

## EN BANC

**[ A.M. No. RTJ-03-1771 (Formerly A.M. OCA- IPI  
No. 99-842-RTJ), May 27, 2004 ]**

**SALVADOR SISON, COMPLAINANT, VS. JUDGE JOSE F. CAOIBES,  
JR., PRESIDING JUDGE, AND TEODORO S. ALVAREZ, SHERIFF IV,  
REGIONAL TRIAL COURT, LAS PIÑAS CITY, BRANCH 253,  
RESPONDENTS.**

## DECISION

### PER CURIAM:

The instant administrative complaint arose when Salvador Sison, a Metropolitan Manila Development Authority (MMDA) traffic enforcer, filed a verified Complaint<sup>[1]</sup> dated October 12, 1999, charging Judge Jose F. Caoibes, Jr. and Sheriff Teodoro Alvarez of the Regional Trial Court of Las Piñas City, Branch 253, with grave abuse of authority.

In turn, the complaint stemmed from an Order<sup>[2]</sup> dated September 15, 1999 in Criminal Case No. 99-002<sup>[3]</sup> which the respondent judge issued, requiring the complainant to appear before him to explain a traffic incident involving his son and the complainant. The said Order reads, thus:

Per information from the authorized driver of the Presiding Judge of this Court on September 8, 1999, at about 3:00 o'clock in the afternoon of said date, said authorized driver, while on board the official car of the undersigned on an official errand was flagged by the accused along the Epifanio delos Santos Avenue while he was positioning the car he was driving to the right lane as he was then to make a right turn; that after he stopped, he was told by the accused that swerving to the right lane was prohibited when it appeared that the sign therefore was still far off and not readily visible to the naked eye; that nonetheless, he introduced himself as the authorized driver of the undersigned, his son in fact, and showed to the accused the calling card of the undersigned with a notation in (sic) the dorsal portion thereof introducing the bearer of the card and requesting for assistance from law enforcers, and accordingly begged that he be allowed to proceed on his way considering that there was no danger to limb, life and property occasioned by his alleged traffic violation; that notwithstanding such introduction and plea, the accused confiscated the driver's license of the authorized driver, even bragging in the process that he did the same to somebody who introduced himself as a lawyer the day before.

The aforementioned actuation of the accused, if true, is not only indicative of his arrogance and deliberate disregard of the usual respect, courtesy and accommodation accorded to a court of law and/or its

representative but is one constitutive of indirect contempt under Section 3, paragraphs (c) and (d) of Rule 71 of the Rules of Court, specially considering that the authorized driver of the Presiding Judge of this Court was then on official errand.

WHEREFORE, within a non-extendible period of twenty-four (24) hours from receipt hereof, the accused is ordered to show cause why he should not be cited as in contempt of court and dealt with accordingly. The Branch Sheriff of this Court is authorized and ordered to serve a copy of this Order upon the accused immediately and to make a return of his proceedings thereon. After receipt of this Order, the accused is ordered to personally file his comment in Court, within the period allowed him herein.

SO ORDERED.<sup>[4]</sup>

Because of the complainant's failure to appear before the respondent judge as directed, the latter, after verifying that the said order was duly served on the complainant, issued another Order<sup>[5]</sup> dated September 22, 1999 for the complainant's arrest and commitment, and for the latter to appear for hearing before his sala on September 29, 1999. The respondent sheriff then served the order on the complainant. On the scheduled hearing, the complainant appeared and executed an affidavit<sup>[6]</sup> admitting to the court that he made a mistake and that it was all a misunderstanding. The respondent judge, thereafter, lifted the September 22, 1999 Order.<sup>[7]</sup>

In his complaint, the complainant alleged inter alia the following:

6. That on September 28, 1999, at around 6:00 P.M., the undersigned complainant was greatly surprised when respondent TEODORO ALVAREZ came and arrested him without any warrant of arrest, only on orders of the respondent Judge, and he was ordered to board a motor vehicle and was brought to the respondent Judge in Las Piñas City who ordered him detained in the Las Piñas City Jail. When he was arrested, he was not able to call his family to inform them where he was because he failed to return home in the evening;

7. That the next day, September 29, 1999, respondent Teodoro Alvarez informed him that there will be a hearing of his indirect contempt charge before the sala of the respondent Judge in Las Piñas City. During the hearing, the complainant was made to admit by the respondent Judge that he made a mistake in apprehending his driver-son[,], conscious that he committed the gravest abuse of his authority, and perhaps in anticipation of the legal action the undersigned complainant may take against him after he is discharged from detention. Thus, after the complainant admitted his mistakes under duress, and upon appeal by his counsel assuring the respondent Judge that the same incident may not be repeated, the complainant was ordered discharged from detention at around 3:30 P.M. on September 29, 1999;

8. That the undersigned complainant did not know of any offense he had committed, except for his issuing a traffic violation receipt to the driver-

son of the respondent Judge which he is tasked by law to do so for those found violating traffic rules and regulations;

9. That if the act of issuing a traffic violation receipt for a traffic violation within the city limits of Mandaluyong City by the complainant is considered by the respondents as an offense, then complainant should be tried for the said offense in Mandaluyong City, and not in Las Piñas City where the respondent judge has no jurisdiction;

10. That to the ordinary and lowly understanding of the undersigned complainant, the acts of respondents in arresting him without any warrant of arrest before a charge of indirect contempt is heard constitute the gravest ABUSE OF AUTHORITY ever committed by the respondents; and

11. That the manner the respondents are administering justice in Las Piñas City is despotic and barbaric in the sense that they take the law into their own hands without due regard for the rights of the others.<sup>[8]</sup>

The complainant, thus, prayed that the respondents be summarily dismissed from the service.

In his comment, the respondent judge vehemently denied the accusations against him, contending that he was merely preserving the dignity and honor due to the courts of law. The respondent narrated that on September 8, 1999, he ordered his son, Jose R. Caoibes III, to go to the Pasig City Regional Trial Court to secure certain records. While on his way there, he was flagged down by the complainant for an alleged traffic violation. Caoibes III explained to the complainant that he was on an errand for his father, the respondent judge, to which the complainant reportedly uttered, "*Walang Judge, Judge Caoibes sa akin; kahapon nga, abogado ang hinuli ko.*"

The respondent judge also alleged that he initiated the complaint for contempt pursuant to the following provisions of the Revised Rules of Court: a) Section 3(d) and Section 4 of Rule 71; b) Section 5(c) of Rule 135; and, c) the last paragraph of Section 3 of Rule 71.

According to the respondent judge, the complainant's allegation that he failed to contact any relative is belied by the fact that during the hearing of September 29, 1999, the complainant was assisted by Atty. Eduardo P. Flores of the MMDA, as evidenced by the transcript of stenographic notes<sup>[9]</sup> taken during the proceedings. The respondent prayed that the instant complaint be dismissed for lack of legal or factual basis.

For his part, the respondent sheriff admitted that he personally served copies of the respondent judge's orders on the complainant, but averred that he was merely performing his duties as deputy sheriff of the court. As such, he did not commit grave abuse of authority in the performance of his functions.<sup>[10]</sup>

Thereafter, the complainant executed a Sinumpaang Salaysay ng Pagbawi ng Reklamo dated November 26, 2002, where he indicated that he was no longer

interested in pursuing the administrative complaint against the respondent judge. The complainant recanted his earlier claim, averring that the respondent judge's son did not in fact enter a one-way street and that he was standing by the September 29, 1999 Affidavit he executed during the hearing. He then requested that his complaint be duly withdrawn.<sup>[11]</sup>

Pursuant to the recommendation<sup>[12]</sup> of the Court Administrator, the Court, in a Resolution<sup>[13]</sup> dated April 2, 2003, resolved to (a) dismiss the instant administrative complaint against Sheriff Teodoro Alvarez for lack of merit; and (b) refer the matter against respondent Judge Caoibes, Jr. to the Presiding Justice of the Court of Appeals for raffle among the Associate Justices of the Court, and for investigation, report and recommendation. The case was raffled to Associate Justice Lucas P. Bersamin. The Investigating Justice, thereafter, submitted his Sealed Report dated February 26, 2004.

According to the Investigating Justice, although the complainant never appeared to prove the charges against the respondent judge, the facts averred in the complaint appear to be substantially correct and true. Thus, the respondent judge abused his authority to charge and punish any person for indirect contempt under Rule 71 of the Rules of Civil Procedure.<sup>[14]</sup> The Investigating Justice recommended that the respondent be admonished and warned, pursuant to Section 10(1), Rule 140 of the Rules of Court, and Section 11(c) of the same rule.

The respondent judge anchors the justification of his acts against the complainant on Section 3, Rule 71 of the Rules of Civil Procedure, viz.:

*Sec. 3. Indirect contempt to be punished after charge and hearing. – After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:*

(a) Misbehavior of an officer of a court in the performance of his official duties or in his official transactions;

(b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;

(c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;

(e) Assuming to be an attorney or an officer of a court, and acting as