

SECOND DIVISION

[G.R. No. 127819, April 27, 2004]

**ANGEL H. QUIZON, PETITIONER, VS. HON. COURT OF APPEALS,
HON. HARRIET O. DEMETRIOU, IN HER CAPACITY AS PRESIDING
JUDGE, RTC, BRANCH 70, PASIG CITY AND ANTONIO L.
SANCHEZ, RESPONDENTS.**

D E C I S I O N

TINGA, J,:

The Court is here confronted with a *Petition* that is moot in one aspect and premature in another. Consequently, the *Petition* must be denied.

Sometime in November 1993, in connection with Criminal Case Nos. 101141-47, entitled *People of the Philippines versus Antonio L. Sanchez, et al.*, Atty. Manuel P. Cruz, then Chief of the Legal Division of Philippine National Police-Central Investigation Service Command (PNP-CISC), filed an *ex-parte* motion to transfer the custody of accused Antonio L. Sanchez from the CISC Custodial Center to the PNP Custodial Center before the Regional Trial Court. After an ocular inspection, respondent Judge Harriet O. Demetriou denied the request.

On January 26, 1994, the Chief of the Prosecution Division of the legal office of the CIS, Atty. Joselito A.Z. Casugbo, filed another motion to transfer Sanchez from the CISC Detention Center to the PNP Custodial Center. Atty. Casugbo alleged that there was a recent intelligence report indicating that a member of the PNP assigned to the CISC was a very close friend of Sanchez and had made arrangements for his rescue. He further alleged that in the first week of January 1994, a high ranking police officer of the CISC was offered a huge amount of money for the detainee's escape. This time, respondent Judge granted the motion.

On January 31, 1994, one of the lawyers of the accused Sanchez, Atty. Mario E. Ongkiko, filed a motion to cite petitioner Chief Supt. Angel H. Quizon, then Chief of the CISC, in contempt of court for allegedly fabricating the so-called intelligence report.

After initially failing to attend the first hearing, petitioner appeared at the contempt proceedings on February 7, 1994. Petitioner testified that he was the police officer who was offered a P100 million bribe. However, when questioned as to the identity of the bribe offeror, petitioner declined to answer, alleging that it was classified information.^[1] When pressed further, petitioner added that he was concerned for the security and safety not only of himself but also of his family because the proponent is allegedly powerful and influential in government.^[2]

For petitioner's refusal to disclose the identity of the bribe offeror, Sanchez's counsel moved that petitioner be declared guilty of contempt of court. On February 8, 1994,

respondent Judge declared petitioner in contempt and ordered him incarcerated until further action of the court.

On February 14, 1994, or seven (7) days after his arrest, petitioner filed an *Urgent Ex-Parte Manifestation and Motion for Reconsideration* of the Order dated February 8, 1994, this time invoking a totally different justification for his refusal to answer: his constitutional right against self-incrimination. He claimed that by divulging the identity of the offeror, the latter may charge him with false testimony, or even incriminating innocent person, defined and punished by Articles 183 and 363 of the Revised Penal Code, respectively.^[3] Petitioner likewise reiterated that the information is classified based on an "unwritten law" practiced by all police organizations worldwide.^[4] On the same day, the trial court issued an order which considered petitioner's seven (7) days of confinement as full service for the direct contempt.

On February 18, 1994, the court a quo denied petitioner's motion for reconsideration.

Thereafter, petitioner filed a *Petition for Certiorari and Prohibition with Preliminary Injunction and Temporary Restraining Order* before the Court of Appeals, assailing respondent Judge's Orders dated February 8 and 18, 1994.

While the petition was pending resolution in the Court of Appeals, the PNP initiated an administrative case for summary dismissal against petitioner. As a result, the petition before the Court of Appeals was amended on February 20, 1995 to include then PNP Director General Recaredo Sarmiento as one of the respondents. Eventually, the Court of Appeals dismissed the petition for lack of merit.

Petitioner thus filed the present *Petition* before this Court assailing the Court of Appeals *Decision* for holding that a conviction for direct contempt is not correctible by certiorari and prohibition, that the conviction of the petitioner is in order, and that he was not denied due process of law by reason of prejudicial publicity. Petitioner prays that the Court not only reverse the *Decision* of the Court of Appeals but also to enjoin the PNP from proceeding with the administrative charges against him based on the orders subject of the instant petition or declare void any action taken relative thereto.^[5]

The *Petition* is denied.

In direct contempt cases, the matter becomes a *fait accompli* once the penalty has been executed by the contemnor's service of the penalty of imprisonment.^[6] In the present case, respondent Judge has deemed petitioner's incarceration of seven (7) days as full service for direct contempt. Plainly, the petition is moot.

That administrative charges have been leveled against petitioner does not render the case less so. The administrative case against petitioner stems from the same facts that gave rise to the contempt proceedings and not on the fact that petitioner was found guilty of contempt by respondent Judge. In recommending the institution of summary proceedings against petitioner, Police Chief Insp. Ceferino Nunag found: