Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2021** *which reads as follows:*

"A.C. No. 11769 (*Jerome G. Urbano, et al. vs. NLRC Commissioners Romeo L. Go and Gina F. Cenit-Escoto).* - For resolution is a Disbarment Complaint dated June 19, 2017[1] filed by Jerome G. Urbano, et.al. (*complainants*) against National Labor Relations Commission (*NLRC*) Commissioners Romeo L. Go and Gina F. Cenit-Escoto (*respondents-commissioners*) for grave abuse of authority for disobeying a court resolution.

The facts are as follows:

Petitioners Jerome G. Urbano, et.al. are rank-and-file employees of Coca-Cola Bottlers Philippines, Inc. (*CCBPI*) who were hired at CCBPI's San Fernando City, Pampanga manufacturing plant by several labor-only contractors. Between the years 1985-1998, they claimed to have entered CCBPI as bottling crew through RS Cunanan General Services (RS Cunanan). On October 30, 2002, complainants were absorbed by JLIS Manpower Services (*JLIS*) after CCBPI replaced RS Cunanan with JLIS. Sometime in April 2010, CCBPI replaced JLIS with ROMAC Services and Trading Company (*ROMAC*), and ROMAC in turn absorbed complainants who are originally with RS Cunanan and JLIS.

On June 15, 2012, complainants were dismissed from their employment with CCBPI which prompted them to file a complaint for illegal dismissal, backwages, wage differentials and damages against CCBPI. They claimed that all the labor agencies which supplied manpower to CCBPI were labor-only contracting agencies, and thus, CCBPI was their true employer.

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1 *Rollo*, pp. 1-10.

On February 15, 2013, the Labor Arbiter granted the complaint and declared complainants to be illegally dismissed. It further declared ROMAC to be labor-only contractor, and that CCBPI was the real employer of the complainants, among others.[2]

Both ROMAC and CCBPI appealed the Labor Arbiter's Decision. On May 31, 2013, the NLRC affirmed[3] with modification the Labor Arbiter's Decision, to wit:

> WHEREFORE, the appealed Decision is hereby AFFIRMED, except for the complaints filed by Messrs. Joel D. Urbano, Amado T. Mercado, Fausto C. Dungca and Ernesto T. Vital which are dismissed as they are barred by prescription.
>
> SO ORDERED.[4]

Persistent, both ROMAC and CCBPI filed a motion for partial reconsideration. Thus, on July 31, 2013, the NLRC modified anew its Decision by directing the payment of separation pay in *lieu* of reinstatement and payment of backwages excluding Collective Bargaining Agreement (*CBA*) benefits, to wit:

> WHEREFORE, the partial motion for reconsideration filed by respondent ROMAC is hereby DENIED for lack of merit. The partial motion for reconsideration filed by respondent CCBPI is PARTLY GRANTED. The decision dated 31 May 2013 is MODIFIED. Respondent CCBPI is directed to pay complainants separation pay of one month pay per every year of service in lieu of reinstatement and full backwages excluding CBA benefits from the time of their dismissal until finality of this decision as follows:
>
> x x x x
>
> The other findings are AFFIRMED.
>
> SO ORDERED.[5]

Complainants alleged that the NLRC erred in deleting its earlier order awarding CBA benefits to them, thus, they moved for partial reconsideration. However, in its Resolution[6] dated September 30, 2013, the NLRC denied complainants' motion for partial reconsideration.

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2 *Id.* at 106-141.
3 *Id.* at 142-164.
4 *Id.* at 164.
5 *Id.* at 166-188.
6 *Id.* at 189-193.

Aggrieved, complainants filed a petition for certiorari under Rule 65 of the Rules of Court raising grave abuse of discretion on the part of the NLRC for ruling that they were not entitled to their CBA benefits.

In its Decision[7] dated November 28, 2014, the Court of Appeals (*CA*) partially granted complainants' petition. It, however, upheld the NLRC's ruling that complainants were not entitled to CBA benefits as they failed to present proof that they were covered by the CBA at the time of their dismissal, the dispositive portion of which reads as:

> WHEREFORE, the petitions are PARTIALLY GRANTED. The assailed Decision promulgated on May 31, 2013 and Resolution promulgated on July 31, 2013 are MODIFIED, as follows:
>
> 1. DECLARING that respondent ROMAC is a labor-only contractor, and that the real employer of complainants (petitioners) Urbano, et al. is respondent Coca-[C]ola Bottlers Philippines, Inc.;
>
> 2. DECLARING that complainants Urbano, et al., excluding Alfie Genova, JR Nicdao and Juanito Manaloto, Jr., were illegally dismissed, rendering respondent Coca-Cola Bottlers Philippines, Inc. liable therefor;
>
> 3. ORDERING respondent Coca-Cola Bottlers Philippines, Inc. to reinstate said complainants to their former positions without loss of seniority rights and other privileges, with full backwages initially computed from the time they were illegally dismissed until their actual reinstatement;
>
> 4. DECLARING that the reinstatement aspect of this decision is immediately executory and ENJOINING respondent Coca-[C]ola Bottlers Philippines, Inc., to submit a report of compliance therewith within ten (10) days from receipt of notice hereof; and
>
> 5. ORDERING said respondent to pay complainants attorney's fees equivalent to 10% of the total amount of the award.
>
> SO ORDERED.[8]

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7 *Id.* at 196-210.
8 *Id.* at 209.

Both CCBPI and complainants moved for partial reconsideration.

In a Resolution dated January 12, 2016,[9] the CA denied CCBPI's motion for lack of merit. In the same Resolution, however, the appellate court granted complainants' motion, and declared that they are entitled to CBA benefits as rank-and-file employees of CCBPI, the dispositive portion of which reads:

> WHEREFORE, premises considered, finding CCBPI's motion for partial reconsideration bereft of merit, the same is hereby DENIED. As for Urbano, et al.'s motion for partial reconsideration, the same is hereby GRANTED. Hence, the Court's decision dated November 28, 2014 is hereby AFFIRMED with MODIFICATION in that the computation of Urbano, et al.'s full backwages must include the salary differentials covered by the CBA for three (3) years prior to their dismissal.
>
> SO ORDERED.[10]

Aggrieved, CCBPI filed a petition for review on certiorari before this Court assailing the Decision of the CA. However, in a Resolution dated April 20, 2016,[11] this Court resolved to deny the petition for failure to sufficiently show any reversible error in the assailed judgment to warrant the exercise of this Court's discretionary appellate jurisdiction.[12] Thus, on June 10, 2016, the said Resolution became final and executory.[13]

For purposes of execution, the case was assigned to Labor Arbiter Reynaldo V. Abdon. In the Fiscal Examiner's Report dated December 15, 2016, it provided for the computation of the judgment award in the total amount of Forty-Eight Million Nine Hundred Forty-Nine Thousand Nine Hundred Sixty-Six Pesos and 47/100 (₱48,949,966.47), which included CBA benefits.

Unperturbed, CCBPI filed before the NLRC a petition for extra-ordinary remedy and prayed that the Order of Labor Arbiter Abdon be annulled and set aside, and that a temporary restraining order and/or writ of preliminary injunction be issued to enjoin Labor Arbiter Abdon from conducting further proceedings.

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9 *Id.* at 211-215.
10 *Id.* at 214-215.
11 *Id.* at 216.
12 *Id.*
13 *Id.* at 32.

In the disputed Decision[14] of the NLRC dated May 18, 2017, it held that the CBA benefits should be excluded from the computation of the judgment award since the CA Decision and the CA Resolution which the SC Resolution affirmed did not include an award of any CBA benefits. It also asserted that the exclusion of CBA benefits was in accord with jurisprudence. The dispositive portion of said Decision reads:

> WHEREFORE, the Petition is GRANTED. Public respondent's Order dated February 9, 2017 is SET ASIDE. Accordingly, the case is remanded to public respondent for re-computation of the judgment award in accordance with this Decision.
>
> SO ORDERED.[15]

Complainants' moved for reconsideration with very urgent motion to inhibit, and prayed that judgment be rendered granting their motion and dismissing CCBPI's petition for lack of merit.

On July 13, 2017, the NLRC denied complainants' motion for lack of merit, and affirmed the assailed Decision dated May 18, 2017.[16]

Aggrieved, complainants filed the instant disbarment complaint against NLRC Commissioners Romeo L. Go and Gina F. Cenit-Escoto for committing the alleged contemptuous act of disregarding and/or disobeying the Court of Appeals' Resolution dated January 12, 2016 in CA-G.R. SP Nos. 131507, 132292 and 133198.

On June 6, 2018, the Court resolved to require respondents-commissioners to file comment on the disbarment complaint against them.[17]

In compliance, on August 14, 2018, respondents-commissioners filed their Joint Comment[18] where they denied the allegations against them as complainants failed to prove that their action were motivated by bad faith or malice in the rendition of the assailed decision.

Whether respondents are liable for their acts in deviating from the final and executory judgment of this Court in G.R. No. 222306.

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14 *Id.* at 34-51.
15 *Id.*
16 *Id.* at 235-246.
17 *Id.* at 73-74.
18 *Id.* at 77-102.

At the onset, it must be stressed that the subject labor case has become final and executory since June 10, 2016. It is a well-established rule that a judgment, once it has attained finality, can never be altered, amended, or modified, even if the alteration, amendment or modification is to correct an erroneous judgment. This is the principle of immutability of judgments — to put an end to what would be an endless litigation. *Interest republicae ut sit finis litium*. In the interest of society as a whole, litigation must come to an end. But this tenet admits of several exceptions, these are: (1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.[19]

In the instant case, the case does not fall within any of the aforesaid exceptions. The assailed NLRC Resolution, which deleted the award of CBA benefits to complainants, is neither a mere clerical error nor a *nunc pro tunc* entry because it will substantially affect the rights of the complainants, thus, it does not fall under the *first* and *second* exceptions. As regards the *third* exception, there was neither an allegation nor proof that the appellate court's decision was void. If respondents-commissioners find the appellate court's resolution to be ambiguous, they should have instead sought for clarification instead of issuing a resolution which in effect alters the resolution of the Courts. As to the *fourth* exception, there were no supervening events that would render its execution unjust and inequitable. Clearly, the surrounding circumstances of the present case do not warrant the Court's exercise of its ultimate power to abandon the long-held standing rule of immutability of judgments.[20]

The principle of immutability of a final judgment stands as one of the pillars supporting a strong, credible, and effective court. The principle prohibits any alteration, modification, or correction of final and executory judgments as what remains to be done is the purely ministerial enforcement or execution of the judgment.[21]

On this point, the Court has repeatedly declared:

> 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

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19 *Republic v. Heirs of Gotengco*, G.R. No. 226355, January 24, 2018, 853 SCRA 123, 134.
20 See *id.* at 134-135.
21 *Spouses Tabalno v. Dingal*, Sr., 770 Phil. 556, 563 (2015).

> 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.** x x x, the Supreme Court reiterated that the doctrine of immutability of 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 be even more intolerable than the wrong and injustice it is designed to protect.[22]

Once a judgment is issued by the court in a case, and that judgment becomes final and executory, the principle of immutability of judgments automatically operates to bar any modification of the judgment. The modification of a judgment requires the exercise of the court's discretion. At that stage — when the judgment has become final and executory — the court is barred from exercising discretion on the case; the bar exists even if the modification is only meant to correct an erroneous conclusion of fact or law as these are discretionary acts that rest outside of the court's purely ministerial jurisdiction.[23]

Thus, respondents- commissioners do not have any latitude to depart from the Court's ruling. The Resolution in G.R. 222306 is final and executory and may no longer be amended. It is incumbent upon them to order the execution of the judgment and implement the same to the letter. Respondents-commissioners have no discretion on this matter, much less any authority to change the order of the Court. The implementation of the final and executory decision is mandatory.[24]

However, it must be stressed that an administrative complaint is not the appropriate remedy for aberrant acts allegedly committed by respondent commissioners. In the exercise of their powers and in the discharge of their functions and responsibilities, they enjoy the presumption of regularity. This presumption of regularity includes the public officer's official actuations in all the phases of his work. In the instant case, complainants failed to offer any proof that in issuing the assailed Decision dated May 18, 2017, respondent-commissioners

22 Emphases supplied.
23 *Spouses Tabalno v. Dingal, Sr., supra* note 21, at 563-564. (Emphases in the original)
24 See *Quijano v. Bartolabac*, 516 Phil. 4, 15 (2006).

acted in bad faith or with malice and unduly favored the private respondents. Without evidence, it would appear that complainants based their complaint on mere conjectures and suppositions. These, by themselves, however, are not sufficient to prove the accusations. Mere allegation is not evidence and is not equivalent to proof.[25] Bad faith or malice cannot be inferred simply because the judgment is adverse to a party.

Moreover, disbarment is the most severe form of disciplinary sanction and, as such, the power to disbar must always be exercised with great caution, only for the most imperative reasons, and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and member of the bar. As a rule, an attorney enjoys the legal presumption that he is innocent of the charges proffered against him until the contrary is proved, and that, as an officer of the court, he has performed his duties in accordance with his oath. In disbarment proceedings, the burden of proof is upon the complainant and the Court will exercise its disciplinary power only if the former establishes its case by clear, convincing, and satisfactory evidence. Considering the serious consequence of disbarment, this Court has consistently held that "only a clear preponderant evidence would warrant the imposition of such a harsh penalty. It means that the record must disclose as free from doubt a case that compels the exercise by the court of its disciplinary powers. The dubious character of the act done, as well as the motivation thereof, must be clearly demonstrated."[26] This, the complainants failed to do.

Finally, the acts complained of against respondents-commissioners exclusively pertain to the performance of their duties as NLRC Commissioners. Hence, the administrative case against them should be filed in another office, not before this Court. The only time the Supreme Court may interfere is when the respondents-commissioners' acts also constitute violation of their duties as a lawyer, which, in this case, does not.

In view of the foregoing, the Court **RESOLVES** to **DISMISS** the instant disbarment complaint against NLRC Commissioners Romeo L. Go and Gina F. Cenit Escoto for lack of merit.

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25 *Lorenzana v. Judge Austria*, 731 Phil. 82, 96 (2014).

26 *Yagong v. City Prosecutor Magno and Asst. City Prosecutor Garcia*, 820 Phil. 291, 294 (2017).

SO ORDERED."

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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