



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 26, 2023 which reads as follows:

“A.C. No. 11052 [Formerly CBD Case No. 17-5454] (Atty. J. Ricardo H. Moreño¹ v. Atty. Oscar E. Dinopol and Presiding Judge Jordan H. Reyes, Regional Trial Court, Branch 24, Koronadal, South Cotabato).— Before Us is a Complaint² dated January 19, 2016 filed by Atty. J. Ricardo H. Moreño (Atty. Moreño) charging Atty. Oscar E. Dinopol (Atty. Dinopol) and Judge Jordan H. Reyes (Judge Reyes) with violation of the Revised Circular No. 28-91, as amended by Administrative Circular no. 04-94, specifically on forum shopping.

The Factual Antecedents

In the Complaint filed before the Office of the Bar Confidant (OBC), Atty. Moreño alleged that on November 30, 2013, the Heirs of Jose Olarte filed a petition before the Regional Trial Court (RTC) of General Santos City docketed as MISC CASE No. 3591, which was raffled to Branch 36 thereof. Subsequently, on July 4, 2015, Lucia Olarte Magtibay, representing the Heirs of Jose Olarte, also filed a petition before the RTC of Koronadal City, which was assigned to Branch 24 thereof and docketed as Special Proceedings No. 078-24. The presiding judge of Branch 24 is Judge Reyes. Both of the aforementioned petitions were signed by Atty. Dinopol.³

Atty. Moreño alleged that in both MISC CASE No. 3591 and Special Proceedings No. 078-24, the parties are the same and the rights asserted and reliefs prayed for are founded on the same set of facts.⁴ Atty. Moreño claimed that Atty. Dinopol resorted to forum shopping by filing a suit before the RTC of Koronadal City because he cannot get a favorable ruling from the General Santos court.

¹ Also spelled as Moreno in some parts of the records.

² *Rollo*, pp. 2-11.

³ *Id.* at 3.

⁴ *Id.* at 3-5.

As regards Judge Reyes, the complaint alleged that the matter of forum shopping should have caught the attention of the respondent judge, and that Judge Reyes should have summarily dismissed the complaint and cited the parties in direct contempt of court.⁵ Instead, Judge Reyes proceeded to issue a temporary restraining order.⁶ Thus, by engaging in forum shopping, Atty. Dinopol succeeded in getting the desired favorable order courtesy of Judge Reyes.⁷ Complainant also questioned the issuance of an Order by Judge Reyes appointing an Administrator⁸ considering that the case pending before the sala of Judge Reyes does not involve the testate or intestate proceedings.⁹ In fine, complainant averred that Judge Reyes himself is guilty of forum shopping.¹⁰

In a Resolution¹¹ dated April 6, 2016, the Court resolved to implead Judge Reyes in this case for alleged complicity and to require both respondents to file their Comment to the Complaint.

Atty. Dinopol, in his Comment,¹² argues that there is no forum shopping as there is no *litis pendentia* in the above cases. The identity of the parties and the causes of action are not the same. Final judgment in the first case will not result to *res judicata* in the second case.

Judge Reyes also filed a Comment¹³ alleging that the complaint for Forum Shopping does not apply to judges, therefore the same should not involve him, in the absence of allegations of conspiracy. Judge Reyes denied that there is a malicious delay in resolving the motion relative to Special Proceedings No. No. 078-24. Moreover, respondent Judge averred that the alleged forum shopping is yet to be proven.¹⁴ In any event, Judge Reyes underscored that the matters pending before the General Santos and the Koronadal City courts are different.¹⁵ He explained that he did not immediately resolve the matter of forum shopping since he first directed the petitioners to file their comment on the matter,¹⁶ and that the three-month period within which to resolve the motion after it was submitted for resolution has not yet expired at that time.¹⁷ Hence, there is no malicious delay to speak of.¹⁸

⁵ Id. at 8.

⁶ Id.

⁷ Id. at 9.

⁸ Id.

⁹ Id.

¹⁰ Id. at 10.

¹¹ Id. at 167.

¹² Id. at 196-209.

¹³ Id. at 168-176.

¹⁴ Id. at 171.

¹⁵ Id. at 171-172.

¹⁶ Id. at 173.

¹⁷ Id.

¹⁸ Id. at 175.

In a Resolution¹⁹ dated August 23, 2017, We referred the case to the Integrated Bar of the Philippines (IBP) for report and recommendation.

Report and Recommendation of the Integrated Bar of the Philippines

In an undated Report and Recommendation,²⁰ the Investigating Commissioner recommended the dismissal of the complaint for lack of merit.

The report of the Investigating Commissioner reads:

From the records adduced by both parties, it would disclose that the two petitions filed by the Petitioners thru the Respondent Atty. Dinopol bear two separate/distinct causes of action. The Petition filed before the RTC, Branch 37 of General Santos City is for the issuance of the Owner's Original Certificate of Title No. (12)p-4732 and the petition filed before the RTC, Branch 24 of Koronadal City is for injunction with prayer for the issuance of a [T]emporary Restraining Order and [W]rit of Preliminary [I]njunction. Though it appears that Petitioners are the same in the two Petitions, the causes of action are distinct and different x x x, the petition for the issuance of another title filed before the RTC, Branch 37 of General Santos City is proper considering that the property is located and[/]or situated in General Santos City while the petition for injunction filed before the RTC, Branch 24 of Koronadal City is likewise proper considering the addresses of the Respondents DENR and DPWH whose Offices are located in Koronadal City hence there is no Forum Shopping.

x x x x

Forum Shopping may be committed in three ways:

a. Filing Multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (where the ground for dismissal is *litis pendentia*).

b. Filing Multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (where the ground for dismissal is *res judicata*).

c. Filing multiple cases based on the same cause of action but with different prayers (splitting of causes of action but with different prayers (splitting of causes of action, where the ground for dismissal is also either *litis pendentia* or *res judicata*).

That none of the three ways having been committed by the Respondent Atty. Dinopol, it is therefore, recommended that the complainant [sic] against him for Forum Shopping be DISMISSED for lack of merit.²¹

¹⁹ Id. at 225.

²⁰ Id., unpaginated. Penned by Commissioner Edwin Orias Betguen.

²¹ Id.

On June 27, 2020, the IBP Board of Governors (Board) issued a Resolution²² adopting the findings and recommendations of the Investigating Commissioner, to wit:

RESOLVED to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case to DISMISS the case, after finding the recommendation to be fully supported by the evidence on record and the applicable laws and rules.²³

Issue

The issue before the Court is whether Atty. Dinopol and Judge Reyes should be held administratively liable for alleged violation of Forum Shopping.

Our Ruling

After a judicious perusal of the records of the case, the Court adopts the recommendation of the IBP to dismiss the complaint for lack of merit.

At the outset, We note that the IBP recommendation pertained only to Atty. Dinopol. There was no discussion at all as to the accountability of Judge Reyes. We find this understandable considering that the acts being complained of are of judicial nature and are not proper subjects of an administrative complaint.

Corollarily, it has not also escaped our notice that the issue of forum shopping is actually pending before the sala of Judge Reyes. In fact, he averred that he already required the petitioner to file comment on the motion. Hence, it would not be proper for Us to discuss the merits of the motion in this administrative complaint. To be clear, the complainant's remedy as counsel for the Heirs of Jose Olarte is judicial in nature and not through this administrative complaint.

WHEREFORE, the instant complaint for disciplinary action for violation of the rule on forum shopping, pursuant to the Revised Circular No. 28-91, as amended by Administrative Circular No. 04-94, against Atty. Oscar E. Dinopol and Judge Jordan H. Reyes is **DISMISSED**.


The Notice of Resolution No. CBD-2020-06-27 dated June 27, 2020 of the Integrated Bar of the Philippines' Board of Governors, transmitted by Letter dated August 4, 2021 of Atty. Avelino V. Sales, Jr., Director for Bar Discipline, Integrated Bar of the Philippines, together with the records and flash drive file, is **NOTED**.

²² Id., unpaginated. Signed by National Secretary Roland B. Inting.

²³ Id.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court^{1st}

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

632

MAY 03 2023

Atty. J. Ricardo Moreno
Complainant
ABBAS & ASSOCIATES LAW FIRM
Suites 404 & 1001, 4th Floor, Japer Building
No. 19 Eisenhower Street, North Greenhills
1502 San Juan City

Atty. Oscar E. Dinopol
Respondent
KPS Compound, Zone 1-KPS Village
Purok Magsaysay-A, Brgy. Labangal
9500 General Santos City

Hon. Jordan H. Reyes
Respondent - Presiding Judge
Regional Trial Court, Branch 24
Koronadal City, 9506 South Cotabato

Integrated Bar of the Philippines
15 Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City

Office of the Bar Confidant (x)
Supreme Court

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

UR

NAF