

## EN BANC

[ A.M. NO. RTJ-06-2002, November 24, 2006 ]

**ROCKLAND CONSTRUCTION CO., INC., REPRESENTED BY  
EMMANUEL ZAPANTA, COMPLAINANT, VS. JUDGE MARIANO M.  
SINGZON, JR., REGIONAL TRIAL COURT, BRANCH 67, PASIG  
CITY, RESPONDENT.**

### ***DECISION***

**YNARES-SANTIAGO, J.:**

This administrative case stems from the Resolution<sup>[1]</sup> dated September 17, 2004 and Omnibus Order<sup>[2]</sup> dated November 12, 2004 issued by respondent Judge Mariano M. Singzon, Jr. of the Regional Trial Court of Pasig City, Branch 67 in SCA No. 2673, entitled *Rockland Construction Company, Inc. v. Mid-Pasig Land Development Corp. and Ernesto R. Jalandoni*.

For a clearer understanding of the present complaint, reference to Civil Case Nos. 68213 and 8788 is necessary.

On January 11, 2001, Rockland Construction Company, Inc. (Rockland) filed a complaint for Specific Performance with Damages against Mid-Pasig Land Development Corporation (MPLDC) docketed as Civil Case No. 68213. The case involved the possession of a parcel of land better known as the site of "Payanig sa Pasig" which Rockland leased from MPLDC and, in turn, subleased to MC Home Depot.

As summarized by the Office of the Court Administrator (OCA), the pertinent facts are as follows:

Civil Case No. 68213 is an action for Specific Performance raffled to Branch 266, RTC, Pasig City, presided over by Judge Rodrigo B. Lorenzo. Rockland therein demanded that MPLDC be required to execute in its favor a written contract of lease over the subject property. It also prayed for the issuance of a temporary restraining order (TRO) to restrain MPLDC from ejecting it from the premises and to issue a writ of mandatory injunction compelling the said MPLDC to execute the written lease contract aforementioned.

MPLDC moved for the dismissal of the complaint x x x [but] Judge Lorenzo dismissed this motion on August 20, 2001. He also denied MPLDC's subsequent Motion for Reconsideration filed on September 11, 2001. On even date, Judge Lorenzo also issued a TRO requiring the parties to maintain the *status quo* pending the hearing on and resolution of the petition for the issuance of a Writ of Preliminary Injunction. Judge Lorenzo eventually issued an Injunctive Order on 4 October 2001

prohibiting MPLDC or any person acting on its behalf from ejecting Rockland from the subject premises.

In the meantime, MPLDC filed an action for Unlawful Detainer against Rockland on 22 August 2001. This case was docketed as Civil Case No. 8788 and was raffled to Branch 70, MeTC, Pasig City. Almost simultaneously with the filing of the ejectment case, MPLDC filed a supplemental motion in Civil Case No. 68213 seeking the dismissal on the ground of *litis pendencia*. Judge Lorenzo denied this motion, prompting MPLDC to file a Petition for Certiorari with the Court of Appeals questioning the denial of its Motion to Dismiss. The Court of Appeals dismissed this petition on 25 January 2002, prompting MPLDC to elevate the matter to the Supreme Court through a petition docketed as G.R. No. 153751.

On 8 October 2003, the Supreme Court granted MPLDC's petition, reversed the Decision of the Court of Appeals, and ordered the dismissal of Civil Case No. 68213 pending before Judge Lorenzo of Branch 266, RTC-Pasig. It upheld the jurisdiction of the MeTC Pasig over the ejectment case. However, before the issuance of the Supreme Court's Decision, more specifically on 29 April 2002, Branch 70, MeTC-Pasig already dismissed Civil Case No. 8788 on the ground that the issue sought to be resolved did not appear to be one of possession but referred to the exercise of the option to renew a contract. MeTC Branch 70 ruled that such issue was beyond pecuniary estimation; thus, it had no jurisdiction thereon.

Rockland sought the reconsideration of the Supreme Court's 8 October 2003 Decision. In a Resolution dated 9 February 2005, the Supreme Court denied with finality such Motion for Reconsideration.

In the interim, pending resolution of Rockland's Motion for Reconsideration of the Supreme Court's 8 October 2003 Decision and before such Decision's finality, Rockland filed with the Pasig RTC on 7 May 2004 an action charging MPLDC and Ernesto R. Jalandoni with *indirect contempt of court*. The case was docketed as SCA No. 2673 RTC-Pasig City and raffled to Branch 67 presided over by Judge Singzon.

On 17 September 2004, Judge Singzon dismissed the petition in this manner:

"WHEREFORE, premises considered, the petition is hereby ordered dismissed and considering that the lease period between petitioner and respondent Mid-Pasig has evidently expired without being renewed, this Court takes note of the fact that petitioner has lost its possessory right over the subject property it occupies. In view thereof, the petitioner is directed to henceforth refrain from exercising any possessory right over the subject property."

On 28 September 2004, Rockland moved for the reconsideration of the foregoing Resolution. Meanwhile, on 14 October 2004, almost a month

after the issuance of the said Resolution, Pasig Printing Corp. (PPC) filed a Motion to Intervene (in SCA No. 2673) together with its Answer-in-Intervention as defendant in the said case. It likewise asked for the immediate execution of the Resolution dated 17 September 2004 and prayed that —

"...should petitioner [Rockland] continue to fail and refuse to obey said Resolution, the Sheriff of this Court be authorized to 'padlock' the subject premises to facilitate the implementation of said Resolution."

Rockland opposed the foregoing Motion on 28 October 2004. The parties thereafter filed several other pleadings before Judge Singzon. On 12 November 2004, Judge Singzon issued an Omnibus Order, with the following dispositive portion:

"WHEREFORE, premises considered, the Motion for Reconsideration [of Rockland], dated September 27, 2004, is denied and the dispositive portion of this Court's Resolution, dated September 17, 2004, is hereby reiterated and re-affirmed.

"Moreover, the instant Urgent Motion to Intervene filed by Intervenor Pasig Printing Corporation, is hereby granted. Likewise, the prayer for immediate execution of the Resolution of this Court, dated September 17, 2004, is also hereby granted.

"Consequently, pursuant to the Intervenor's prayer, the Court's Sheriff is hereby directed to implement forthwith the subject Resolution, dated September 17, 2004, employing reasonable force, if necessary, including the padlocking of the MC Home Depot premises located at Ortigas Avenue corner Meralco Avenue, Pasig City, Metro Manila and make the corresponding return thereon immediately. Let the Clerk of Court issue the corresponding Writ of Execution for the implementation of subject Resolution, dated September 17, 2004.

"SO ORDERED."

Pursuant to such Omnibus Order, the Clerk of Court issued a Writ of Execution on 16 November 2004.

Not satisfied, Rockland filed a petition for certiorari with prayer for the issuance of a TRO and Injunction before the Court of Appeals (C.A. G.R. No. 87425, Seventh Division). The Court of Appeals eventually decided this case as follows:

"WHEREFORE, the assailed Resolution dated September 17, 2004 and the Omnibus Order dated November 12, 2004 are hereby PARTIALLY AFFIRMED, that is, *only* insofar as they dismissed the charge for indirect contempt against Mid-Pasig

Land Development Corporation, Ernesto Jalandoni, Manila Electric Company, and Alfonso Y. Lacap. The same resolution and Omnibus Order are ANNULLED and SET ASIDE in all other respects, specifically insofar as they: 1) declared Mid-Pasig as the rightful possessor of the subject property; 2) ordered Rockland to refrain from exercising any possessory right over the same; and 3) granted Pasig Printing Corporation's Motion to Intervene and for Immediate Execution.

"Accordingly, the Writ of Execution issued on November 16, 2004, by virtue of which possession of the subject property was turned over to private respondent Pasig Printing Corporation, is likewise NULLIFIED and SET ASIDE."

In the meantime and as previously mentioned, Rockland also filed the instant administrative complaint on December 23, 2004.<sup>[3]</sup>

x x x x

OTHER RELEVANT INFORMATION: Both the petitioner and private respondents in C.A. G.R. SP No. 87425 filed motions in connection with said case, to wit: Petitioner Rockland filed a Motion to Amplify Decision, private respondents Mid-land Pasig and Ernesto R. Jalandoni filed a Partial Motion for Reconsideration, and private respondent PPC likewise filed a Motion for Reconsideration of the Decision. The Court of Appeals' former Seventh Division DENIED all of these motions in its Resolution dated May 25, 2005. PPC thereafter filed a petition before the Supreme Court against Rockland docketed as G.R. No. 168344.

In a Resolution dated 31 August 2005, the Supreme Court DENIED the PPC's petition for review on certiorari. The Court therein stated that PPC failed to "sufficiently show that the Court of Appeals had committed any reversible error in the questioned judgment to warrant the exercise by this Court of its discretionary appellate jurisdiction of this case."

PPC filed a Motion for Reconsideration dated 10 October 2005, which the Supreme Court DENIED WITH FINALITY, "no substantial argument having been adduced to warrant the reconsideration."<sup>[4]</sup>

In its Complaint<sup>[5]</sup> dated December 23, 2004, Rockland, through its president, Emmanuel Zapanta, accuses respondent judge of: (1) acting without jurisdiction when he ruled on the issue of Rockland's possessory rights notwithstanding that SCA No. 2673 was an action for indirect contempt; (2) disregarding rules of procedure and Rockland's constitutional rights when he granted Pasig Printing Corporation (PPC) the right to possess the subject property despite being a stranger to the case and notwithstanding that the action was for indirect contempt; and (3) showing no respect for hierarchy of courts when he ruled on the issue of possession which is still pending before this Court. For these, complainant charges respondent with violation of the Code of Judicial Conduct; knowingly rendering an unjust judgment; and violation of Section 8, Rule 140 of the Rules of Court.

In his Comment,<sup>[6]</sup> respondent judge insists that the Resolution dated September