

SPECIAL SECOND DIVISION

[G.R. NO. 128859, June 23, 2005]

**AIDA POBLETE AND HON. REUBEN P. DE LA CRUZ, IN HIS
CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT,
BRANCH 272, MARIKINA CITY, PETITIONERS, VS. COURT OF
APPEALS AND WILLIAM LU, RESPONDENTS.**

R E S O L U T I O N

TINGA, J.:

In the Court's *Decision*^[1] on the herein case dated 29 June 2004, the petition was dismissed on the ground that it had become moot and academic, owing to the acquittal in 1999 of petitioner Aida Poblete in Criminal Case No. 95-700-MK by the Regional Trial Court (RTC) of Marikina, Branch 272. The instant petition pertained to the grant of bail to Poblete, who had been charged with Estafa under paragraph 2(d) of the Revised Penal Code, with private respondent William Lu as the private complainant.

As narrated in the *Decision*, it was only in 2004 that the Court learned of the acquittal of Poblete in 1999, after the transmittal by the Marikina City RTC to this Court of the records of the said criminal case. Considering that the subject matter of the petition related to the grant of bail to Poblete, this petition could have been immediately dismissed as far back as 1999, had the Court been informed of the acquittal of the petitioner. Unfortunately, neither the petitioner nor private respondent bothered to inform the Court of the fact of acquittal. Hence, the Court resolved in its *Decision* to direct the parties' respective counsels, Atty. Roberto T. Neri for the petitioner, and Atty. Arturo E. Balbastro for the private respondent, to explain why they should not be held liable for indirect contempt for such failure to inform the Court.^[2]

Both counsels having availed of their right to be heard by adducing their respective explanations, the Court now proceeds to rule on the question of indirect contempt. Atty. Balbastro argues that he could not be held liable for indirect contempt owing to his good faith and lack of intention to impede, obstruct or degrade the administration of justice.^[3] On the other hand, Atty. Neri similarly invokes his lack of intention to impede, obstruct or degrade the administration of justice, and adds that "due to extreme pressure of his work, occasioned by the numerous cases he has been handling . . . he totally forgot, albeit unfortunate (sic), about the petition that he had filed in this case."^[4]

If the resort to indirect contempt proceedings strike as unduly harsh, one would have to understand the detrimental effect the counsels' inaction bears upon this Court. The Court's docket is already overstocked as it is, and any and all attempts by the parties to lighten the burden by withdrawing those unnecessary litigations are always welcome. Conversely, parties who are aware of substantiated causes to