

**MAYOR PERLITA LIBARDOS, COMPLAINANT, VS. JUDGE ABDULLAH M. CASAR, RESPONDENT.***A.M. No. MTJ-92-728. July 08, 1994*

Ponente: PADILLA, J.

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A sworn complaint, dated 27 October 1992, was filed before this court by complainant, Mayor Perlita P. Libardos of Maigo, Lanao del Norte, against respondent Judge Abdullah M. Casar of the Municipal Circuit Trial Court (MCTC), Kolambugan-Maigo, Lanao del Norte, for gross ignorance of the law, grave misconduct, arbitrariness and conduct unbecoming a judge.

The complaint is an offshoot of an order dated 14 May 1992 in Special Proceedings No. 19, issued by respondent restraining the COMELEC Board of Canvassers of Maigo, Lanao del Norte, from canvassing the election returns of Precinct No. 10-A until either the COMELEC or the Regional Trial Court in Iligan City could act on the petition of Wilfredo P. Randa, a mayoralty candidate of the Nationalist People's Coalition (NPC).

Complainant alleged that she was an official mayoralty candidate of the Laban ng Demokratikong Pilipino (LDP) in Maigo, Lanao del Norte, in the synchronized national and local elections held on 11 May 1992; that during the canvassing of the election returns, the candidate of the Nationalist People's Coalition (NPC), Wilfredo Randa, filed a complaint for Preliminary Injunction with the Municipal Circuit Trial Court (MCTC) of Kolambugan-Maigo, Lanao del Norte, presided over by respondent judge, docketed as Special Proceedings No. 19, entitled "Wilfredo P. Randa, candidate for Mayor under NPC against Board of Canvassers, Maigo, Lanao del Norte;" that on the basis of the said complaint, subscribed before respondent judge, said respondent issued the aforesaid order dated 14 May 1992, ordering the Board of Canvassers to suspend the canvassing of the election returns of Precinct No. 10-A until either the Commission on Elections, Manila, or the Regional Trial Court in Iligan City could act on the complaint of Wilfredo Randa; that the said order caused the delay in the canvassing of the election returns which was resumed only after the Provincial Election Supervisor of Lanao del Norte sent a message to the COMELEC (Manila) requesting that an order be issued ordering the Board of Canvassers, Maigo, Lanao del Norte, to disregard the restraining order of respondent judge.

Complainant further avers that despite the fact that respondent judge lacked jurisdiction over the matter, he nevertheless issued the assailed order of 14 May 1992 on the alleged ground that the judges of the "RTC at Iligan City are not available to issue a Preliminary Injunction, and, it is admitted fact the COMELEC, Manila is very far and might not receive on time the appeal of the petitioner." Complainant asserts that respondent's justification in issuing the order constituted ignorance of the law, considering that on 14 May 1992 there was as yet no appeal to speak of from the decision of the Board of Canvassers because the election returns had not been canvassed and that it is an express provision of law that an appeal can be had only after the Board of Canvassers has rendered its ruling on the objections of any party to the inclusion or exclusion of election returns.

In compliance with the Court's resolution dated 2 February 1993, respondent submitted his Comment dated 17

March 1993.

Respondent admitted having issued without jurisdiction the questioned order of 14 May 1992. He justified its issuance "as an immediate remedy and arrangement to prevent bloodshed between the contending parties, the complainant's followers, the LDP and the oppositions (sic) followers, the NPC, which if said eminent (sic) trouble will occur, would caused (sic) not only irreparable damages but may ignite and give rise to the revival of the old centuries (sic) conflict between Christians and Muslims in the province." He pointed out that complainant's failure to question or move for a reconsideration of the assailed order implied her acceptance thereof. He likewise suggested that complainant filed the complaint for the purpose of harassing him and to block his application for promotion to the Regional Trial Court.

On 23 November 1993, the Court referred this case to the Office of the Court Administrator for evaluation, report and recommendation.

The report of the Court Administrator states as follows:

"We find for the complainant. As admitted by the respondent and after having been ruled upon by the COMELEC in its En Banc Resolution dated May 19, 1992 (Rollo, p. 14), that the assailed Order was issued without jurisdiction, the acts complained of should be met with a corresponding sanction. Formal investigation of the charge against the respondent for issuing the questioned order without jurisdiction is no longer necessary in view of the respondent's admission. The reason/defense interposed by the respondent is unavailing. As a judicial officer, he is to (sic) know and keep abreast with the latest law and jurisprudence. His feeling of sympathy and fairness cannot serve as a license for him to deliberately transgress or dispense with the existing laws involving the controversy. To hold the respondent administratively liable for ignorance of the law, there must be reliable evidence to show the judicial acts complained of were ill-motivated and corrupt. The documents on file in the case do not show that questioned order was ill-motivated or corrupt.

We, however, cannot overlook the fact that respondent acted with grave abuse of discretion in issuing his Order dated May 14, 1992 ordering the Board of Canvassers of Maigo, Lanao del Norte to suspend the canvassing of the election returns knowing full (sic) well that he does not have jurisdiction to act on the petition filed by Wilfredo Randa."

By and large, we agree with the conclusions of the Court Administrator. We find respondent's actuation as unbecoming that of a worthy Judge, for a judge should be faithful to the law and maintain professional competence (Rule 3.01, Canon 3, Code of Judicial Conduct). While his reasons for issuing the assailed order are perhaps commendable and demonstrative of his concern for peace and order during the election period in the given community, he lost sight of his bounden duty, as a Judge, to be the embodiment of competence, integrity, and independence (Rule 1.01, Canon 1, *supra*). A Judge should behave at all times as to promote public confidence in the integrity and impartiality of the judiciary (Rule 2.01, Canon 2, *supra*).

ACCORDINGLY, the Court RESOLVED to hold respondent judge administratively liable for having knowingly issued an order without jurisdiction and with grave abuse of discretion, and to impose on him a fine of FIVE THOUSAND PESOS (P5,000.00), with a STERN WARNING that a repetition of the same or similar act or acts in the future will be dealt with more severely.

### **SO ORDERED.**

Narvasa, C.J., Cruz, Feliciano, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, and Kapunan, JJ., concur.

Mendoza, J., no part.

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