

CHIEF STATE PROSECUTOR JOVENCITO R. ZUÑO, ATTY. CLEMENTE P. HERALDO, CHIEF OF THE INTERNAL INQUIRY AND PROSECUTION DIVISION-CUSTOMS INTELLIGENCE AND INVESTIGATION SERVICE (IIPD-...

A.M. No. RTJ-03-1779 (AM OCA IPI No. 02-1577-RTJ). April 30, 2003

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f22f2f4cd391/>

PER CURIAM:

Before the Court are administrative complaints filed against Judge Arnulfo G. Cabredo of Branch 15 of the Regional Trial Court (RTC) of Tabaco City, Albay, for grave misconduct, knowingly rendering an unjust interlocutory order, manifest partiality, evident bad faith, and gross inexcusable negligence.

The Antecedents

The facts are simple. Atty. Winston Florin, the Deputy Collector of Customs of the Sub-port of Tabaco, Albay, issued on September 3, 2001 Warrant of Seizure and Detention (WSD) No. 06-2001 against a shipment of 35,000 bags of rice aboard the vessel M/V Criston, for violation of Section 2530 of the Tariff and Customs Code of the Philippines (TCCP).[1]

A few days after the issuance of the warrant of seizure and detention, or on September 25, 2001, Antonio Chua, Jr. and Carlos Carillo, claiming to be consignees of the subject goods, filed before the Regional Trial Court of Tabaco City, Albay, a Petition for Prohibition with Prayer for the Issuance of Preliminary Injunction and Temporary Restraining Order (TRO) which was docketed as Civil Case No. T-2170. The said petition sought to enjoin the Bureau of Customs and its officials from detaining the subject shipment.

On September 28, 2001, Judge Cabredo issued an order ex parte, the relevant portion of which reads as follows:

X X X X X X X X

Acting on the petition for Prohibition with Prayers for the Issuance of Preliminary Injunction and Temporary Restraining Order and finding the same to be sufficient in form and substance and that after a thorough evaluation of the entire records, it appears that the subject matter involved is of extreme urgency and the applicants will suffer grave injustice and irreparable injury pursuant to paragraph 2, Section 5, [R]ule 58 of the 1997 Rules of Civil Procedure, let a temporary restraining order be issued good for seventy two (72) hours from service thereof restraining the herein respondents or any person or entity so acting in their behalf from detaining the subject a) 14,920 bags of imported well[-]milled rice (WMR), b) 5,000 bags of local well[-]milled rice (WMR) and c) 15,000 bags of imported special variety rice, upon the filing of a bond in the amount of PhP31,450,000.00.[2]

X X X X X X X X

By virtue of said TRO, the 35,000 bags of rice were released from customs to Antonio Chua, Jr. and Carlos Carillo.

In his complaint, Chief State Prosecutor Zuño alleged that respondent Judge violated Administrative Circular No. 7-99,[3] which cautions trial court judges in their issuance of temporary restraining orders and writs of preliminary injunctions. Said circular reminds judges of the principle, enunciated in *Mison v. Natividad*,^[4] that the Collector of Customs has exclusive jurisdiction over seizure and forfeiture proceedings, and regular courts cannot interfere with his exercise thereof or stifle or put it to naught.

Chief State Prosecutor Zuño further alleged that respondent Judge knew very well that at the time he issued the questioned order, he did not have any jurisdiction to pass upon the validity or regularity of the seizure and forfeiture proceedings conducted by the Bureau of Customs. Hence, he asserts, respondent Judge wantonly disregarded rules and settled jurisprudence, to the damage and prejudice of the government, depriving it of its legal custody over the seized articles and consequently, the opportunity to collect taxes and duties thereon.

Atty. Clemente P. Heraldo, Chief of the Internal Inquiry and Prosecution Division-Customs Intelligence and Investigation Service (IIPD-CIIS), and Leonito A. Santiago, Special Investigator of the IIPD-CIIS also filed a joint Supplemental Complaint-Affidavit reiterating the allegations in the complaint filed by Chief State Prosecutor Zuño.^[5]

In his 1st Indorsement dated September 23, 2002, Court Administrator Presbitero J. Velasco, Jr. referred to respondent Judge the complaint against him for his comment. On November 11, 2002, respondent Judge filed his Comment With Motion to Suspend Proceedings. He alleged therein that when he issued the questioned TRO, he honestly believed that the Bureau of Customs had been divested of its jurisdiction over the case. He specifically cited the statement of Deputy Collector of Customs Florin in the warrant of seizure and detention that, as the investigating officer, he “cannot find any violation of Section 2530 of the Tariff and Customs Code.”^[6] According to respondent Judge, because of this statement, the Bureau of Customs no longer had any jurisdiction over the case.

Respondent Judge likewise explained in his Comment that he saw to it that the interests of both parties in the case were duly protected. By requiring petitioners therein to put up a bond equivalent to the full value of the goods to answer for whatever liability may be adjudged against them, he safeguarded the interest of the government relative to collecting taxes and duties due on the shipment. On the other hand, he allowed petitioners therein to have possession of the goods, which were perishable in nature, upon filing of the bond.

Finally, respondent Judge, in his Comment, also moved that the proceedings herein be suspended. He alleged that the matter of whether or not the issuance of the questioned TRO was illegal, whimsical, and attended with manifest partiality and bad faith is now pending before the Court of Appeals in a case docketed as CA G.R. SP No. 72047. Hence, the proceedings herein should be suspended to await the final decision in the case before the Court of Appeals.

The Court Administrator’s Evaluation

The Court Administrator, in his Evaluation dated February 7, 2003, stated that the questioned TRO was clearly illegal and issued in excess of jurisdiction. He cited *Rallos v. Gako, Jr.*,^[7] which held that Regional Trial Courts are devoid of any competence to pass upon the validity or regularity of seizure and forfeiture proceedings conducted by the Bureau of Customs or to enjoin or otherwise interfere with these proceedings. The rule enunciated in *Mison v. Trinidad*^[8] is clear: the Collector of Customs has exclusive jurisdiction over seizure and forfeiture proceedings. The RTCs are precluded from assuming cognizance over such matters even through petitions for certiorari, prohibition or mandamus. Moreover, even if the seizure by the Collector of Customs were illegal, which has yet to be proven, such act does not deprive the Bureau of Customs of jurisdiction thereon.

The Court Administrator concluded that the act of respondent Judge in issuing the questioned TRO amounted to gross ignorance of the law.

The Court's Ruling

We agree with the findings of the Court Administrator.

First, respondent Judge is not exculpated by his contention that his act did not cause any damage upon the government by preventing it from collecting duties and taxes due on the shipment since he required petitioners therein to file a bond in the amount equivalent to the value of the shipment.

The collection of duties and taxes due on the seized goods is not the only reason why trial courts are enjoined from issuing orders releasing imported articles under seizure and forfeiture proceedings by the Bureau of Customs. Administrative Circular No. 7-99 takes into account the fact that the issuance of TROs and the granting of writs of preliminary injunction in seizure and forfeiture proceedings before the Bureau of Customs may arouse suspicion that the issuance or grant was for considerations other than the strict merits of the case. Furthermore, respondent Judge's actuation goes against settled jurisprudence that the Collector of customs has exclusive jurisdiction over seizure and forfeiture proceedings, and regular courts cannot interfere with his exercise thereof or stifle and put it to naught.[9]

Second, respondent Judge cannot claim that he issued the questioned TRO because he honestly believed that the Bureau of Customs was effectively divested of its jurisdiction over the seized shipment due to the statement of Deputy Collector of Customs Florin who stated that, as the investigating officer, he "cannot find any violation of Section 2530 of the Tariff and Customs Code."

Even if it be assumed that in the exercise of the Collector of Customs of its exclusive jurisdiction over seizure and forfeiture cases, a taint of illegality is correctly imputed, the most that can be said is that under these circumstances, grave abuse of discretion may oust it of its jurisdiction. This does not mean, however, that the trial court is vested with competence to acquire jurisdiction over these seizure and forfeiture cases. The proceedings before the Collector of Customs are not final. An appeal lies to the Commissioner of Customs and thereafter to the Court of Tax Appeals. It may even reach this Court through an appropriate petition for review. The proper ventilation of the legal issues is thus indicated. Certainly, the Regional Trial Court is not included therein. Hence, it is devoid of jurisdiction.[10]

Clearly, therefore, respondent Judge had no jurisdiction to take cognizance of the petition and issue the questioned TRO. He proceeded against settled doctrine, an act constituting gross ignorance of the law.[11] This is a serious violation under Section 8, Rule 140 of the Rules of Court.[12]

What is involved here is a fundamental and well-known judicial norm. If the law is so elementary, not to know it or to act if one does not know it, constitutes gross ignorance of the law.[13] Gross ignorance of the law is the disregard of basic rules and settled jurisprudence.[14] Failure to know the basic principles is an inexcusable offense. Respondent's actuation in this case is tantamount to grave misconduct.

It is a basic principle that the Collector of Customs has exclusive jurisdiction over seizure and forfeiture proceedings of dutiable goods. A studious and conscientious judge can easily be conversant with such an elementary rule.

Finally, in issuing orders and rendering decisions, judges must make sure that the same are not only just, correct, and impartial, but also done in a manner free from any suspicion of unfairness and partiality. As aforesaid, Administrative Circular No. 7-99 reminds judges that their issuance of TROs and grants of writs of preliminary

injunction in seizure and forfeiture proceedings before the Bureau of Customs may arouse suspicion that said issuance or grant was for considerations other than the strict merits of the case. The said administrative circular seeks to reiterate that they should embody the image of equity and justice in the eyes of the public.

Respondent Judge's order is of the kind that erodes the public's confidence and faith in the courts. Judges are to avoid not just impropriety, but even the appearance of impropriety. They must give no ground for reproach in order to promote public confidence in the integrity and impartiality of the judiciary.[15] No position exacts a greater demand for moral righteousness and uprightness than a seat in the judiciary.[16]

WHEREFORE, Judge Arnulfo G. Cabredo is found GUILTY of GRAVE MISCONDUCT. The Court imposes on him the penalty of DISMISSAL from the service with forfeiture of all benefits, excluding accrued leave credits, with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations.

Let a copy of this decision be attached to the personnel records of Judge Arnulfo G. Cabredo.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.

[1] Annex "A" of the Complaint; Rollo, p. 48.

[2] Annex "C" of the Complaint; Rollo, p. 64.

[3] Entitled "RE EXERCISE OF UTMOST CAUTION, PRUDENCE, AND JUDICIOUSNESS IN ISSUANCE OF TEMPORARY RESTRAINING ORDERS AND WRITS OF PRELIMINARY INJUNCTIONS," dated June 25, 1999.

[4] 213 SCRA 734, 742 (1992).

[5] Rollo, pp. 6-10.

[6] Comment on the Complaint, p. 4; Rollo, p. 80.

[7] 344 SCRA 178 (2000).

[8] See note 4, *supra*.

[9] *Id.*

[10] *Bureau of Customs v. Ogario*, 329 SCRA 289, 298 (2000) citing *Ponce Enrile v. Vinuya*, 37 SCRA 381, 388-389 (1971).

[11] *Conducto v. Monzon*, 291 SCRA 619 (1998).

[12] As amended by A.M. No. 01-8-10-SC which took effect on September 11, 2001.

[13] *Cruz v. Yaneza*, March 9, 1999, *Uy v. Dizon-Capulong*, 221 SCRA 87 (1993).

[14] *San Miguel Wood Products, Inc. v. Tupas*, 249 SCRA 466 (1995).

[15] Rule 2, Canon 2 of the Code of Judicial Conduct.

[16] Naval v. Panday, 275 SCRA 654 (1999).

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.