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THIRD DIVISION

[A.M. No. RTJ-00-1553. November 20, 2000]

Attys. ALFREDO BENJAMIN, S. CAGUIOA and RICARDO, MA. P.G. ONGKIKO, *complainants, vs.* **Judge CELSO D. LAVINA, Regional Trial Court of Pasig City, Branch 71,** *respondent.*

SYNOPSIS

Complainants herein are counsels for Tokyu Construction Co., Ltd. (Tokyu), a Japanese corporation that was a lead member of a Consortium under contract with the Philippine Government for the construction of the new NAIA Terminal 2 building. Another member of the Consortium filed a complaint against Tokyu for alleged breach of the terms of the Consortium agreement. The case was raffled to the respondent judge. As soon as the case was raffled to the respondent judge, Tokyu, through counsel, brought to his attention the existence of PD 1818 as well as Supreme Court Circulars 13-93 and 68-94, which prohibits the issuance by any court of any injunction that would delay the progress of a government infrastructure project. However, the respondent judge, in an Order dated January 21, 1997, immediately issued an order extending the 72-hour Temporary Restraining Order (TRO) which was issued by the Executive Judge when the case was filed to the full 20-day period. Thereafter, the respondent judge issued four more orders on various issues. Tokyu, however, questioned before the Court of Appeals the said orders in a special civil action for *certiorari*. In the meantime, the complainants filed a sworn letter-complaint with the Office of the Court Administrator accusing the respondent judge of grave misconduct for maliciously issuing several void orders relative to the case. The Court Administrator recommended that the respondent judge be fined in the amount of five thousand pesos (₱5,000.00) for ignoring the prohibition on the issuance of injunctive writs. With regard to the other orders, he submitted that it should be dealt with after the appeal shall have been resolved with finality.

The Supreme Court agreed with the recommendation of the Court Administrator that respondent judge should be fined

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₱5,000.00 for the issuance of the Order dated January 21, 1997. However, with regard to the other orders of the respondent judge, the complaint was dismissed for prematurity. PD 1818 prohibits a court from issuing an injunctive writ to stop any person, entity or government official from proceeding with or continuing the execution or implementation of an infrastructure project. When a statute is clear and explicit, there is no need for any extended court ratiocination on the law. There is room only for application.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; EXHAUSTION OF ADMINISTRATIVE REMEDIES; CONSTRUED; PRESENT IN CASE AT BAR.** — The established doctrine and policy is that disciplinary proceedings and criminal actions against judges do not complement, supplement, or substitute judicial remedies, whether ordinary or extraordinary. An inquiry into their civil, criminal and administrative liability may be made only after the available remedies have been exhausted and decided with finality. Moreover, a party litigant abuses the processes of the court by prematurely resorting to administrative disciplinary action or criminal prosecution of a judge even before the judicial remedies are settled. Such prematurity occurs when the correctness of the latter's orders — upon which the viability of the recourse depends — is still pending appellate review.

2. **ID.; ID.; JUDGES; SHOULD EXHIBIT MORE THAN JUST CURSORY ACQUAINTANCE WITH STATUTES AND PROCEDURAL RULES; CASE AT BAR.** — In *Garcia v. Burgos*, the prohibitory character of PD 1818 was reiterated by the Court in these words: "Section 1of PD 1818 distinctly provides that '[n]o court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project x x x of the government, x x x to prohibit any person or persons, entity or government official from proceeding with, or continuing the execution or implementation of any such project, x x x or pursuing any lawful activity necessary for such execution, implementation or operation. *At the risk of being repetitious, we stress that the foregoing statutory provision expressly deprives courts of jurisdiction to issue injunctive writs against the implementation*

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or execution of an infrastructure project." Consequently, Chief Justice Hilario G. Davide Jr. issued Administrative Circular No. 07-99 dated June 25, 1999, reiterating earlier circulars and reminding all judges of lower courts to exercise utmost caution, prudence and judiciousness in the issuance of TROs and writs of preliminary injunction. While this Circular does not directly cover respondent's issuance of the January 21, 1997 Order, we cite it to show the strict and mandatory nature of Section 1, PD 1818. It appears that respondent is either feigning a misunderstanding of the law or openly manifesting a contumacious indifference thereto. In any case, his disregard of the clear mandate of PD 1818, as well as of the Supreme Court Circulars enjoining strict compliance therewith, constitutes grave misconduct and conduct prejudicial to the proper administration of justice. His claim that the said statute is inapplicable to his January 21, 1997 Order extending the dubious TRO is but a contrived subterfuge to evade administrative liability. In resolving matters in litigation, judges should endeavor assiduously to ascertain the facts and the applicable laws. Moreover, they should exhibit more than just a cursory acquaintance with statutes and procedural rules. Also, they are expected to keep abreast of and be conversant with the rules and the circulars which the Supreme Court has adopted and which affect the disposition of cases before them. Although judges have in their favor the presumption of regularity and good faith in the performance of their official functions, a blatant disregard of the clear and unmistakable terms of the law obviates this presumption and renders them susceptible to administrative sanctions.

3. ID.; STATUTES; P.D. 1818; STRICT AND MANDATORY NATURE THEREOF CONSTRUED; PATENT VIOLATION IN CASE AT BAR. — PD 1818 prohibits a court from issuing an injunctive writ to stop any person, entity or government official from proceeding with or continuing the execution or implementation of an infrastructure project. Section 1 of the statute clearly states that an injunction may not be issued "to prohibit any person or persons, entity or government official" from undertaking the protected activities enumerated therein. *The prohibition applies whether the person or entity being enjoined is public or private in nature.* Indeed, the law seeks to prevent the delay of essential government projects. By enjoining (1) Tokyu from further receiving any amount from MIAA as compensation for

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the execution of a portion of the work in the project and from engaging the services of subcontractors to do portions of the same; and (2) MIAA from directly paying Tokyu the collectible compensation for the execution of a portion of the project, *the TRO effectively interfered with, impeded and obstructed an entity directly and primarily responsible for the execution of a government infrastructure project.* The tenor of the directives in the TRO and the nature of the prohibitions stated therein more than adequately evince a net effect of delaying and disrupting the operation and the execution of a government infrastructure project involving a vital industry imbued with public interest. Patently absurd and incongruous to the manifest intent of the law is the contention that the provisions of PD 1818 do not restrain the issuance of the questioned TRO or of the Order extending it. When a statute is clear and explicit, there is no need for any extended court ratiocination on the law. There is no room for interpretation, vacillation or equivocation; there is room only for application.

DECISION

PANGANIBAN, *J.*:

A judge is presumed to act with regularity and good faith in the performance of judicial functions. However, a blatant disregard of the clear and unmistakable provisions of a statute, as well as Supreme Court circulars enjoining strict compliance therewith, upends this presumption and subjects the magistrate to administrative sanctions. In the present, case, the Writ issued by respondent judge impeded the implementation of a government infrastructure project and thus constituted a palpable transgression of Presidential Decree (PD) 1818 and Supreme Court Circular Nos. 13-93, 68-94 and 07-99.

The Case and the Facts

In a sworn letter-complaint dated July 28, 1997,[1] filed by Attys. Alfredo Benjamin S. Caguioa and Ricardo Ma. P.G.

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[1] *Rollo*, pp. 1-3.

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Ongkiko of Sycip Salazar Hernandez and Gatmaitan Law Office, Judge Celso D. Laviña of the Regional Trial Court of Pasig City (Branch 71) was accused of grave misconduct for maliciously issuing several void Orders relative to Civil Case No. 66060.

Complying with the directive of Court Administrator Alfredo L. Benipayo, respondent filed his Comment[2] by way of a "2nd Indorsement" dated October 17, 1997, denying liability for the acts complained of.

In a Report and Recommendation dated March 6, 2000,[3] the court administrator related the factual antecedents that gave rise to herein administrative Complaint, which we quote:

"Complainants, who are partners in the law firm of Sycip Salazar Hernandez and Gatmaitan, and counsel for Tokyu Construction Co., Ltd. (Tokyu for brevity), a Japanese corporation that is the lead member of a Consortium currently under contract with the Philippine Government for the construction of the new NAIA Terminal 2 building, accuses respondent of alleged malicious issuance of several void orders in connection with Civil Case No. 66060 x x x."

x x x x x x x x x

"Sometime in the middle of 1994, the government, through the Manila International Airport Authority (MIAA) invited prospective contractors to bid for the construction of a new Ninoy Aquino International Airport (NAIA) terminal building. Four (4) private construction companies, namely Tokyu, BF Corporation (BF), Oreta & Co. (Oreta) and Mitsubishi Corporation (Mitsubishi), decided to form a Consortium called the MTOB Consortium (the Consortium) for purposes of submitting a bid for the Project. To this end, the four companies executed on May 31, 1995 a Consortium Agreement (the Consortium Agreement) which was only couched in general terms, the specific items of work to be done by each of the Consortium members, as well as its pricing, were not yet agreed upon because the Consortium had yet to win the bid.

"The Consortium won the bid and after the contract was awarded by MIAA to the Consortium, BF and Tokyu met several times to

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[2] *Rollo*. pp. 311-324.

[3] *Rollo*, p.649.

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agree on the specific portions of work to be allotted to BF. However, BF and Tokyu were unable to agree not only on the specific items of work that would be allotted to BF, but also on BF's fees especially with respect to the subcontract portion.

"On January 10, 1997, BF filed a complaint against Tokyu, docketed as Civil case No. 66060, for alleged breach of the terms of the Consortium agreement and prayed, in the alternative, for specific performance, rescission and/or damages, and for the issuance of a temporary restraining order and/or writ of preliminary injunction.

"Pursuant to existing Supreme Court Circulars, the Executive Judge of the Regional Trial Court of Pasig City issued on that same day a 72-hour Temporary Restraining Order (TRO), and ordered the immediate raffling of BF's complaint. The case was raffled on January 13, 1997 to Branch 71 of the Regional Trial Court of Pasig City, presided by respondent judge who, in turn, directed the parties to appear in Court on January 14 and 15, 1997, to determine whether there existed sufficient grounds to extend to twenty days the 72-hour TRO previously issued.

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"On the very same day the BF complaint was raffled to the *sala* of respondent judge, Tokyu filed an Urgent Verified Opposition, bringing to the attention of respondent Judge the existence of P.D. 1818 as well as Supreme Court Circulars Nos. 13-93 and 68-94 which prohibit the issuance by any court of any injunction that would delay the progress of a government infrastructure project. *In spite of that cautionary notice in the Verified Opposition, the respondent judge on January 21, 1997, issued an order extending the TRO without even mentioning P.D. No. 1818 or the Supreme Court Circulars Nos. 13-93 and 68-94.* (Italics supplied)

"On January 24, 1997, Tokyu filed with the Court of Appeals a Petition for *Certiorari* and Prohibition with Very Urgent Prayer for Issuance of a Writ of Preliminary Injunction and/or Temporary Restraining Order and Disqualification docketed as C.A. G.R. SP No. 43133, praying for the issuance *ex-parte* of a restraining order commanding respondent Judge not to act, or in any manner, execute the January 21, 1997 Order, and, after appropriate proceedings, of a writ of preliminary injunction restraining respondent Judge from taking any further action on the case.

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"On February 5, 1997, the Court of Appeals issued a TRO enjoining respondent Judge from enforcing the January 21 Order, and from proceeding with the hearing of BF's application for a writ of preliminary injunction, until further orders from the appellate court.

"On May 15, 1997, the Court of Appeals rendered a decision in C.A. G.R. Sp. No. 43133 allowing respondent Judge to proceed with the suspended hearing on the application for a writ of preliminary injunction in Civil Case No. 66060, to 'be limited only and narrowed down to the issue of whether, *PENDENTE LITE*, Tokyu x x x should recognize the status of BF as a partner or member of the Consortium x x x and, in the affirmative, the amount that BF should be entitled to share out of the payments made from time to time by MIAA to the Consortium x x x'

"On June 11, 1997, Tokyu moved for the reconsideration of the May 15, 1997 CA decision, praying that respondent judge be also prohibited from conducting hearing even on the delimited issue. In the meantime, the respondent judge had set for June 13, 1997 a hearing for the cross-examination of a Japanese national as Tokyu's witness, and despite Tokyu's plea to re-set the hearing due to the very limited time available for Tokyu to plane in its witness from Japan, the respondent Judge on June 13, 1997 denied Tokyu's motion to postpone and ordered the affidavit-testimony of the aforementioned witness stricken off the records. Tokyu filed a motion for reconsideration of that June 13, 1997 order striking out the testimony of its Japanese witness which respondent denied in his Order of June 30, 1997 x x x.

"On July 18, 1997, at 4:00 P.M., while Tokyu was still preparing its Memorandum which was due for filing on July 31, 1997 yet, Tokyu or its counsel received a Writ of Preliminary Prohibitory and Mandatory Injunction enjoining Tokyu from performing, and to perform, certain specific acts in relation to the project subject matter of Civil Case No. 66060. And at 4:32 P.M. of the same day, Tokyu received through mails the respondent Judge's order dated July 8, 1997 granting the application for preliminary prohibition and mandatory injunction. July 18,1997 was a Friday, and Tokyu laments that that was chosen as the day to serve it a copy of the writ in order to prevent it (Tokyu) from seeking immediate redress from the appellate courts (the following two days being a Saturday and a Sunday), what with only three (3) days given it to comply with the writ."

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As can be gleaned from the foregoing recital of facts, complainants assailed several Orders of respondent. These were dated January 21, 1997; June 13, 1997; June 30, 1997; and July 8, 1997. Also questioned was the injunctive Writ dated July 18, 1997.

In this regard, it is significant to note that, *except for the January 21, 1997 Order*, the above-mentioned Orders and Writ issued by respondent were likewise questioned in a special civil action for *certiorari* filed with the Court of Appeals (CA), in which it was docketed as CA-GR SP. No. 44729.

In a Decision dated October 20, 1997,[4] the CA Seventh Division ruled that "the order dated July 8, 1997 granting the writ of preliminary prohibitory mandatory injunction, and the writ of preliminary mandatory injunction dated July 18, 1997 issued as a consequence of said order, both in Civil Case No. 66060 of the Regional Trial Court, Pasig City, Branch 71 were issued with grave abuse of discretion amounting to lack or excess of jurisdiction."[5] However, it did not make a finding on the June 13 and the June 30, 1997 Orders. The CA Decision was subsequently challenged in a Petition for Review, docketed as GR No. 131155, which is still pending before this Court.[6]

Complainants and respondent judge, in their respective Manifestations dated June 13, 2000[7] and June 7, 2000,[8] submitted

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[4] *Rollo*, pp. 397-410. Written by Justice Eubulo G. Verzola and concurred in by Justices Demetrio G. Demetria and Marina L. Buzon.

[5] *Ibid.*, p. 408.

[6] The court administrator pointed out:

"The Special Civil Action for *Certiorari* docketed as CA-GR Sp. No. 44729 filed by the complainant to annul and set aside respondent Judge's Orders of July 8, 1997, June 13 and June 30, 1997 and the prohibitory/ mandatory writ dated July 18, 1997 was decided by the Court of Appeals, Seventh Division, on October 20, 1997x x x. The case is presently pending in the Supreme Court, First Division, docketed as SC-GR No. 131155."

[7] *Rollo*, p. 658.

[8] *Rollo*, p. 664.

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the case for resolution on the basis of the pleadings and records already filed.

Recommendation of the Court Administrator

According to the court administrator, respondent's January 21, 1997 Order completely ignored the prohibition on the issuance of injunctive writs as contained in PD 1818 and Supreme Court Circular Nos. 13-93 and 68-94. The said Order had extended the initial 72-hour Temporary Restraining Order (TRO) to the full 20-day period despite complainants' verified opposition. Hence, he recommended that respondent be fined in the amount of five thousand pesos (₱5,000).

Further, he submitted that the other Orders which are subjects of GR No. 131155 should be dealt with after said appeal shall have been resolved with finality.

The Court's Ruling

We agree with the Office of the Court Administrator that respondent should be fined in the amount of five thousand pesos for the issuance of the Order dated January 21, 1997. However, in regard to the other Orders of respondent judge, the Complaint should be dismissed for prematurity.

Preliminary Matters

The validity and the propriety of the issuance of the Orders dated June 13, June 30 and July 8, 1997, as well as the injunctive Writ dated July 18, 1997, should be threshed out first in the above-mentioned case and considered as *judicial issues* arising from the exercise of respondent's judicial discretion. To rule on these matters in the instant administrative case would be premature.

The established doctrine and policy is that disciplinary proceedings and criminal actions against judges do not complement supplement, or substitute judicial remedies, whether ordinary or extraordinary. An inquiry into their civil, criminal and

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administrative liability may be made only after the available remedies have been exhausted and decided with finality.[9]

Moreover, a party litigant abuses the process of the court by prematurely resorting to administrative disciplinary action or criminal prosecution of a judge even before the judicial remedies are settled. Such prematurity occurs when the correctness of the latter's orders — upon which the viability of the recourse depends — is still pending appellate review.[10]

On the other hand, we deem it appropriate to rule on the administrative liability of respondent with regard to his January 21, 1997 Order. The appellate court, in its May 15, 1997 Decision, allowed him to continue with the injunction proceedings. Notably, it did not make any conclusive or categorical ruling on the legality of the Order *vis-a-vis* PD 1818. It merely declared:

"As previously stated MIAA is no longer a party in the RTC x x x. As f[a]r [as] MIAA is concerned, it is thus academic for this Court to have to refer to PD 1818/Supreme Court Circular No. 68-94 which prohibit courts from issuing restraining orders or preliminary injunction in cases involving infrastructure and natural resources development projects of, and public utilities operated by, the Government."[11]

Clearly, the foregoing pronouncement demonstrates that the CA skirted the issue of a possible violation of PD 1818 *with respect to Tokyu*, for it confined its discussion to the effects of the statute on the Manila International Airport Authority (MIAA). It should be stressed, though, that the statute prohibits the issuance of injunctive writs *not only against government entities, but against any person or entity involved in the execution, implementation and operation of government infrastructure projects.*

Furthermore, the CA could not have annulled or invalidated the said Order even if it had wanted to, because by the time

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[9] *Flores v. Abesamis*, 275 SCRA 302, July 10, 1997.

[10] *Ibid.*

[11] *Rollo*, p. 289.

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it promulgated its Decision, the expiration of the twenty-day TRO had already rendered the issue moot and academic. Hence, it is incorrect to argue that the CA effectively affirmed respondent's questioned January 21, 1997 Order.

Thus, although the said Order may no longer be reversed or its effects abjured, respondent's administrative liability in relation thereto may nonetheless subsist.

Liability of Respondent Judge

The administrative liability of respondent judge proceeds from his failure to observe a simple, comprehensible and unequivocal mandate of PD 1818 prohibiting the issuance of injunctive writs relative to government infrastructure projects. The pertinent provision of the law clearly and categorically states:

"SECTION 1. No court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute or controversy involving an infrastructure project, or a mining, fishery, forest or other natural resource development project of the government, or any public utility operated by the government, including among others public utilities for the transport of the goods or commodities, stevedoring and arrastre contracts, to prohibit any person or persons, entity or government official from proceeding with, or continuing the execution or implementation of any such project, or the operation of such public utility, or pursuing any lawful activity necessary for such execution, implementation or operation."

Indeed, in Supreme Court Circulars 13-93[12] and 68-94,[13] judges were reminded to comply strictly with the foregoing provision.

In *Garcia v. Burgos*,[14] the prohibitory character of PD 1818 was reiterated by the Court in these words:

"Section 1 of PD 1818 distinctly provides that '[n]o court in the Philippines shall have jurisdiction to issue any restraining order,

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[12] Dated March 5, 1993.

[13] Dated November 3, 1994.

[14] 291 SCRA 546, June 29, 1998.

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preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project x x x of the government, x x x to prohibit any person or persons, entity or government official from proceeding with, or continuing the execution or implementation of any such project, x x x or pursuing any lawful activity necessary for such execution, implementation or operation.' *At the risk of being repetitious; we stress that the foregoing statutory provision expressly deprives courts of jurisdiction to issue injunctive writs against the implementation or execution of an infrastructure project.*" (Italics supplied)

Consequently, Chief Justice Hilario G. Davide Jr. issued Administrative Circular No. 07-99 dated June 25, 1999, reiterating earlier circulars and reminding all judges of lower courts to exercise utmost caution, prudence and judiciousness in the issuance of TROs and writs of preliminary injunction. While this Circular does not directly cover respondent's issuance of the January 21, 1997 Order, we cite it to show the strict and mandatory nature of Section 1, PD 1818.

In his Comment, respondent maintains that the issuance of the assailed Order was done in good faith and in accordance with the rules. He further argues that there was no violation of PD 1818 because the Order did not at all "prohibit any person or persons, entity or government official from proceeding with, or continuing the implementation of the government project."

However, the directives of the previously issued 72-hour TRO, which was extended to 20 days by the January 21, 1997 Order, contradict respondent's assertion. The relevant portions of the TRO are hereunder reproduced as follows:

"In the meantime and still pursuant to the above-cited Administrative Circular No. 20-95, a temporary order is hereby issued for a period of 72 hours from date hereof enjoining defendant TOKYU CORPORATION, its assigns, agents and any and all persons claiming rights under it from —

1. further receiving any amount from MIAA as compensation *vis-a-vis* TOKYU's illegal and unjust execution of BF's portion of the work in the Project;

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2. from engaging the services of other subcontractors to do BF's portion of the Project;

3. from further acting as lead member of the consortium in the execution of the Project;

4. from further compelling BF to reduce its prices; and

MANILA INTERNATIONAL AIRPORT AUTHORITY from directly paying TOKYU the collectible compensation *vis a-vis* TOKYU's illegal and unjust execution of BF's portion of the work in the Project.

SO ORDERED."[15]

Indubitably, the foregoing belies respondent's seemingly obscure, if not incoherent, explanation that PD 1818 did not apply to his January 21, 1997 Order. Moreover, complainants' verified Opposition bringing to his attention PD 1818, as well as related Supreme Court Circulars, should have cautioned him from arbitrarily issuing the ostensibly unlawful Order.

PD 1818 prohibits a court from issuing an injunctive writ to stop any person, entity or government official from proceeding with or continuing the execution or implementation of an infrastructure project.[16] Section 1 of the statute clearly states that an injunction may not be issued "to prohibit any person or persons, entity or government official" from undertaking the protected activities enumerated therein. *The prohibition applies whether the person or entity being enjoined is public or private in nature.* Indeed, the law seeks to prevent the delay of essential government projects.[17]

By enjoining (1) Tokyu from further receiving any amount from MIAA as compensation for the execution of a portion of the work in the project and from engaging the services of subcontractors to do portions of the same; and (2) MIAA from

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[15] *Rollo*, pp. 45-46.

[16] *Republic v. Silverio*, 272 SCRA 280, May 6, 1997.

[17] *Philippine Ports Authority v. Court of Appeals*, 255 SCRA 212, February 5,1996.

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directly paying Tokyu the collectible compensation for the execution of a portion of the project, *the TRO effectively interfered with, impeded and obstructed an entity directly and primarily responsible for the execution of a government infrastructure project.*

The tenor of the directives in the TRO and the nature of the prohibitions stated therein more than adequately evince a net effect of delaying and disrupting the operation and the execution of a government infrastructure project involving a vital industry imbued with public interest. Patently absurd and incongruous to the manifest intent of the law is the contention that the provisions of PD 1818 do not restrain the issuance of the questioned TRO or of the Order extending it.

When a statute is clear and explicit, there is no need for any extended court ratiocination on the law.[18] There is no room for interpretation, vacillation or equivocation; there is room only for application.[19]

It appears that respondent is either feigning a misunderstanding of the law or openly manifesting a contumacious indifference thereto. In any case, his disregard of the clear mandate of PD 1818, as well as of the Supreme Court Circulars enjoining strict compliance therewith, constitutes grave misconduct and conduct prejudicial to the proper administration of justice. His claim that the said statute is inapplicable to his January 21, 1997 Order extending the dubious TRO is but a contrived subterfuge to evade administrative liability.

In resolving matters in litigation, judges should endeavor assiduously to ascertain the facts and the applicable laws.[20] Moreover, they should exhibit more than just a cursory acquaintance with statutes and procedural rules. Also, they

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[18] *Paat v. Court of Appeals*, 266 SCRA 167, January 10, 997.

[19] *Director of Lands v. Court of Appeals*, 276 SCRA 276, July 28, 1997.

[20] *Parada v. Veneracion*, 269 SCRA 371, March 11,1997.

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are expected to keep abreast of and be conversant with the rules and the circulars which the Supreme Court has adopted and which affect the disposition of cases before them.[21]

Although judges have in their favor the presumption of regularity and good faith in the performance of their official functions, a blatant disregard of the clear and unmistakable terms of the law obviates this presumption and renders them susceptible to administrative sanctions.

WHEREFORE, respondent is found *GUILTY* of grave misconduct and conduct prejudicial to the administration of justice for his violation of PD 1818 and Supreme Court Administrative Circulars Nos. 13-93 and 68-94, and is hereby *FINED* in the amount of five thousand pesos (₱5,000). He is *WARNED* that a repetition of the same or a similar offense will be dealt with more severely. The complaint in regard to his other Orders is hereby *DISMISSED* for being premature.

SO ORDERED.

Melo (Chairman) and *Vitug, JJ.*, concur.

Gonzaga-Reyes, J., no part.

FIRST DIVISION

[G.R. No. 95533. November 20, 2000]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **COURT OF APPEALS and PHILIPPINE COMMERCIAL AND INTERNATIONAL BANK (Santa Ana Branch Davao City),*** *respondents.*

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[21] *Bayog v. Natino*, 258 SCRA 278, July 5,1996.

* All banks impleaded were ordered by the Court of Appeals to comment on the petition, but only private respondent Philippine Commercial and International Bank filed comment (*Rollo*, Court of Appeals Decision. p. 29).