

## EN BANC

**[ A.M. No. RTJ-20-2593 Formerly: OCA IPI No. 20-5067-RTJ, November 10, 2020 ]**

**PHILIPPINE NATIONAL CONSTRUCTION CORPORATION,  
COMPLAINANT, VS. HON. JESUS B. MUPAS, PRESIDING JUDGE  
BRANCH 112, REGIONAL TRIAL COURT, PASAY CITY,  
RESPONDENT.**

### DECISION

#### PER CURIAM:

Before this Court is an administrative case against respondent Hon. Jesus B. Mupas (Judge Mupas), Presiding Judge of Branch 112 of the Regional Trial Court (RTC) of Pasay City. The case stems from a letter<sup>[1]</sup> dated September 27, 2019, filed by the corporate officers of complainant Philippine National Construction Corporation (PNCC), informing this Court of the alleged irregular issuances by Judge Mupas of the injunctive reliefs of Temporary Restraining Order (TRO) and Writ of Preliminary Injunction (WPI).

#### Factual Antecedents

PNCC, a government-owned and/or controlled corporation (GOCC), is the owner of the Financial Center Area (FCA), a 12.9-hectare property located at Macapagal Boulevard, Pasay City.<sup>[2]</sup> Parts of the FCA were leased to different entities which include, among others, Ley Construction and Development Corporation (LCDC) and John Richard Real, doing business under the name and style of Jecar Enterprises (Jecar).<sup>[3]</sup>

When the lease contracts covering the FCA expired on May 31, 2018, PNCC decided not to renew the same. However, several lessees including LCDC and Jecar refused to vacate the property. Thus, PNCC filed separate cases for ejectment against them.<sup>[4]</sup>

PNCC's unlawful detainer case against Jecar, docketed as Civil Case No. M-PSY-19-00813-CV, was raffled to Branch 46 of the Metropolitan Trial Court (MTC) of Pasay City under the sala of Judge Rechie N. Ramos-Malabanan (Judge Ramos-Malabanan). On August 27, 2019, Judge Ramos-Malabanan rendered an Order<sup>[5]</sup> directing the issuance of a Writ of Preliminary Mandatory Injunction<sup>[6]</sup> (WPMI) against Jecar. Under the said WPI, Jecar was enjoined to restore in favor of PNCC the possession of the portion of the FCA that it was leasing. As evidenced by a Certificate of Delivery of Premises<sup>[7]</sup> dated September 17, 2019, PNCC was able to take possession of the same.

Seeking the annulment of the MTC's Order granting the WPI, Jecar filed a Rule 65 petition for *certiorari* with the RTC. This case was docketed as Civil Case No. R-PSY-

19-03785-CV. On September 17, 2019 Judge Mupas issued an Order<sup>[8]</sup> granting Jecar's prayer for a TRO to enjoin the MTC's implementation of the WPMI. Judge Mupas likewise set a hearing for Jecar's prayer for WPI.<sup>[9]</sup>

Aggrieved, PNCC was constrained to report Judge Mupas' actions to the Court.

PNCC argues, in the main, that Judge Mupas enjoined an act that had already been accomplished. Moreover, in taking cognizance of Civil Case No. R-PSY-19-03785-CV, Judge Mupas directly contravened Section 19(g)<sup>[10]</sup> of the Rules on Summary Procedure. Simply put, Jecar's petition should not have been given due course.<sup>[11]</sup>

In addition to excoriating the procedural validity of Judge Mupas' actions, PNCC found it suspicious when, upon the filing of its Position Paper on the propriety of the TRO before the RTC at 4:00 p.m. of September 17, 2019, Judge Mupas was able to cause the service of the said TRO to PNCC at 5:00 p.m. of the very same day.<sup>[12]</sup>

PNCC likewise points the Court's attention to Judge Mupas' similar actions in Civil Case No. R-PSY-18-3000-CV entitled "*Ley Construction and Development Corporation v. Philippine National Construction Corporation*," for Injunction/Damages. In this case, Judge Mupas issued a TRO<sup>[13]</sup> and a WPI<sup>[14]</sup> to enjoin PNCC "from carrying out and implementing its demand, as contained in its letter dated April 26, 2018, for plaintiff Ley Construction and Development Corporation to vacate the leased premises; or from taking steps to evict or cause the eviction of plaintiff, or from taking possession of the Leased Premises, until further orders x x x."<sup>[15]</sup>

In his comment<sup>[16]</sup> dated October 11, 2019 to PNCC's letter, Judge Mupas insisted that the subject injunctive reliefs were issued in accordance with procedural rules and in the spirit of liberality. With regard to the injunctive reliefs in Civil Case No. R-PSY-18-30000-CV, he claimed that he was swayed by the employees who would lose their jobs if PNCC was allowed to evict its lessees.<sup>[17]</sup> Judge Mupas also mentioned PNCC's participation in the mediation proceedings which, in his view, meant that the parties were open to an amicable settlement of the case.<sup>[18]</sup>

As to Civil Case No. R-PSY-19-03785-CV, Judge Mupas admitted that a petition for certiorari is indeed not allowed under the Rules on Summary Procedure. However, he defended himself by invoking the tenets of the liberal application of the rules of procedure on affording the parties the opportunity to be heard. Judge Mupas further claimed that he was not informed by the parties that the action sought to be enjoined by LCDC had already been rendered moot, and that he had no hand on the service of the TRO to LCDC.<sup>[19]</sup>

### **Findings of the Office of the Court Administrator**

The Office of the Court Administrator (OCA) submitted a Memorandum<sup>[20]</sup> dated August 13, 2020 recommending that Judge Mupas be held administratively liable for gross ignorance of the law.

The OCA found Judge Mupas' invocation of the principle of liberality to be a mere subterfuge to evade responsibility for his transgressions. *First*, Judge Mupas issued the injunctive reliefs in favor of LCDC in Civil Case No. R-PSY-18-30000-CV without any legal basis. Nowhere in his orders did he mention that LCDC a "clear and

unmistakable right to be protected," as required by the rules because, in truth and in fact, LCDC's lease contract with PNCC had already expired. *Second*, Judge Mupas blatantly ignored Section 19 (g) of the Rules on Summary Procedure when he took cognizance of Civil Case No. R-PSY-19-03785-CV. *And third*, Judge Mupas violated anew the basic tenets on the issuance of injunctive reliefs when he issued a TRO in favor of Jecar, whose contract of lease had also expired, to enjoin an act that had already been accomplished.<sup>[21]</sup>

As to the timing of the service of the TRO on September 17, 2019, the OCA found no irregularity on the part of Judge Mupas, considering the inherent probability of having a TRO issued and served to PNCC within the span of one hour because of the court *a quo*'s close proximity to the FCA.<sup>[22]</sup>

In view of these circumstances, the OCA recommended as follows:

**RECOMMENDATION:** It is respectfully recommended for the consideration of the Honorable Court that:

- a. the instant matter be **RE-DOCKETED** as a regular administrative matter against Hon. Jesus B. Mupas, Presiding Judge, Branch 112, Regional Trial Court, Pasay City;
- b. Judge Jesus B. Mupas be found **GUILTY** of three (3) counts of Gross Ignorance of the Law for issuing (1) a temporary restraining order in Civil Case No. R-PSY-18-3000-CV, (2) taking cognizance of the petition for certiorari in Civil Case No. R-PSY-19-03785-CV in violation of Section 19 (g) of the Rules of Summary Procedure, and for (3) issuing a temporary restraining order also in Civil Case No. R-PSY-19-03785-CV; and
- c. Judge Mupas be **FINED** in the amount of P50,000.00 for the first count, **FINED** in the amount of P75,000.00 for the second count, and **DISMISSED FROM THE SERVICE**, with forfeiture of all his retirement benefits, except his accrued leave credits, and with perpetual disqualification for re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporation for the third count of Gross Ignorance of the Law.<sup>[23]</sup>

### **Ruling of the Court**

The Court fully adopts the findings and recommendations of the OCA.

Our conception of good judges has been, and is, of men who have a mastery of the principles of law, who discharge their duties in accordance with law.<sup>[24]</sup> Judges are the visible representations of law and justice,<sup>[25]</sup> from whom the people draw the will and inclination to obey the law.<sup>[26]</sup> They are expected to be circumspect in the performance of their tasks, for it is their duty to administer justice in a way that inspires confidence in the integrity of the justice system.<sup>[27]</sup> Judges should exhibit more than just a cursory acquaintance with the statutes and procedural rules, and should be diligent in keeping abreast with developments in law and jurisprudence.

[28] For, a judge who is plainly ignorant of the law taints the noble office and great privilege vested in him.[29]

While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgments, it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry.[30] A patent disregard of simple, elementary and well-known rules constitutes gross ignorance of the law.[31] To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but were also motivated by bad faith, fraud, dishonesty, and corruption.[32] When the law is sufficiently basic, a judge owes it to his office to know and to simply apply it. Anything less would be constitutive of gross ignorance of the law.[33]

In *Enriquez v. Judge Caminade*, [34] the Court declared:

Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. In all good faith, they must know the laws and apply them properly. Judicial competence requires no less. Where the legal principle involved is sufficiently basic and elementary, lack of conversance with it constitutes gross ignorance of the law.[35]

In *Department of Justice v. Judge Mislang*, [36] the Court further elaborated:

Gross ignorance of the law is the disregard of basic rules and settled jurisprudence. A judge may also be administratively liable if shown to have been motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence. Though not every judicial error bespeaks ignorance of the law and that, if committed in good faith, does not warrant administrative sanction, the same applies only in cases within the parameters of tolerable misjudgment. Such, however, is not the case with Judge Mislang. Where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law. A judge is presumed to have acted with regularity and good faith in the performance of judicial functions. But a blatant disregard of the clear and unmistakable provisions of a statute, as well as Supreme Court circulars enjoining their strict compliance, upends this presumption and subjects the magistrate to corresponding administrative sanctions.

For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice. Judges owe it to the public to be knowledgeable, hence, they

are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart. When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith, and in grave abuse of judicial authority. In both cases, the judge's dismissal will be in order.<sup>[37]</sup>

The Court does not take lightly the complaints against Judge Mupas. A review of his disciplinary record does not paint a rosy picture.

In *Mina v. Judge Mupas*,<sup>[38]</sup> he was found guilty of undue delay in rendering an order and was fined the amount of P10,000.00.<sup>[39]</sup>

In *Giganto v. Judge Mupas*,<sup>[40]</sup> he was admonished "to be mindful of his actions so as to avoid the appearance of impropriety."<sup>[41]</sup>

More recently, in *Yu v. Judge Mupas*,<sup>[42]</sup> he was found guilty of gross ignorance of the law and fined the amount of P35,000.00.<sup>[43]</sup>

The instant case shall be resolved not just on the weight of the allegations of PNCC, but also in light of the previous infractions of Judge Mupas for which he had already been warned and penalized for by the Court. After all, the Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and shove away the undesirable ones.<sup>[44]</sup>

#### *Judge Mupas is guilty of gross ignorance of the law*

In issuing the injunctive reliefs in question, Judge Mupas offered the following ratiocinations:

1. Order dated June 14, 2018 granting TRO against PNCC in Civil Case No. R-PSY-18-3000-CV

x x x the directive to vacate the property should clearly be restrained since it would result to undue injury to the government in the amount of 61 million pesos for the months of June to December 2018. In the PNCC 1<sup>st</sup> Quarter report dated May 10, 2018, the management itself of herein defendant recommended to the Board of Directors that the Lease Contract be extended in order to prevent any loss of income to the government pending the finalization or approval of any concrete plan on what to do with the property.<sup>[45]</sup>

2. Order dated July 4, 2018 granting WPI against PNCC, also in Civil Case No. R-PSY-18-3000-CV

The testimonies of plaintiff's witnesses show that this Court's intervention is urgently needed as it would suffer grave and irreparable injury if it is evicted.