

EN BANC

[A.M. No. RTJ-08-2133 (Formerly A.M. OCA IPI No. 05-2165-RTJ), August 06, 2008]

**DATU OMAR S. SINSUAT AND MARIANO H. PAPS,
COMPLAINANTS, VS. JUDGE VICENTE A. HIDALGO, REGIONAL
TRIAL COURT, BRANCH 37, MANILA, RESPONDENT.**

DECISION

CARPIO MORALES, J.:

The administrative case against Judge Vicente A. Hidalgo (respondent) who, during the pendency of this case, retired^[1] as presiding judge of the Regional Trial Court (RTC), Branch 37, Manila has its beginnings from the receipt on November 17, 2003 by the Office of the Court Administrator (OCA) of a copy of a "Motion to Resolve Defendants' Motion for Reconsideration" filed by counsels for the defendants in Civil Case No. 03106921, "*Nerwin Industries Corp. v. PNOC-Energy Development Corporation, et al.*," herein complainants Attys. Datu Omar S. Sinsuat and Mariano H. Paps.

In their "Motion to Resolve Defendants' Motion for Reconsideration"^[2] (the Motion), complainants questioned, among other things, the authority of respondent to issue in the above-said civil case a Temporary Restraining Order (TRO) and a writ of preliminary injunction enjoining the therein defendant Philippine National Oil Company - Energy Development Corporation (PNOC-EDC) from holding a bidding for wooden poles required for the government's Accelerated Rural Electrification Program, otherwise known as the "O-Ilaw" Project.

Complainants claimed that in issuing the TRO and injunction, respondent disregarded the clear proscription of Presidential Decree (P.D.) No. 1818^[3] and Republic Act (R.A.) No. 8975^[4] and this Court's Administrative Circular No. 11-2000^[5] of November 13, 2000 against the issuance of TROs and writs of injunction on government infrastructure projects.

By letter dated April 24, 2004 to the OCA,^[6] Atty. Paps, who was required by the OCA upon receipt of a copy of the Motion to expound on his and Atty. Sinsuat's allegations therein, contended that respondent issued the TRO despite a clear showing that the plaintiff in Civil Case No. 03106921 did not have a cause of action against the PNOC- EDC,^[7] and that a critical government infrastructure project was involved.

Atty. Paps cited instances which, to him, indicated respondent's bias against the PNOC-EDC, including respondent's declaring PNOC-EDC and its co-defendants in default despite their reservation to file a Motion to Dismiss and/or appropriate responsive pleading pending resolution of the incidents in the case, and

respondent's disqualifying him as PNOC-EDC's counsel despite grant of express authority to him to act as such from the Office of the Government Corporate Counsel.

In compliance with the directive of the OCA for him to comment^[8] on Atty. Paps' letter, respondent informed the OCA by his Comment submitted on July 15, 2004^[9] that, *inter alia*, he denied PNOC-EDC's motions for reconsideration to set aside order of default and to admit answer on December 29, 2003 as they were the subject of a petition for certiorari before the Court of Appeals (CA).

By letter dated July 22, 2004,^[10] Atty. Paps drew attention to respondent's non-refutation of the charge that he issued the questioned TRO and writ of preliminary injunction against a critical government infrastructure project. He reiterated the instances which to him showed respondent's bias against the PNOC-EDC.

Complainants sent the OCA yet another letter dated December 9, 2004^[11] in which they formally requested that respondent be held liable for "grave misconduct and gross ignorance of the law," informing that their above-mentioned petition for certiorari, docketed as CA-G.R. No. 83144, was granted by the CA by Decision of October 22, 2004.^[12] Complainants highlighted the CA's finding that respondent gravely abused his discretion in issuing the TRO/preliminary injunction, "a palpable violation of RA 8975 which was x x x already existing at the time respondent Judge issued the assailed Orders" and "in blatant disregard of a `simple, comprehensible and unequivocal mandate (of PD 1818) prohibiting the issuance of injunctive writs relative to government infrastructure projects."

By letter of July 6, 2005,^[13] the OCA informed complainants, however, that the complaint against respondent could not be given due course as it failed to comply with Section 1 of Rule 140 of the Rules of Court,^[14] as amended by A.M. No. 01-08-10-SC.^[15] Complainants countered that the complaint against respondent had been set in motion as early as 2003 as the record of exchanges between them, the OCA and respondent would show.^[16] These exchanges substantially instituted the complaint against respondent, they argued.

Respondent thereafter sought the dismissal of the complaint firstly on the basis of the OCA's denial thereof of due course.^[17] Adverting to the Court's Resolution of October 15, 2003 in A.M. No. 03-10-01-SC,^[18] respondent moreover submitted that the complaint against him should be dismissed as it must be considered filed only on November 8, 2006 when Atty. Sinsuat complied with the resolution of the OCA requiring the submission of a copy of the October 22, 2004 Decision of the CA. As such, the filing of the complaint was made after his compulsory retirement on July 19, 2006 at which time the Court no longer had administrative jurisdiction over him, he posited.

At the same time, respondent argued that to allow the complaint to prosper would amount to a denial of due process as he was never informed of the nature of and the specific violations he was alleged to have committed, hence, his inability to intelligently answer them.

Respondent particularly lamented not having received any further communication

after the July 6, 2005 letter of the OCA. Nor of having been furnished copies of the July 19, 2006 letter of then Court Administrator Lock requiring complainants to furnish the OCA a copy of the October 22, 2004 CA Decision, and complainants' compliance of November 8, 2006.

By Resolution of February 5, 2007,^[19] the Court required the parties to manifest whether they were willing to submit the matter for resolution on the basis of the pleadings filed. By letter dated March 19, 2007, complainants manifested that they were so willing. ^[20]

By Memorandum dated October 1, 2007, the OCA to which the complaint was referred for evaluation, report and recommendation^[21] narrowed down the issues to whether: (1) the complaint may be given due course despite non-compliance with Section 1, Rule 140 of the Rules of Court; (2) the resolution of the complaint, if it be given due course, would amount to a denial of due process on the part of respondent; and (3) respondent was administratively liable for gross ignorance of the law.

The OCA found sufficient allegations of administrative wrongdoing in complainants' motions and letters. The letters and motions not having been verified, the OCA treated them as anonymous complaint, hence, their directive for complainants to expound on their allegations and to furnish the OCA with a certified copy of the October 22, 2004 Decision of the CA.

Debunking respondent's claim of denial of due process, the OCA emphasized that he was informed of the allegations against him and did not deny issuing the assailed TRO; he merely stated that the matter had already been raised on certiorari to the CA.

The OCA found respondent to have displayed gross ignorance of the law in issuing the questioned TRO in light of the provisions of P.D. No. 1818 and R.A. No. 8975.

Noting that respondent was previously fined in A.M. Nos. RTJ-03-1756^[22] and RTJ-05-1959^[23] in the amount of P11,000 and P20,000, respectively, and warned that a repetition of the same or similar act would be dealt with severely, the OCA recommended that he be found liable for **gross ignorance of the law**, a serious charge under Section 8 of Rule 140 of the Rules of Court.^[24] As respondent had, however, retired from the service, the OCA recommended that he be fined in the amount of P40,000.

The report *cum* recommendation of the OCA is well-taken.

Section 1 of Rule 140 of the Rules of Court provides:

SECTION 1. *How instituted.* -- Proceedings for the discipline of Judges of regular and special courts and Justices of the Court of Appeals and the *Sandiganbayan* may be instituted *motu proprio* by the Supreme Court or upon a verified complaint, supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations, or upon an anonymous complaint, supported by public records of indubitable integrity. The complaint shall

be in writing and shall state clearly and concisely the acts and omissions constituting violations of standards of conduct prescribed for Judges by law, the Rules of Court, or the Code of Judicial Conduct.

Under the above-quoted Rule, there are three ways by which administrative proceedings against judges may be instituted: (1) *motu proprio* by the Supreme Court; (2) upon *verified complaint* with affidavits of persons having personal knowledge of the facts alleged therein or by documents which may substantiate said allegations; or (3) upon an *anonymous complaint* supported by public records of indubitable integrity.

While the copy of the Motion which complainants furnished the OCA was unverified as were their subsequent letters, the OCA correctly treated them as anonymous complaint. The Court has, on several occasions, been entertaining complaints of this nature^[25] especially where respondents admitted the material allegations of the complainants^[26] as in respondent's case.

Anonymous complaints, as a rule, are received with caution. They should not be dismissed outright, however, where their averments may be easily verified and may, without much difficulty, be substantiated and established by other competent evidence.^[27]

Here, the motion and letters sufficiently averred the specific acts upon which respondent's alleged administrative liability was anchored. And the averments are verifiable from the records of the trial court and the CA's Decision.

Respondent's challenge against this Court's jurisdiction over the present case is unavailing. Indeed, the pleadings of the parties and the communications of the OCA clearly show that the disciplinary proceeding against him was set in motion in November 2003 when the OCA received a copy of complainants' Motion.

Respondent's retirement in the interim does not per se warrant the dismissal of the administrative complaint.^[28]

The Court finds that, indeed, respondent is liable for gross misconduct. As the CA explained in its above-stated Decision in the petition for certiorari, respondent failed to heed the mandatory ban imposed by P.D. No. 1818 and R.A. No. 8975 against a government infrastructure project,^[29] which the rural electrification project certainly was. He thereby likewise obstinately disregarded this Court's various circulars^[30] enjoining courts from issuing TROs and injunctions against government infrastructure projects in line with the proscription under R.A. No. 8975. *Apropos* are *Gov. Garcia v. Hon. Burgos*^[31] and *National Housing Authority v. Hon. Allarde*^[32] wherein this Court stressed that P.D. No. 1818 expressly deprives courts of jurisdiction to issue injunctive writs against the implementation or execution of a government infrastructure project.

Reiterating the prohibitory mandate of P.D. No. 1818, the Court in *Atty. Caguioa v. Judge Laviña*^[33] faulted a judge for grave misconduct for issuing a TRO against a government infrastructure project thus: