SPOUSES ARLEEN AND LORNA OLIVEROS, COMPLAINANTS, VS. HONORABLE DIONISIO C. SISON, ACTING PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 74, ANTIPOLO CITY, RESPONDENT.

A.M. NO. RTJ-07-2050 (FORMERLY OCA I.P.I. NO. 07-2563-RTJ). June 27, 2007

Ponente: NACHURA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/b679e2ddd119/

NACHURA, J.:

This administrative case stems from a verified complaint[1] filed by spouses Arleen and Lorna Oliveros and received by the Office of the Court Administrator (OCA) on November 15, 2006 charging Judge Dionisio C. Sison, Acting Presiding Judge of the Regional Trial Court (RTC) of Antipolo City, Branch 74, with Grave Abuse of Authority, Gross Misconduct, and Gross Ignorance of the Law.

The Oliveros spouses filed a case for Declaration of Nullity of Deed with Damages and Injunction with Prayer for Temporary Restraining Order (TRO) against spouses John and Susana Mallett before the Antipolo City RTC. The subject of the case is a parcel of land located at No. 25 Gen. Luna St., Antipolo City.

In an Order[2] dated July 13, 2006, respondent Judge denied complainants' prayer for a TRO and preliminary injunction for lack of merit, thus:

> The plaintiff failed to adduce any evidence to prove their allegation that the Deed of Absolute Sale executed by plaintiff's father Mario C. Oliveros in favor of the private defendants is a falsified document or that the sale was simulated. Moreover, the subject property is titled in the names of the private defendants. Indubitably, the alleged long physical possession of the subject property by the plaintiffs cannot prevail over the clear title of the private defendants as far as the question of ownership is concerned. Consequently, there are no rights or interests to be protected or preserved during the pendency of the instant case. A writ of preliminary injunction, as an ancillary or preventive remedy, may only be resorted to by a litigant to protect or preserve the rights or interests and for no other purpose during the pendency of the action. It should only be granted if the party asking for it is clearly entitled thereto.[3]

A few days later, the defendants filed a motion for the issuance of a TRO and/or preliminary injunction against complainants, to prevent the latter from occupying or entering the property. The motion was granted.[4]

Complainants then filed a motion for reconsideration. While waiting for the ruling on their motion for reconsideration, complainants filed an ex-parte motion for the judge's voluntary inhibition,[5] as they were convinced that Judge Sison was partial to the defendants. Complainants also allege that on October 3, 2006, while they were securing certified copies of documents in their case, they saw Fulgencio Oliveros, brother of defendant Susana Mallett, come out of Judge Sison's private chambers.

On the same day, respondent Judge issued an Order[6] denying the motion for reconsideration and the motion for voluntary inhibition.

Complainants then filed a petition for certiorari with the Court of Appeals on October 18, 2006. On the same day, defendants paid the P100,000.00 injunction bond. Judge Sison approved the bond and ordered the issuance of the writ of injunction on October 23, 2006.[7]

On November 8, 2006, defendant Susana Mallett filed a Motion to Cite Plaintiffs in Contempt.[8] She alleged that despite the court's order, complainants "continue to ingress, egress and occupy the property." Moreover, Susana alleged that the plaintiffs' acts of harassing, vexing, and annoying her had become worse as there were more wastes being dumped on the premises, the karaoke sessions of the plaintiffs and their friends had become more frequent during unholy hours, and the threats of bodily harm had become more serious.

Complainants claim that they did not receive a copy of the motion, and consequently, did not appear at the hearing on the motion on November 13, 2006.[9] This notwithstanding, Judge Sison considered the matter submitted for resolution, and on the same day issued an Order,[10] the pertinent portions of which read:

> After going over the allegations in the instant motion, this Court finds that indeed the act of plaintiffs in continuously entering/occupying the subject premises despite the court's lawful Order dated August 16, 2006, constitutes an indirect contempt which is defined under Section 3, Rule 71 and penalized under Section 7, Rule 71 of the [R]ules of [C]ourt. In view thereof, the plaintiffs for their failure to stop entering/occupying the subject property are hereby adjudged guilty of indirect contempt and imposed the penalty of imprisonment for a maximum period of six (6) month[s] against them.
>
> In order to implement the penalty of imprisonment against the plaintiffs for being guilty of indirect contempt, let a warrant of arrest be immediately issued against them.
>
> SO ORDERED.

Two days later, on November 15, 2006, the Oliveros spouses filed the verified complaint under consideration. They argue that respondent Judge manifested bias and partiality in granting defendants' prayer for TRO and writ of preliminary injunction. They also assert that they should not have been cited for indirect contempt because defendants should have filed a separate petition for indirect contempt and paid the docket fees thereon. The respondent Judge should not have entertained the motion and set the same for hearing.

In an Indorsement Letter[11] dated December 14, 2006, Court Administrator Christopher O. Lock referred the complaint to Judge Sison for comment. In his Comment[12] dated January 15, 2007, Judge Sison refuted the charges and prayed that the complaint against him be dismissed. He attached a copy of the Order[13] dated July 13, 2006 in which he denied the complainants' prayer for a TRO and writ of preliminary injunction pointing out that the same sets out clearly all the legal bases for the Order. Judge Sison further asserted that Fulgencio Oliveros' entry into his chambers was not on his invitation. He cited separate instances when Carolyn Alvaran, sister of complainant Lorna and an employee of the Antipolo RTC, Branch 71, and a sister of complainant Arleen, came into his chambers to convince him to resolve the motions in favor of complainants. He said all of them went to his chambers uninvited.

As to his Order finding complainants guilty of indirect contempt, he disagreed that the charges should have been filed as a separate and independent petition because "that would be favoring multiplicity of suits." He averred that complainants' remedy is an appeal and not the filing of an administrative complaint against him.

After a review of the complaint and respondent Judge's comment, the OCA submitted its evaluation and recommendation.[14] The OCA found "no basis to hold respondent Judge administratively liable for Grave Abuse of Authority and Gross Misconduct. There is no proof that he invited Fulgencio Oliveros and Carolyn Alvaran inside his chambers."[15]

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

On the charge of gross ignorance of the law, the OCA found, as to the issuance of a TRO and the grant of a writ of preliminary injunction:

> It is an established rule in administrative cases that complainant bears the onus of establishing or proving the averments in his complaint by substantial evidence. (Fr. Michael Sinnot, et al. v Judge Recaredo P. Barte, 372 SCRA 282) In the instant case, no evidence was presented to show that the acts of respondent Judge in the exercise of his judicial functions were committed in bad faith, malice or ill will.
>
> Thus, anent the alleged erroneous decision of the respondent Judge, it is the considered view of this Office that the contention of the complainant cannot be given credence considering that such is judicial in nature. Moreover, a Petition for Certiorari questioning the assailed order is now pending before the Court of Appeals.[16]

However, relative to the Order finding complainants in indirect contempt of court, the OCA said:

> In the instant case, there is no question that the defiance of complainants to the lawful order of the court issued by respondent Judge constitutes indirect contempt. However, as can be gleaned from the records of the case, movant initiated the indirect contempt proceedings through a motion instead of a verified petition as required under Section 4, Rule 71 of the Rules of Court. Rule 71, Section 4 provides that except for indirect contempt proceedings initiated motu proprio, all charges shall be commenced by a verified petition with full compliance of the requirements for initiatory pleading.
>
> Hence, respondent Judge completely disregarded the basic procedural law. Notwithstanding the mistake of movant in filing a charge for indirect contempt by mere motion, respondent Judge gave due course to it, set the motion [for] hearing and ordered the issuance of a Warrant of Arrest implementing the penalty of six months imprisonment.[17]

Thus, the OCA recommended that (a) the instant case be REDOCKETED as a regular administrative matter; and (b) respondent Judge be FINED in the amount of P10,000.00.[18]

We agree with the OCA.

Since complainants have already brought the matter of Judge Sison's Order granting defendants' prayer for TRO and preliminary injunction to the CA on a petition for certiorari, we cannot as yet rule on the propriety of such Order. Any inquiry into the judge's administrative liability arising from judicial acts may be made only after other available remedies have been settled.[19]

As to the Order citing complainants for indirect contempt, while we are disposed to accept Judge Sison's good faith in issuing the same, we have already held in the past that good faith in situations of fallible discretion inheres only within the parameters of tolerable misjudgment and does not apply where the issues are so simple and the applicable legal principle evident and basic as to be beyond permissible margins of error.[20] When the law is so elementary, not to know it constitutes gross ignorance of the law.[21]

Rule 71 of the Revised Rules on Civil Procedure explicitly sets out the requirements for instituting a complaint for indirect contempt. Section 4 thereof states:

> SEC. 4. How proceedings commenced. – Proceedings for indirect contempt may be initiated motu proprio by the court against which the contempt was committed by an order or any formal charge requiring the respondent to show cause why he should not be punished for contempt.
>
> In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned. If the contempt charges

> arose out of or are related to a principal action pending in court, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision. (emphasis supplied)

This provision is couched in plain and simple language. The procedure prescribed therein is clear and unmistakable. The defendants' motion obviously does not conform with this Rule; accordingly, it should not have been entertained and the warrant of arrest should never have been issued. The argument that filing the contempt charge as a separate and independent petition would "favor multiplicity of suits" is too lame an excuse for violating the Rules.

Moreover, complainants should have been given the opportunity to be heard and to defend themselves against the contempt charge, involving as it does such a dire consequence as imprisonment for six months. The Court notes that the motion to cite complainants in indirect contempt was set for hearing on November 13, 2006, that complainants did not appear (because they allegedly never received a copy of the motion or any notice of hearing), that the matter was deemed submitted for resolution, and that on the same day an Order granting the motion and directing the issuance of a warrant for the arrest of the complainants was issued. The undue haste in disposing of this procedurally infirm motion deprived complainants of one of man's most fundamental rights, the right to be heard.

These circumstances amply overcome the presumption of good faith that Judge Sison enjoys in his favor.

Under the Rules of Court, gross ignorance of the law or procedure constitutes a serious charge.[22] However, we find the OCA's recommendation of a P10,000.00 fine appropriate.

WHEREFORE, in view of the foregoing, we find respondent Judge Dionisio C. Sison GUILTY of gross ignorance of the law and impose on him a FINE of P10,000.00.

SO ORDERED.

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

---

[1] Rollo, pp. 7-9.

[2] Id. at 34-35.

[3] Id. at 35.

[4] Id. at 12-13.

[5] Id. at 15-18.

[6] Id. at 23-24.

[7] Id. at 19-20.

[8] Id. at 26-29.

[9] Id. at 9.

[10] Id. at 25.

[11] Id. at 30.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[12] Id. at 31-33.

[13] Id. at 34-35.

[14] Id. at 1-5.

[15] Id. at 5.

[16] Id. at 3.

[17] Id. at 4.

[18] Id. at 5.

[19] Caguioa v. Laviña, 398 Phil. 845, 854 (2000).

[20] Poso v. Mijares, 436 Phil. 295, 314 (2002).

[21] Español v. Mupas, A.M. No. MTJ-01-1358, November 11, 2004, 442 SCRA 14, 44, citing Ricafort v. Judge Gonzales, 437 SCRA 549 (2004). See also DBP v. Judge Llanes, Jr., 334 Phil. 186, 196 (1997).

[22] Rules of Court, Rule 140, Section 8(9).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.