RUSSEL ESTEVA CORONADO, COMPLAINANT, VS. JUDGE EDDIE R. ROJAS, REGIONAL TRIAL COURT, BRANCH 37, GENERAL SANTOS CITY, RESPONDENT.

A.M. NO. RTJ-07-2047 (FORMERLY OCA I.P.I. NO. 03-1786-RTJ). July 03, 2007

Ponente: NACHURA, J.

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NACHURA, J.:

These administrative cases against respondent Judge Eddie R. Rojas of the Regional Trial Court, Branch 37, General Santos City, arose from the complaint filed by the Gensanville Homeowners Association against E.B. Villarosa and Partners Co., Ltd. (E.B. Villarosa) and Engr. Patrick Nicholas Corpus before the Housing and Land Use Regulatory Board (HLURB) in HLURB Case No. LSG-REM-021098-0132 for specific performance and damages. The homeowners association prayed that respondents (1) undertake the construction, repair, and completion of the development of Gensanville Subdivision (Phase I) per the approved plans and specifications; and (2) pay the complainants damages inclusive of attorney's fees and the costs of litigation.[1]

The complainants prevailed before the HLURB,[2] which later issued a Writ of Execution[3] against E.B. Villarosa. Consequently, Atty. Elmer D. Lastimosa and Ramon A. Castillo, Clerk of Court VI and Sheriff IV, respectively, of the Regional Trial Court (RTC) of General Santos City, garnished all money, deposits, and interests, including all monthly payments owed by the residents of Gensanville Subdivision to E.B. Villarosa, in satisfaction of the writ of execution. The Notice of Garnishment[4] specifically enjoined all concerned parties to pay their water bills to the trial court until full satisfaction of the writ.

E.B. Villarosa later filed a Complaint[5] for injunction with prayer for a temporary restraining order (TRO) against the Clerk of Court and the Sheriff of the RTC of General Santos City. It averred that the monthly water bills owed by the homeowners of Gensanville Subdivision do not wholly accrue to the benefit of E.B. Villarosa, but part thereof also belongs to the employees of the latter, the suppliers of electricity necessary to operate the water system, the unpaid sellers of machineries, materials, and supplies for the operations, and to the government in the form of taxes. Allegedly, if the payments were garnished, E.B. Villarosa would be deprived of important resources to operate the water system in the subdivision that would eventually lead to cessation of operations. E.B. Villarosa would then lose its contractual right to operate the water system and supply the homeowners the water they need.

In an Order[6] dated May 12, 2003, Vice-Executive Judge Antonio C. Lubao noted without action the motion for issuance of a 72-hour TRO since the HLURB is a co-ordinate body of the court and advised E.B. Villarosa to seek the injunctive order from the appellate courts.

Civil Case No. 7234 was eventually raffled to Judge Rojas, who, on May 15, 2003, conducted a hearing and, on the basis thereof, issued a twenty-day TRO and required the parties to simultaneously submit their memoranda.[7] On June 12, 2003, Judge Rojas issued a Writ of Preliminary Mandatory Injunction.[8]

These acts of Judge Rojas spawned these two administrative cases.

In A.M. No. RTJ-07-2047, the complainant, Vice-President of the Gensanville Homeowners Association, claims that the association was denied its right to due process by Judge Rojas when it was not impleaded as party defendant in Civil Case No. 7234.[9]

In A.M. No. RTJ-07-2048, the complainants are members of the same association. They aver that the TRO issued by Judge Rojas interfered with the previous Order of Vice-Executive Judge Lubao and question the authority of the former in issuing the assailed order. They, likewise, question their not being impleaded as defendants in the injunction case.[10]

In his Comment[11] on the two complaints, Judge Rojas contends that the TRO and the writ of preliminary injunction were regularly issued after a judicious examination of the complaint. He claims that what was restrained was neither the writ of execution nor the notice of garnishment themselves but merely the manner by which the HLURB decisions were being executed. Agreeing with the arguments raised by E.B. Villarosa, Judge Rojas believes that, without the injunction, E.B. Villarosa will suffer irreparable injury before the claims of the parties can be thoroughly investigated and adjudicated, and thus, he did not interfere with the Order of Vice-Executive Judge Lubao. He further says that granting injunctive relief to E.B. Villarosa neither shows his bias nor his abuse of authority in favor of the latter, absent any proof of bad faith, malice, or corrupt purpose. Lastly, he alleges that the remedy of the complainants is not an administrative complaint but other judicial remedies.

On November 26, 2004, the Office of the Court Administrator (OCA) issued a Report[12] finding Judge Rojas administratively liable for gross ignorance of the law, grave abuse of authority, misconduct, and conduct prejudicial to the proper administration of justice.

The OCA held that the HLURB retained its jurisdiction over the case, and if irregularities attended the manner in which the writ of execution was implemented, they should be referred to the same agency. It said that Judge Rojas gravely abused his authority when he took cognizance of Civil Case No. 7234 and issued the TRO and the injunctive writ, especially because HLURB exercises quasi-judicial functions and is co-equal with the RTC.

Further, the complainants, being the prevailing party before the HLURB, should have been given their day in court before the TRO and the injunction were issued. The OCA noted that Judge Rojas even advised the counsel of E.B. Villarosa during the hearing of May 15, 2003 to implead the real parties-in-interest. The OCA found this failure on the part of Judge Rojas violative of the Code of Professional Responsibility and of the right of the complainants to due process.

Thus, the OCA recommended that Judge Rojas be fined P10,000.00, with a stern warning of a more severe penalty should he commit a similar offense in the future.

We agree with the findings of the OCA with respect to Judge Rojasï¿½ administrative liability, but hold that the recommended fine is too light a penalty in light of his previous infraction as a member of the Judiciary.

In this case, Judge Rojas knew very well that the complainants, being the real parties-in-interest who prevailed in the HLURB decision subject of execution, should have been impleaded as party-defendants in the injunction case before him. This is clear from a reading of Sections 2 and 7, Rule 3 of the Rules of Court.[13] In fact, he pointed this out in the hearing for the TRO on May 15, 2003, as shown in the transcript of stenographic notes, to wit:

> COURT: You did not implead the prevailing party?
>
> ATTY. ALCONERA: We only assail the very account of the Sheriff.
>
> COURT:

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> But you should implead the prevailing party. The court is inclined to give 72 hours TRO but you should implead the prevailing party because usually court personnel acted as ministerial duty only.
>
> ATTY. LASTIMOSA:
>
> Your Honor, there was an Order for an application for 72 hours TRO?
>
> COURT:
>
> Because Judge Lubao did not take action because according to him, the decision that should not be subject for a TRO. Perhaps not for the court to stop the implementation but only the garnishment must be done belonging to the losing party but only mentioned as borne out and alleged in the complaint that the fund is not solely owned by the Villarosa.
>
> ATTY. LASTIMOSA:
>
> But these are credits which might belong to the developer and this can be subjected to the garnishment.
>
> COURT:
>
> But according to the plaintiff, some of the payment of the employees and payment for the electricity
>
> ATTY. ALCONERA:
>
> In fact, the claims of the workers are superior to those of the judgment creditors. The listing of the unpaid sellers, the workers below, they are the judgment creditors.
>
> COURT:
>
> I will issue a 72-hours (sic) TRO then I will require the defendants to show cause why the 72 hours will not be extended and perhaps, to enlighten the court by submitting to a simultaneous memorandum.
>
> ATTY. ALCONERA: Since we will still implead
>
> COURT:
>
> This is proper I think so that we can avoid duplicity of suit, you implead the prevailing party because it is not a job of the court personnel to be appearing. But in fairness to the plaintiff, I will issue a TRO of 72 hours and then scheduled (sic) hearing on the show cause why the 72 hours TRO will not be extended.[14]

Despite this, not only did he grant a twenty-day TRO,[15] instead of the 72-hour TRO prayed for, but also denied the motion to dismiss filed by the named defendants and issued a writ of injunction in favor of E.B. Villarosa.[16]

The complainants not having been joined as party-defendants, it was error on the part of Judge Rojas to have denied the motion to dismiss. Indeed, complainants were indispensable parties with such interest in the controversy that a final decree would necessarily affect their rights so that the court could not proceed without their presence[17] and all its subsequent actuations were rendered null and void.[18] Judge Rojas had forgotten the rule that if the suit is not brought in the name of or against the real party-in-interest, a motion to dismiss may be filed on the ground that the complaint states no cause of action.[19]

Also, Judge Rojas encroached upon complainantsï¿½ right to due process of law, as enshrined in the Constitution, as they were not given an opportunity to be heard.[20] Denial of due process suffices to cast on the official act taken by whatever branch of the government the impress of nullity.[21]

Finally, Judge Rojas disregarded the fact that the HLURB is a quasi-judicial agency, co-equal with the RTC. The Order dated May 12, 2003 of Vice-Executive Judge Lubao advising E.B. Villarosa to seek injunctive relief from

the appellate courts should have placed Judge Rojas on notice.

Under Presidential Decree (P.D.) No. 957, as amended by P.D. No. 1344, the HLURB (then National Housing Authority) has exclusive original jurisdiction on the following: (a) unsound real estate business practices; (b) claims involving refund and any other claims filed by a subdivision lot or condominium unit buyer against the project owner, developer, dealer, broker, or salesman; and (c) cases involving specific performance of contractual and statutory obligations filed by buyers of subdivision lots or condominium units against the owner, developer, dealer, broker, or salesman.[22] The decision of the HLURB is appealable within 15 days to the Office of the President (OP), and, if after 30 days the appealed decision is not reversed or amended by the OP, then it is deemed affirmed.[23] Thereafter, the case may be elevated via a petition for review to the Court of Appeals, and then to this Court.[24]

Truly, Judge Rojas acted beyond his judicial authority when he proceeded to enjoin the final and executory decision of the HLURB. His proffered excuse that the TRO and the writ of injunction he issued were not directed against the HLURBï¿½s writ of execution but only against the manner of its execution, is too shallow and facetious. He cannot feign ignorance that the effect of the injunctive writ was to freeze the enforcement of the writ of execution, thus frustrating the lawful order of the HLURB, a co-equal body.

This Court also notes that in Re: Inhibition of Judge Eddie R. Rojas, RTC, Branch 39, Polomolok, South Cotabato in Crim. Case No. 09-5668,[25] Judge Rojas was already fined P10,000.00 for failure to inhibit himself for a period of almost one-and-a-half years in a criminal case where he previously appeared as public prosecutor, contrary to the mandatory norm of impartiality. He presided in the said case without the written consent of all parties in interest, in violation of Section 1, Rule 137 of the Rules of Court. In that case, he was also sternly warned that the commission of the same or a similar breach would merit a higher penalty.

Generally, for a judge to be found guilty of gross ignorance of the law, the assailed order, decision, or actuation of the judge in the performance of official duties must not only be found erroneous but actuated by bad faith, dishonesty, hatred, or some other like motive.[26] However, if the law, rule, or principle is so elementary, not to know it or to act as if one does not know it already constitutes gross ignorance of the law, without the complainant having to prove malice or bad faith on the part of the erring judge, as the same can clearly be inferred from the error committed.[27]

A magistrate like Judge Rojas owes to the public and to this Court the duty to be proficient in the law. He is expected to keep abreast of laws and prevailing jurisprudence.[28] Judges must not only render just, correct, and impartial decisions, resolutions, and orders, but must do so in a manner free of any suspicion as to their fairness, impartiality, and integrity, for good judges are men who have a mastery of the principles of law and who discharge their duties in accordance with law.[29] In this regard, Judge Rojas has twice failed.

Under Section 8, Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, gross ignorance of the law is classified as a serious charge. The imposable penalties, as provided by Section 11 of the same Rule, are: (1) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations: provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (2) suspension from office without salary and other benefits for more than three (3), but not exceeding six (6) months; or (3) a fine of more than P20,000.00 but not exceeding P40,000.00.[30]

Inasmuch as this case constitutes Judge Rojas' second infraction, a suspension of three (3) months without salary and benefits is warranted.

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WHEREFORE, Judge Rojas of the Regional Trial Court, Branch 37, General Santos City, for gross ignorance of the law, is hereby imposed the penalty of SUSPENSION without salaries and other benefits for a period of three (3) months, with a STERN WARNING that the commission in the future of the same or similar act shall be dealt with more severely.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, and Chico-Nazario, JJ., concur.

[1] Decision dated June 24, 1998; rollo (A.M. No. RTJ-07-2047), pp. 11-23.

[2] Decision dated September 16, 2002; id. at 25-28.

[3] Writ of Execution dated April 2, 2003; id. at 9-10; rollo (A.M. No. RTJ-07-2048), pp. 7-8.

[4] Notice of Garnishment dated April 25, 2003; rollo (A.M. No. RTJ-07-2047), p. 8.

[5] Rollo (A.M. No. RTJ-07-2047), pp. 29-35.

[6] Id. at 59; rollo (A.M. No. RTJ-07-2048), p. 9.

[7] Id. at 6-7; id. at 10-11.

[8] Id. at 62-64; id. at 27-29.

[9] Rollo (A.M. No. RTJ-07-2047), pp. 2-5.

[10] Rollo (A.M. No. RTJ-07-2048), pp. 1-6.

[11] Rollo (A.M. No. RTJ-07-2047), pp. 45-51.

[12] Id. at 80-82.

[13] SEC. 2. Parties-in-interest. - A real party-in-interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. Unless otherwise authorized by law or these Rules, every action must be prosecuted or defended in the name of the real party-in-interest.

SEC. 7. Compulsory joinder of indispensable parties. - Parties-in-interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants.

[14] TSN, May 15, 2003, pp. 6-10; rollo (A.M. No. RTJ-07-2048), pp. 17-21.

[15] Order dated May 15, 2003, rollo (A.M. No. RTJ-07-2047), pp. 6-7.

[16] Order dated June 12, 2003, id. at 62-64.

[17] Aron v. Realon, G.R. No. 159156, January 31, 2005, 450 SCRA 372, 389 (2005); Quiombing v. Court of Appeals, G.R. No. 93010, August 30, 1990, 189 SCRA 325, 330; Seno v. Mangubat, No. L-44339, December 2, 1987, 156 SCRA 113, 119; see also Kho v. Court of Appeals, G.R. No. 53630, September 30, 1992, 214 SCRA 329, 336-337; Lozano v. Ballesteros, G.R. No. 49470, April 8, 1991, 195 SCRA 681, 690.

[18] Aron v. Realon, id.; Tanhu v. Ramolete, 160 Phil. 1101, 1121 (1975); see also Alabang Development Corp. v. Valenzuela, 201 Phil. 727, 737 (1982); Director of Lands v. Court of Appeals, G.R. No. L-45168, September 25, 1979, 93 SCRA 238, 247.

[19] Rules of Court, Rule 16, Section 1(g).

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[20] 1987 Constitution, Article III, Section 1; Bacelonia v. Court of Appeals, 445 Phil. 300, 310 (2003).

[21] Macias v. Macias, 457 Phil. 463, 471 (2003).

[22] P.D. No. 1344, Section 1.

[23] P.D. No. 1344, Section 2.

[24] Realty Exchange Venture Corporation v. Sendino, G.R. No. 109703, July 5, 1994, 233 SCRA 665.

[25] A.M. No. 98-6-185-RTC, October 30, 1998, 298 SCRA 306.

[26] Sevilla v. Quintin, A.M. No. MTJ-05-1603, October 25, 2005, 474 SCRA 10, 20; Inoturan v. Limsiaco, Jr., A.M. No. MTJ-01-1362, May 6, 2005, 458 SCRA 48, 56; Barredo-Fuentes v. Albarracin, A.M. No. MTJ-05-1587, April 15, 2005, 456 SCRA 120, 128; Sesbreño v. Aglugub, A.M. No. MTJ-05-1581, February 28, 2005, 452 SCRA 365, 376; Tan v. Adre, A.M. No. RTJ-05-1898, January 31, 2005, 450 SCRA 145, 152.

[27] Officers and Members of the Integrated Bar of the Philippines, Baguio-Benguet Chapter v. Pamintuan, A.M. No. RTJ-02-1691, November 19, 2004, 443 SCRA 87, 101; Uy v. Dizon-Capulong, A.M. No. RTJ-91-766, April 7, 1993, 221 SCRA 87, 95.

[28] Alconera v. Majaducon, A.M. No. MTJ-00-1313, April 27, 2005, 457 SCRA 378, 387; Lim v. Dumlao, A.M. No. MTJ-04-1556, March 31, 2005, 454 SCRA 196, 203.

[29] Canon 3, Sections 1 & 2, Code of Judicial Conduct, A.M. No. 03-05-01-SC; Heirs of the Late Justice Jose B.L. Reyes v. Demetria, 425 Phil. 1, 18 (2002).

[30] Lumabas v. Banzon, A.M. No. MTJ-02-1421, August 18, 2005, 467 SCRA 257, 271; Dantes v. Caguioa, A.M. No. RTJ-05-1919, June 27, 2005, 461 SCRA 236, 246-247.

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