

FIRST DIVISION

[G.R. No. 184487, February 27, 2013]

**HON. MEDEL ARNALDO B. BELEN, IN HIS OFFICIAL CAPACITY AS
PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH
36, 4TH JUDICIAL REGION, CALAMBA CITY, PETITIONER, VS.
JOSEF ALBERT S. COMILANG, RESPONDENT.**

R E S O L U T I O N

REYES, J.:

This petition for review on *certiorari*, under Rule 45 of the Rules of Court, seeks to reverse and set aside the Decision^[1] dated July 3, 2008 of the Court of Appeals (CA) in CA-G.R. SP No. 101081 finding petitioner Medel Arnaldo Belen (Judge Belen) guilty of indirect contempt in his capacity as the Presiding Judge of the Regional Trial Court (RTC) of Calamba City, Laguna, Branch 36, and imposing upon him the penalty of fine in the amount of P30,000.00.

Likewise assailed is the CA Resolution dated August 27, 2008^[2] denying reconsideration.

The Facts

The antecedents of the instant controversy are the same as the ensuing factual milieu that gave rise to A.M. No. RTJ-10-2216,^[3] an administrative case filed by respondent State Prosecutor Josef Albert Comilang (State Prosecutor Comilang) against Judge Belen, viz:

State Prosecutor Comilang, by virtue of Office of the Regional State Prosecutor (ORSP) Order No. 05-07 dated February 7, 2005, was designated to assist the Office of the City Prosecutor of Calamba City in the prosecution of cases. On February 16, 2005, he appeared before Judge Belen of the RTC of Calamba City, Branch 36, manifesting his inability to appear on Thursdays because of his inquest duties in the Provincial Prosecutor's Office of Laguna. Thus, on February 21, 2005, he moved that all cases scheduled for hearing on February 24, 2005 before Judge Belen be deferred because he was set to appear for preliminary investigation in the Provincial Prosecutor's Office on the same day.

Instead of granting the motion, Judge Belen issued his February 24, 2005 Order in Criminal Case No. 12654-2003-C entitled *People of the Philippines v. Jenelyn Estacio* ("Estacio Case") requiring him to (1) explain why he did not inform the court of his previously-scheduled preliminary investigation and (2) pay a fine of P500.00 for the cancellation of all the scheduled hearings.

In response, State Prosecutor Comilang filed his Explanation with Motion for Reconsideration, followed by a Reiterative Supplemental Motion for Reconsideration with Early Resolution. **On May 30, 2005, Judge Belen directed him to explain why he should not be cited for contempt for the unsubstantiated, callous and reckless charges extant in his Reiterative Supplemental Motion, and to pay the postponement fee in the amount of P1,200.00 for the 12 postponed cases during the February 17, 2005 hearing.**

In his comment/explanation, State Prosecutor Comilang explained that the contents of his Reiterative Supplemental Motion were based on "his personal belief made in good faith and with grain of truth." Nonetheless, Judge Belen rendered a **Decision dated December 12, 2005 finding State Prosecutor Comilang liable for contempt of court and for payment of P20,000.00 as penalty. His motion for reconsideration having been denied on February 16, 2006, he filed a motion to post a supersedeas bond to stay the execution of the said Decision, which Judge Belen granted and fixed in the amount of P20,000.00.**

On April 12, 2006, State Prosecutor Comilang filed with the Court of Appeals (CA) a petition for *certiorari* and prohibition with prayer for temporary restraining order and/or writ of preliminary injunction docketed as CA-G.R. SP No. 94069 assailing Judge Belen's May 30, 2005 Order and December 12, 2005 Decision in the *Estacio Case*. On April 24, 2006, the CA issued a temporary restraining order (TRO) enjoining Judge Belen from executing and enforcing his assailed Order and Decision for a period of 60 days, which was subsequently extended with the issuance of a writ of preliminary injunction.

Notwithstanding the TRO, Judge Belen issued an Order **on September 6, 2007 requiring State Prosecutor Comilang to explain his refusal to file the supersedeas bond and to appear on September 26, 2007 to explain why he should not be cited indirect contempt of court.** In his Compliance, State Prosecutor Comilang cited the CA's injunctive writ putting on hold all actions of the RTC relative to its May 30, 2005 Order and December 12, 2005 Decision during the pendency of CA-G.R. SP No. 94069. He also manifested that he was waiving his appearance on the scheduled hearing for the indirect contempt charge against him.

Nevertheless, Judge Belen issued an **Order dated September 26, 2007 directing State Prosecutor Comilang to explain his defiance of the subpoena and why he should not be cited for indirect contempt. Judge Belen likewise ordered the Branch Clerk of Court to issue a subpoena for him to appear in the October 1, 2007 hearing** regarding his failure to comply with previously-issued *subpoenas* on September 18, 2007, and on October 8, 2007 for the hearing on the non-filing of his supersedeas bond. State Prosecutor Comilang moved to quash the *subpoenas* for having been issued without jurisdiction and in defiance to the lawful order of the CA, and for the inhibition of Judge

Belen.

In an Order dated October 1, 2007, Judge Belen denied the motion to quash *subpoenas*, held State Prosecutor Comilang guilty of indirect contempt of court for his failure to obey a duly served subpoena, and sentenced him to pay a fine of P30,000.00 and to suffer two days' imprisonment. He was also required to post a supersedeas bond amounting to P30,000.00 to stay the execution of the December 12, 2005 Decision.

Aggrieved, State Prosecutor Comilang filed a complaint-affidavit on October 18, 2007 before the Office of the Court Administrator (OCA) charging Judge Belen with manifest partiality and malice, evident bad faith, inexcusable abuse of authority, and gross ignorance of the law in issuing the show cause orders, *subpoenas* and contempt citations, in grave defiance to the injunctive writ issued by the CA. x x x.^[4]
(Citations omitted and emphasis ours)

On June 26, 2012, the Court resolved A.M. No. RTJ-10-2216 finding Judge Belen guilty of grave abuse of authority and gross ignorance of the law, and meting upon him the penalty of dismissal from service.^[5]

Simultaneous with the filing of the administrative case, State Prosecutor Comilang also filed before the CA a petition to cite Judge Belen in contempt of court docketed as CA-G.R. SP No. 101081. State Prosecutor Comilang averred that by issuing the Orders dated September 6, 2007, requiring him to explain his failure to post a supersedeas bond, and September 26, 2007, requiring him to explain why he should not be cited for contempt for such refusal, Judge Belen openly defied the CA's injunctive writ restraining him from implementing the RTC issuances of May 30, 2005 and December 12, 2005 which cited State Prosecutor Comilang for contempt.

On July 3, 2008, the CA found Judge Belen guilty of indirect contempt for his disobedience of or resistance to lawful court orders as sanctioned in Section 3, Rule 71 of the Rules of Court. Judge Belen moved for reconsideration, but the motion was denied. Hence, the present recourse.

Judge Belen asserts that he was deprived of his right to due process because the CA proceeded to rule on the petition for contempt without considering his Comment thereon.

He further argues that he did not intend to disrespect the authority of the CA as he merely misinterpreted the import of the injunctive writ. According to him, the writ enjoined him from enforcing, executing and implementing the RTC Order dated May 30, 2005 and Decision dated December 12, 2005; it did not prohibit or restrain him from asking an explanation from State Prosecutor Comilang for his non-compliance with the order for the posting of a supersedeas bond which he himself sought in order to hold in abeyance the RTC Decision of December 12, 2005 pending appellate review.

The Court's Ruling