

GORGONIO S. NOVA, COMPLAINANT, VS. JUDGE SANCHO DAMES II, REGIONAL TRIAL COURT, BRANCH 38, DAET, CAMARINES NORTE, RESPONDENT.

A.M. No. RTJ-00-1574. March 28, 2001

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6e9c6542ba72/>

PARDO, J.:

The case is a complaint^[1] against Judge Sancho Dames II, presiding judge, Regional Trial Court, Camarines Norte, Branch 38, Daet, in connection with his issuance of a temporary restraining order in Civil Case No. 6859, entitled "Sps. Cesar Barcelona and Vilma Jalgalado-Barcelona vs. Hon. Fructuoso T. Aurellano, et al.", restraining NLRC Sheriff Norberto B. Meteoro from conducting the scheduled public auction of real property of Vilma J. Barcelona levied on execution pursuant to a final decision of the NLRC in NLRC RAB V Case No. 05-12-00141-95, entitled Gorgonio C. Nova, complainant, vs. R. A. Broadcasting Corporation, Vilma Jalgalado-Barcelona and Deo N. Trinidad, respondents.

The complaint alleged that, in issuing the temporary restraining order, respondent judge acted with gross ignorance of the law because regular courts had no jurisdiction to hear and decide questions which arose and were incidental to decisions, orders or awards rendered in labor cases.

The facts are as follows:

In 1995, complainant Gregorio S. Nova filed with the NLRC Regional Arbitration, Branch V, Legaspi City, a complaint for illegal dismissal, underpayment of wages, non-payment of holiday pay, rest day, overtime pay, 13th month pay and other allowances, backwages, separation pay and damages against the R.A. Broadcasting Corporation/Station DZRM, represented by its Vice President for Operations Vilma J. Barcelona and Station Manager Deo Trinidad.^[2]

On July 31, 1996, Labor Arbiter Fructuoso T. Aurellano rendered a judgment, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered ordering R. A. BROADCASTING CORP./DZRM, VILMA J. BARCELONA and DEO TRINIDAD to solidarily pay the complainant the total sum of ONE HUNDRED ELEVEN THOUSAND SIX HUNDRED SIXTY-NINE PESOS and 60/100 (P111,669.60).

"SO ORDERED."

In time, respondent appealed the decision to the NLRC in Quezon City.

On October 7, 1996, the NLRC dismissed the appeal. Respondent moved for reconsideration but the NLRC denied the motion as it was filed out of time. Aggrieved by the resolution, on March 12, 1997, respondent filed with this Court a petition for certiorari.^[3] On March 17, 1997, the Court dismissed the petition and also denied

the motion for reconsideration thereafter filed.

The decision having become final, on January 7, 1998, the NLRC issued an alias writ of execution. Pursuant thereto, on February 3, 1998, Labor Sheriff Norberto B. Meteoro levied on real property belonging to Sps. Cesar and Vilma Barcelona and scheduled the auction sale on June 16, 1998, at 10:00 a. m.

On June 9, 1998, Vilma J. Barcelona and her husband Cesar Barcelona filed with the Regional Trial Court, Camarines Norte, Daet a civil action for damages with temporary restraining order due to the wrongful attachment of their property.[4] This was raffled to Branch 38, presided over by respondent Judge.

On June 15, 1998, respondent Judge finding that there was extreme urgency and that irreparable injury would result to the plaintiff before the matter can be heard on notice, issued a temporary restraining order, restraining the NLRC Sheriff from conducting the scheduled public auction on June 16, 1998.

Hence, on January 5, 1999, complainant filed this administrative charge against Judge Sancho Dames II, alleging that the issuance of the temporary restraining order constituted a violation of Article 254 of the Labor Code which prohibited the issuance of temporary restraining order or preliminary injunction in a case arising from a labor dispute. He further submitted that the regular courts had no jurisdiction to hear and decide questions which arose and were incidental to the decisions, orders or awards rendered in labor cases.[5]

On April 28, 1999, the Court Administrator referred the complaint to respondent judge for comment.[6]

In his answer filed on June 2, 1999, respondent judge claimed that he issued the temporary restraining order to maintain the subject of controversy in status quo until the hearing of the application for permanent injunction; that Vilma Jalgalado-Barcelona, Vice-President for Operations, and Deo Trinidad, the Station Manager, were ordered to solidarily pay with the defendant corporation despite the fact that the corporation had a distinct personality from its officers; that Cesar Barcelona, not being a judgment debtor, would lose his property via public auction for an alleged labor dispute he had nothing to do with; that injunction will lie to prevent alienation of conjugal property; that all properties acquired during the marriage are presumed to belong to the conjugal partnership property, thus the subject property belonged to the conjugal partnership of spouses Cesar Barcelona and Vilma Jalgalado-Barcelona and could not be alienated via public auction; that injunction to prevent a wrong would be favored than a course requiring plaintiffs to wait and seek damages after the wrong had been done; and that the instant case involved a judicial question and thus, should be dismissed.[7]

We referred the case to Court of Appeals Associate Justice Remedios A. Salazar-Fernando, for investigation.[8]

In her report and recommendation, Justice Fernando found that respondent Judge was guilty of gross ignorance of the law because the regular courts in that level had no jurisdiction or authority to issue injunction or temporary restraining order in labor cases. She recommended that respondent Judge be fined P10,000.00, with a stern warning that repetition of the same or similar acts in the future would be dealt with more severely.

We find the recommendation of Justice Salazar-Fernando to be supported by the record and we accept the same.

Regular courts have no jurisdiction to hear and decide questions which arise and are incidental to the enforcement of decisions, orders or awards rendered in labor cases by appropriate officers and tribunals of the Department of Labor and Employment.[9] Corollarily, any controversy in the execution of the judgment shall be referred to the tribunal which issued the writ of execution since it has the inherent power to control its own processes in order to enforce its judgments and orders.[10]

True, an action for damages lies within the jurisdiction[11] of a regional trial court.[12] However, the regional trial court has no jurisdiction to issue a temporary restraining order in labor cases. Indeed, the respondent Judge

restrained the execution of a final decision of the labor arbiter, which he can not lawfully do.

Justice Malcolm aptly described ideal judges as "men who have a mastery of the principles of law, who discharge their duties in accordance with law, who are permitted to perform the duties of the office undeterred by outside influence, and who are independent and self-respecting human units in a judicial system equal and coordinate to the other two departments of government." [13] Those who wield the judicial gavel have the duty to study the laws and their latest wrinkles. They owe it to the public to be legally knowledgeable with basic laws and principles, for ignorance of the law is the bane of injustice.

WHEREFORE, the Court finds respondent Judge Sancho Dames II GUILTY of gross ignorance of the law and imposes on him a FINE of Ten Thousand Pesos (P10,000.00), payable within thirty (30) days from notice, with WARNING that a repetition of similar acts shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Kapunan, and Ynares-Santiago, JJ., concur.
Puno, J., on official business abroad.

[1] Rollo, pp. 3-4.

[2] Docketed as RAB V Case No. 05-12-00141-95.

[3] G. R. No. 128018.

[4] Rollo, pp. 6-11.

[5] Complaint, Rollo, pp. 3-4.

[6] 1[st] Indorsement, Rollo, p. 14.

[7] Rollo, pp. 15-16.

[8] Resolution adopted on July 31, 2000, Rollo, p. 44.

[9] Benguet Electric Cooperative, Inc. vs. Atty. Ernesto B. Flores, 350 Phil. 889, 895 [1998], citing Cangco vs. Court of Appeals, 199 SCRA 678 [1991].

[10] Mondejar vs. Javellana, 295 SCRA 699 [1998].

[11] Depending on the amount involved. The regional trial court has jurisdiction if the demand exceeds P200,000.00 in the provinces, or P400,000.00 in Metro Manila (R. A. No. 7691, Section 5).

[12] In Civil Case No. 6859, the amount of the demand for damages was in the total sum of P500,000.00, excluding attorney's fees per court appearance (Complaint, Rollo, pp. 6-11).

[13] Borromeo vs. Mariano, 41 Phil. 322 [1921].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.