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[A.M. No. RTJ-20-2593. November 10, 2020]
[Formerly: OCA IPI No. 20-5067-RTJ]

PHILIPPINE NATIONAL CONSTRUCTION CORPORATION, *Complainant*, *v.* **HON. JESUS B. MUPAS, Presiding Judge Branch 112, Regional Trial Court, Pasay City,** *Respondent*.

SYLLABUS

1. LEGAL ETHICS; JUDGES; GROSS IGNORANCE OF THE LAW; JUDGES SHOULD BE DILIGENT IN KEEPING ABREAST WITH DEVELOPMENTS IN LAW AND JURISPRUDENCE.— Our conception of good judges has been, and is, of men who have a mastery of the principles of law, who discharge their duties in accordance with law. Judges are the visible representations of law and justice, from whom the people draw the will and inclination to obey the law. They are expected to be circumspect in the performance of their tasks, for it is their duty to administer justice in a way that inspires confidence in the integrity of the justice system. Judges should exhibit more than just a cursory acquaintance with the statutes and procedural rules, and should be diligent in keeping abreast with developments in law and jurisprudence. For a judge who is plainly ignorant of the law taints the noble office and great privilege vested in him.

2. ID.; ID.; ID.; A PATENT DISREGARD OF SIMPLE, ELEMENTARY, AND WELL-KNOWN RULES CONSTITUTES GROSS IGNORANCE OF THE LAW.—While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgments, it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry. A patent disregard of simple, elementary and well-known rules constitutes gross ignorance of the law. To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but were also motivated by bad faith, fraud, dishonesty, and corruption. When the law is sufficiently basic, a judge owes it to his office to

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know and to simply apply it. Anything less would be constitutive of gross ignorance of the law.

3. ID.; ID.; ID.; THE COURT IS DUTY-BOUND TO STERNLY WIELD A CORRECTIVE HAND TO DISCIPLINE ITS ERRANT EMPLOYEES AND SHOVE AWAY THE UNDESIRABLE ONES.— The Court does not take lightly the complaints against Judge Mupas. A review of his disciplinary record does not paint a rosy picture.

In *Mina v. Judge Mupas*, he was found guilty of undue delay in rendering an order and was fined the amount of ₱10,000.00.

In *Giganto v. Judge Mupas*, he was admonished "to be mindful of his actions so as to avoid the appearance of impropriety."

More recently, in *Yu v. Judge Mupas*, he was found guilty of gross ignorance of the law and fined the amount of ₱35,000.00.

The instant case shall be resolved not just on the weight of the allegations of PNCC, but also in light of the previous infractions of Judge Mupas for which he had already been warned and penalized for by the Court. After all, the Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and shove away the undesirable ones.

4. ID.; ID.; ID.; THE RULES ON THE ISSUANCE OF INJUNCTIVE RELIEFS AND SUMMARY PROCEDURE ARE ELEMENTARY TO THE EXTENT THAT NON-OBSERVANCE AND LACK OF KNOWLEDGE ON THEM CONSTITUTE GROSS IGNORANCE OF THE LAW.—A cursory perusal of the reasons advanced by Judge Mupas show that nowhere in any of the . . . Orders did he make a pronouncement on the presence of all of the requisites for the issuance of a TRO and WPI. Judge Mupas merely discussed the supposed irreparable damage or injury that may result should he not issue the injunctive reliefs prayed for. It bears stressing, however, that although a trial court judge is given a latitude of discretion, he or she cannot grant a TRO or a WPI if there is no clear legal right materially and substantially breached from a *prima facie* evaluation of the evidence of the complainant.

. . .

Moreover, Judge Mupas had already admitted that he took cognizance of Civil Case No. R-PSY-19-03785-CV notwithstanding

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the fact that a petition for *certiorari* is prohibited by Section 19 (g) of the Rules on Summary Procedure. This prohibition is plain enough, and its further exposition is unnecessary verbiage.

The rules on the issuance of injunctive reliefs and summary procedure are elementary to the extent that non-observance and lack of knowledge on them constitute gross ignorance of the law, especially for judges who are supposed to exhibit more than just a cursory acquaintance with the procedural rules. For these reasons, the Court finds Judge Mupas guilty of three counts of gross ignorance of the law.

5. ID.; ID.; ID.; PENALTY; THE MULTIPLE INFRACTIONS OF A RESPONDENT JUDGE, WHEN VIEWED TOGETHER, INSTEAD OF AS SEPARATE AND ISOLATED FACTS, WARRANT THE IMPOSITION OF THE EXTREME PENALTY OF DISMISSAL FROM THE SERVICE AND ALL THE ACCESSORY PENALTIES APPURTENANT THERETO.— Gross Ignorance of the law "is classified as a serious charge, [and] punishable by a fine of more than ₱20,000.00 but not exceeding ₱40,000.00, and suspension from office for more than three but not exceeding six months, without salary and other benefits, or dismissal from service."

In *Office of the Court Administrator v. Judge Villarosa* the Court ruled that "[i]f the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation."

For the first two counts of gross ignorance of the law, the Court hereby imposes against Judge Mupas a fine in the amount of ₱50,000.00 and ₱75,000.00, respectively, or a total of ₱125,000.00.

As to the third count of gross ignorance of the law, the same is warranted, considering Judge Mupas' checkered past. The multiple infractions of Judge Mupas, especially when viewed together instead of as separate and isolated facts, show that he is unfit to discharge the duties and functions of a judge so as to warrant the imposition of the extreme penalty of dismissal from the service and all the accessory penalties appurtenant thereto.

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6. ID.; ID.; ID.; A JUDGE WHO DISPLAYS AN UTTER LACK OF FAMILIARITY WITH THE RULES ERODES THE PUBLIC'S CONFIDENCE IN THE COMPETENCE OF COURTS.— No less than the Constitution states that a member of the judiciary "must be a person of proven competence, integrity, probity and independence." It is, therefore, highly imperative that a judge should be conversant with basic legal principles. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Judge Mupas failed to live up to the exacting standards of his office. The magnitude of his transgressions, taken collectively, casts a heavy shadow on his moral, intellectual and attitudinal competence and rendered him unfit to don the judicial robe and to perform the functions of a magistrate. The administration of justice cannot be entrusted to one like him who would readily ignore and disregard the laws and policies enacted by the Court to guarantee justice and fairness for all.

D E C I S I O N

***PER CURIAM*:**

Before this Court is an administrative case against respondent Hon. Jesus B. Mupas (Judge Mupas), Presiding Judge of Branch 112 of the Regional Trial Court (RTC) of Pasay City. The case stems from a letter[1] dated September 27, 2019, filed by the corporate officers of complainant Philippine National Construction Corporation (PNCC), informing this Court of the alleged irregular issuances by Judge Mupas of the injunctive reliefs of Temporary Restraining Order (TRO) and Writ of Preliminary Injunction (WPI).

Factual Antecedents

PNCC, a government-owned and/or controlled corporation (GOCC), is the owner of the Financial Center Area (FCA), a 12.9-hectare property located at Macapagal Boulevard, Pasay

[1] *Rollo*, pp. 2-5.

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City.[2] Parts of the FCA were leased to different entities which include, among others, Ley Construction and Development Corporation (LCDC) and John Richard Real, doing business under the name and style of Jecar Enterprises (Jecar).[3]

When the lease contracts covering the FCA expired on May 31, 2018, PNCC decided not to renew the same. However, several lessees including LCDC and Jecar refused to vacate the property. Thus, PNCC filed separate cases for ejectment against them.[4]

PNCC's unlawful detainer case against Jecar, docketed as Civil Case No. M-PSY-19-00813-CV, was raffled to Branch 46 of the Metropolitan Trial Court (MTC) of Pasay City under the sala of Judge Rechie N. Ramos-Malabanan (Judge Ramos-Malabanan). On August 27, 2019, Judge Ramos-Malabanan rendered an Order[5] directing the issuance of a Writ of Preliminary Mandatory Injunction[6] (WPMI) against Jecar. Under the said WPI, Jecar was enjoined to restore in favor of PNCC the possession of the portion of the FCA that it was leasing. As evidenced by a Certificate of Delivery of Premises[7] dated September 17, 2019, PNCC was able to take possession of the same.

Seeking the annulment of the MTC's Order granting the WPI, Jecar filed a Rule 65 petition for *certiorari* with the RTC. This case was docketed as Civil Case No. R-PSY-19-03785-CV. On September 17, 2019 Judge Mupas issued an Order[8] granting Jecar's prayer for a TRO to enjoin the MTC's implementation of the WPMI. Judge Mupas likewise set a hearing for Jecar's prayer for WPI.[9]

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[2] Id. at 2.

[3] Id.

[4] Id. at 2-3.

[5] Id. at 17.

[6] Id. at 15-16.

[7] Id. at 14.

[8] Id. at 19-21.

[9] Id. at 21.

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Aggrieved, PNCC was constrained to report Judge Mupas' actions to the Court.

PNCC argues, in the main, that Judge Mupas enjoined an act that had already been accomplished. Moreover, in taking cognizance of Civil Case No. R-PSY-19-03785-CV, Judge Mupas directly contravened Section 19 (g)[10] of the Rules on Summary Procedure. Simply put, Jecar's petition should not have been given due course.[11]

In addition to excoriating the procedural validity of Judge Mupas' actions, PNCC found it suspicious when, upon the filing of its Position Paper on the propriety of the TRO before the RTC at 4:00 p.m. of September 17, 2019, Judge Mupas was able to cause the service of the said TRO to PNCC at 5:00 p.m. of the very same day.[12]

PNCC likewise points the Court's attention to Judge Mupas' similar actions in Civil Case No. R-PSY-18-3000-CV entitled "*Ley Construction and Development Corporation v. Philippine National Construction Corporation*," for Injunction/Damages. In this case, Judge Mupas issued a TRO[13] and a WPI[14] to enjoin PNCC "from carrying out and implementing its demand, as contained in its letter dated April 26, 2018, for plaintiff Ley Construction and Development Corporation to vacate the leased premises; or from taking steps to evict or cause the eviction of plaintiff, or from taking possession of the Leased Premises, until further orders x x x."[15]

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[10] Sec. 19. *Prohibited pleadings and motions*. — The following pleadings, motions or petitions shall not be allowed in the cases covered by this Rule:
x x x x
(g) Petition for *certiorari*, *mandamus*, or prohibition against any interlocutory order issued by the court. x x x x

[11] Id. at 4.

[12] Id.

[13] Id. at 10-12.

[14] Id. at 6-9.

[15] Id. at 9.

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In his comment[16] dated October 11, 2019 to PNCC's letter, Judge Mupas insisted that the subject injunctive reliefs were issued in accordance with procedural rules and in the spirit of liberality. With regard to the injunctive reliefs in Civil Case No. R-PSY-18-30000-CV, he claimed that he was swayed by the employees who would lose their jobs if PNCC was allowed to evict its lessees.[17] Judge Mupas also mentioned PNCC's participation in the mediation proceedings which, in his view, meant that the parties were open to an amicable settlement of the case.[18]

As to Civil Case No. R-PSY-19-03785-CV, Judge Mupas admitted that a petition for *certiorari* is indeed not allowed under the Rules on Summary Procedure. However, he defended himself by invoking the tenets of the liberal application of the rules of procedure on affording the parties the opportunity to be heard. Judge Mupas further claimed that he was not informed by the parties that the action sought to be enjoined by LCDC had already been rendered moot, and that he had no hand on the service of the TRO to LCDC.[19]

Findings of the Office of the Court Administrator

The Office of the Court Administrator (OCA) submitted a Memorandum[20] dated August 13, 2020 recommending that Judge Mupas be held administratively liable for gross ignorance of the law.

The OCA found Judge Mupas' invocation of the principle of liberality to be a mere subterfuge to evade responsibility for his transgressions. *First*, Judge Mupas issued the injunctive reliefs in favor of LCDC in Civil Case No. R-PSY-18-30000-CV without any legal basis. Nowhere in his orders did he mention

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[16] Id. at 22-25.

[17] Id. at 22.

[18] Id. at 23.

[19] Id. at 23-24.

[20] Id. at 70-78.

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that LCDC a "clear and unmistakable right to be protected," as required by the rules because, in truth and in fact, LCDC's lease contract with PNCC had already expired. *Second*, Judge Mupas blatantly ignored Section 19 (g) of the Rules on Summary Procedure when he took cognizance of Civil Case No. R-PSY-19-03785-CV. *And third*, Judge Mupas violated anew the basic tenets on the issuance of injunctive reliefs when he issued a TRO in favor of Jecar, whose contract of lease had also expired, to enjoin an act that had already been accomplished.[21]

As to the timing of the service of the TRO on September 17, 2019, the OCA found no irregularity on the part of Judge Mupas, considering the inherent probability of having a TRO issued and served to PNCC within the span of one hour because of the court *a quo*'s close proximity to the FCA.[22]

In view of these circumstances, the OCA recommended as follows:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

a. the instant matter be **RE-DOCKETED** as a regular administrative matter against Hon. Jesus B. Mupas, Presiding Judge, Branch 112, Regional Trial Court, Pasay City;

b. Judge Jesus B. Mupas be found **GUILTY** of three (3) counts of Gross Ignorance of the Law for issuing (1) a temporary restraining order in Civil Case No. R-PSY-18-3000-CV, (2) taking cognizance of the petition for certiorari in Civil Case No. R-PSY-19-03785-CV in violation of Section 19 (g) of the Rules of Summary Procedure, and for (3) issuing a temporary restraining order also in Civil Case No. R-PSY-19-03785-CV; and

c. Judge Mupas be **FINED** in the amount of ₱50,000.00 for the first count, **FINED** in the amount of ₱75,000.00 for the second count, and **DISMISSED FROM THE SERVICE**, with forfeiture of all his retirement benefits, except his accrued leave

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[21] Id. at 76.

[22] Id. at 76.

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credits, and with perpetual disqualification for re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporation for the third count of Gross Ignorance of the Law.[23]

Ruling of the Court

The Court fully adopts the findings and recommendations of the OCA.

Our conception of good judges has been, and is, of men who have a mastery of the principles of law, who discharge their duties in accordance with law.[24] Judges are the visible representations of law and justice,[25] from whom the people draw the will and inclination to obey the law.[26] They are expected to be circumspect in the performance of their tasks, for it is their duty to administer justice in a way that inspires confidence in the integrity of the justice system.[27] Judges should exhibit more than just a cursory acquaintance with the statutes and procedural rules, and should be diligent in keeping abreast with developments in law and jurisprudence.[28] For, a judge who is plainly ignorant of the law taints the noble office and great privilege vested in him.[29]

While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgments, it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry.[30] A patent disregard of simple, elementary and well-known rules constitutes gross ignorance

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[23] Id. at 78.

[24] *State Prosecutor Comilang v. Judge Belen*, 689 Phil. 134, 148 (2012).

[25] *Alcaraz v. Judge Lindo*, 471 Phil. 39, 40 (2004).

[26] *Spouses Jacinto v. Judge Vallarta*, 493 Phil. 255, 264 (2005).

[27] *Victorio v. Judge Rosete*, 603 Phil. 68, 79 (2009).

[28] *Conquilla v. Judge Bernardo*, 657 Phil. 289, 299-300 (2011).

[29] *Salcedo v. Judge Bollozos*, 637 Phil. 27, 44 (2010).

[30] *Sps. Monterola v. Judge Caoibes, Jr.*, 429 Phil. 59, 67 (2002).

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of the law.[31] To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but were also motivated by bad faith, fraud, dishonesty, and corruption.[32] When the law is sufficiently basic, a judge owes it to his office to know and to simply apply it. Anything less would be constitutive of gross ignorance of the law.[33]

In *Enriquez v. Judge Caminade*,[34] the Court declared:

> Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. In all good faith, they must know the laws and apply them properly. Judicial competence requires no less. Where the legal principle involved is sufficiently basic and elementary, lack of conversance with it constitutes gross ignorance of the law.[35]

In *Department of Justice v. Judge Mislang*,[36] the Court further elaborated:

> Gross ignorance of the law is the disregard of basic rules and settled jurisprudence. A judge may also be administratively liable if shown to have been motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence. Though not every judicial error bespeaks ignorance of the law and that, if committed in good faith, does not warrant administrative sanction, the same applies only in cases within the parameters of tolerable misjudgment. Such, however, is not the case with Judge Mislang. Where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law. A judge is presumed to have acted with regularity and good faith in the performance of judicial functions. But a blatant disregard of the clear and unmistakable provisions of a statute, as well as Supreme Court circulars enjoining

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[31] *Daka Benito v. Judge Balindong*, 599 Phil. 196, 201 (2009).

[32] *Suarez-De Leon v. Judge Estrella*, 503 Phil. 34, 40 (2005).

[33] *Atty. Cabili v. Judge Balindong*, 672 Phil. 398, 412 (2011).

[34] 519 Phil. 781 (2006).

[35] Id. at 783.

[36] 791 Phil. 219 (2016).

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their strict compliance, upends this presumption and subjects the magistrate to corresponding administrative sanctions.

For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice. Judges owe it to the public to be knowledgeable, hence, they are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart. When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith, and in grave abuse of judicial authority. In both cases, the judge's dismissal will be in order.[37]

The Court does not take lightly the complaints against Judge Mupas. A review of his disciplinary record does not paint a rosy picture.

In *Mina v. Judge Mupas*,[38] he was found guilty of undue delay in rendering an order and was fined the amount of ₱10,000.00.[39]

In *Giganto v. Judge Mupas*,[40] he was admonished "to be mindful of his actions so as to avoid the appearance of impropriety."[41]

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[37] Id. at 227-228.

[38] 578 Phil. 41 (2008).

[39] Id. at 48.

[40] A.M. No. RTC-15-2430, July 20, 2015.

[41] *Rollo*, p. 48.

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More recently, in *Yu v. Judge Mupas*,[42] he was found guilty of gross ignorance of the law and fined the amount of ₱35,000.00.[43]

The instant case shall be resolved not just on the weight of the allegations of PNCC, but also in light of the previous infractions of Judge Mupas for which he had already been warned and penalized for by the Court. After all, the Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and shove away the undesirable ones.[44]

Judge Mupas is guilty of gross ignorance of the law

In issuing the injunctive reliefs in question, Judge Mupas offered the following ratiocinations:

1. Order dated June 14, 2018 granting TRO against PNCC in Civil Case No. R-PSY-18-3000-CV

> x x x the directive to vacate the property should clearly be restrained since it would result to undue injury to the government in the amount of 61 million pesos for the months of June to December 2018. In the PNCC 1st Quarter report dated May 10, 2018, the management itself of herein defendant recommended to the Board of Directors that the Lease Contract be extended in order to prevent any loss of income to the government pending the finalization or approval of any concrete plan on what to do with the property.[45]

2. Order dated July 4, 2018 granting WPI against PNCC, also in Civil Case No. R-PSY-18-3000-CV

> The testimonies of plaintiff's witnesses show that this Court's intervention is urgently needed as it would suffer grave and irreparable injury if it is evicted.

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[42] A.M. No. RTJ-17-2491, July 4, 2018, 870 SCRA 391.

[43] Id. at 404.

[44] *Calaunan v. Madolaria*, 657 Phil. 1, 10 (2011).

[45] *Rollo*, pp. 11-12.

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In essence, therefore, the Court is swayed to order the maintenance of the status quo and direct the issuance of the writ of preliminary injunction by the fact that if plaintiff is immediately evicted, both the government and employers and employees and several private sectors as well as their family dependents will surely be damaged and irreparably injured.[46]

3. Order dated September 17, 2019 granting TRO against PNCC in Civil Case No. R-PSY-19-03785-CV

Settled is the rule that a writ of preliminary injunction may be issued to prevent threatened or continuous irremediable injury to parties before the case can be resolved on its merits, provided that the applicant satisfies the following requisites for injunctive relief: (a) the invasion of the right sought to be protected is material and substantial; (b) the right of the complainant is clear and unmistakable; and (c) there is urgent and paramount necessity for the writ to prevent serious damage. x x x

Based on the preliminary review of the factual antecedents and the documents attached to the amended complaint as well as the testimony of petitioner and guided by the foregoing jurisprudential guidelines on the issuance of injunctive relief, the Court finds it proper to issue a Temporary Restraining Order.[47]

A cursory perusal of the reasons advanced by Judge Mupas show that nowhere in any of the foregoing Orders did he make a pronouncement on the presence of all of the requisites for the issuance of a TRO and WPI. Judge Mupas merely discussed the supposed irreparable damage or injury that may result should he not issue the injunctive reliefs prayed for. It bears stressing, however, that although a trial court judge is given a latitude of discretion, he or she cannot grant a TRO or a WPI if there is no clear legal right materially and substantially breached from a *prima facie* evaluation of the evidence of the complainant.[48]

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[46] Id. at 8-9.

[47] Id. at 20-21.

[48] *DPWH v. City Advertising Ventures Corp.*, 799 Phil. 47, 66 (2016).

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In *Dr. Sunico v. Judge Gutierrez*,[49] the Court found a judge guilty of gross ignorance of the law for issuing a WPI without stating the presence of the applicant's clear legal right which was sought to be protected. Thus:

It must likewise be emphasized that Dr. Sunico indeed elevated the assailed orders of respondent judge before the CA in CA-G.R. SP No. 130529. In fact, the appellate court already ruled that respondent judge committed grave abuse of discretion amounting to lack or in excess of jurisdiction in issuing the subject injunctive writ against CCP for having no basis in fact or in law. The pertinent discussion in the decision of the CA is noteworthy, to wit:

> In the present case, we find that private respondent Espiritu is not entitled to a writ of preliminary mandatory injunction since there is no showing that he has a clear and unmistakable right that must be protected.
>
> It is a deeply ingrained doctrine in Philippine remedial law that a preliminary injunctive writ under Rule 58 issues only upon a showing of the applicant's "clear legal right" being violated or under threat of violation by the defendant. "Clear legal right," within the meaning of Rule 58, contemplates a right "clearly founded in or granted by law." Any hint of doubt or dispute on the asserted legal right precludes the grant of preliminary relief. . . These procedural barriers to the issuance of a preliminary injunctive writ are rooted on the equitable nature of such relief, preserving the *status quo* while, at the same time, restricting the course of action of the defendants even before adverse judgment is rendered against them.
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> x x x x
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> ***The initial evidence presented by private respondent Espiritu before the public respondent in the preliminary injunction incident do not show the presence of the requisites for his entitlement to a writ of preliminary mandatory injunction. Ergo, public respondent committed grave abuse of discretion amounting to lack or in excess of jurisdiction in issuing a writ of preliminary mandatory injunction against petitioner CCP which has no basis in fact or in law.*** The only evidence

[49] 806 Phil. 94 (2017).

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> needed by (public respondent) to justify the issuance of the writ, if indeed there was a need to issue one, was the lease contract itself which. ***Though evidentiary in nature, would have shown, at first glance, that (private respondent Espiritu) was not entitled to the writ, even without a full-blown trial. The situation before the Court is . . . a consequence of the parties' stipulation of a determinate period for (the lease contract's) expiration. The possibility of irreparable damage without proof of actual existing right is not a ground/or injunction.*** Where the complainant's right is doubtful or disputed, injunction is not proper. Absent a clear legal right, the issuance of the injunctive relief constitutes grave abuse of discretion. A finding that the applicant for preliminary mandatory injunction may suffer damage not capable of pecuniary estimation does not suffice to support an injunction, where it appears that the right of the applicant is unclear or dispute.[50] (Emphasis in the original)

Based on the foregoing, respondent judge manifested ignorance as to the propriety or impropriety of issuing a writ of preliminary injunction. The evidence presented in the application for preliminary injunction do not show the presence of the requisites for Espiritu's entitlement to a writ of preliminary mandatory injunction. Indeed, the expired lease contract itself would have easily shown that Espiritu was not entitled to the writ. In fact, the initial attempts by Espiritu to get an injunction against CCP were denied in the Orders dated June 27, 2012 and July 3, 2012, respectively, in the same case.[48] It should be pointed out also that Espiritu filed a motion for reconsideration which the CA rejected anew. Thus, without basis in fact and in law, respondent judge's issuance of the writ of preliminary injunction shows manifest gross ignorance of the law. (Emphasis included)

Moreover, Judge Mupas had already admitted that he took cognizance of Civil Case No. R-PSY-19-03785-CV notwithstanding the fact that a petition for *certiorari* is prohibited by Section 19 (g) of the Rules on Summary Procedure. This prohibition is plain enough, and its further exposition is unnecessary verbiage.[51]

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[50] Id. at 106-107.

[51] *Rep. of the Phils. v. Sunvar Realty Development Corp.*, 688 Phil. 616, 631-632 (2012).

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The rules on the issuance of injunctive reliefs and summary procedure are elementary to the extent that non-observance and lack of knowledge on them constitute gross ignorance of the law, especially for judges who are supposed to exhibit more than just a cursory acquaintance with the procedural rules.[52] For these reasons, the Court finds Judge Mupas guilty of three counts of gross ignorance of the law.

The penalty to be imposed

Gross Ignorance of the law "is classified as a serious charge, [and] punishable by a fine of more than ₱20,000.00 but not exceeding ₱40,000.00, and suspension from office for more than three but not exceeding six months, without salary and other benefits, or dismissal from service."[53]

In *Office of the Court Administrator v. Judge Villarosa*[54] the Court ruled that "[i]f the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation."[55]

For the first two counts of gross ignorance of the law, the Court hereby imposes against Judge Mupas a fine in the amount of ₱50,000.00 and ₱75,000.00, respectively, or a total of ₱125,000.00.

As to the third count of gross ignorance of the law, the same is warranted, considering Judge Mupas' checkered past. The multiple infractions of Judge Mupas, especially when viewed together instead of as separate and isolated facts, show that he is unfit to discharge the duties and functions of a judge so as to warrant the imposition of the extreme penalty of dismissal

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[52] *Sps. Crisologo v. Judge Omelio*, 696 Phil. 30, 63 (2012).

[53] *Department of Justice v. Judge Mislang*, 791 Phil. 219, 231 (2016).

[54] A.M. No. RTJ-20-2578, January 28, 2020.

[55] Id.

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from the service[56] and all the accessory penalties appurtenant thereto.

A final note

No less than the Constitution states that a member of the judiciary "must be a person of proven competence, integrity, probity and independence."[57] It is, therefore, highly imperative that a judge should be conversant with basic legal principles.[58] When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts.[59] Judge Mupas failed to live up to the exacting standards of his office. The magnitude of his transgressions, taken collectively, casts a heavy shadow on his moral, intellectual and attitudinal competence and rendered him unfit to don the judicial robe and to perform the functions of a magistrate.[60] The administration of justice cannot be entrusted to one like him who would readily ignore and disregard the laws and policies enacted by the Court to guarantee justice and fairness for all.[61]

WHEREFORE, respondent Judge Jesus B. Mupas is found **GUILTY** of three counts of Gross Ignorance of the Law. He is accordingly **FINED** the total amount of ₱125,000.00 and is **DISMISSED** from the service with **FORFEITURE** of his retirement and other benefits, except accrued leave credits. He is **PERPETUALLY DISQUALIFIED** from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.

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[56] *Felongco v. Judge Dictado*, 295 Phil. 767, 793 (1993).

[57] Article VIII, Section 7 (3), 1987 CONSTITUTION.

[58] *Radomes v. Judge Jakosalem*, 378 Phil. 187, 192 (1999).

[59] *Bago v. Judge Pagayatan*, 602 Phil. 459, 473 (2009).

[60] *Judge Español v. Judge Toledo-Mupas*, 626 Phil. 110, 120 (2010).

[61] *Office of the Court Administrator v. Judge Yu*, 800 Phil. 307, 417 (2016).

Supreme Court E-Library

Let a copy of this decision be furnished to the Office of the Court Administrator for its information and guidance.

SO ORDERED.

Peralta, C.J., Perlas-Bernabe, Leonen, Caguioa, Gesmundo, Hernando, Carandang, Lopez, Delos Santos, Gaerlan, and *Rosario, JJ.*, concur.

Lazaro-Javier, Inting, and *Zalameda, JJ.*, on official leave.