

EN BANC

[A.M. No. MTJ-99-1178, March 03, 1999]

**COMMISSION ON ELECTIONS, COMPLAINANT, VS. JUDGE BUCO
R. DATU-IMAN, MUNICIPAL CIRCUIT TRIAL COURT, BAYANG,
LANAO DEL SUR, RESPONDENT.**

DECISION

MENDOZA, J.:

This complaint was filed by the Commission on Elections (COMELEC) against respondent Judge Buco R. Datu-Imam of the Fifth Municipal Circuit Trial Court of Bayang-Tubaran-Binidiyan-Butig-Lambatan-Marogong-Lumbayanagui (hereinafter referred to as Municipal Circuit Trial Court of Bayang), Lanao del Sur,^[1] for gross ignorance of the law for enjoining enforcement of a COMELEC directive issued in connection with the barangay elections of May 9, 1994 in Bayang, Lanao del Sur.

It appears that, on March 29 and 31, 1994, the Commission on Elections sent telegrams to election officials in Lanao del Sur ordering them to delete Barangay Sumbago from the list of barangays in the Municipality of Bayang on the ground that it had not been legally created. Accordingly, the officials refused to accept for filing certificates of candidacy of those seeking office in Barangay Sumbago in the May 9, 1994 barangay elections. However, barangay officials seeking reelection brought suit (Civil Case No. 08-BA, Monadi, et al. v. Commission on Elections) in the Fifth Municipal Circuit Trial Court of Bayang to stop implementation of the COMELEC directive.

Respondent, who had been designated acting judge of that court, issued a temporary restraining order on April 9, 1994 and, after hearing, rendered a decision on May 2, 1994 granting injunction. He held that a mere telegram order of the COMELEC cannot prevail over Executive Order No. 108, dated December 24, 1986, of then President Corazon C. Aquino which listed Sumbago among the barangays duly created in Region XII.

By virtue of the temporary restraining order of respondent judge, the Election Officer of Bayang, Lanao del Sur allowed the filing of certificates of candidacy for barangay positions in Sumbago. However, upon being informed of the issuance of the order, the COMELEC issued Resolution No. 94-2947, dated May 17, 1994, directing election officials to disregard the temporary restraining order and delete Barangay Sumbago from the list of barangays in the Municipality of Bayang, Lanao del Sur, as previously ordered. At the same time, the COMELEC referred the present case to this Court for "appropriate [disciplinary] action" against respondent. The COMELEC contended that, in taking cognizance of the case, respondent showed "patent ignorance of the law" because he had no power to issue an injunction against the COMELEC, especially "considering the status and rank of the issuing court in relation to that of the COMELEC."^[2]

On the other hand, respondent claimed in his comment that he issued the temporary restraining order in good faith on the basis of certifications that Barangay Sumbago had been given internal revenue allotments by the Department of Budget and Management and had been recognized by the DILG ARMM, Provincial DILG, Municipal DILG, and DBM Cotabato City. He claimed that he issued the injunction in question lest the residents of Barangay Sumbago be deprived of their right of self-government considering that it was the last day for the filing of certificates of candidacy and that there were "ill-motivated persons who attempted to sow confusion and disorder in the barangay using the [COMELEC] telegram as a tool."

In its memorandum, dated January 26, 1999, the Office of the Court Administrator (OCA) recommends that the complaint against respondent judge be dismissed and that instead he simply be admonished to be more circumspect in the performance of his duties.

It appears that respondent compulsorily retired on December 7, 1998 from the service. He prays that a clearance be issued to him so that he can collect his retirement benefits, less any amount which "the Court may deem just, right, equitable, and reasonable." He states that he is in dire need of the money for his medical care and for the educational expenses of his family.

The issue in this case is whether respondent judge is liable for gross ignorance of the law for issuing an injunction against the COMELEC. We think he is, although, as will presently be explained, there are mitigating factors which should be considered in his favor.

First of all, as already pointed out in a 1968 dictum,^[3] because of their subordinate status and rank vis-a-vis the COMELEC, lower courts cannot issue writs of injunction enforceable against the COMELEC. More importantly, respondent ought to have known that, since its creation, the COMELEC has been accorded full discretion given its constitutional mandate to enforce and administer all laws relative to the conduct of election, plebiscite, initiative, referendum, and recall.^[4] This was stressed in the decision of this Court in *Zaldivar v. Estenzo*.^[5] Quoting from its prior decisions, this Court held:

In the discharge of its functions, it should not be hampered with restrictions that would be fully warranted in the case of a less responsible organization. The Commission may err, so may this court also. It should be allowed considerable latitude in devising means and methods that will insure the accomplishment of the great objective for which it was created ¾ free, orderly and honest elections.

. . . .

[I]t is easy to understand why no interference whatsoever with the performance of the Commission on Elections of its functions should be allowed unless emanating from this Court. The observation of Acting Chief Justice J.B.L. Reyes in *Albano v. Arranz* [4 SCRA 386 (1962)], while not precisely in point, indicates the proper approach. Thus: "It is easy to realize the chaos that would ensue if the Court of First Instance of each