



Republic of the Philippines
Supreme Court
Manila

EN BANC

**EDUARDO PANES, JR., JOSEPHINE
J. COSEP, ROGER M. ROSAL,
LOURDES G. SOLATORIO, AMY P.
AGUIRRE, JUANCHITO B. HOLGADO,**
Complainants,

**A.M. OCA-IPI No. 07-2618-
RTJ**

- versus -

JUDGE OSCAR E. DINOPOL, RTC,
Branch 24, Koronadal City,
Respondent.

X ----- X

JOEWE PALAD,
Complainant,

**A.M. OCA-IPI No. 07-2619-
RTJ**

- versus -

JUDGE OSCAR E. DINOPOL, RTC,
Branch 24, Koronadal City,
Respondent.

X ----- X

**ROQUE C. FACURA, DANIEL I.
LANDINGIN, ALFREDO B. ESPINO,
VENUS M. POZON, FRED F.
FABELLON,**
Complainants,

**A.M. OCA-IPI No. 07-2652-
RTJ**

- versus -

JUDGE OSCAR E. DINOPOL, RTC,
Branch 24, Koronadal City,
Respondent.

X ----- X

EDEN V. CASTRO,

Complainant,

A.M. OCA- IPI No. 07-2720-RTJ

- versus -

**JUDGE OSCAR E. DINOPOL, RTC,
Branch 24, Koronadal City,**

Respondent.

X -----X
**ROSALINDA G. FAROFALDANE,
 BARBIE GAIL LUANNE MANANES,
 ALVIN TROJILLO, REXES CAILAN,
 ARIEL RENDON, EDUARDO PANES,
 JR., ROGER ROSAL, ELENITA
 JOQUINO, MELODY JOY COSEP,
 AMY P. AGUIRRE,**

Complainants,

A.M. OCA-IPI No. 07-2721-RTJ

- versus -

**JUDGE OSCAR E. DINOPOL, RTC,
Branch 24, Koronadal City,**

Respondent.

X -----X
**ENGR. ROQUE C. FACURA,
 JOSEPHINE J. COSEP, EDUARDO A.
 PANES JR., REY J. VARGAS,
 NONITO R. PALMA, MA. LOURDES
 G. SOLATORIO, AMY P. AGUIRRE,
 JUANCHO B. HOLGADO, JOSE
 AMORMIO T. REYES, REXES S.
 CAILAN, JERRY M. GAYANILO,
 ARIEL V. RENDON, BARBY GAIL
 LUANNE S. MANANES, RIC
 DAGO HONG, ASER G. SADAVA,
 ROGER M. ROSAL,**

Complainants.

A.M. OCA-IPI No. 08-2808-RTJ

Present:

SERENO, *CJ*,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 BRION,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 ABAD,
 VILLARAMA, JR.,
 PEREZ,
 MENDOZA,
 REYES,
 PERLAS-BERNABE, and
 LEONEN, *JJ*.

- versus -

**JUDGE OSCAR E. DINOPOL, RTC,
Branch 24, Koronadal City,**

Respondent.

Promulgated:

February 12, 2013

X -----X

DECISION

PER CURIAM:

Before us are six (6) administrative cases that have been consolidated, as they arose from the same set of circumstances.

The facts, as reported by the Office of the Court Administrator (OCA), are as follows:¹

Respondent was the presiding judge of the Regional Trial Court (RTC), Branch 24, Koronadal City.

On 16 November 2006, then Mayor Fernando Q. Miguel appointed Engineer Joselito T. Reyes and Carlito Y. Uy to the board of directors (BOD) of the Koronadal Water District (KWD), and the appointees were to serve from 1 January 2007 to 31 December 2012. Their appointments were subsequently confirmed by the Local Water Utilities Administration (LWUA). Other board members who were appointed were Andres O. Magallanes, Jr., Evangeline A. Ang (Ang), and Engineer Allan D. Yaphockun (Yaphockun). These appointments were communicated by LWUA to Eleanor P. Gomba (Gomba), the general manager of KWD, through a letter² dated 12 December 2006.

Gomba, however, refused to recognize the new BOD, prompting LWUA to replace her and to appoint Rey Vargas (Vargas) as officer-in-charge of the office of the general manager.

On 14 February 2007, Gomba transferred her office to Arellano St. Kidapawan City. She, in the name of KWD, then filed a Complaint³ against Vargas for injunction and damages with application for the *ex parte* issuance of a temporary restraining order (TRO) and/or writ of preliminary injunction.

On 20 February 2007, Executive Judge Laureano T. Alzate issued a 72-hour TRO.

¹ Consolidated Report dated 28 December 2011 submitted by CA Associate Justice Melchor Q.C. Sadang, citing the Memorandum dated 30 July 2007 submitted by Court Administrator Christopher O. Lock for OCA IPI No. 07-2618-RTJ and OCA IPI No. 07-2619-RTJ.

² A.M. OCA-IPI No. 07-2652-RTJ, CA Folder 5 of 6, pp. 22-23.

³ Id. at 36-51.

The case was thereafter docketed as Civil Case No. 1799-24 and raffled to respondent as presiding judge of Branch 24.

On 23 February 2007, respondent issued an Order for a writ of preliminary injunction against Vargas,⁴ enjoining the latter from doing any of the following: exercising control and supervision over KWD; collecting and receiving payments from KWD concessionaires; exercising control and supervision over all KWD employees; or exercising authority to deal with business transactions relating to KWD.

Gomba, however, alleged that Vargas continued to receive payments in violation of the injunction order. Thus, on 9 March 2007, respondent issued a 20-day TRO enjoining Yaphockun, Ang, and their agents from exercising powers as members of the BOD, and from establishing a separate office on G.H. Del Pilar Street.

In the meantime, the LWUA issued Resolution No. 41⁵ taking over KWD for a period of six (6) months effective 6 March 2007. By virtue of the Resolution, which was implemented on 24 March 2007, properties were taken from the KWD Arellano office.

Acting on Gomba's Very Urgent *Ex Parte* Omnibus Motion, respondent issued on 24 March 2007, a Saturday, at 8:15 p.m. one of the assailed Orders, the dispositive portion of which reads:⁶

ACCORDINGLY, and to obviate possible loss of government property and in order to preserve the Orders of this Court, all the defendants in this case, to wit: Rey J. Vargas, Allan Yaphockun, Evangeline Ang, John Doe's and Jane Doe's, including all LWUA personnel and officers, specifically Daniel Landingin, Antonio Magtibay, Alfredo Espino, Venus Pozon, Fred Fabellon, Roque Facura, including all of their representatives and agents, and successors, assigns, representatives, supporters, and agents of the Defendants are hereby ordered to obey, uphold and preserve the Orders of this Court dated February 23, 2007 and March 9, 2007, respectively.

Further, the LWUA officers are ordered to maintain the Status Quo Ante, and to return all KWD properties to its office at Arellano St, City of Koronadal immediately upon receipt of this Order. The above named officers and personnel of LWUA are directed to explain within twelve (12) hours why they should not be cited in contempt of Court for violating the aforesaid Orders.

⁴ Id. at 52-55.

⁵ Id. at 27.

⁶ Id. at 29.

After an hour, at 9:15 p.m., respondent judge issued the second assailed Order⁷ ordering the arrest of Eduardo Panes, Jr., security guards of the Supreme Investigative and Security Agency, Juancho Holgado, and all persons inside No. 79 G.H. Del Pilar Street, Koronadal City (KWD Del Pilar office) for resisting the implementation of the earlier 24 March 2007 Order.

On 13 April 2007, respondent issued still another Order,⁸ this time directing police forces to augment two Philippine National Police (PNP) teams at the KWD Arellano office, its pumping stations and reservoir; ordering the LWUA personnel, Mayor Fernando Miguel, Jesus Pring, Jr. and those giving them aid and comfort to desist and refrain from forcibly, and without court order, taking over the operation and management of the KWD Arellano office; and directing the PNP to arrest and detain the mayor and all his allies in the event of their defiance of the Order.

On the same day, respondent issued another Order⁹ directing Daniel Landingan, Antonio Matibay, Alfredo Espino, Venus Pozon, Fredo Fabellon and Roque Facura to return certain properties to the KWD Arellano office. Otherwise, they would be held guilty of indirect contempt, and their arrest and detention ordered until compliance thereof.

We now take up the individual cases filed against respondent judge.

A.M. OCA-IPI No. 07-2618-RTJ

Complainants, all employees of KWD, alleged that the manner of service of the assailed 24 March 2007 twin Orders was violent, and that the disturbance that ensued caused all KWD personnel in the Del Pilar office to scamper and hide for fear of arrest. The office was then ransacked by the allies of Gomba who took the things from the Del Pilar and the Arellano offices, as well as the motor vehicles owned by KWD. The windows and doors were also destroyed.

Complainants further alleged that the Orders were patently illegal and void and were issued with abuse of authority and gross ignorance of law, jurisprudence and the Rules of Court, for the following reasons:

1. These Orders were issued past working hours, on a Saturday, a nonworking day, and without the benefit of a hearing or a notice to concerned parties.

⁷ Id. at 30.

⁸ Id. at. 31-33.

⁹ Id. at 34-35.

2. Resistance to a lawful court order, while a ground for indirect contempt, still requires the filing of a charge and the opportunity to be heard.
3. Complainants were not parties to the cases filed before respondent judge on the legitimacy of either faction.
4. The proceedings in Civil Case No. 1799-24 are null and void because the lawyers representing KWD, a government-owned and –controlled corporation, were not authorized by the Office of the Government Corporate Counsel (OGCC) and the Commission on Audit (COA).¹⁰

In response, respondent judge alleged that complainants were not employees of KWD. He further insisted that the Complaint should be dismissed by virtue of a Petition for Review questioning the twin Orders of 24 March 2007 then pending with the CA. Moreover, he claimed that he issued the assailed Orders because he was convinced that the very survival of KWD was seriously threatened, after granting an audience at 4:00 p.m. to the lawyers of the Gomba group when they filed an *Ex Parte Omnibus Motion*. Thus, he thought that the three-day notice rule under the Rules of Court was “totally insignificant and ridiculous,”¹¹ when what seemed more urgent to him was the speedy delivery of justice.

A.M. OCA-IPI No. 07-2619-RTJ

Complainant Joewe Palad is a security guard of Supreme Investigative and Security Agency detailed to secure the premises of the Del Pilar office. On 24 March 2007, at around 10:00 p.m., he was arrested by elements of the PNP and was brought to the PNP Jail of Koronadal City for allegedly defying the assailed Orders of respondent, but with no bail recommended.¹² He was, however, not aware of these Orders, and only came to know of them on 28 March 2007 when he was brought to court to attend a hearing on his arrest. At 5:00 p.m. of the same day, he was released on respondent’s finding that he did not show an act of defiance to the Orders.

In his Comment,¹³ respondent alleged that complainant Palad defied the orders of Sheriff Ricardo Publico to open the gate of the KWD Del Pilar office. Respondent also alleged that Palad acted in bad faith in filing the present Complaint, with the intention to harass the former.

¹⁰ *Rollo*, Vol. III (A.M. OCA IPI No. 07-2618-RTJ), pp. 28-26.

¹¹ *Id.*

¹² *Rollo*, Vol. IV (OCA IPI No. 07-2619-RTJ) pp. 2-5.

¹³ *Id.* at 10-11.

A.M. OCA IPI No. 07-2652-RTJ

Complainants Roque C. Facura, Daniel I. Landingin, Alfredo B. Espino, Venus M. Pozon and Fred F. Fabellon are employees of the LWUA. They alleged that on 28 February 2007, to alleviate the conflict between the Gomba and the Reyes factions, the LWUA Administrator designated complainant Facura as KWD interim general manager.

On 24 March 2007, the appointed interim BOD allegedly served a notice of takeover on the KWD's BOD. After that, they proceeded to the KWD Arellano office, where Gomba was holding office, to also serve the notice to her.

Upon serving the notice, however, several unknown persons allegedly barged into the Arellano office and took away the records, equipment and other items found.

Complainants alleged that the 24 March 2007 twin Orders of respondent were highly irregular and illegal, having been issued on a Saturday evening without notice and hearing. Complainants likewise alleged that the 13 April 2007 twin Orders are highly irregular and were issued without notice and hearing. They additionally alleged that respondent had shown an unwarranted bias for Gomba, who identified respondent as one of her personal references in her Personal Data Sheet.

Complainants maintained that respondent allowed the private lawyers of Gomba to appear before the court without the necessary authority from the OGCC contrary to pertinent rules and regulation.

Finally, they pointed out that respondent had already been the subject of numerous disciplinary actions as a lawyer and as a judge.

In his Comment,¹⁴ respondent claimed that the issues raised were matters cognizable before appropriate judicial proceedings. His exercise of discretion could not be questioned through an administrative proceeding. He alleged that complainants conspired with the other complainants in the other cases and with the mayor and his allies. He maintained that while complainants were not parties to the case, they disturbed the *status quo* promoted by the injunctive Orders he issued and committed robbery when they went to the KWD Arellano office.

¹⁴ *Rollo*, Vol. II (A.M. OCA IPI No. 07-2652-RTJ), pp. 74-96.

A.M. OCA IPI No. 07-02720-RTJ

On 13 August 2007, Eden V. Castro filed a Complaint¹⁵ alleging that she was the owner and administrator of the two-storey building where the KWD Del Pilar office is located. The building has been leased to and occupied by KWD from 2000 until 2007.

On the evening of 24 March 2007, the use of the building was disrupted when Sheriff Publico implemented the Orders issued by respondent. The KWD office was forcibly opened. The gate, doors, windows and other parts of the building were damaged as elements of the PNP entered the building and ordered the arrest of all persons inside. Other items and equipment within the premises of the building were also taken and were brought to court although these are personal properties.

Security guards were also positioned inside the building after the altercation to prevent persons, including complainant, from entering the premises.

Thus, complainant alleged that because of the Orders issued by respondent, she had been deprived of the use of the building and had lost a considerable amount of income from the lease of the property. She thus demanded the payment of damages from respondent.

For his part, respondent alleged that it was unfair for him to be confronted with damages through the present Complaint, allegedly brought about by the implementation of the 24 March 2007 twin Orders. He maintained that he was not aware of any contractual relationship between complainant Castro and the KWD administration, nor was he aware of the extent of the damage caused to the property. Instead, he alleged that he was informed that no owner claimed the building for almost five months, and that complainant in any case was already in possession by August 2007.¹⁶

A.M. OCA IPI No. 07-2721-RTJ

Complainants are owners of the several various personal properties such as 3 scooters, 2 motorcycles, 2 tricycles, office tables, kitchen and cooking utensils, and other perishable goods, found within the KWD Del Pilar office. Pursuant to the 24 March 2007 twin Orders, these properties were confiscated by Sheriff Publico and other elements of the PNP.

¹⁵ *Rollo*, Vol. V (A.M. OCA IPI No. 07-2720-RTJ), pp. 4-5.

¹⁶ *Rollo*, Vol. VI (A.M. OCA IPI No. 07-2721-RTJ), pp. 17-19.

Respondent judge refused to release these personal properties despite several entreaties for him to do so. Complainants alleged that as a consequence of the confiscation of these personal properties – some of which were their sources of income – they lost a considerable amount of income and could no longer earn a decent living.

Respondent alleged that he belatedly discovered that some of the confiscated properties belonged to complainants herein. After preparing an inventory thereof, the personal properties were turned over and deposited in court for safekeeping. He claims that had the police left the personal belongings unattended, they would have been responsible in case of loss. Respondent further stated that the belongings were already returned to complainants on 8 August 2007. Thus, he prayed that the Complaint be dismissed for being moot and academic.

A.M. OCA IPI No. 08-2808-RTJ

On 18 February 2008, employees of KWD including complainants in A.M. OCA IPI No. 07-2618-RTJ, filed a Complaint¹⁷ alleging that respondent judge took cognizance of two other related cases involving KWD. The first case is Civil Case No. 1818-24 for Injunction with Application for *Ex Parte* Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction. The assigned presiding judge is Judge Oscar P. Noel, Jr. per this Court's Resolution dated 10 December 2007. However, respondent refused to turn over the records of the case to Judge Noel, Jr. and only did so when the OCA, through a long distance call, prohibited the former from hearing the case.

After Judge Noel, Jr. denied the prayer for a TRO, the plaintiffs in Civil Case No. 1818-24 file a second case, docketed as Civil Case No. 1839-24, also for Injunction with Application for *Ex Parte* Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction. This case was raffled to respondent judge, who subsequently issued an Order granting the 72-hour TRO prayed for by plaintiffs therein.

It appears that when respondent filed his third Motion for Reconsideration of the Order putting him under preventive suspension, he promised that he would not interfere in the disposition of the cases involving KWD. Complainants alleged that the two cases were evidently similar and the reliefs prayed for were identical. Despite the fact that the prayer for the issuance of a TRO in Civil Case No. 1818-24 was already denied twice, respondent still granted a TRO in Civil Case No. 1839-24. Furthermore, they aver that respondent judge took cognizance of the case with apparent bias,

¹⁷ *Rollo* (A.M. OCA IPI No. 08-2808-RTJ), pp. 1-11.

when Marlon Cabel (Cabel), one of the plaintiffs in Civil Case No. 1839-24, is the nephew of his wife.

On the other hand, in his Comment,¹⁸ respondent denied the allegations and posited that his undertaking not to hear KWD cases was inconsequential to his preventive suspension. He further alleged that the issue of inhibition was not contained in the Order lifting his preventive suspension. Thus, he contends that he took cognizance of the cases in good faith.

Respondent also averred that when Civil Case No. 1839-24 was raffled to his court, he believed that there was an urgent need to issue a 72-hour TRO. He further claimed that he was unaware of the Orders of Judge Noel, Jr., which were issued during his preventive suspension.

While respondent admits that Marlon Cabel was his wife's nephew, however, he was under the belief that the Cabel was already looking for different employment outside of KWD. Thus, when Civil Case No. 1839-24 was raffled to his *sala*, he quickly went through the names of the parties and did not expect to see Cabel's name included. Respondent thereafter confronted him and was informed by Cabel that he was told to affix his signature on the assumption that it was necessary to relieve him from any liability to KWD. Subsequently, on 22 February 2008, Cabel filed a Manifestation of Withdrawal from the case.

JUDICIAL REMEDIES SOUGHT DURING THE PENDENCY OF THE ADMINISTRATIVE CASES

While the foregoing administrative complaints were being investigated by the Court of Appeals (CA), complainants Eduardo Panes, Jr. and Juancho B. Holgado filed a Petition for Certiorari¹⁹ before the CA, docketed as CA-G.R. SP No. 01676, against respondent judge and Gomba. This Petition assailed the 24 March 2007 twin Orders.

Another Petition for Certiorari was filed with the CA by Roque C. Facura, Daniel I. Landingin, Antonio B. Magtibay, Alfredo B. Espino, Venus M. Pozon, and Fred. F. Fabellon also against respondent judge and Gomba. This case was docketed as CA-G.R. SP No. 01765, which in turn questioned the first 24 March 2007 Order and the 13 April 2007 twin Orders.

¹⁸ *Rollo* (A.M. OCA IPI No. 08-28028-RTJ), pp. 275-279.

¹⁹ CA Folder 6 of 6, pp. 49-95.

Both Petitions alleged that respondent judge committed grave abuse of discretion amount to lack or in excess of discretion in issuing the 24 March 2007 and 13 April 2007 Orders. Petitioners maintained that respondent judge violated their constitutional right to due process and the applicable provisions of the rules of procedure, pertinent laws and jurisprudence.

These two cases were eventually consolidated.

On 31 January 2008, the CA promulgated its Decision granting the Petitions, the dispositive portion of which reads:

WHEREFORE, the petition is **GRANTED**. the assailed Orders dated March 24, 2007 issued at 8:15 o'clock and 9:15 o'clock in the evening, and the two Orders issued on April 13, 2007 are hereby declared null and void. The Regional Trial Court of Koronadal City, South Cotabato, Branch 24 is hereby **ORDERED** to proceed with the main case with dispatch.

SO ORDERED.²⁰

In granting the Petitions, the CA found that the Very Urgent *Ex Parte* Omnibus Motion filed by Gomba did not contain a notice of hearing. Further, respondent judge granted the Motion without the benefit of a hearing through the 24 March 2007 Orders, violating Section 4, Rule 15 of the Rules of Court. This provision mandates that all written motions shall be set for hearing by the movant to give the other party the opportunity to oppose the prayer of the movant.

The CA likewise held that the LWUA takeover was a right claimed by complainants in A.M. OCA-IPI No. 07-2652-RTJ by virtue of LWUA Resolution No. 41. It further stated that there was not even any urgency for respondent to issue the 24 March 2007 Orders as there were already police officers in the premises who would have prevented the looting.

Moreover, the CA found that petitioners therein were not parties to Civil Case No. 1799-24, which was the main case filed by Gomba against Vargas, Yaphockun, Ang and their agents. It held that petitioners could not be considered agents of the defendants in Civil Case No. 1799-24 because they were representatives of the LWUA, an independent administrative body.

²⁰ Id. at 127-144.

The CA pointed out that the taking over of LWUA over KWD was also not put in issue in Civil Case No. 1799-24, thus, respondent had no jurisdiction whatsoever over that issue.

As to the second 24 March 2007 Order, the CA held that order of arrest for indirect contempt against complainants Panes and Holgado was void for lack of due process, violating Section 3 of Rule 71 of the Rules of Court. This provision reads:

Sec. 3. Indirect contempt to be punished after charge and hearing. - After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt: x x x.

Thus, in order for a person to be held in indirect contempt, respondent judge should have given the accused an opportunity to comment and to be heard by himself or counsel. This he did not do.

Gomba subsequently filed a Motion for Reconsideration, but this was likewise denied.²¹ She then brought the case to this Court under Rule 45, docketed as G.R. No. 184541. In a Minute Resolution²² dated 19 November 2008, this Petition was denied, and 23 March 2009, it was denied with finality.

ISSUES

The issues are as follows:

- I. Whether the issuance by respondent Judge Dinopol of the 24 March 2007 twin Orders constitutes gross ignorance of the law
- II. Whether respondent Judge Dinopol is civilly liable for the personal damages suffered by complainants
- III. Whether Judge Dinopol, in taking cognizance of cases involving KWD violated the condition for the lifting of his suspension
- IV. Whether respondent judge should have inhibited himself from a case to which one of the parties was his wife's nephew is party thereto.

²¹ Id. at 146-155.

²² Id. at 156-158.

THE COURT'S RULING

A judge should be the embodiment of competence, integrity and independence.²³ He should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.²⁴ He shall be faithful to the law and maintain professional competence.²⁵

At the outset, respondent failed to provide any legitimate reason for the issuance of the Orders on a Saturday evening when the courts were already closed. As pointed out by the CA, if indeed there was robbery or looting happening in the premises, arrests could be effected by the police officers who were already in the vicinity of the KWD office.

We agree with the findings of the OCA that respondent's defenses neither justify his failure to comply with due process requirements nor do they demonstrate good faith on his part that would exculpate him from administrative liability. Respondent violated the most basic requirements for the proper observance of due process, resulting in the unwarranted arrest and incarceration of powerless individuals.

As the OCA pointed out, when respondent issued the first 24 March 2007 Order, he was obviously aware that there is a need to give the parties involved the opportunity to be heard before he cited them for contempt. In that Order he said:

Further, the LWUA officers are ordered to maintain the Status Quo Ante, and to return all KWD properties to its office at Arellano St., City of Koronadal immediately upon receipt of this Order. The above named officers and personnel of LWUA are directed to explain within twelve (12) hours why they should not be cited in contempt of Court for violating the aforesaid Orders.

However, an hour after, acting not on personal knowledge but merely on the narration of Sheriff Publico, he issued the second Order in which he directed all government law enforcement agencies to arrest Eduardo Panes Jr., the security guards of the Supreme Investigative and Security Agency, Juancho Holgado and all persons inside the KWD Del Pilar office, when clearly, none of them was a party to Civil Case No. 1799-24.

Still displaying his overreaching powers of adjudication, he again issued the 13 April 2007 twin Orders. The first one directing the city mayor to desist and refrain from taking over the operation and management of the

²³ Code of Judicial Conduct, Canon 1, Rule 1.01.

²⁴ Id., Canon 2, Rule 2.01.

²⁵ Id., Canon 3, Rule 3.01.

KWD Arellano office; otherwise his arrest would be effected. The second Order meanwhile directed the LWUA personnel to return properties to the KWD Arellano office, also under pain of arrest.

We find that the issuance of these Orders was in total disregard of the Rules of Court and with grave abuse of authority. Undoubtedly, respondent is guilty of gross ignorance of the law.

To be held administratively liable for gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but must have also been motivated by bad faith, fraud, dishonesty, and corruption.²⁶ Gross ignorance of the law is considered as a serious offense under Rule 140, Section 8, and is punishable as follows:

SEC. 11. *Sanctions.* – A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

On the issue of whether respondent may be held liable for damages, we rule in the negative.

In *Alzua v. Johnson*,²⁷ we explained that in civil actions for damages, judges of superior and general jurisdiction are not liable to answer for what they do in the exercise of their judicial functions, provided they are acting within their legal powers and jurisdiction. We said:

The exemption of judges of courts of superior or general authority from liability in a civil action for acts done by them in the exercise of their judicial functions is a principle essentially inherent in the various judicial systems upon which the system organized under Act No. 136 is modeled. The grounds of public policy and the reasoning upon which the doctrine is based are not less forceful and imperative in these Islands than in the countries from which the new judicial system was borrowed; and an examination of the reasons assigned by the Supreme Court of the United States and by Mr. Cooley in his work on Torts for the universal

²⁶ *Dadison v. Asis*, A.M. No. RTJ-03-1760, 15 January 2004, 419 SCRA 456, 463-464.

²⁷ 21 Phil. 308 (1912).

recognition of the rule in the United States, as set out in the margin (Notes C and D) leaves no room for doubt that a failure to recognize it as an incident to the new judicial system would materially impair its usefulness, and tend very strongly to defeat the ends for which it was established. Indeed, upon the authority of the reasoning in the case of *Bradley vs. Fisher*, it may safely be asserted that an attempt to enforce any rule of law in conflict with this doctrine would be utterly subversive of the system of jurisprudence established in these Islands under and by virtue of the authority of the Congress of the United States:

“For it is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself. Liability to answer to everyone who might feel himself aggrieved by the action of the judge would be inconsistent with the possession of this freedom, and would destroy that independence without which no judiciary can be either respectable or useful. As observed by a distinguished English judge, it would establish the weakness of judicial authority in a degrading responsibility.

“The principle, therefore, which exempts judges of courts of superior or general authority from liability in a civil action for acts done by them in the exercise of their judicial functions, obtains in all countries where there is any well-ordered system of jurisprudence. It has been the settled doctrine of the English courts for many centuries, and has never been denied, that we are aware of, in the courts of this country.” (*Bradley vs. Fisher*, *supra*)

x x x x

Perhaps we should not conclude this discussion of the doctrine of immunity of judicial officers from civil liability in certain cases without expressly directing attention to the fact that nothing therein is to be understood as giving to them the power to act with partiality, or maliciously, or corruptly, or arbitrarily, or oppressively without fear that they may be called to account for such conduct. No judge, however high his rank may be, is above or beyond the law which it is his high office to administer. Indeed, we would deem it our duty to be the first to take the necessary preliminary steps looking to the suspension and removal from office of the defendant, by impeachment or otherwise, if we were of opinion that the charges of misconduct in office preferred against him had any foundation in fact; and we would not allow the sun to set upon this day's session of the court without having issued the necessary orders for the institution of criminal proceedings against him if we had reason to believe that there are any grounds for the criminal charges set forth in the complaint.²⁸

Anent the third and fourth issues, respondent judge should have inhibited himself from taking cognizance of the two other cases involving the leadership and management of KWD.

²⁸ Id. at 333-348.

As earlier mentioned, respondent judge filed his 12 November 2007 Motion for Reconsideration of this Court's Resolution putting him under preventive suspension. He made an undertaking therein that in the event of the lifting of the suspension, he would not interfere in the disposition of the cases involving KWD. Thus, when he took cognizance of Civil Case Nos. 1818-24 and 1839-24 – both of which involved issues on the management of KWD – he violated the assurances he had made to this Court.

Furthermore, Cabel, one of the plaintiffs in Civil Case No. 1839-24, is the nephew of the wife of respondent. Section 1, Rule 137 of the Rules of Court, provides for the following instances of mandatory inhibition:

Section 1. Disqualification of judges. — No judge or judicial officers shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

Considering that Cabel is a relative by affinity within the sixth degree, respondent should have inhibited himself from taking cognizance of the case.

It appears that this is not the first time respondent has been the subject of an administrative complaint. In *Sy v. Judge Dinopol*,²⁹ we held him liable for gross misconduct in office and ordered his dismissal from service with forfeiture of all benefits, except accrued leave credits, if any, with prejudice to his reemployment in any branch or service of the government, including government-owned and controlled corporations. We also enumerated her previous numerous administrative infractions, to wit:

First, in A.M. No. RTJ-06-1969 decided on June 15, 2006, Judge Dinopol was found guilty of gross ignorance of the law and was fined ₱20,000.00.

Second, in A.M. No. RTJ-06-2020 decided on September 20, 2006, he was found guilty of gross ignorance of the law and abuse of authority, and was fined ₱20,000.00.

²⁹ A.M. No. RTJ-09-2189, 18 January 2011, 639 SCRA 681.

Third, in A.M. No. RTJ-06-2003 decided on August 23, 2007, he was found liable for undue delay in rendering a decision or order and for violating the clear provisions of A.M. No. 01-1-07-SC, and was fined ₱11,000.00.

Fourth, in A.M. OCA IPI No. 05-2173-RTJ decided on August 28, 2006, he was strongly admonished, even as the complainant desisted from pursuing the complaint against the judge for gross ignorance of the law, grave abuse of authority and discretion.

And more recently, in A.M. No. RTJ-07-2052 decided on March 30, 2009, Judge Dinopol had been reminded and warned against entertaining litigants outside court premises.³⁰

As the OCA points out, respondent's previous dismissal from service does not render the present case moot and academic. In *Perez v. Abiera*³¹ we said:

In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully, if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.³²

WHEREFORE, in view of the foregoing, **Judge Oscar E. Dinopol** formerly of the Regional Trial Court, Branch 24, Koronadal City, is hereby found **GUILTY** of gross ignorance of the law. His offense would have warranted his dismissal from the service with forfeiture of all benefits – except leave credits, if any – and disqualification from holding office in the government, including government-owned and –controlled corporations, had he not already been previously dismissed in *Sy v. Judge Dinopol* (A.M. No. RTJ-09-2189).

³⁰ Id. at 694.

³¹ 159-A Phil. 575 (1975).

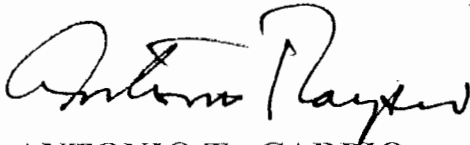
³² Id. at 580-581.

SO ORDERED.



MARIA LOURDES P. A. SERENO

Chief Justice



ANTONIO T. CARPIO

Associate Justice



PRESBITERO J. VELASCO, JR.

Associate Justice



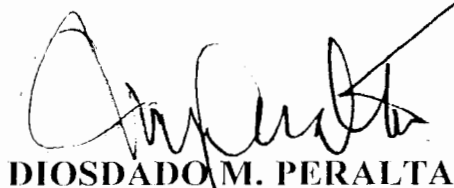
TERESITA J. LEONARDO-DE CASTRO

Associate Justice



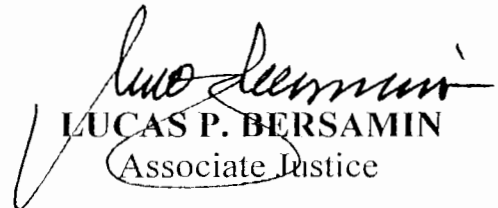
ARTURO D. BRION

Associate Justice



DIOSDADO M. PERALTA

Associate Justice



LUCAS P. BERSAMIN

Associate Justice



MARIANO C. DEL CASTILLO

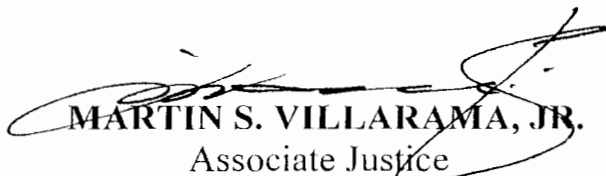
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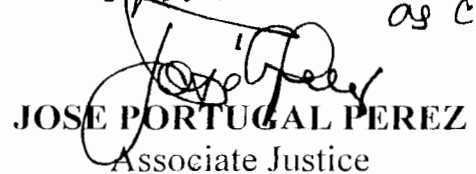
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*No part. Acted in matter
as CA + DCA*



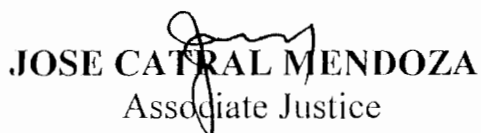
MARTIN S. VILLARAMA, JR.

Associate Justice



JOSE PORTUGAL PEREZ

Associate Justice



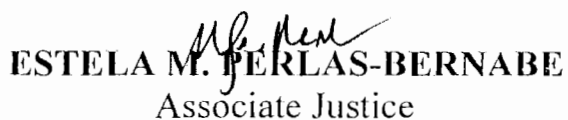
JOSE CATRAL MENDOZA

Associate Justice



BIENVENIDO L. REYES

Associate Justice



ESTELA M. PERLAS-BERNABE

Associate Justice



MARVIC MARIO VICTOR F. LEONEN

Associate Justice