

Title: ****Republic v. Evangelista, 504 Phil. 115 (2005)****

Facts:

- November 1999: Lt. Gen. Jose M. Calimlim, representing the Philippine government as head of the Intelligence Service of the Armed Forces of the Philippines (ISAFP) and Presidential Security Group (PSG), entered into a Memorandum of Agreement (MOA) with Ciriaco Reyes. The MOA permitted Reyes to hunt for treasure in Bigte, Norzagaray, Bulacan, which was owned by Dante Legaspi.
- Maj. David B. Diciano signed the MOA as a witness.
- Post-MOA, Reyes, alongside petitioners, began excavating on Legaspi's land. Military personnel guarded the land to allegedly intimidate Legaspi and other inhabitants.
- February 15, 2000: Legaspi appointed his nephew, Paul Gutierrez, as his attorney-in-fact through a Special Power of Attorney (SPA). Gutierrez was empowered to handle treasure hunting activities on Legaspi's land and file charges against trespassers. Legaspi agreed to give Gutierrez 40% of any discovered treasure.
- February 29, 2000: Gutierrez filed a complaint for damages and injunction against the petitioners for illegal entry, hiring Atty. Homobono Adaza. Their contract entitled Atty. Adaza to 30% of Legaspi's share of any treasure and P5,000.00 per court hearing.
- An initial 72-hour temporary restraining order (TRO) was issued by Executive Judge Perlita J. Tria Tirona upon filing of the complaint.
- The case was transferred to RTC Quezon City, Branch 223 under Judge Victorino P. Evangelista. Another 72-hour TRO was issued, and a hearing for its extension was set.

Procedural Posture:

- March 14, 2000: Petitioners filed a Motion to Dismiss arguing Gutierrez's SPA was revoked by Legaspi on March 7, 2000, with a Deed of Revocation as evidence, and Gutierrez failed to prove petitioners' men were armed and acting on their orders.
- March 17, 2000: Petitioners filed a Motion for Inhibition against Judge Evangelista, alleging his partiality.
- March 23, 2000: The RTC granted a writ of preliminary injunction based on the urgent need to maintain the status quo and the validity of the SPA. It denied the Motion to Dismiss.
- April 4, 2000: The RTC denied the petitioners' Motion for Inhibition.
- The Court of Appeals upheld the RTC's decisions.
- Petitions to the Supreme Court followed.

Issues:

- Whether the contract of agency between Legaspi and Gutierrez was effectively revoked.

- Whether the complaint against the petitioners should be dismissed.
- Whether respondent Judge Evangelista should have recused himself from the case due to alleged partiality.

Court's Decision:

- **First Issue (Revocation of SPA):**
 - The Supreme Court ruled the SPA was not effectively revoked because the agency was coupled with interest, a bilateral contract dependent on the agency was in place. Gutierrez's 40% share in the treasure constituted an interest, making the agency irrevocable without his consent.
- **Second Issue (Dismissal of Complaint):**
 - The Court upheld the issuance of the preliminary injunction. The writ was to protect Legaspi's rights pending the main case. The prima facie evidence showed that Legaspi had a right to the peaceful possession of his property and justified the trial court's actions.
- **Third Issue (Inhibition of Judge):**
 - The Court found no proof of bias or partiality by Judge Evangelista. Judicial errors, without proof of malice or prejudice, are not grounds for disqualification. Subsequent death of Judge Evangelista rendered the issue moot, and another judge would preside over the main case.

Doctrine:

- **Agency Coupled with Interest:** An agency is irrevocable if it is coupled with an interest, such as where bilateral contracts depend on it. The agent's right in such cases not only concerns the principal but also third parties.
- **Preliminary Injunction:** Mere prima facie evidence of a right to be protected is sufficient for issuance during litigation to maintain the status quo.
- **Judicial Bias:** Allegations of judicial bias must be substantiated with extrajudicial sources and cannot be presumed from adverse rulings.

Class Notes:

- **Civil Code of the Philippines, Article 1868:** Contract of agency and its definitions.
- **Civil Code of the Philippines, Article 1927:** Revocation of agency, especially when coupled with interest.
- **Rule 58, Section 3 of the 1997 Rules of Civil Procedure:** Conditions for the issuance of a preliminary injunction, requiring prima facie showing of rights.

Historical Background:

- The case illustrates the complexities that arise when government interests (treasure hunting permissions) intersect with private property rights. The case also explores the legal protections available to property owners and the integrity of judicial procedures in the Philippines.