Catalo invokes the inherent power of the court to amend and control its processes and orders to make them conformable with the law and justice. The respondent explained that although a final judgment is immutable and unalterable, such rule is not absolute as it admits exceptions such as those concerning void judgments.

Report and Recommendation

In its Report,^[15] dated April 20, 2015, the Office of the Court Administrator (OCA) opined that Judge Catalo was administratively liable, not for gross misconduct, but for gross ignorance of the law.

When the May 18, 2012 decision became final and executory on July 3, 2012, it became immutable and unalterable. Thus, Judge Catalo inexcusably and wrongfully ignored such basic principle when he decided to *motu proprio* recall his own final decision. The OCA also found that he overlooked the basic principle that a final judgment, order or resolution could only be annulled under Rule 47 of the Rules of Court.

The OCA, thus, concluded that for exhibiting gross ignorance of the law, Judge Catalo violated Rule 1.01 and Rule 3.01 of the Code of Judicial Conduct as he failed to conform to the high standards of competence required of judges. It was the recommendation of the OCA that Judge Catalo be found guilty of gross ignorance of