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It is very clear that defendant Umandap is guilty of laches for failure to seasonably act on those lawful Order he received from this Court. It was only when his receivables were garnished that defendant filed these motions. This Court cannot help but conclude that all the allegations made by defendant as to the regularity of service of notice are feeble and desperate attempts to prevent the garnishment of his funds. Based on existing fact and jurisprudence on the matter, they hardly deserve any consideration by the Court."[13]

Considering that petitioner received a copy of the Order dated March 18, 1998 declaring him in default on March 27, 1998 and a copy of the judgment dated May 8, 1998 on May 29, 1998, as evidenced by registry return receipts, he could have protected his rights by availing himself of several avenues of redress, including, filing a motion to set aside the order of default in accordance with Sec. 3 (b), Rule 9 of the Rules of Court; or he could have taken an ordinary appeal to the Court of Appeals in accordance with Sec. 2 (a), Rule 41 of the Rules of Court questioning the judgment of the trial court.

WHEREFORE, the petition is hereby *DENIED* and the assailed Decision of the Court of Appeals is *AFFIRMED.*

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

EN BANC

[A.M. No. MTJ-97-1136. August 30, 2000]

HERMOGENES T. GOZUN, *complainant, vs.* **HON. DANIEL B. LIANGCO, Municipal Trial Judge, Municipal Trial Court, San Fernando, Pampanga, and Acting Judge, Municipal Circuit Trial Court, Mexico-San Luis, Pampanga,** *respondent.*

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[13] *Rollo*, pp. 177-178.

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SYNOPSIS

Respondent Municipal Judge, who has 3 pending administrative cases for dishonesty, gross ignorance of the law and for direct bribery, was charged anew for serious misconduct, gross inefficiency and incompetence. Evidence disclosed that a petition for relief was filed with his sala by the Sangguniang Bayan of San Luis, Pampanga seeking his legal opinion on the validity of Resolution No. 34-96 which provided that untitled Lot No. 114 be used as site for its rural health center. Complainant who had been in open and adverse possession of the land for more than 35 years was not impleaded in the case nor was sent summons. On the same day the petition was filed, respondent issued a resolution in favor of the Sangguniang Bayan. Without reception of evidence, respondent sustained the resolution, decreed that squatting in government property is considered a "nuisance *per se*" and that the municipal mayor may order the PNP to effect the eviction of complainant and all other persons claiming any right under him. Complainant's house was demolished using respondent judge's resolution and the mayor's order as basis. Thus, this administrative complaint. For his defense, respondent judge denied the charges against him and claimed that the resolution he issued was a mere expression of his legal opinion and not a judgment or order, hence, complainant is not entitled to notice and hearing.

Judges must be acquainted not only with legal norms and precepts but also with procedural rules; that failure to observe elementary rules of procedure and laws such as failure to notify or implead a party to a declaratory relief constitutes gross ignorance of the law; that a judge is without jurisdiction to render legal opinions; that partiality is manifested where respondent judge issued a resolution on the same day the petition was filed; that the rule on impartiality is applied more strictly to "judicial front liners"; and that respondent was earlier suspended from office for six (6) months for assigning 54 cases of violation of P.D. 1602 to his own court without raffle. Respondent was dismissed for his continued maleficent acts. He gave judicial imprint to a procedure decidedly beyond the jurisdiction and authority of the court presided over by him.

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SYLLABUS

1. **REMEDIAL LAW; SPECIAL CIVIL ACTIONS; DECLARATORY RELIEF; PURPOSE OF PETITION.** — Under the 1964 Revised Rules of Court, a petition for declaratory relief may be filed by any person interested under a deed, will, contract or other written instrument, or whose rights are affected by a statute, executive order or regulation, or ordinance. The purpose of the petition is to determine the construction or validity of a statute or ordinance and to seek a judicial declaration of the parties' rights or duties thereunder. Such "action for declaratory relief must be brought in the proper Court of First Instance (now the Regional Trial Court)."

2. **ID.; ID.; ID.; FAILURE TO NOTIFY OR IMPLEAD PROPER PARTY IN A PETITION FOR DECLARATORY RELIEF, A DENIAL OF BASIC RULES OF FAIR PLAY.** — In this case, respondent judge not only acted without jurisdiction, but in so acting ignored blatantly the basic rules of fair play. Complainant was not notified of nor made party to the petition. The purpose of notice is to afford the parties a chance to be heard. This chance was not given to complainant Gozun, and consequently, because of an arbitrary act of respondent judge, complainant's house was demolished and he and his family were rendered homeless.

3. **JUDICIAL ETHICS; JUDGES; GROSS IGNORANCE OF LAW; FAILURE TO OBSERVE ELEMENTARY LAW CONSTITUTES GROSS IGNORANCE OF THE LAW.** — Respondent's argument betrays either gross ignorance of or contempt for the law, neither of which is acceptable, for it is given that a member of the bench must keep himself constantly abreast of legal and jurisprudential developments, bearing in mind that this learning process never ceases even as it is so indispensable in the correct dispensation of justice. When the law violated is elementary, the failure to know or observe it constitutes gross ignorance of the law. The resolution, suffice it to say, is legally flawed, bore all earmarks and characteristics of an order or judgment disposing of the case. *Sans* reception of evidence, respondent judge made conclusions of fact, labeling complainant as a "squatter," stating that his house was a nuisance *per se*. Without citing any law or jurisprudence, respondent judge gave the Municipality a "go signals to demolish complainant's house even using force. Undeniably, respondent judge had an inkling of the nature of

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the petition. The petition was docketed as Special Proceeding No. 96-001. A special proceeding is a litigated action. Respondent judge must know this. In fact, he named complainant as respondent therein, yet never gave him notice.

4. ID.; ID.; RENDERING LEGAL OPINIONS, NOT A JUDICIAL FUNCTION. — Besides, even assuming *arguendo* that the resolution was a mere legal opinion, still respondent must know that rendering of "legal opinions" is not the function of a judge. The function of the court is limited to adjudication of actual controversies involving rights which are legally demandable or enforceable. Unlike lawyers, judges cannot render legal advice. Judges are expressly prohibited from engaging in the private practice of law or from giving professional advice to clients.

5. ID.; ID.; UNFAMILIARITY WITH THE RULES OF COURT, SIGN OF INCOMPETENCE. — Unfamiliarity with the Rules of Court is a sign of incompetence, which goes against Canon 3, specifically Rule 3.01, of the Code of Judicial Conduct.

6. ID.; ID.; AUTHORITY LIMITED BY SUBSTANTIVE AND PROCEDURAL RULES AND CONSTITUTIONAL PRECEPTS. — Judges are required to be objective. Judges cannot innovate at pleasure and justify such innovations by their own perception of what is ideal or good. Their authority is limited by substantive and procedural rules and by Constitutional precepts.

7. ID.; ID.; PARTIALITY; MANIFESTED BY RELEASE OF RESOLUTION ON SAME DAY PETITION WAS FILED. — We further note that the resolution was released the same day that the petition was filed. This reinforces complainant's allegation that respondent judge acted with manifest partiality in favor of the municipal government represented by the mayor.

8. ID.; ID.; DUTY TO AVOID ANY IMPRESSION OF IMPROPRIETY. — It is the duty of the members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary. A judge who tarnishes the image of the judiciary or brings it to public contempt, dishonor or disrespect must be administratively dealt with and punished accordingly.

9. ID.; ID.; RULE ON IMPARTIALITY; APPLIED MORE STRICTLY TO "JUDICIAL FRONT LINERS." — The rule of impartiality is applied more strictly to municipal, metropolitan and regional trial court judges. This is because they are "judicial front liners"

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who have direct contact with the litigating parties.

10. ID.; ID.; MUST BE ACQUAINTED NOT ONLY WITH LEGAL NORMS AND PRECEPTS BUT ALSO WITH PROCEDURAL RULES. — One who accepts the exalted position of a judge owes the public and the court the ability to be proficient in the law and the duty to maintain professional competence at all times. Basic rules must be at the palm of his hand. He must be acquainted not only with legal norms and precepts, but with procedural rules as well.

11. ID.; ID.; RESPONDENT'S CONSISTENT MALEFICENT ACTS WARRANT HIS DISMISSAL. — Early this month, we suspended respondent judge from office for six (6) months without pay. He was disciplined for assigning fifty four (54) cases of violation of P. D. No. 1602 to his own court *without raffle* in violation of Supreme Court Circular No. 7, dated September 23, 1974, as amended. We note that there are three other administrative cases against respondent judge pending before the Court. One is for dishonesty and the other, gross ignorance of the law. Still another is for direct bribery, wherein respondent judge was caught by the National Bureau of Investigation (NBI) in an "entrapment operation." In the present case, respondent's maleficent acts must be brought to an end. He has shamed the judiciary. He gave judicial imprint to a procedure decidedly beyond the jurisdiction and authority of the court presided over by him. For this, the Court believes that the penalty of dismissal is warranted.

APPEARANCE OF COUNSEL

Gregorio M. Albino, Jr. pro-bono counsel for complainant.

RESOLUTION

PER CURIAM:

The case is an administrative complaint[1] for the dismissal of Judge Daniel B. Liangco, Municipal Trial Judge, Municipal Trial

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[1] Filed by Hermogenes T. Gozun on December 26, 1996, *Rollo*, pp. 1-6.

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Court, San Fernando, Pampanga, and Acting Judge, Municipal Circuit Trial Court, Mexico-San Luis, Pampanga for serious misconduct, gross inefficiency and incompetence. This is in relation to his handling of a petition for declaratory relief filed by the Sangguniang Bayan of San Luis, Pampanga,[2] which sought his legal opinion on the validity of Resolution No. 34-96 which provided that Lot No. 114, belonging to the municipality of San Luis, but occupied by the family of Hermogenes T. Gozun, be used for the construction of the Rural' Health Center of San Luis, Pampanga.

We state the antecedent facts.

Complainant Hermogenes T. Gozun (hereinafter referred to as "Gozun") was in open and adverse possession of subject land for a period of more than thirty years.[3] His family's house was erected on the land. The house was made of old vintage lumber, cement, hollow blocks, G. I. sheet roofing and other strong materials. Gozun inherited the house and lot from his parents.

The municipality of San Luis, Pampanga claimed to own the same lot.[4]

On January 12, 1996, the Sangguniang Bayan of San Luis, Pampanga issued Resolution No. 26-96,[5] stating:[6]

"RESOLVED AS IT IS HEREBY RESOLVED that the Sangguniang Bayan of San Luis, Pampanga do hereby consider (*sic*) the lot under Tax Dec. No. 114 owned by the Municipal Government of San Luis, Pampanga, specifically the lot where Mr. Hermogenes Gozun and family

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[2] In Special Proceeding No. 96-001.

[3] Covered by Tax Declaration No. 6030, specifically designated as Lot No. 114 (*Rollo*, p. 11).

[4] *Rollo*, pp. 1-2.

[5] Entitled "A resolution considering the lot under Tax Dec. No. 114 owned by the municipal government of San Luis, Pampanga, specifically the lot where Mr. Hermogenes Gozun and family were squatting as the new site of the proposed rural health center. (*Rollo*, p. 9)."

[6] *Rollo*, p. 9.

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were squatting (*sic*) as the new site of the Rural Health Center will rise (*sic*)."

On May 17, 1996, the Sangguniang Bayan issued Resolution No. 34-96 to amend and correct Resolution No. 26-96.[7]

On May 24, 1996, Romulo M. Batu, Vice Mayor, on behalf of the Sangguniang Bayan, filed with the MTC, San Luis, Pampanga, a petition for declaratory relief. We quote the petition:[8]

"PETITION FOR DECLARATORY RELIEF

"THE HONORABLE
JUDGE DANIEL LIANGCO

"In behalf of the Sangguniang Bayan of San Luis, Pampanga, We would like to petition your good office to render legal opinion on the following matters, to wit:

"1. The validity of the attached Resolution.

"2. The powers of the Municipal Mayor to enforce said Resolution.

"3. To issue an order to the PNP to assist the Municipal Mayor in implementing said Resolution.

"These request are (*sic*) in connection with our plan to construct a new site for the Rural Health Center of San Luis, Pampanga. However, the designated place thereof is presently being squatted (*sic*) by a certain Mr. Hermogenes Gozun and inspite of the official notice of Atty. Benalfre S. Galang, our Provincial Legal Officer, and personal request of our Municipal Mayor Jovito C. Bondoc to Mr. Gozun to vacate his (*sic*) premises, he continues to defy such notices and request to the detriment of the proposed project.

WHEREFORE, it is respectfully prayed that this petition will merit your favorable consideration and appropriate action for the sake of public interest."

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[7] The Sangguniang Bayan corrected itself stating that it "made an honest mistake" in mentioning that the municipal government owned the lot in question based on Tax Dec. No. 114, when the truth is that it was based on Tax Dec. No. 6030.

[8] *Rollo*, p. 64.

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On the very same day, May 24, 1996, respondent judge issued a resolution, reasoning: *First*, the municipality of San Luis, Pampanga through its Sangguniang Bayan may enact resolutions and ordinances to regulate the use of property within its jurisdiction. *Second*, Resolution No. 34-96 is not contrary to law, morals and public policy. *Third*, the municipal mayor through an executive order may order the Philippine National Police or any government law enforcement agency to enforce or implement the resolution, using reasonable force if necessary and justified. *Fourth*, squatting in government property is considered a "nuisance *per se*." Respondent judge ruled:[9]

"With the issuance by the Municipal Mayor of an executive order, *the municipality of San Luis may order the Philippine National Police (PNP) stationed in San Luis. Pampanga to effect the eviction of Hermogenes Gozun* and all other persons who may be claiming any right under him from Lot No. 114 covered by Tax Declaration No. 6030 (*italics supplied*)."

Again, on the same day, May 24, 1996, the municipal mayor, Jovito C. Bondoc, pursuant to the aforequoted resolution, issued Executive Order No. 1, series of 1996, ordering the PNP to implement Resolution No. 34-96.[10]

Note that complainant Gozun was not served with summons or given notice of the petition for declaratory relief.[11]

On June 2, 1996, complainant Gozun learned about the resolution.[12]

On June 3, 1996, complainant Gozun's wife[13] together with other public school teachers[14] went to the office of respondent

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[9] *Rollo*, pp. 7-8.

[10] *Ibid.*, p. 13.

[11] Averred in the complaint, and admitted by respondent judge (*Rollo*, pp. 4, 48).

[12] *Rollo*, p. 81.

[13] Esperanza Gozun.

[14] Her sister in-law, Paciencia G. Batu and her "comadre," Paula M. Ocampo.

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judge. When asked about the resolution, respondent judge answered, *"Ing Apung Guinu yu y Mayor Bondoc at kaya ko makisabi"* ("Your God is Mayor Bondoc and you should talk to him").[15]

On August 8, 1996, agents of the municipal government demolished complainant Gozun's house, using respondent judge's resolution and the mayor's executive order as basis.[16]

On December 18, 1996, complainant Gozun filed this administrative complaint with the Office of the Court Administrator.[17] He averred that respondent judge's issuance of the resolution amounts to "gross misconduct, gross inefficiency and incompetence."[18] Complainant Gozun further accused the municipal mayor of having bribed respondent judge. Mayor Bondoc told complainant Gozun that "the respondent judge is in his pocket . . . because he (Mayor Bondoc) has given him (respondent judge) a lot of things (*"dacal naku a regalo kaya"*).[19]

On January 20, 1997, the Office of the Court Administrator[20] submitted the petition to this Court for its consideration, recommending that the complaint be given due course.[21]

On March 21, 1997, the Court resolved to require respondent judge to comment thereon, within ten (10) days from notice.[22]

On May 15, 1997, respondent judge submitted his comment, denying the charges and urging that the case be dismissed.[23]

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[15] *Rollo*, pp. 28-29.

[16] *Ibid.*, p. 27.

[17] *Ibid.*, pp. 1-6.

[18] *Ibid.*

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

[20] Through Deputy Court Administrator Reynaldo L. Suarez.

[21] *Rollo*, p. 29.

[22] *Ibid.*, p. 30.

[23] *Ibid.*, pp. 43-60.

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On June 23, 1997, we referred the case back to the Office of the Court Administrator for evaluation, report and recommendation.[24]

On April 13, 2000, after investigation, Court Administrator Alfredo L. Benipayo submitted a memorandum, recommending the dismissal from office of respondent judge.[25]

We agree with the recommendation of the Court Administrator.

Under the 1964 Revised Rules of Court, a petition for declaratory relief may be filed by any person interested under a deed, will, contract or other written instrument, or whose rights are affected by a statute, executive order or regulation, or ordinance.[26] The purpose of the petition is to determine the construction or validity of a statute or ordinance and to seek a judicial declaration of the parties' rights or duties thereunder. Such "action for declaratory relief must be brought in the proper Court of First Instance (now the Regional Trial Court)."[27]

In this case, respondent judge not only acted without jurisdiction, but in so acting ignored blatantly the basic rules of fair play. Complainant was not notified of nor made party to the petition.[28] The purpose of notice is to afford the parties a chance to be heard.[29] This chance was not given to complainant Gozun, and consequently, because of an arbitrary act of respondent judge, complainant's house was demolished and he and his family were rendered homeless.

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[24] *Ibid.*, p. 80.

[25] *Ibid.*, p. 119.

[26] Such action must be brought before the statute, executive order or regulation is breached.

[27] Regalado, *Remedial Law Compendium*, 1997 ed., p. 697; B. P. No. 124, Section 19 (1).

[28] As required in Rule 64, Section 2, 1964 Revised Rules of Court.

[29] *Rolando M. Odono v. Judge Porfirio G. Macaraeg,* A. M. No. RTJ-00-1542, March 16, 2000.

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To escape our disciplining wrath, respondent judge argues that the "resolution" he issued was a mere expression of his legal opinion and not a judgment or order "which adjudicates and settles rights and obligations of the parties."[30] He said that the petition for declaratory relief, earlier quoted, is not a pleading, but a mere letter-request for a legal opinion. Hence, complainant Gozun was not entitled to notice and hearing.[31]

Respondent's argument betrays either gross ignorance of or contempt for the law, neither of which is acceptable, for it is given that a member of the bench must keep himself constantly abreast of legal and jurisprudential developments, bearing in mind that this learning process never ceases even as it is so indispensable in the correct dispensation of justice.[32] When the law violated is elementary, the failure to know or observe it constitutes gross ignorance of the law.[33]

The resolution, suffice it to say, is legally flawed, bore all earmarks and characteristics of an order or judgment disposing of the case. *Sans* reception of evidence, respondent judge made conclusions of fact, labeling complainant as a "squatter," stating that his house was a nuisance *per se*. Without citing any law or jurisprudence, respondent judge gave the Municipality a "go signal" to demolish complainant's house even using force.

Undeniably, respondent judge had an inkling of the nature of the petition. The petition was docketed as Special Proceeding No. 96-001. A special proceeding is a litigated action. Respondent judge must know this. In fact, he named complainant as respondent therein, yet never gave him notice.

His excuse that the resolution was a mere expression of his own legal opinion is an afterthought.

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[30] *Rollo*, p. 44.

[31] *Ibid.*, p. 47.

[32] *Januario Lotino v. Judge Froilan N. Hernandez,* A. M. No. MTJ-00-1273, June 1, 2000.

[33] *Romulo SJ Tolentino v. Judge Alfredo A. Cabral*, A. M. No. RTJ-00-1528, March 28, 2000; *Carlito C. Aguilar v. Judge Victor A. Dalanao*, A. M. No. MTJ-00-1275, June 8, 2000.

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Besides, even assuming *arguendo* that the resolution was a mere legal opinion, still respondent must know that rendering of "legal opinions" is not the function of a judge. The function of the court is limited to adjudication of actual controversies involving rights which are legally demandable and enforceable.[34] Unlike lawyers, judges cannot render legal advice. Judges[35] are expressly prohibited from engaging in the private practice of law or from giving professional advice to clients.[36]

Unfamiliarity with the Rules of Court is a sign of incompetence, which goes against Canon 3, specifically Rule 3.01,[37] of the Code of Judicial Conduct.[38]

Judges are required to be objective. Judges cannot innovate at pleasure and justify such innovations by their own perception of what is ideal or good. Their authority is limited by substantive and procedural rules and by Constitutional precepts.[39]

We further note that the resolution was released the same day that the petition was filed. This reinforces complainant's allegation that respondent judge acted with manifest partiality in favor of the municipal government represented by the mayor.

It is the duty of the members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary.[40] A judge who tarnishes the image of the judiciary

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[34] Article VIII, Section 1, Constitution.

[35] Same rule applies to officials/employees of superior courts and of the Office of the Solicitor General.

[36] Rule 138, Section 35, 1964 Revised Rules of Court.

[37] The rule provides "A judge shall be faithful to the law and maintain professional competence."

[38] *Northcastle Properties and Estate Corporation v. Acting Presiding Judge Estrellita M. Paas,* A. M. No. MTJ-99-1206 October 22, 1999.

[39] *Office of the Court Administrator v. Judge Lorenzo B. Veneracion,* A. M. No. RTJ-99-1432, June 21, 2000.

[40] *Benalfre J. Galang v. Judge Abelardo H. Santos,* A. M. No. MTJ-99-1197, May 26, 1999; *Daniel and Suprema Dumo v. Judge Romeo V.*

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or brings it to public contempt, dishonor or disrespect must be administratively dealt with and punished accordingly.[41]

The rule of impartiality is applied more strictly to municipal, metropolitan and regional trial court judges. This is because they are "judicial front liners" who have direct contact with the litigating parties.[42]

One who accepts the exalted position of a judge owes the public and the court the ability to be proficient in the law[43] and the duty to maintain professional competence at all times. Basic rules must be at the palm of his hand. He must be acquainted not only with legal norms and precepts, but with procedural rules as well.[44]

Early this month, we suspended respondent judge from office for six (6) months without pay.[45] He was disciplined for assigning fifty four (54) cases of violation of P. D. No. 1602[46] to his own court without raffle in violation of Supreme Court Circular No. 7, dated September 23, 1974, as amended.

Perez, A. M. No. MTJ-00-1242, January 20, 2000; *National Bureau of Investigation v. Judge Ramon B. Reyes*, A. M. No. MTJ-097-1120, February 21, 2000; *Victoria R. Nabhan v. Judge Eric Calderon*, A. M. No. MTJ-98-1164, February 4, 2000.

[41] *Antonio Yu-Asensi v. Judge Franscisco D. Villanueva*, A. M. No. MTJ-00-1245, January 19, 2000.

[42] *Concerned Employees of the RTC of Dagupan City v. Judge Erna Falloran-Aliposa*, A. M. No. RTJ-99-1446, March 9, 2000.

[43] *Evan B. Calleja v. Judge Rafael P. Santilices*, A. M. No. RTJ-99-1443, March 14, 2000; *Rafael J. Dizon, Jr. v. Judge Lorenzo B. Veneracion*, A. M. No. RTJ-97-1376, July 20, 2000.

[44] *Amparo S. Farrales v. Judge Ruby B. Camarista*, A. M. No. MTJ-99-1184, March 2, 2000.

[45] *Re: Procedure Adopted by Judge Daniel Liangco, Executive Judge, Municipal Trial Court (MTC) of San Fernando, Pampanga, Re: Raffle of Cases under P. D. 1602*, Adm. Matter No. 99-11-158-MTC, August 1, 2000.

[46] *Jueteng*.

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We note that there are three other administrative cases against respondent judge pending before the Court. One is for dishonesty and the other, gross ignorance of the law.[47] Still another is for direct bribery,[48] wherein respondent judge was caught by the National Bureau of Investigation (NBI) in an "entrapment operation."[49]

In the present case, respondent's maleficent acts must be brought to an end. He has shamed the judiciary. He gave judicial imprint to a procedure decidedly beyond the jurisdiction and authority of the court presided over by him. For this, the Court believes that the penalty of dismissal is warranted.

IN VIEW WHEREOF, the Court *hereby orders the DISMISSAL* of respondent Judge Daniel B. Liangco, Municipal Trial Judge, Municipal Trial Court, San Fernando, Pampanga, and Acting Judge, Municipal Circuit Trial Court (MCTC), Mexico-San Luis, Pampanga, from the service, with forfeiture of all retirement benefits and accumulated leave credits, if any, and with prejudice to reinstatement or re-employment in any branch, instrumentality or agency of the Government, including government-owned or controlled corporations.

The Court directs the Court Administrator to initiate disbarment proceedings against respondent Judge for misconduct as a member of the bar within thirty (30) days from finality of this decision.

This decision is immediately executory.

SO ORDERED.

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[47] Docketed as IPI-99-809 MTJ.

[48] According to an investigation conducted by the National Bureau of Investigation, respondent Judge has been delaying the resolution of the Complainant's cases (for Qualified Theft, Corruption of Minors and Working without a permit) pending before his sala because he was asking for money in exchange for the dismissal of the said cases.

[49] Entitled *"National Bureau of Investigation v. Judge Daniel Liangco,"* docketed as AM-MTJ-99-1235, formerly OCA IPI No. 99-805-MTJ.

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Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

EN BANC

[G.R. No. 103797. August 30, 2000]

PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT *petitioner, vs.* **THE HONORABLE SANDIGANBAYAN (THIRD DIVISION), AEROCOM INVESTORS AND MANAGERS, INC., POLYGON INVESTORS AND MANAGERS, INC., TRADERS ROYAL BANK, HECTOR P. CORPUS, and SEVERINO P. BUAN, JR.,** *respondents.*

SYNOPSIS

Respondents Aerocom and Polygon are stockholders of POTC and PHILCOMSAT sequestered by the PCGG in 1986. The writs of sequestration were, however, lifted in Civil Case No. 0114 for failure of the PCGG to institute the judicial action contemplated under Section 26, Article XVIII of the 1987 Constitution. Thereafter, respondents Aerocom and Polygon, which had received dividends for 1986 and 1987 without objection from the PCGG, filed an urgent motion to intervene to permit them to receive their dividends from the POTC for the years 1988 and 1989. A hearing was conducted thereon, but the PCGG failed to appear. Given 5 days to oppose the motion, PCGG filed its opposition way beyond the period given by the Sandiganbayan. The motion to intervene was granted. PCGG moved for reconsideration, but the same was denied. Meanwhile, the dividends for the succeeding years were