

RAFAEL AQUINO, SR. AND RENATO V. AQUINO, COMPLAINANTS, VS. JUDGE JULITO B. VALENCIANO, PRESIDING JUDGE, 6TH MUNICIPAL CIRCUIT TRIAL COURT, POLANGUI LIBON, ALBAY, RESPONDENT.*A.M. No. MTJ-93-746. December 27, 1994*

Ponente: BELLOSILLO, J.

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The doctrine is undisputed that no court has the power to interfere by injunction with the judgments or orders of another court of concurrent jurisdiction having the power to grant the relief sought by injunction.[1] But this has not dissuaded respondent Judge Julito B. Valenciano from issuing the controversial restraining order of 21 October 1992 for which he is now administratively charged.

The factual antecedents: On 19 October 1992, complainant Renato V. Aquino filed an amended complaint for robbery before the Municipal Trial Court of Buhi, Camarines Sur, against Romeo Matias, Jim Boquiron, Aniano Lascano and several John Does. He alleged therein that the accused except Lascano, in conspiracy with one another, with intent to gain and by means of violence and intimidation, unlawfully took ninety-six (96) fish cages belonging to him.

Aniano Lascano was impleaded as an accessory because he was purportedly found to be in possession and control of said cages.[2]

On the day the amended complaint was filed, Judge Jacinto J. Peñaflor conducted the requisite preliminary investigation and thereafter issued a search and seizure order commanding any peace officer "to make an immediate search x x x of (Lake Bato) and forthwith seize and take possession of the following personal property x x x x 96 fish cages with a combined measurement of 10 x 15 x 4 meters and 8 x 17 x 4 meters made of plastic nylon and bring said property to the undersigned to be dealt with as the law directs." [3]

On 21 October 1992, while the law enforcement officers were about to finish implementing the order, respondent Judge Julito B. Valenciano of the Municipal Circuit Trial Court of Polangui-Libon, Albay, granted an urgent ex-parte petition for the issuance of a restraining order and/or writ of preliminary injunction filed by Romeo Matias as an incident to a complaint for grave coercion[4] against herein complainant Renato V. Aquino and others directing the accused "to desist from uprooting and gathering the fish cages belonging to Romeo Matias located within the territorial jurisdiction of Libon, Albay (of Bato Lake), upon receipt of this order." [5] However, the order was not successfully implemented because the act sought to be restrained had already been accomplished. The fish cages were already placed in the possession of the Police Station at Bato, Camarines Sur.

In Crim. Case No. 7124-L, Matias alleged that the accused compelled him to leave Lake Bato so that they could freely seize the fish cages installed in his fishing concession.[6] On 3 November 1992, he filed two (2) additional cases against complainants Rafael Aquino, Sr., Renato V. Aquino and several John Does: Crim. Case No. 7127-L for robbery on 20 October 1992 of five (5) fish cages owned by him,[7] and Crim. Case No. 7128-L for robbery on 21 October 1992 of fifty (50) fish cages likewise owned by him.[8] On 26 November 1992, warrants of arrest

were issued in these last two (2) cases by respondent Judge.[9]

On the basis of the foregoing circumstances, complainants now charge respondent Judge with gross ignorance of the law, abuse of authority, bias and malicious attempt to hinder, delay and frustrate the administration of justice. They assert that in his order dated 21 October 1992, respondent Judge already knew of the existence of the search and seizure order issued on 19 October 1992 by Judge Peñaflor over the same fish cages. The pertinent portion of the order of respondent Judge reads –

x x x x After the testimony of the petitioner (Matias) and his witnesses wherein it was alleged among other things that the petitioner is the owner of some 200 fishing cages in Bato Lake and within the territorial jurisdiction of Buga, Libon Albay, which fishing nets x x x are being uprooted and taken away by the accused Renato Aquino, Avelino Enriquez, and several other Peter Does by virtue of an alleged search and seizure warrant issued by the Honorable Municipal Judge of Buhi, Camarines Sur x x x [10]

Notwithstanding such knowledge of the order of Judge Peñaflor, respondent Judge directly interfered with and countermanded the same by issuing his restraining order in question. Also, he should not have taken cognizance of and acted favorably on the aforementioned three (3) criminal cases because no grave coercion or robberies were perpetrated by complainants herein (accused therein) on 20 and 21 October 1992. The fish cages were seized by police authorities by virtue of a lawful search and seizure order. Assuming that respondent Judge actually believed that complainants were innocent of the charges, his persistence in taking cognizance thereof manifested his bias in favor of Matias. This conclusion is supported by his remarks in Bicolano to complainant Renato V. Aquino after the latter's arrest: "ARAM CO MAN AN TUNGKOL SA INDO NA DOWA, KAYA AREGLOHON NA LANG NINYO YAN" (I know what is between the two of you [referring to Renato V. Aquino and Romeo Matias], so you better settle it).[11] Besides, complainants have verified that Matias and respondent Judge are compadres.

In his comment and answer, respondent Judge contends that on 21 October 1992 he issued two (2) other orders in Crim. Case No. 7124-L: one requiring Aquino, et al. to show cause within ten (10) days from receipt thereof why the petition for the issuance of a writ of injunction should not be granted,[12] and another, directing them to appear and submit counter-affidavits on 3 November 1992.[13] On 22 October 1992, Renato V. Aquino filed a motion to quash the restraining order and set the same for consideration on 3 November 1992.[14] However, neither Renato V. Aquino nor his counsel appeared. Consequently, the promise of Aquino's counsel to furnish the trial court with copy of the alleged search and seizure order did not materialize and respondent Judge was never given a chance to see and know the existence of said order except in the present case. Furthermore, considering that the complainants could not be served with summons/subpoena, respondent Judge was persuaded to archive the grave coercion and robbery cases and to issue warrants of arrest against them on 26 November 1992.

Renato V. Aquino and Avelino Enriquez were finally subpoenaed on 17 December 1992. However, despite the lapse of the period for the filing of their counter-affidavits in the robbery cases, they failed to do so. Consequently, in his resolution of 29 December 1992, respondent Judge forwarded the records of Crim. Cases Nos. 7127-L and 7128-L to the Office of the Provincial Prosecutor of Albay for appropriate action after finding probable cause for the crime charged and for the reason that the crime of robbery was cognizable by the Regional Trial Court[15] It is thus clear that he was not aware of the filing and pendency of Crim. Case No. 494 and the issuance of the search and seizure order at the time the three (3) criminal cases were filed and the restraining order issued. The allegation that he manifested partiality in favor of Matias is baseless and a mere conclusion of complainants.

Investigating Judge Rafael P. Santelices of the Regional Trial Court of Legazpi City resolved the contentions of respondent Judge in this manner -

Respondent alleged that he does not know that a search and seizure order was issued by Judge Peñaflor because he was not shown a copy thereof. However, in his temporary restraining order x x x there was mentioned an alleged search warrant issued by Judge Peñaflor. Even if respondent was not shown a copy thereof, he has knowledge about a supposed search warrant issued by a court of coordinate and equal rank. Prudence should have dictated respondent to act with caution, verify and be sure whether or not there really was issued such a process or order x x x

Likewise, 'the doctrine is undisputed that no court has the power to interfere by injunction with the judgment or orders of another court of concurrent or coordinate jurisdiction, having the power to grant the relief sought by injunction' (Investors' Finance Corp. v. Ebarle, et al., 163 SCRA 60; Cojuangco v. Villegas, et al., G.R. No. 76838, April 17, 1990; Judge Villamor vs. Judge Sales, et al., G.R. No. 101296, 11/13/91).[16]

Judge Santelices concluded that respondent Judge "in a way committed the infractions as charged in the complaint" and therefore recommended that he be fined an amount equivalent to his one month salary.

The Office of the Court Administrator on the other hand, through Deputy Court Administrator Reynaldo L. Suarez, recommends a fine of P5,000.00 "for respondent Judge's attempted act of interference with the proceedings of a court of co-equal jurisdiction." [17]

Respondent Judge cannot invoke lack of knowledge of the existence of the search and seizure order simply because of the alleged absence of concrete evidence to that effect by complainants at the time he issued the restraining order. The fallacy of this argument is readily discernible as the complainants were not given any chance to establish that concrete evidence prior to the issuance of the restraining order. Moreover, it was explicitly stated in the restraining order that the fishing cages allegedly owned by Matias were being uprooted and taken away by Aquino and his group by virtue of an alleged search and seizure order issued by the Municipal Judge of Buhi, Camarines Sur. This information was conveyed to respondent Judge through the testimonies of Matias himself and his witnesses.

We are in conformity with the observation of the Investigating Judge that prudence should have prompted respondent Judge to act with caution and verify the existence of the search and seizure order, instead of precipitately issuing the restraining order. The explanation proffered by respondent Judge, i. e., to protect the interest of Matias over the fish cages without anybody unjustly enriching himself because of the continuation of the action which may turn out to be unlawful, is not a sound justification for doing so. Precisely, the allegation of Matias on the existence of the search and seizure order has sufficiently cast doubt on his alleged interest. We have already ruled that only in case of probable irreparable injury to the applicant may such a restraint without a hearing be granted.[18] Respondent Judge should have likewise taken into account the consequence of issuing a restraining order in the event a search and seizure order emanating from a co-equal court actually exists, that is, he would be interfering with the order of another court of equal jurisdiction. The rule is that no court has the power to interfere by injunction with the judgments or orders of another court of concurrent or coordinate jurisdiction possessing equal power to grant injunctive relief.[19]

In sum, in issuing the restraining order, respondent Judge not only gravely abused his discretion but also interfered with the order of a co-equal court albeit frustrated by late implementation.

Complainants do not dispute the assertions of respondent Judge that they did not appear in the scheduled hearing on 3 November 1992; that since they could not be served with summons/subpoena, respondent Judge was persuaded to issue the warrants of arrest against them; and, that when Renato V. Aquino and Avelino Enriquez were finally served the subpoena and copy of the criminal complaints against them, still they did not file any counter-affidavits. In this regard, respondent Judge was not at fault when he relied solely on the evidence of Matias in finding the existence of probable cause against complainants in the three (3) cases. As in fact, Sec. 3,

par. (d), Rule 112[20] of the 1985 Rules on Criminal Procedure requires the investigating officer to base his resolution on the evidence presented by the complainant if the respondent cannot be subpoenaed, or if subpoenaed, does not submit counter-affidavits within the ten-day period. Renato V. Aquino may have stated in his motion to quash the restraining order:

3. That the uprooting and gathering of fish cages were done in compliance with an order of the Hon. Court of Buhi, Camarines Sur dated October 19, 1992 in connection with Crim. Case No. 494 for Robbery filed by Renato Aquino against Romeo Matias, et. al. x x x x [21]

however, since he and his counsel failed to appear in the scheduled 3 November 1992 hearing, this is nothing but a bare allegation which was properly disregarded by respondent Judge.

The other alleged facts constituting bias in favor of Matias and malicious attempt to hinder, delay and frustrate the administration of justice by respondent Judge, for want of substantial basis, do not deserve any consideration. Mere suspicion is not enough.[22]

Equally baseless is the common perception that respondent Judge took cognizance of the robbery cases (Crim. Case Nos. 7127-L and 7128-L) despite the indubitable fact that the P200,000.00 value of the assorted fish cages was beyond the jurisdiction of the MTC. In fairness to Judge Valenciano, he only conducted the preliminary investigation over the robbery cases and upon a finding of "a probable cause for the crime charged x x x and for the reason that the said crime is cognizable by the Regional Trial Court x x x" forthwith issued a resolution forwarding the case to the Regional Trial Court.[23] The disputed restraining order he issued was in connection with the grave coercion case (Crim. Case No. 7124-L).

WHEREFORE, for issuing in grave abuse of discretion the subject temporary restraining order that would interfere with or frustrate the implementation of an order of another court of co-equal jurisdiction, respondent Judge Julito B. Valenciano should be as he is hereby FINED P15,000.00 with WARNING that a commission of the same or similar act in the future will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Romero, Melo, Quiason, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.

Feliciano, J., on leave.

[1] Prudential Bank v. Gapultos, No. L-41835, 19 January 1990, 181 SCRA 159; Darwin v. Tokonaga, G.R. No. 54177, 27 May 1991, 197 SCRA 442; Santos v. Bayhon, G.R. No. 88643, 23 July 1991, 199 SCRA 525.

[2] Crim. Case No. 494, Rollo, p. 11.

[3] Id., p. 15.

[4] Crim. Case No. 7124-L, "People v. Renato V. Aquino, Avelino Enriquez, Peter Doe, John Doe, Henry Doe, and several Doe's."

[5] Rollo, p. 16.

[6] Id., pp. 17-18.

[7] Id., pp. 19-20.

[8] Id., pp. 21-22.

[9] Id., pp. 23-24.

[10] Id., p.16.

[11] Id., p. 9.

[12] Id., p. 81.

[13] Id., p. 82.

[14] Records, pp. 84-85.

[15] Rollo, pp. 88-91.

[16] Report on Investigation Conducted, pp. 4-5.

[17]Rollo., p. 103.

[18] Wack Wack Condominium Corporation v. Court of Appeals, G.R. No. 78490, 23 November 1992, 215 SCRA 850.

[19] See Note 1.

[20] Referring to Preliminary Investigation.

[21] Records, p. 84.

[22] People v. Serrano, No. L-44712, 28 October 1991, 203 SCRA 171.

[23] Rollo, pp. 88-91.

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