

FIRST DIVISION

[G.R. No. 139844, December 15, 2000]

ATTY. SALOME D. CAÑAS, PETITIONER, VS. HON. LERIO C. CASTIGADOR (IN HIS CAPACITY AS MUNICIPAL TRIAL COURT JUDGE OF THE MUNICIPALITY OF GENERAL TRIAS, PROVINCE OF CAVITE) AND PROSECUTOR ONOFRE M. MARANAN (IN HIS CAPACITY AS MUNICIPAL TRIAL COURT PROSECUTOR OF GENERAL TRIAS, CAVITE), AS WELL AS ANY OTHER OFFICER OF THE LAW (IN RELATION TO AN APPLICATION FOR A TEMPORARY RESTRAINING ORDER/WRIT OF PRELIMINARY INJUNCTION), RESPONDENTS.

D E C I S I O N

YNARES-SANTIAGO, J.:

For alleged failure to comply with orders requiring the surrender of a vehicle involved in Criminal Case No. 3890, petitioner was cited for indirect contempt, fined One Hundred Pesos (P100.00) and ordered imprisoned for thirty (30) days by respondent judge. In a special civil action for certiorari, docketed as CA-G.R. SP No. 43045, the orders of respondent judge was sustained by the Seventh Division^[1] of the appellate court.

The antecedent facts are matters of record or are otherwise uncontroverted.

On May 1, 1996, a vehicular accident occurred along Governor's Drive, Barangay San Francisco, General Trias, Cavite involving a Mitsubishi Lancer (box-type model 1982) bearing Plate No. PHY-142 driven by one Amado Praxedes and an Isuzu truck bearing Plate No. PKS-757 with trailer bearing Plate No. NUM-394 owned by and registered under the name of Isagani R. Medina (Medina) and driven by Nestor V. Guevarra (Guevarra).

On account of the incident, on May 20, 1996, a criminal complaint entitled, "*People of the Philippines v. Nestor Guevarra y Valmonte*" for reckless imprudence resulting in serious physical injuries and damage to property was filed with the Municipal Trial Court of General Trias, Cavite and docketed as Criminal Case No. 3890.

On May 21, 1996, petitioner, as counsel of Medina, filed with the MTC of General Trias, Cavite a motion^[2] for the release of the Isuzu trailer truck with Plate No. PKS-757 and trailer Plate No. NUM-394, where she averred, among others, that -

4. Movant also undertakes to produce the accused before this Honorable Court on May 23, 1996 in order to post bail for his temporary liberty and to secure the release of his driver's license

which he really needs in his job as driver of the same truck.

5. Undersigned counsel further guarantees that failure on her part to produce the accused on May 23 will subject the release of the same vehicle to be recalled.

The records disclose that on May 23, 1996, petitioner and accused Guevarra appeared before the Municipal Trial Court at around 5:25 p.m. on account of heavy traffic. Finding that the respondent judge was no longer there, petitioner wrote a note^[3] addressed to respondent judge informing him of her appearance and that of accused Guevarra. In the said note, petitioner indicated her office address as "c/o Pepsi Cola Products, Phils., San Fernando, Pampanga."

On July 17, 1996, an order for the issuance of a warrant of arrest against accused Guevarra was issued by respondent judge,^[4] and bail was fixed at Two Thousand Pesos (P2,000.00).

On August 14, 1996, respondent judge issued the first challenged Order^[5] recalling his earlier Order dated May 21, 1996, wherein he directed the release of the trailer owned by Medina. The said order required petitioner "or any person in possession or control" to surrender the trailer to the court.

The records reveal, however, that the said Order was not received by petitioner and the same was later sent back to the trial court^[6] because the address written on the envelope was "c/o Pepsi Cola Products, Phils., *San Fernando Plant*," instead of "San Fernando, *Pampanga*."^[7]

On September 11, 1996, respondent judge issued a second Order reiterating his recall of the subject trailer.^[8] In addition, the Order directed "the Chief of Police of General Trias, Cavite, or any officer of the law, to seize, impound and surrender to this Court an Isuzu trailer truck/tractor with Plate No. PKS-757."^[9]

Again, it appears that petitioner never received a copy of the said September 11, 1996 Order and the same was also returned to the trial court because the address appearing on the envelope indicated that it was to be sent to petitioner at "c/o Pepsi Cola, Phils., *San Fernando Plant*" instead of "San Fernando, *Pampanga*."

On September 26, 1996, respondent prosecutor filed a motion to declare petitioner in contempt of court, without furnishing petitioner a copy thereof,^[10] for her continued defiance of the September 11, 1996 Order, alleging -

That on September 11, 1996, the Honorable Court issued an Order the dispositive portion of which read[s]:

WHEREFORE, for failure of Atty. Salome Cañas to produce [the] accused in Court, the release of [the] vehicle is hereby recalled.

Said Order was sent to Atty. Salome Cañas but up to the present, said counsel has not surrendered the vehicle nor has she produced the

accused in Court as condition for the release of said vehicle in blatant defiance of the Court Order dated September 11, 1996.

On the same date, respondent judge issued an order setting the aforementioned motion of respondent prosecutor for hearing on October 8, 1996 at 8:30 a.m.^[11]

As what happened to the two Orders of August 14, 1996 and September 11, 1996 earlier issued, respondent judge's Order dated September 26, 1996 was never received by petitioner because the address was "c/o Pepsi Cola, Phils., San Fernando Plant."

Owing to the incorrect address indicated in the envelope containing the September 26, 1996 Order, petitioner failed to attend the hearing set on October 8, 1996. During the proceedings on said date, Adelina Palomo-Medina, the wife of petitioner's client, informed the court that petitioner was abroad and would be back by the end of November 1996. Respondent judge noted that there was no return of service allegedly sent to petitioner and thus, in open court, reset the hearing to December 3, 1996 at 8:30 a.m.^[12]

Again on account of the incorrect address indicated on the envelope, petitioner was unable to receive a copy of the October 8, 1996 Order and thus was not able to attend the December 3, 1996 hearing. At the scheduled hearing, respondent judge issued an Order considering the motion to declare petitioner in contempt of court submitted for resolution.^[13]

On December 5, 1996, respondent judge issued the challenged order finding petitioner guilty of indirect contempt of court, imposing on her a fine of One Hundred Pesos (P100.00) and ordering her imprisonment for thirty (30) days.^[14] On the same day, respondent judge issued a warrant for petitioner's arrest.^[15]

On January 7, 1997, petitioner filed a "Motion to Lift Warrant of Arrest, Motion to Set Aside Order dated December 5, 1996; and Motion for Reconsideration of Orders dated August 14, 1996; and September 11, 1996."^[16]

Fearing that she would be arrested any time because of the warrant of arrest which was not recalled by respondent judge, petitioner filed a petition for review on certiorari on January 15, 1997, which was subsequently amended on January 17, 1997.^[17]

On May 28, 1999, the Seventh Division of the Court of Appeals promulgated its assailed Decision sustaining the Order of respondent judge. A motion for reconsideration thereto was subsequently denied by the appellate court in its assailed Resolution of August 24, 1999.

Hence, this petition on the following grounds:

I. THE COURT OF APPEALS DISREGARDED WELL-DEFINED PRINCIPLES IN THE APPLICATION OF PROCEDURAL LAW WHEN IT DISREGARDED HIGHER INTERESTS OF JUSTICE AND THE

PRESENCE OF COMPELLING CIRCUMSTANCES WHEN IT HELD THAT THE CIRCUMSTANCES DID NOT JUSTIFY A LIBERAL APPLICATION OF THE RULES AND A DISREGARD OF THE ALLEGED PROCEDURAL LAPSES COMMITTED BY PETITIONER.

II. THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT PETITIONER WAS NOT DEPRIVED OF DUE PROCESS AND THAT HER CONSTITUTIONAL RIGHT TO BE INFORMED OF THE CHARGES AGAINST HER, RELATIVE TO THE CONTEMPT PROCEEDINGS AGAINST HER WAS NOT VIOLATED.

III. THE HONORABLE COURT OF APPEALS DISREGARDED WELL-DEFINED PRINCIPLES RELATIVE TO THE POWER TO CITE IN CONTEMPT WHEN IT PERPETUATED THE ERROR OF THE RESPONDENT JUDGE FINDING PETITIONER TO BE IN CONTEMPT OF COURT BY UPHOLDING SUCH ORDER.

The primordial issue to be resolved is whether or not petitioner is properly cited for indirect contempt by respondent judge.

The Court finds the conduct of respondent judge highly improper for the following reasons:

First, the degree of restraint respondent should have observed in the exercise of his contempt powers leaves much to be desired, considering that the same bears with it the taint of personal hostility and passion against the party to whom it is directed. Time and again magistrates have been reminded that -

...the salutary rule is that the power to punish for contempt must be exercised on the preservative not vindictive principle,^[18] and on the corrective not retaliatory idea of punishment.^[19] The courts and other tribunals vested with the power of contempt must exercise the power for contempt for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons but for the functions that they exercise.^[20]

Besides the basic equipment of possessing the requisite learning in the law, a magistrate must exhibit that hallmark judicial temperament of utmost sobriety^[21] and self-restraint which are indispensable qualities of every judge.^[22] A judge anywhere should be the last person to be perceived as petty tyrant holding imperious sway over his domain. Such an image is, however, evoked by the acts of respondent judge in this case.

It has time and again been stressed that the role of a judge in relation to those who appear before his court must be one of temperance, patience and courtesy.^[23] A judge who is commanded at all times to be mindful of his high calling and his mission as a dispassionate and impartial arbiter of justice^[24] is expected to be "a cerebral man who deliberately holds in check the tug and pull of purely personal

preferences which he shares with his fellow mortals."^[25]

Judges have been admonished to observe judicial decorum which requires that a magistrate must at all times be temperate in his language^[26] refraining from inflammatory or excessive rhetoric^[27] or from resorting "to the language of vilification."^[28] In this regard, Rule 3.04 of the Code of Judicial Conduct states that

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Rule 3.04. A judge should be patient, attentive and courteous to all lawyers, especially the inexperienced, to litigants witnesses, and others appearing before the court. A judge should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants.

Respondent judge needs to be reminded that government service is people-oriented.^[29] Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding.^[30] Belligerent behavior has no place in government service where personnel are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence.^[31]

Second, it is imperative that judges be conversant with basic legal principles. The Code of Judicial Conduct, in fact, enjoins judges to "be faithful to the law and maintain professional competence."^[32] Respondent judge owes it to the public and to the legal profession to know the law he is supposed to apply in a given controversy.^[33]

A judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules; it is imperative that he be conversant with basic legal principles and [be] aware of well-settled authoritative doctrines. He should strive for excellence exceeded only by his passion for truth, to the end that he be the personification of justice and the Rule of Law.^[34]

In this case, respondent judge displayed a deplorable deficiency in his grasp of the basic principles governing contempt. As defined, indirect contempt is one committed out of or not in the presence of the court that tends to belittle, degrade, obstruct or embarrass the court and justice.^[35]

There is no question that disobedience or resistance to a lawful writ, process, order, judgment or command of a court or injunction granted by a court or judge constitutes indirect contempt.^[36] Section 3, Rule 71, of the then Revised Rules of Court provides for the mode of commencing proceedings for indirect contempt, to wit:

SEC. 3. *Indirect contempts to be punished after charge and hearing.*- After charge in writing has been filed, and an opportunity given to the accused to be heard by himself or counsel, a person guilty of any of the following acts may be punished for contempt: