

DATU OMAR S. SINSUAT AND MARIANO H. PAPS, COMPLAINANTS, VS. JUDGE VICENTE A. HIDALGO, REGIONAL TRIAL COURT, BRANCH 37, MANILA, RESPONDENT.

A.M. No. RTJ-08-2133 (Formerly A.M. OCA IPI No. 05-2165-RTJ). August 06, 2008

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The administrative case against Judge Vicente A. Hidalgo (respondent) who, during the pendency of this case, retired^[1] as presiding judge of the Regional Trial Court (RTC), Branch 37, Manila has its beginnings from the receipt on November 17, 2003 by the Office of the Court Administrator (OCA) of a copy of a "Motion to Resolve Defendants' Motion for Reconsideration" filed by counsels for the defendants in Civil Case No. 03106921, "Nerwin Industries Corp. v. PNOC-Energy Development Corporation, et al.," herein complainants Attys. Datu Omar S. Sinsuat and Mariano H. Paps.

In their "Motion to Resolve Defendants' Motion for Reconsideration"^[2] (the Motion), complainants questioned, among other things, the authority of respondent to issue in the above-said civil case a Temporary Restraining Order (TRO) and a writ of preliminary injunction enjoining the therein defendant Philippine National Oil Company - Energy Development Corporation (PNOC-EDC) from holding a bidding for wooden poles required for the government's Accelerated Rural Electrification Program, otherwise known as the "O-Ilaw" Project.

Complainants claimed that in issuing the TRO and injunction, respondent disregarded the clear proscription of Presidential Decree (P.D.) No. 1818^[3] and Republic Act (R.A.) No. 8975^[4] and this Court's Administrative Circular No. 11-2000^[5] of November 13, 2000 against the issuance of TROs and writs of injunction on government infrastructure projects.

By letter dated April 24, 2004 to the OCA,^[6] Atty. Paps, who was required by the OCA upon receipt of a copy of the Motion to expound on his and Atty. Sinsuat's allegations therein, contended that respondent issued the TRO despite a clear showing that the plaintiff in Civil Case No. 03106921 did not have a cause of action against the PNOC- EDC,^[7] and that a critical government infrastructure project was involved.

Atty. Paps cited instances which, to him, indicated respondent's bias against the PNOC-EDC, including respondent's declaring PNOC-EDC and its co-defendants in default despite their reservation to file a Motion to Dismiss and/or appropriate responsive pleading pending resolution of the incidents in the case, and respondent's disqualifying him as PNOC-EDC's counsel despite grant of express authority to him to act as such from the Office of the Government Corporate Counsel.

In compliance with the directive of the OCA for him to comment^[8] on Atty. Paps' letter, respondent informed the OCA by his Comment submitted on July 15, 2004^[9] that, inter alia, he denied PNOC-EDC's motions for reconsideration to set aside order of default and to admit answer on December 29, 2003 as they were the subject of a petition for certiorari before the Court of Appeals (CA).

By letter dated July 22, 2004,[10] Atty. Paps drew attention to respondent's non-refutation of the charge that he issued the questioned TRO and writ of preliminary injunction against a critical government infrastructure project. He reiterated the instances which to him showed respondent's bias against the PNOC-EDC.

Complainants sent the OCA yet another letter dated December 9, 2004[11] in which they formally requested that respondent be held liable for "grave misconduct and gross ignorance of the law," informing that their above-mentioned petition for certiorari, docketed as CA-G.R. No. 83144, was granted by the CA by Decision of October 22, 2004.[12] Complainants highlighted the CA's finding that respondent gravely abused his discretion in issuing the TRO/preliminary injunction, "a palpable violation of RA 8975 which was x x x already existing at the time respondent Judge issued the assailed Orders" and "in blatant disregard of a `simple, comprehensible and unequivocal mandate (of PD 1818) prohibiting the issuance of injunctive writs relative to government infrastructure projects."

By letter of July 6, 2005,[13] the OCA informed complainants, however, that the complaint against respondent could not be given due course as it failed to comply with Section 1 of Rule 140 of the Rules of Court,[14] as amended by A.M. No. 01-08-10-SC.[15] Complainants countered that the complaint against respondent had been set in motion as early as 2003 as the record of exchanges between them, the OCA and respondent would show.[16] These exchanges substantially instituted the complaint against respondent, they argued.

Respondent thereafter sought the dismissal of the complaint firstly on the basis of the OCA's denial thereof of due course.[17] Adverting to the Court's Resolution of October 15, 2003 in A.M. No. 03-10-01-SC,[18] respondent moreover submitted that the complaint against him should be dismissed as it must be considered filed only on November 8, 2006 when Atty. Sinsuat complied with the resolution of the OCA requiring the submission of a copy of the October 22, 2004 Decision of the CA. As such, the filing of the complaint was made after his compulsory retirement on July 19, 2006 at which time the Court no longer had administrative jurisdiction over him, he posited.

At the same time, respondent argued that to allow the complaint to prosper would amount to a denial of due process as he was never informed of the nature of and the specific violations he was alleged to have committed, hence, his inability to intelligently answer them.

Respondent particularly lamented not having received any further communication after the July 6, 2005 letter of the OCA. Nor of having been furnished copies of the July 19, 2006 letter of then Court Administrator Lock requiring complainants to furnish the OCA a copy of the October 22, 2004 CA Decision, and complainants' compliance of November 8, 2006.

By Resolution of February 5, 2007,[19] the Court required the parties to manifest whether they were willing to submit the matter for resolution on the basis of the pleadings filed. By letter dated March 19, 2007, complainants manifested that they were so willing. [20]

By Memorandum dated October 1, 2007, the OCA to which the complaint was referred for evaluation, report and recommendation[21] narrowed down the issues to whether: (1) the complaint may be given due course despite non-compliance with Section 1, Rule 140 of the Rules of Court; (2) the resolution of the complaint, if it be given due course, would amount to a denial of due process on the part of respondent; and (3) respondent was administratively liable for gross ignorance of the law.

The OCA found sufficient allegations of administrative wrongdoing in complainants' motions and letters. The letters and motions not having been verified, the OCA treated them as anonymous complaint, hence, their directive for complainants to expound on their allegations and to furnish the OCA with a certified copy of the

October 22, 2004 Decision of the CA.

Debunking respondent's claim of denial of due process, the OCA emphasized that he was informed of the allegations against him and did not deny issuing the assailed TRO; he merely stated that the matter had already been raised on certiorari to the CA.

The OCA found respondent to have displayed gross ignorance of the law in issuing the questioned TRO in light of the provisions of P.D. No. 1818 and R.A. No. 8975.

Noting that respondent was previously fined in A.M. Nos. RTJ-03-1756[22] and RTJ-05-1959[23] in the amount of P11,000 and P20,000, respectively, and warned that a repetition of the same or similar act would be dealt with severely, the OCA recommended that he be found liable for gross ignorance of the law, a serious charge under Section 8 of Rule 140 of the Rules of Court.[24] As respondent had, however, retired from the service, the OCA recommended that he be fined in the amount of P40,000.

The report cum recommendation of the OCA is well-taken.

Section 1 of Rule 140 of the Rules of Court provides:

SECTION 1. How instituted. -- Proceedings for the discipline of Judges of regular and special courts and Justices of the Court of Appeals and the Sandiganbayan may be instituted motu proprio by the Supreme Court or upon a verified complaint, supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations, or upon an anonymous complaint, supported by public records of indubitable integrity. The complaint shall be in writing and shall state clearly and concisely the acts and omissions constituting violations of standards of conduct prescribed for Judges by law, the Rules of Court, or the Code of Judicial Conduct.

Under the above-quoted Rule, there are three ways by which administrative proceedings against judges may be instituted: (1) motu proprio by the Supreme Court; (2) upon verified complaint with affidavits of persons having personal knowledge of the facts alleged therein or by documents which may substantiate said allegations; or (3) upon an anonymous complaint supported by public records of indubitable integrity.

While the copy of the Motion which complainants furnished the OCA was unverified as were their subsequent letters, the OCA correctly treated them as anonymous complaint. The Court has, on several occasions, been entertaining complaints of this nature[25] especially where respondents admitted the material allegations of the complainants[26] as in respondent's case.

Anonymous complaints, as a rule, are received with caution. They should not be dismissed outright, however, where their averments may be easily verified and may, without much difficulty, be substantiated and established by other competent evidence.[27]

Here, the motion and letters sufficiently averred the specific acts upon which respondent's alleged administrative liability was anchored. And the averments are verifiable from the records of the trial court and the CA's Decision.

Respondent's challenge against this Court's jurisdiction over the present case is unavailing. Indeed, the pleadings of the parties and the communications of the OCA clearly show that the disciplinary proceeding against him was set in motion in November 2003 when the OCA received a copy of complainants' Motion.

Respondent's retirement in the interim does not per se warrant the dismissal of the administrative complaint.[28]

The Court finds that, indeed, respondent is liable for gross misconduct. As the CA explained in its above-stated Decision in the petition for certiorari, respondent failed to heed the mandatory ban imposed by P.D. No. 1818 and R.A. No. 8975 against a government infrastructure project,[29] which the rural electrification project certainly

was. He thereby likewise obstinately disregarded this Court's various circulars[30] enjoining courts from issuing TROs and injunctions against government infrastructure projects in line with the proscription under R.A. No. 8975. Apropos are Gov. Garcia v. Hon. Burgos[31] and National Housing Authority v. Hon. Allarde[32] wherein this Court stressed that P.D. No. 1818 expressly deprives courts of jurisdiction to issue injunctive writs against the implementation or execution of a government infrastructure project.

Reiterating the prohibitory mandate of P.D. No. 1818, the Court in Atty. Caguioa v. Judge Laviña[33] faulted a judge for grave misconduct for issuing a TRO against a government infrastructure project thus:

x x x It appears that respondent is either feigning a misunderstanding of the law or openly manifesting a contumacious indifference thereto. In any case, his disregard of the clear mandate of PD 1818, as well as of the Supreme Court Circulars enjoining strict compliance therewith, constitutes grave misconduct and conduct prejudicial to the proper administration of justice. His claim that the said statute is inapplicable to his January 21, 1997 Order extending the dubious TRO is but a contrived subterfuge to evade administrative liability.

In resolving matters in litigation, judges should endeavor assiduously to ascertain the facts and the applicable laws. Moreover, they should exhibit more than just a cursory acquaintance with statutes and procedural rules. Also, they are expected to keep abreast of and be conversant with the rules and the circulars which the Supreme Court has adopted and which affect the disposition of cases before them.

Although judges have in their favor the presumption of regularity and good faith in the performance of their judicial functions, a blatant disregard of the clear and unmistakable terms of the law obviates this presumption and renders them susceptible to administrative sanctions. (Emphasis and underscoring supplied)

The pronouncements in Caguioa apply as well to respondent.

The questioned acts of respondent also constitute gross ignorance of the law for being patently in disregard of simple, elementary and well-known rules[34] which judges are expected to know and apply properly.

IN FINE, respondent is guilty of gross misconduct and gross ignorance of the law, which are serious charges under Section 8 of Rule 140 of the Rules of Court. He having retired from the service, a fine in the amount of P40,000 is imposed upon him, the maximum amount fixed under Section 11 of Rule 140 as an alternative sanction to dismissal or suspension.

WHEREFORE, the Court finds respondent, then Judge Vicente A. Hidalgo, GUILTY of gross misconduct and gross ignorance of the law and imposes upon him a fine of P40,000, to be deducted from his retirement benefits.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Chico-Nazario, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.
Azcuna, and Tinga, JJ., on leave..

[1] Judge Hidalgo retired compulsorily from the service on July 19, 2006.

[2] Rollo, pp. 1-3.

[3] PROHIBITING COURTS FROM ISSUING RESTRAINING ORDERS OR PRELIMINARY INJUNCTIONS IN CASES INVOLVING INFRASTRUCTURE AND NATURAL RESOURCE DEVELOPMENT PROJECTS OF, AND PUBLIC UTILITIES OPERATED BY, THE GOVERNMENT.

[4] AN ACT TO ENSURE THE EXPEDITIOUS IMPLEMENTATION AND COMPLETION OF

GOVERNMENT INFRASTRUCTURE PROJECTS BY PROHIBITING LOWER COURTS FROM ISSUING TEMPORARY RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS OR PRELIMINARY MANDATORY INJUNCTIONS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.

[5] RE: BAN ON THE ISSUANCE OF TEMPORARY RESTRAINING ORDERS OR WRITS OF PRELIMINARY PROHIBITORY OR MANDATORY INJUNCTIONS IN CASES INVOLVING GOVERNMENT INFRASTRUCTURE PROJECTS.

[6] Rollo, p. 5.

[7] Atty. Paps claimed that while Nerwin failed to prove its allegations of conspiracy between the National Electrification Administration (NEA) and the PNOC-EDC, the latter was able to show that there was no valid and factual basis for Nerwin's allegations that: (1) there was a contract between NEA and Nerwin; (2) NEA channeled the fund for the rural electrification project to PNOC-EDC; (3) NEA and PNOC-EDC illegally tried to invalidate the award to Nerwin or otherwise render it ineffective; (4) the bidding to be conducted by the PNOC-EDC is the same as IPB 80 of NEA in circumvention of the injunction issued against NEA in another case in another court; and (5) PNOC-EDC should be considered as illegally dealing in the rural electrification project.

[8] Rollo, p. 9. The 1st endorsement dated June 23, 2004 was signed by then Assistant Court Administrator Carlos L. de Leon.

[9] Id. at 10.

[10] Id. at 21.

[11] Id. at 25-27.

[12] Entitled PNOC-Energy Development Corporation and Ester Guerzon (Chairman, Bids and Awards Committee) v. Nerwin Industries Corporation and Hon. Vicente A. Hidalgo, in his capacity as Presiding Judge of the Regional Trial Court of Manila-Branch 37.

[13] Rollo, p. 36. The letter from OCA was signed by then Court Administrator, now Justice Presbitero J. Velasco, Jr.

[14] Section 1 of Rule 140 of the Rules of Court states:

SECTION 1. How instituted. - Proceedings for the discipline of Judges or regular and special courts and Justices of the Court of Appeals and the Sandiganbayan may be instituted motu proprio by the Supreme Court or upon a verified complaint, supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations, or upon an anonymous complaint, supported by public records of indubitable integrity. The complaint shall be in writing and shall state clearly and concisely the acts and omissions constituting violations of standards of conduct prescribed for Judges by law, the Rules of Court, or the Code of Judicial Conduct.

[15] Dated September 11, 2001.

[16] Rollo, pp. 29-30. Letter of September 26, 2005.

[17] Id. at 60-62, 63-65. Letter dated December 7, 2006.

[18] RESOLUTION PRESCRIBING MEASURES TO PROTECT MEMBERS OF THE JUDICIARY FROM BASELESS AND UNFOUNDED ADMINISTRATIVE COMPLAINTS. Respondent specifically underscored the following provision of A.M. No. 03-10-01-SC:

- If the complaint is (a) filed within six months before the compulsory retirement of a Justice or Judge; (b) for an alleged cause of action that occurred at least a year before such filing; and (c) shown prima facie that it is intended to harass the respondent, it must forthwith be recommended for dismissal. x x x.

[19] Rollo, p. 66.

[20] *Id.* at 68-70. Complainants reiterated their manifestation on January 4, 2008 pursuant to the Court's Resolution of November 12, 2007; *id.* at 94.

[21] *Id.* at 89-93. The Memorandum was signed by then Court Administrator Lock.

[22] *Gonzales v. Judge Hidalgo*, 449 Phil. 336 (2003). In this case, Judge Hidalgo was ruled guilty of gross inefficiency for his failure to decide motions on time. The Court imposed upon him a fine of P11,000 with a stern warning against repetition of the same or similar act.

[23] *Republic v. Hidalgo*, December 9, 2005, 477 SCRA 32. The Court found Judge Hidalgo administratively liable therein for gross ignorance of the law for issuing a writ of execution and pronouncing costs of the suit against the government. He was fined in the amount of P20,000 and sternly warned that a repetition of the same or similar act will be dealt with more severely.

[24] SEC. 11. Sanctions. - If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

- 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;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000.00 but not exceeding P40,000.00.

[25] *Vide Re: Anonymous Complaint dated February 18, 2005 of a "Court Personnel" against Judge Francisco C. Gedorio, Jr., RTC, Br. 12, Ormoc City*, A.M. No. RTJ-05-1955, May 25, 2007, 523 SCRA 175; *Re: Anonymous Complaint Against Judge Edmundo T. Acuña, RTC, Caloocan City, Branch 123*, A.M. No. RTJ-04-1891, July 28, 2005, 464 SCRA 250; *Atty. Macalintal v. Judge Teh*, 345 Phil. 871 (1997).

[26] *Atty. Macalintal v. Judge Teh*, *supra* at 876.

[27] *Anonymous Complaint against Pershing T. Yared, Sheriff III, Municipal Trial Court in Cities, Canlaon City*, A.M. No. P-05-2015, June 28, 2005, 461 SCRA 347, 355, citing *Anonymous Complaint Against Gibson A. Araula*, 171 Phil. 427, 427 (1978).

[28] *Liquid v. Judge Camano, Jr.*, 435 Phil. 695, 705 (2002); *Cabañero v. Judge Cañon*, 417 Phil. 754, 757 (2001); *Cabarloc v. Cabusora*, 401 Phil. 376, 385 (2000).

[29] *Republic of the Philippines v. Silerio*, 338 Phil. 784, 791 (1997) held that the term "infrastructure projects" means "construction, improvement and rehabilitation of roads, and bridges, railways, airports, seaports, communication facilities, irrigation, flood control and drainage, water supply and sewerage systems, shore protection, power facilities, national buildings, school buildings, hospital buildings, and other related construction projects that form part of the government capital investment."

[30] Administrative Circular (A.C.) Nos. 13-93 dated March 5, 1993, 68-94 dated November 3, 1994, 07-99 dated June 25, 1999, and 11-2000 dated November 13, 2000.

[31] 353 Phil. 740, 763 (1998).

[32] 376 Phil. 147, 155 (1999).

[33] 398 Phil. 845, 858-859 (2000).

[34] *Lagcao v. Gako, Jr.*, A.M. No. RTJ-04-1840, August 2, 2007, 529 SCRA 55, 63; *Rivera v. Mirasol*, A.M. No. RTJ-04-1885, July 14, 2004, 434 SCRA 315, 320; *Atty. Osumo v. Judge Serrano*, 429 Phil. 626, 632 (2002); *Golangco v. Villanueva*, 343 Phil. 937, 946-947 (1997).

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