

## EN BANC

**[ A.M. No. SC-96-1, December 23, 1996 ]**

**DAMASO S. FLORES, COMPLAINANT, VS. HON. BERNARDO P. ABESAMIS, REGIONAL TRIAL COURT, BRANCH 85, QUEZON CITY (NOW DEPUTY COURT ADMINISTRATOR), RESPONDENT.**

### DECISION

**NARVASA, C.J.:**

The facts from which the administrative case at bar arose are set forth in the Decision of this Court's First Division dated July 29, 1996 in the consolidated cases of G.R. No. 97556 (Damaso S. Flores v. Court of Appeals [13th Division] and Rolando Ligon) and G.R. No. 101152 (Damaso S. Flores v. Court of Appeals [Former Special Fifth Division]; Hon. Bernardo P. Abesamis, as Presiding Judge of RTC of Quezon City, Branch 85; Hon. Manuela A. Florendo as Ex-Officio Sheriff of Quezon City; and Rolando R. Ligon: motion for reconsideration, denied with finality, by Resolution dated September 25, 1996). These facts are hereunder related. The narration goes into no little detail since, as will be perceived, the case will resolve itself as the narration develops,

It all began with a prosaic action for collection of a sum of money instituted by Rolando R. Ligon against Damaso S. Flores in the Regional Trial Court of Quezon City, docketed as Civil Case No. Q-45825. The parties entered into a compromise agreement, which the Court approved and made the basis of a decision rendered on September 26, 1985. The compromise included a stipulation, among others, that in case of default by Flores in complying with the obligations thereunder established, Ligon would acquire the right to possess, use, operate, and manage a cockpit known as the "Parañaque Cockpit Stadium" of which he (Flores) was then the lessee.

On March 19, 1986, finding merit in Ligon's claim that Flores had infringed the terms of the compromise, the Trial Court issued an order of execution. This, and another order dated April 10, 1986 -- reciting events transpiring after March 19, 1986, including the grant of an extension to Flores to pay the deficiency balance -- were appealed by the latter to the Court of Appeals, on the theory that said orders had altered the provisions of the compromise, particularly as regards computation of interest. His appeal was docketed as CA-G.R. CV No. 10259.

About a week thereafter, Ligon bought the Parañaque Cockpit Stadium from the heirs of the lessor without the knowledge of the lessee, Flores; and transfer certificates of title over the property were in due course issued to Ligon.

Ligon then filed in Civil Case No. Q-45825 a motion for execution pending appeal, of the judgment by compromise of September 26, 1985. The motion was granted by a Special Order dated May 22, 1986, and pursuant thereto Ligon was placed in possession of the cockpit on May 23, 1986.

Flores forthwith instituted a special civil action of certiorari in the Court of Appeals, docketed as CA-G.R. SP No. 09061, to nullify and negate the Special Order. In an Amended Decision dated September 19, 1986, the Court of Appeals invalidated the order and directed Ligon to restore possession of the cockpit to Flores. Ligon's appeal to this Court -- docketed as G.R. No. 76039 -- was unavailing; his petition for review was denied by Resolution dated February 23, 1987, and his motion for reconsideration, denied with finality by Resolution of March 10, 1988.

In the interim, sometime in October, 1987, Ligon leased the cockpit to a Mr. Sergio Ching.

Flores then filed in Civil Case No. Q-45825 a motion for execution of the Appellate Court's judgment. This, the Trial Court granted. A writ of execution issued on April 26, 1988. The sheriff however failed to place Flores in possession of the cockpit, because Ligon refused to leave the premises, and instead filed with the Court of Appeals a petition for certiorari, docketed as CA-G.R. SP No. 14588, impugning the order of execution, obtaining therein a temporary restraining order, enabling him to remain in possession of the cockpit.

By Resolution dated June 9, 1988, the Court of Appeals consolidated CA-G.R. SP No. 14588 with CA-G.R. CV No. 10259 (Flores' appeal from the order dated April 10, 1986); and on August 9, 1988 rendered judgment on the consolidated cases. The decision declared Flores' computation of interest to be correct, and rejected Ligon's contention that it was legally impossible for him to turn over possession of the cockpit to Flores because he had leased it to Sergio Ching. Ligon's motion for reconsideration was denied by Resolution of November 23, 1988.

Ligon appealed the judgment of August 9, 1988 to this Court, but his appeal, docketed as G.R. No. 84644, did not prosper. By Resolution dated August 29, 1989, his petition was denied and the temporary restraining order earlier issued, lifted; and by Resolution dated October 23, 1989, his motion for reconsideration was denied with finality, with the proviso that "any supervening event should be properly addressed to the Trial Court, not to this Court."

Once again, Flores applied for a writ of execution before the Trial Court. Again, the Court ordered execution. Once more, Ligon instituted a special civil action of certiorari in the Court of Appeals to invalidate the order of execution, docketed as CA-G.R. SP No. 19348. And again the Court rebuffed him in a decision dated January 22, 1990, taking occasion to deplore the seemingly endless "petitions for certiorari \*\* with prayers of temporary restraining orders on the same issues raised."

On January 26, 1990, the Quezon City Sheriff tried to place Flores in possession of the cockpit pursuant to an alias writ of execution issued on January 24, 1990. Again, however, the sheriff failed because of the resistance put up by Ligon and his men.

Further efforts at execution were halted when the Regional Trial Court, Branch 85 (now presided over by Judge Bernardo Abesamis) issued an Order dated February 16, 1990 directing the Sheriff and all persons acting in his behalf to desist from further enforcing and/or implementing the alias writ of January 24, 1990, said Order

being based on Ligon's acquisition of ownership of the cockpit theretofore under lease to Flores, which the Court deemed adequate justification for retention of possession thereof by Ligon, as owner.

Flores filed a motion for reconsideration. Since Judge Abesamis was on sick leave at the time, the motion was acted on by Judge Teodoro P. Regino, the former's "pair judge." Citing (1) this Court's Resolution dated August 29, 1989 in G.R. No. 84644 to the effect that the First Division's Decision in G.R. No. 76039 (ordering Ligon to restore possession of the cockpit to Flores), *supra*, "was not a decision on the merits of the controversy," and (2) the Resolution of October 23, 1989 that "any supervening event should be properly addressed to the trial court, not to this Court," Judge Regino ruled -- in an Order dated April 16, 1990 -- that Ligon's lawful acquisition of title to the cockpit and Flores' continuing failure to pay his money obligation to the former were supervening events warranting retention of possession of the cockpit by Ligon and precluding its restoration to Flores. The latter's liability to Ligon at this time admittedly amounted to P1,619,700.00, plus interest at 4% per month from October 1, 1985 until full payment, minus whatever income Ligon might have derived from his operation of the cockpit from date of the Special Order (May 22, 1986) up to the eventual restoration of possession to Flores. Flores' motion for reconsideration of this Order of April 16, 1990 of Judge Regino, was denied in an Order dated June 6, 1990, issued by Judge Abesamis.

All these three (3) orders -- of February 16, 1990, of April 16, 1990 and of June 6, 1990 -- were challenged in a certiorari suit filed with the Court of Appeals by Flores, docketed as CA-G.R. SP No. 22201. The Court, however, found no merit in his suit, and in a Decision dated October 31, 1990, dismissed the same, and later denied reconsideration thereof, by Resolution dated February 26, 1991.

Flores took an appeal to this Court, which was docketed as G.R. No. 97556, basically ascribing to the Court of Appeals' grave error in upholding the Trial Court's refusal to enforce the final and executory amended decision of September 19, 1986 in CA-G.R. SP No. 09061, on the ground that supervening facts had made execution inequitable.

In addition to his resort to these judicial remedies, Flores also filed administrative complaints against Judge Regino and Judge Abesamis in connection with said adverse dispositions in Case No. Q-45825: -- (a) against Judge Regino, A.M. No. RTJ-90-505 (complaint filed with this Court on May 14, 1990); and (b) against Judge Abesamis: Case No. OMB-0-89-01209 (complaint filed with the Ombudsman on May 22, 1989), and A.M. No. RTJ-89-348 (complaint filed in this Court on June 27, 1989). As regards said Case No. OMB-0-89-01209, its "administrative aspect" was taken cognizance of by this Court, docketed as A.M. No. 90-11-332-SB.

On June 20, 1990, two weeks after issuance of the Order of June 6, 1990, Flores filed a motion for inhibition and suspension of proceedings, praying that Judge Abesamis disqualify himself from further hearing Case No. Q-45825, as he had supposedly become biased in view of the administrative cases filed by Flores against him. Judge Abesamis denied the motion, by Order dated June 25, 1990. His Honor pointed out *inter alia*: that he had in fact proposed his own inhibition at the hearing of February 8, 1990 "but both parties -- the plaintiff and defendant as well - voiced out the vigorous objection thereto and prevailed upon \*\* (him) to stay in the case, graciously alleging that they have `no doubt as to \*\* (his) integrity, probity and