

****Title:****

Bogabong vs. Balindong, A.M. No. RTJ-14-2379, August 14, 2019

****Facts:****

Abdulsamad P. Bogabong (complainant) was the elected First Kagawad of Barangay Bubonga Marawi, Marawi City, Lanao del Sur in the July 2002 Barangay Elections. Upon the death of the incumbent Barangay Chairman, Dianisia P. Bacarat, who was in a hold-over position due to a failed election on December 15, 2007, Bogabong assumed the position as Barangay Chairman in hold-over capacity by virtue of law. The Department of Interior and Local Government (DILG) of Lanao del Sur certified and affirmed Bogabong's position on April 9 and 10, 2008.

Subsequently, Marawi City Mayor Fahad U. Salic appointed Omera Hadji Isa-Ali (Omera) as the new Barangay Chairman on April 10, 2008. The DILG-Lanao del Sur recognized Omera's appointment on May 7, 2008.

Bogabong challenged Omera's appointment by filing a complaint with the DILG-ARMM, which ruled in favor of Bogabong on May 5, 2009, reaffirming him as the legitimate Barangay Chairman. Following this resolution, Bogabong withdrew the Internal Revenue Allotment (IRA) of Barangay Bubonga Marawi in May 2009.

In response, Omera filed a quo warranto case against Bogabong, and Presiding Judge Rasad G. Balindong (respondent-judge) granted Omera's application for a Temporary Restraining Order (TRO) on July 2, 2009, followed by a Writ of Preliminary Injunction (WPI) on July 22, 2009, halting the release of the barangay's IRA.

On August 24, 2009, respondent-judge ruled in Omera's favor, declaring Bogabong's failure to assume office within one year and two months after Bacarat's death as a waiver of his right to the position. Bogabong appealed this decision to the Court of Appeals (CA). Despite the pending appeal, respondent-judge granted Omera's motion for execution pending appeal on August 28, 2009.

The CA, in a consolidated decision on September 13, 2012, reversed the respondent-judge's rulings, recognizing Bogabong as the legitimate Barangay Chairman and finding no "good reasons" for the execution pending appeal.

Bogabong filed an administrative complaint against respondent-judge for gross ignorance of

the law, grave abuse of authority, and partiality. The Office of the Court Administrator (OCA) recommended finding respondent-judge guilty of gross ignorance of the law and grave abuse of authority.

****Issues:****

1. Did respondent-judge exhibit gross ignorance of the law when:

- Recognizing Omera's appointment by the Mayor?
- Issuing a TRO and WPI without requiring applicants to post bonds?
- Granting execution pending appeal without substantial evidence?

****Court's Decision:****

The Supreme Court found respondent-judge guilty of gross ignorance of the law for the third time.

1. ****Recognition of Omera's Appointment:****

The Court confirmed respondent-judge's ignorance in erroneously recognizing Omera as the Barangay Chairman by mayoral appointment rather than applying the established legal principle of automatic succession for elective positions, consistent with the Local Government Code and Muslim Mindanao Autonomy Act.

2. ****Issuance of TRO and WPI:****

The Court established gross ignorance of the law noting the failure to require bond posting when granting TRO and WPI. Section 4(b), Rule 58 of the Rules of Court demands such bond unless explicitly justified, a requirement disregarded without proper explanation.

3. ****Granting Execution Pending Appeal:****

Reiterating established jurisprudence, the Court condemned respondent-judge's grant of execution pending appeal on unsubstantiated claims of public service impairment, deeming it speculative and unfounded, and an inexcusable abuse of discretion contrary to procedural fidelity.

****Doctrine:****

1. ****Automatic Succession in Elective Positions:****

Legal vacancies are filled through succession, not appointments, adhering to the Local Government Code and special regional laws like the Muslim Mindanao Autonomy Act.

2. **Bond Requirement for Injunctions and Restraining Orders.**

Preliminary injunctions and TROs typically require posting a bond unless a substantive, recorded reason justifies exemption.

3. **Strict Grounds for Execution Pending Appeal.**

Execution pending appeal is exceptional, founded on “good reasons” requiring due hearing and record-based substantiation.

Class Notes:

- **Automatic Succession:** Local Government Code Sec. 44(b) governs filling permanent vacancies through succession by the highest-ranking elective official (e.g., barangay kagawad).

- **Bond Requirement:**

- Rule 58, Sec. 4(b), Rules of Court emphasizes bond posting unless the court justifies otherwise.

- **Execution Pending Appeal:**

- Rule 39, Sec. 2(a), Rules of Court predicates execution on “good reasons” established through special order and due hearing.

Historical Background:

This case portrays critical jurisprudence in Philippine local governance, emphasizing judicial accountability. The errors and corrective appellate decision denote a pivotal judicial review ensuring adherence to procedural law, emphasizing judicial prudence and protection against administrative arbitrariness, pivotal in nurturing public trust in the legal system.