

Title:

City Government of Butuan and City Mayor Leonides Theresa B. Plaza v. Consolidated Broadcasting System, Inc. (CBS)

Facts:

In February 2002, Mayor Leonides Theresa B. Plaza solicited support from the Sangguniang Panlungsod of Butuan City to deny a mayor's permit for CBS, Inc. (doing business as "DXBR" Bombo Radyo Butuan) and to close its facilities, citing violations of zoning ordinances, expired Temporary Use Permit (TUP), and numerous public complaints. The Sangguniang Panlungsod adopted a resolution to support the mayor's decision. On February 18, 2002, the city's licensing officer served CBS's manager a final notice to cease operations.

On February 19, 2002, CBS filed a complaint for prohibition, mandamus, and damages against the city government and Mayor Plaza, with an application for a TRO and preliminary injunction to prevent the closure of its station. This case was raffled to RTC Branch 2, Judge Rosarito F. Dabalos presiding.

On February 20, 2002, Judge Dabalos inhibited himself from the case, and without further raffle, Judge Victor Tomaneng transferred the case to Branch 5. Judge Augustus L. Calo presided over Branch 5 but also recused himself. Vice Executive Judge Tomaneng returned the case to Judge Dabalos, who re-assumed jurisdiction under instruction and urgency on March 12, 2002, following the expiration of a TRO issued by Judge Tomaneng.

Subsequently, Judge Dabalos granted CBS's application for a preliminary injunction to halt the closure of the radio station. The petitioners appealed to the Court of Appeals (CA), which dismissed their appeal on October 28, 2002, finding no grave abuse of discretion by Judge Dabalos.

Issues:

1. Did Judge Rosarito F. Dabalos act with grave abuse of discretion in re-assuming jurisdiction over Civil Case No. 5193 after inhibiting himself?
2. Was it an error for the issuance of the writ of preliminary injunction without first requiring CBS to present evidence supporting their application?

Court's Decision:

Issue 1: Re-assumption of Jurisdiction by Judge Dabalos

The Supreme Court held that a judge who self-inhibits may reconsider and re-assume jurisdiction if there are just and valid reasons to do so. Judge Dabalos re-assumed jurisdiction under urgent circumstances: no other available judge could hear the urgent application, and critical confrontations were imminent. His decision did not show any arbitrariness or whimsicality, fulfilling his duty to dispense justice effectively.

****Issue 2: Issuance of Writ of Preliminary Injunction****

The Court disagreed with the petitioners' contention that evidence should have been required before issuing the injunction. Provisions under Rule 58 of the Rules of Court place the burden on the parties against whom a TRO is issued to present evidence. CBS's right to operate under its legislative franchise without city interference was evident and threatened. The TRO was issued after due consideration of these prima facie rights. The Court affirmed that CBS established the conditions for granting an injunction.

The Supreme Court affirmed the CA's decision, determining there was no grave abuse of discretion by Judge Dabalos and upheld the issuance of the writ of preliminary injunction based on undisputed facts.

Doctrine:

1. ****Judicial Discretion in Self-Inhibition****: Judges, after self-inhibiting, can reassume jurisdiction if urgent circumstances necessitate and no other competent judge is available.
2. ****Injunction Requirements****: A party requesting a preliminary injunction must make a prima facie showing of entitlement. The respondents must show cause why the injunction should not be granted, rather than the applicant initially proving its right.

Class Notes:

- ****Judicial Self-Inhibition (Rule 137, Rules of Court)****: A judge may recuse themselves for specific reasons (pecuniary interest, relationship, previous involvement) or broader discretionary grounds.
- ****Preliminary Injunction (Rule 58, Rules of Court)****: Requires a prima facie showing of the right to the relief sought. The burden of proof for not granting the injunction lies on the respondents.
- ****Temporary Restraining Order (TRO)****: Can be issued ex parte for urgent cases but necessitates a subsequent hearing where respondents can oppose the injunction.
- ****Legislative Franchise****: Holds a significant bearing in legal cases, emphasizing the extent of operational protections against local interference.

Historical Background:

This case showcases the intersection of local administrative power and constitutional protections of operating rights under legislative franchises. Contextually, it reflects tensions between local governance and media entities asserting their freedom of operation and speech. The court's decision underscores safeguards against arbitrary administrative actions impacting constitutionally protected entities, emphasizing procedural protocols within the judicial system to balance urgent public and private interests.