

EN BANC

[G.R. No. 136760, July 29, 2003]

THE SENATE BLUE RIBBON COMMITTEE, REPRESENTED BY ITS CHAIRMAN, SENATOR AQUILINO Q. PIMENTEL, JR., PETITIONER, VS. HON. JOSE B. MAJADUCON, PRESIDING JUDGE OF BRANCH 23, REGIONAL TRIAL COURT OF GENERAL SANTOS CITY, AND ATTY. NILO J. FLAVIANO, RESPONDENTS.

G.R. NO. 138378

AQUILINO Q. PIMENTEL, JR., PETITIONER, VS. THE HONORABLE JOSE S. MAJADUCON, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH 23, REGIONAL TRIAL COURT, GENERAL SANTOS CITY, RESPONDENT.

DECISION

YNARES-SANTIAGO, J.:

For resolution are two consolidated petitions: (a) *G.R. No. 136760*, for *certiorari*, prohibition, mandamus and preliminary injunction, assailing the resolution dated November 11, 1998 of Judge Jose S. Majaducon of the Regional Trial Court of General Santos City, Branch 23, which denied the Senate Blue Ribbon Committee's motion to dismiss the petition for prohibition, injunction with writ of preliminary injunction filed by private respondent Atty. Nilo J. Flaviano; and (b) *G.R. No. 138378*, for review of the resolution dated April 15, 1999 of respondent Judge Majaducon declaring petitioner Senator Aquilino Q. Pimentel, Jr. guilty of indirect contempt of court.

The antecedent facts are as follows:

G.R. No. 136760:

On August 28, 1998, Senator Blas F. Ople filed Senate Resolution No. 157 directing the Committee on National Defense and Security to conduct an inquiry, in aid of legislation, into the charges of then Defense Secretary Orlando Mercado that a group of active and retired military officers were organizing a coup d'etat to prevent the administration of then President Joseph Estrada from probing alleged fund irregularities in the Armed Forces of the Philippines.^[1]

On the same date, Senator Vicente C. Sotto III also filed Resolution No. 160, "directing the appropriate senate committee to conduct an inquiry, in aid of legislation, into the alleged mismanagement of the funds and investment portfolio of the Armed Forces Retirement and Separation Benefits System (AFP-RSBS) xxx."^[2]

The Senate President referred the two resolutions to the Committee on

Accountability of Public Officers and Investigations (Blue Ribbon Committee) and the Committee on National Defense and Security.

During the public hearings conducted by the Senate Blue Ribbon Committee (hereafter called the Committee), it appeared that the AFP-RSBS purchased a lot in General Santos City, designated as Lot X, MR-1160, for P10,500.00 per square meter from private respondent Atty. Nilo J. Flaviano. However, the deed of sale filed with the Register of Deeds indicated that the purchase price of the lot was only P3,000.00 per square meter.

The Committee thereafter caused the service of a subpoena to respondent Atty. Flaviano, directing him to appear and testify before it. Respondent refused to appear at the hearing. Instead, he filed a petition for prohibition and preliminary injunction with prayer for temporary restraining order with the Regional Trial Court of General Santos City, Branch 23, which was docketed as SP Civil Case No. 496.

On October 21, 1998, the trial court issued a Temporary Restraining Order directing the Committee "to CEASE and DESIST from proceeding with the inquiry in P.S. 160 particularly in General Santos City and/or anywhere in Region XI or Manila on matters affecting the patenting/titling and sale of Lot X, MR-1160-D to AFP-RSBS," and "from issuing subpoenas to witnesses from Region XI, particularly from General Santos City, pending the hearing of the petition for prohibition and injunction."^[3]

On November 5, 1998, the Committee filed a motion to dismiss the petition on the grounds of (a) lack of jurisdiction, and (b) failure to state a valid cause of action. It further argued that the issuance of the Temporary Restraining Order was invalid for violating the rule against *ex-parte* issuance thereof; and that the same was not enforceable beyond the territorial jurisdiction of the trial court.

On November 11, 1998, the trial court denied petitioner's motion to dismiss and granted the writ of preliminary injunction, thus:

WHEREFORE, PREMISES CONSIDERED, the motion to dismiss is DENIED, and the WRIT OF PRELIMINARY INJUNCTION is hereby issued against respondent. It is enjoined from enforcing its subpoenas to petitioner in Region XI to appear and testify before it in any of its inquiry or investigation anywhere in the Philippines regarding the acquisition by the AFP-RSBS of Lot X, MR-1160-D, located in General Santos City. The bond of petitioner filed on October 21, 1998, for P500,000.00 for the TRO also serves as his bond in this injunction.

SO ORDERED.^[4]

Hence, the instant petition for certiorari which was docketed as G.R. No. 136760, alleging that respondent Judge Majaducon committed grave abuse of discretion and/or acted without or in excess of jurisdiction when he:

I. DENIED PETITIONER'S MOTION TO DISMISS THE PETITION FOR PROHIBITION AND PRELIMINARY INJUNCTION FILED BY PRIVATE RESPONDENT, ATTY. NILO J. FLAVIANO, AGAINST THE PETITIONER IN SP. CIVIL CASE NO. 496.

II. ISSUED (1) A TEMPORARY RESTRAINING ORDER EX-PARTE FOR A PERIOD OF TWENTY (20) DAYS AGAINST THE PETITIONER ON OCTOBER 21, 1998, AND (2) A WRIT OF PRELIMINARY INJUNCTION ON NOVEMBER 11, 1998 ENJOINING THE PETITIONER FROM ENFORCING ITS SUBPOENAS TO PRIVATE RESPONENT IN REGION XI.

III. APPLIED THE RULING OF BENGZON VS. SENATE BLUE RIBBON IN GRANTING INJUNCTIVE RELIEF TO PRIVATE RESPONDENT.^[5]

G.R. No. 138378:

On January 13, 1999, the newspaper, The Philippine Star published a news report on the filing by the Committee with this Court of the petition for *certiorari* which was docketed as G.R. No. 136760. The news report quoted portions of the petition filed by the Committee, alleging that Regional Trial Court Judge Majaducon was guilty of gross ignorance of the rules and procedures when he issued the temporary restraining order and the writ of preliminary injunction because, under the principle of separation of powers, courts cannot interfere with the exercise by the legislature of its authority to conduct investigations in aid of legislation.^[6]

Reacting to the aforesaid news report, respondent Judge Majaducon *motu proprio* initiated a charge for indirect contempt of court against Senator Aquilino Q. Pimentel, Jr., news reporter Perseus Echeminada, Philippine Star publisher Maximo Soliven, editor-in-chief Ramon J. Farolan, and executive editor Bobby G. dela Cruz, which was docketed as Special Civil Case No. 496. Judge Majaducon averred that the news report created in the minds of the reader the impression that he violated the separation of powers clause of the Constitution and that he was guilty of gross ignorance of the rules and procedures.

After the respondents submitted their respective answers, a decision was rendered on April 15, 1999 finding petitioner Pimentel guilty of indirect contempt.

Hence, the instant petition based on the following grounds:

- I. THE EXPRESSION "GROSS IGNORANCE OF THE RULES OF PROCEDURE" OR "GROSS IGNORANCE OF THE LAW" IN REFERENCE TO THE RESPONDENT'S EX-PARTE ISSUANCE OF INJUNCTIVE RELIEF IS NOT PEJORATIVE AS TO CONSTITUTE A GROUND FOR INDIRECT CONTEMPT.
- II. THIS HONORABLE COURT ITSELF USES "GROSS IGNORANCE OF THE LAW" AND OTHER EXPRESSIONS OF SIMILAR FORCEFUL IMPORT IN DESCRIBING GROSS AND PALPABLE ERRORS OF JUDGES.
- III. BY UPHOLDING HIS CONTEMPT CHARGE AGAINST THE PETITIONER, THE RESPONDENT JUDGE HAS, IN EFFECT, PREEMPTED THIS HONORABLE COURT IN RESOLVING THE ISSUES RAISED AGAINST HIM IN G.R. NO. 136760.

IV. THE PUBLICATION BY PHILIPPINE STAR OF THE BLUE RIBBON PETITION IN G.R. NO. 136760, OR EXCERPTS THEREOF WAS A LEGITIMATE EXERCISE OF FREEDOM OF EXPRESSION AND OF THE PRESS.

The two petitions, namely, G.R. No. 136760 and G.R. No. 138378, were ordered consolidated on December 11, 2000.

The issues for resolution in these joint petitions are: (a) whether or not respondent Judge Jose Majaducon committed grave abuse of discretion when he dismissed petitioner's motion to dismiss the petition for prohibition and issued the writ of preliminary injunction; and (b) whether or not respondent Judge erred in convicting petitioner Pimentel of indirect contempt of court.

On the first issue, petitioner Committee contends that courts have no jurisdiction to restrain Congress from performing its constitutionally vested function to conduct investigations in aid of legislation, following the principle of separation of powers. Moreover, the petition filed by respondent Flaviano before the trial court failed to state a cause of action considering that the legislative inquiry did not deal with the issuance of the patent and title to Lot X, MR-1160-D in the name of AFP-RSBS, which is well within the court's jurisdiction, but with the anomaly in the purchase thereof, which falls squarely within the ambit of Senate Resolutions Nos. 157^[7] and 160.^[8]

On the other hand, respondent Flaviano contends that the trial court may properly intervene into investigations by Congress pursuant to the power of judicial review vested in it by the Constitution. He avers that he has a valid cause of action to file the petition for prohibition considering that the Committee's investigation will delve into the validity of the patenting and titling of Lot X, MR-1160-D which, as admitted by petitioner, falls within the competence of judicial courts. In fact, the validity of the purchase by AFP-RSBS of the subject lot is already the subject of a pending action before the Regional Trial Court of General Santos City and the Ombudsman of Mindanao. Finally, he cites the case of *Bengzon v. Senate Blue Ribbon Committee*,^[9] and argues that preliminary injunction may issue in cases pending before administrative bodies such as the Ombudsman or the Office of the Prosecutor as long as the right to self-incrimination guaranteed by the Bill of Rights is in danger. Furthermore, an information against him has been filed with the Sandiganbayan.

We find for petitioner. There is grave abuse of discretion when the respondent acts in a capricious, whimsical, arbitrary or despotic manner in the exercise of his judgment, as when the assailed order is bereft of any factual and legal justification.^[10] In this case, the assailed resolution of respondent Judge Majaducon was issued without legal basis.

The principle of separation of powers essentially means that legislation belongs to Congress, execution to the Executive, and settlement of legal controversies to the Judiciary. Each is prevented from invading the domain of the others.^[11] When the Senate Blue Ribbon Committee served subpoena on respondent Flaviano to appear and testify before it in connection with its investigation of the alleged misuse and mismanagement of the AFP-RSBS funds, it did so pursuant to its authority to