

## THIRD DIVISION

**[ A.M. No. RTJ-02-1674, January 22, 2004 ]**

**BAILINANG P. MAROHOMBSAR, COMPLAINANT, VS. JUDGE  
SANTOS B. ADIONG, RESPONDENT.**

### R E S O L U T I O N

**CORONA, J.:**

This is a complaint filed against Judge Santos B. Adiong of the Regional Trial Court, Branch 8, Marawi City, Lanao del Sur, charging him with gross ignorance of law, abuse of discretion and conduct unbecoming of a judge in connection with his issuance of a temporary restraining order (TRO) and a preliminary restraining order in Civil Case No. 1670-99, entitled *Ms. Yasmira N. Pangadapun vs. Ms. Bailinang P. Marohombsar*.

After respondent filed his comment, we issued a resolution on February 6, 2000 referring the case to Associate Justice Eugenio S. Labitoria of the Court of Appeals for investigation, report and recommendation.

Complainant Marohombsar was the defendant in Civil Case No. 1670-99 for "injunction with prayer for preliminary injunction." The case was filed on March 17, 1999 by Yasmira Pangadapun, daughter of Judge Yusoph Pangadapun of RTC Branch 10, Marawi City. In the said complaint, Pangadapun questioned the legality of Marohombsar's appointment by DSWD Regional Secretary Salic-Malna as provincial social welfare officer V of the Department of Social Welfare and Development – Autonomous Region for Muslim Mindanao (DSWD-ARMM). Prior to Marohombsar's appointment, Pangadapun used to occupy said position as officer-in-charge.

Upon the filing of the said complaint, respondent judge issued a TRO and set the hearing on the application for the issuance of a writ of preliminary injunction on April 6, 1999. Summons, together with a copy of the complaint and a notice indicating that a preliminary conference would be held on March 22, 1999, was also served on both parties.

On March 18, 1999, Marohombsar filed an *ex parte* urgent motion to dissolve the TRO. Pangadapun was given until March 26, 1999 to comment and, pending the filing of the same, the TRO was extended up to said date.

On March 22, 1999, respondent issued an order stating that a preliminary conference had been held and that both parties had waived the raffle of the case. He reset the hearing on the application for the issuance of a writ of preliminary injunction from April 6, 1999 to April 5, 1999 at 2:00 p.m.

On March 29, 1999, respondent gave Pangadapun up to April 5, 1999 to file her comment and again, the TRO was extended to that date.

During the hearing on the application for the issuance of a writ of preliminary injunction on April 5, 1999, none of the lawyers appeared. Hence, respondent considered it submitted for resolution and issued the preliminary injunction the following day.

In his partial Comment dated November 13, 2000, respondent denied that: (1) he issued the TRO in favor of Pangadapun without benefit of a hearing; (2) in his order dated March 22, 1999, he made it appear that a preliminary conference was held where the parties agreed to waive the raffle of the case, when in fact there was none; (3) he falsified the records of the case and (4) he granted the preliminary injunction without a hearing. He alleged that the complaint was purely a harassment case filed by a disgruntled party because of the latter's failure to obtain a favorable resolution from him. Although respondent judge admitted that Judge Yusoph Pangadapun and Judge Abdulhakim Ibrahim were his distant relatives and townmates, he stressed that "never in our careers in the judiciary have we interfered nor influenced one another on any pending case before our courts."

During the preliminary hearing of the complaint on April 18, 2002 before Justice Labitoria, the parties agreed to have the case decided based on the pleadings presented.

Respondent submitted the following additional evidence and exhibits to strengthen his case:

- a) partial Comment on the Complainant's Affidavit-Complaint;
- b) 2<sup>nd</sup> Indorsement dated December 11, 2000 in OCA IPI No. 00-929-RTJ executed by Judge Abdulhakim A.R. Ibrahim showing that the complainant likewise filed an administrative case against him involving the same parties and cause of action, and
- c) Supreme Court resolution dated September 11, 2001 dismissing the administrative case against Judge Ibrahim.

On the other hand, complainant filed her "comment/objection to respondent's formal offer of exhibits" on the ground that all the documents were irrelevant and immaterial to the instant case.

In his final report and recommendation, Justice Labitoria recommended that respondent judge be absolved of all the charges against him.

We find the recommendation of Justice Labitoria to be supported by the evidence and we approve the same.

A TRO is generally granted without notice to the opposite party and is intended only as a restraint on him until the propriety of granting a temporary injunction can be determined. It goes no further than to preserve the status quo until that determination.<sup>[1]</sup>

Respondent judge was justified in issuing the TRO ex parte due to his assessment of