

HEIRS OF SIMEON PIEDAD, NAMELY: ELISEO PIEDAD, JOEL PIEDAD, PUBLIO PIEDAD, JR., GLORIA PIEDAD, LOT PIEDAD, ABEL PIEDAD, ALI PIEDAD, AND LEE PIEDAD, COMPLAINANTS, VS. EXECUTIVE J...

A.M. No. RTJ-09-2170 [Formerly OCA I.P.I. No. 09-3094-RTJ]. December 16, 2009

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

This administrative case stemmed from the sworn-complaint^[1] dated February 28, 2007 of the heirs of the late Simeon Piedad, namely: Eliseo Piedad, Joel Piedad, Publio Piedad, Jr., Gloria Piedad, Lot Piedad, Abel Piedad, Ali Piedad, and Lee Piedad filed with the Office of the Court Administrator (OCA), charging respondent Judges Cesar O. Estrera and Gaudioso D. Villarin with Issuing an Unlawful Order against a Co-equal Court and Unreasonable Delay in Resolving Motions in relation to Civil Case No. 435-T, S.P. Proc. No. 463-T, and S.P. Proc. No. 457-T.

The Facts

In 1974, Simeon Piedad filed with the Cebu City Regional Trial Court (RTC) a case against Candelaria Linehan Bobilles and Mariano Bobilles for the annulment of an Absolute Deed of Sale, docketed as Civil Case No. 435-T entitled Simeon Piedad v. Candelaria Linehan-Bobilles and Mariano Bobilles. This was raffled to Branch 9 of the Cebu City RTC, presided by the late Judge Benigno Gaviola. Said court ruled in favor of Simeon Piedad in its Decision dated March 19, 1992,^[2] the dispositive portion of which reads:

WHEREFORE, premises considered and by preponderance of evidence, the Court hereby renders a Decision in favor of herein plaintiff Simeon Piedad and against defendants Candelaria Linehan-Bobilles and Mariano Bobilles, by declaring the deed of sale in question (Exhibit "A" or "5") to be NULL and VOID for being a mere forgery, and ordering herein defendants, their heirs and/or assigns to vacate the house and surrender their possession of said house and all other real properties which are supposed to have been covered by the voided deed of sale (Exhibit "A" or "5") to the administrator of the estate of spouses Nemesio Piedad and Fortunata Nillas. Furthermore, herein defendants are hereby ordered to pay plaintiff or his heirs the following: (1) P3,000.00 Moral Damages; (2) P2,000.00 Exemplary Damages; and (3) P800.00 attorney's fees, plus costs.

SO ORDERED.

On appeal, the Court of Appeals, through its Decision dated September 15, 1998 in CA-G.R. CV No. 38652, affirmed the ruling of the lower court. The dispositive portion reads:

WHEREFORE, finding no reversible error in the decision appealed from, We hereby AFFIRM the same and DISMISS the instant appeal.

Costs against the defendants-appellants.

SO ORDERED.^[3]

The foregoing decision became final and executory on November 1, 1998.^[4] Subsequently, upon the instance of

Simeon Piedad, an order for the issuance of the writ of demolition was issued by the late Judge Gaviola. As stated in the dispositive portion of the Order dated October 22, 2001:

WHEREFORE, let a writ of demolition issue against Candelaria Linehan Bobilles and Mariano Bobilles. The sheriff implementing the writ is ordered to allow the defendants 10 days to remove their improvements in the premises and for them to vacate. Should defendant still fail to do so within the period aforesated, the sheriff may proceed with the demolition of the improvements without any further order from this Court.

SO ORDERED.[5]

On November 5, 2001, a motion for reconsideration was then filed by defendant Candelaria, which was denied in an Order dated November 26, 2001, the dispositive portion of which reads:

WHEREFORE, the motion for reconsideration is hereby DENIED. The Order dated October 22, 2001 granting the motion for issuance of a special order for demolition, shall continue in full force and effect. Let a writ of demolition issue against Candelaria Linehan Bobilles and Mariano Bobilles. The sheriff implementing the writ is ordered to allow the defendants ten (10) days from receipt of the writ within which to remove their improvements in the premises subject of the case and for them to vacate. Should defendant still fail to do so within the period aforesated, the sheriff may proceed with the demolition of the improvements without any further order from this Court.

SO ORDERED.[6]

Thus, on December 4, 2001, a Writ of Demolition[7] was issued against the defendants therein and referred for implementation to Sheriff Antonio A. Bellones. In a seeming attempt to stop the enforcement of the writ, Candelaria attached to the expediente of Civil Case No. 435-T, a Petition for Probate of the Last Will and Testament of Simeon Piedad. This was found to be untenable by the late Judge Gaviola, who ordered the filing of the said petition in its natural course and its raffling to other branches of the court in its Order dated April 22, 2002.[8]

Subsequently, Candelaria filed a Petition for Probate of the Last Will and Testament of Simeon Piedad with the Toledo City RTC, docketed as S.P. Proc. No. 457-T and raffled to Branch 59, which was presided by respondent Judge Villarin.

Also, a verified petition for the issuance of a temporary restraining order (TRO) and/or preliminary injunction was filed by Candelaria on May 16, 2002 with the Toledo City RTC, docketed as S.P. Proc. No. 463-T entitled Candelaria Linehan v. Antonio Billones, Sheriff RTC, Branch 9, Cebu City, against Sheriff Bellones to restrain the latter from enforcing the Writ of Demolition.[9] On the day that the said petition was filed, respondent Judge Estrera, the Executive Judge of the Toledo City RTC and presiding judge of Branch 29, ordered the raffle of the petition. Four days thereafter, respondent Judge Estrera took it upon himself to hear the case summarily. Finding that the matter was of extreme urgency and would cause grave injustice and irreparable injury to the plaintiff, Candelaria, since it involved the demolition of the properties owned by the latter, respondent Judge Estrera immediately issued a restraining order, the dispositive portion of which reads:

WHEREFORE, premises considered, defendant Court Sheriff, Antonio Billones of the RTC, Branch 9, Cebu City, and all his servants, attorneys, agent and others acting in his aid are hereby commanded to cease and desist from enforcing the Writ of Demolition issued by the RTC, Branch 9, Cebu City, over the properties of plaintiff particularly Lot No. 1157-A located at Barangay Ibo, Toledo City.

Defendant is hereby further directed to appear before this Court and file his Answer or Opposition why a Preliminary Injunction should not be granted.

Set the hearing of this case on May 23, 2002 at 8:30 o'clock in morning. Notify the parties of this setting.

SO ORDERED.[10]

On June 11, 2002, Sheriff Bellones filed his answer, alleging that he was only performing his ministerial duty, and that there was no cause of action against him.[11] Meanwhile, upon the instance of Candelaria, respondent Judge Estrera issued an order for the consolidation of the cases (S.P. Proc. No. 457-T and S.P. Proc. No. 463-T) in the Toledo City RTC, Branch 59.[12] Immediately thereafter, respondent Judge Villarin issued the Order dated May 27, 2002,[13] extending the TRO for 17 days, upon the instance of Candelaria.

Subsequently, the following motions were filed before Branch 59 of the Toledo City RTC: (1) a motion to dismiss, as amended;[14] (2) a motion requesting the issuance of an order lifting the injunction order;[15] and (3) a joint motion to resolve motions.[16] Significantly, no action was taken on these motions.

In compliance with the directive of the OCA, respondent Judge Estrera submitted his comment dated April 24, 2007, in which he clarified that what he issued was an ex parte TRO, not an "injunction order," and that the said ex parte TRO was valid only for 72 hours and would be deemed automatically vacated should the preliminary injunction remain unresolved within the said period. He also stated that the TRO was never issued against the heirs of the late Simeon Piedad, the complainants herein, as they were never made parties to S.P. Proc. No. 463-T. He added that he was not aware of the circumstances attendant to Civil Case No. 435-T.[17]

On the other hand, respondent Judge Villarin explained in his comment that he did not act on the motion to dismiss, as amended, as this would be tantamount to a judicial interference in the order of Branch 29 of the Toledo City RTC, a court of co-equal jurisdiction. As regards his inaction on the motion requesting the issuance of an order lifting the injunction order, he justified such inaction by stating that there was no need to resolve the motion, considering that before S.P. Proc. No. 463-T was transferred to Branch 59 of the Toledo City RTC, the 72-hour restraining order had already lapsed. He then justified that the resolution of the motion requesting for the issuance of an order lifting the injunction order had already become moot.[18]

On January 16, 2009, Court Administrator Jose P. Perez submitted his recommendations to this Court.[19] He found that respondent Judges Estrera and Villarin indeed committed the acts complained of based on their very own admissions in their respective comments. He, thus, recommended that respondent judges, for gross ignorance of the law, be fined in the amount of PhP 21,000 each, and that respondent Judge Villarin be fined in the additional amount of PhP 11,000 for undue delay in rendering an order.

The recommendation of the Court Administrator and the premises holding it together are well taken.

The Acts of Respondent Judges Are Tantamount to Gross Ignorance
of the Law, which Renders Them Administratively Liable

The acts of respondent Judge Estrera in issuing a TRO and of respondent Judge Villarin in extending the TRO disregard the basic precept that no court has the power to interfere by injunction with the judgments or orders of a co-equal and coordinate court of concurrent jurisdiction having the power to grant the relief sought by injunction. As held in *Cojuangco v. Villegas*:

As early as 1922 in the case of *Cabigao v. Del Rosario*, this Court laid down the doctrine that "no court has power to interfere by injunction with the judgments or decrees of a court of concurrent or coordinate jurisdiction having power to grant the relief sought by injunction."

The various branches of the court of first instance of a province or city, having as they have the same or equal authority and exercising as they do concurrent and coordinate jurisdiction, should not, cannot and are not permitted to interfere with their respective cases, much less with their orders or judgments. A contrary rule

would obviously lead to confusion and seriously hamper the administration of justice. [20]

In *Yau v. The Manila Banking Corporation*, we held that undue interference by one in the proceedings and processes of another is prohibited by law. Specifically:

Thus, the doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court, as an accepted axiom in adjective law, serves as an insurmountable barrier to the competencia of the RTC Cebu City to entertain a motion, much less issue an order, relative to the Silverio share which is under the custodia legis of RTC Makati City, Branch 64, by virtue of a prior writ of attachment. Indeed, the policy of peaceful co-existence among courts of the same judicial plane, so to speak, was aptly described in *Parco v. Court of Appeals*, thus:

...[J]urisdiction is vested in the court not in any particular branch or judge, and as a corollary rule, the various branches of the Court of First Instance of a judicial district are a coordinate and co-equal courts one branch stands on the same level as the other. Undue interference by one on the proceedings and processes of another is prohibited by law. In the language of this Court, the various branches of the Court of First Instance of a province or city, having as they have the same or equal authority and exercising as they do concurrent and coordinate jurisdiction should not, cannot, and are not permitted to interfere with their respective cases, much less with their orders or judgments.

It cannot be gainsaid that adherence to a different rule would sow confusion and wreak havoc on the orderly administration of justice, and in the ensuing melee, hapless litigants will be at a loss as to where to appear and plead their cause.[21]

In his comment, respondent Judge Estrera categorically admitted that he issued a TRO directing Sheriff Bellones to cease and desist from enforcing the Writ of Demolition issued by Branch 9 of the Cebu City RTC over the property of Candelaria. Attached to the said comment was a copy of respondent Judge Villarin's Order dated May 27, 2002, extending the TRO for 17 days.

Clearly, when the respondents-judges acted on the application for the issuance of a TRO, they were aware that they were acting on matters pertaining to a co-equal court, namely, Branch 9 of the Cebu City RTC, which was already exercising jurisdiction over the subject matter in Civil Case No. 435-T. Nonetheless, respondents-judges still opted to interfere with the order of a co-equal and coordinate court of concurrent jurisdiction, in blatant disregard of the doctrine of judicial stability, a well-established axiom in adjective law.

As members of the judiciary, respondents-judges ought to know the fundamental legal principles; otherwise, they are susceptible to administrative sanction for gross ignorance of the law, as in the instant case. As held in *Mactan Cebu International Airport v. Hontanosa, Jr.*:

As a judge, the respondent must have the basic rules at the palm of his hands as he is expected to maintain professional competence at all times. Judges should be diligent in keeping abreast with developments in law and jurisprudence, and regard the study of law as a never-ending and ceaseless process. Elementary is the rule that when laws or rules are clear, it is incumbent upon the respondent to apply them regardless of personal belief and predilections. To put it differently, when the law is unambiguous and unequivocal, application not interpretation thereof is imperative. Indeed, a judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules. He must be conversant with basic legal principles and well-settled doctrines. He should strive for excellence and seek the truth with passion. The failure to observe the basic laws and rules is not only inexcusable, but renders him susceptible to administrative sanction for gross ignorance of the law from which no one is excused, and surely not a judge.[22]

**Respondent Judge Villarin Is Additionally Liable for
Undue Delay in Rendering an Order**

In his comment, respondent Judge Villarin admitted that he did not act on the Motion to Dismiss, as amended, and the Motion Requesting the Issuance of an Order Lifting the Injunction Order dated May 20, 2002, which are still pending before his court. He, however, justified this by stating that he did not act on the pending motions because he did not want to interfere with the order of a co-equal court, that is, Branch 29 of the Toledo City RTC; and he believed that it was unnecessary to issue an order on the motion, which had become moot and academic.

We do not agree. If respondent Judge Villarin indeed believed that the motions pending before him were defective, he could have simply acted on the said motions and indicated the supposed defects in his resolutions instead of just leaving them unresolved. The importance of judicious and prompt disposition of cases and other matters pending before the courts was aptly explained in *Biggel v. Pamintuan*:^[23]

Undue delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature. No less than the Constitution mandates that lower courts must dispose of their cases promptly and decide them within three months from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the Court concerned. In addition, a judge's delay in resolving, within the prescribed period, pending motions and incidents constitutes a violation of Rule 3.05 of the Code of Judicial Conduct requiring judges to dispose of court business promptly.

There should be no more doubt that undue inaction on judicial concerns is not just undesirable but more so detestable especially now when our all-out effort is directed towards minimizing, if not totally eradicating the perennial problem of congestion and delay long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied. An unwarranted slow down in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.

Considering the above ruling, respondent Judge Villarin is liable for Undue Delay in Rendering an Order, a less serious charge under Section 9, Rule 140, as amended, of the Revised Rules of Court. In accordance with Sec. 11(b) of Rule 140, such offense is punishable by suspension from office without salary and other benefits for not less than one (1) or more than three (3) months or a fine of more than ten thousand pesos (PhP 10,000) but not exceeding twenty thousand pesos (PhP 20,000).

WHEREFORE, the Court finds Judge Cesar O. Estrera and Judge Gaudioso D. Villarin of the RTC in Toledo City, Cebu, Branches 29 and 59, respectively, GUILTY of GROSS IGNORANCE OF THE LAW and imposes upon them a FINE in the amount of twenty one thousand pesos (PhP 21,000) each, with the stern warning that a repetition of similar or analogous infractions in the future shall be dealt with more severely. Also, the Court finds Judge Gaudioso D. Villarin GUILTY of UNDUE DELAY IN RENDERING AN ORDER and imposes upon him a FINE in the additional amount of eleven thousand pesos (PhP 11,000).

SO ORDERED.

Puno, C.J., Carpio, Carpio Morales, Chico-Nazario, Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, and Villarama, JJ., concur.
Corona, J., on official leave.

[1] Rollo, pp. 8-14.

[2] Id. at 18-29.

[3] Id. at 15.

- [4] Id. at 30.
- [5] Id. at 32.
- [6] Id. at 34-35.
- [7] Id. at 15-16.
- [8] Id. at 37.
- [9] Id. at 40-41.
- [10] Id. at 44.
- [11] Id. at 45-46.
- [12] Id. at 86.
- [13] Id. at 88.
- [14] Id. at 51-57.
- [15] Id. at 59-64.
- [16] Id. at 69-72.
- [17] Id. at 80-84.
- [18] Id. at 163-164.
- [19] Id. at 1-5.
- [20] G.R. No. 76838, April 17, 1990, 184 SCRA 374, 378.
- [21] G.R. No. 126731, July 11, 2002, 384 SCRA 340, 349-350.
- [22] A.M. No. RTJ-03-1815, October 25, 2004, 441 SCRA 229, 248.
- [23] A.M. No. RTJ-08-2101 [Formerly OCA I.P.I. No. 07-2763-RTJ], July 23, 2008, 559 SCRA 344.

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