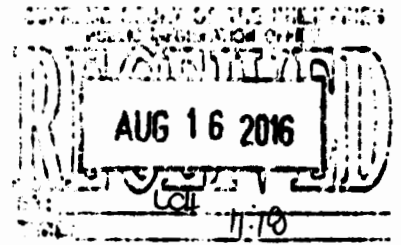




Republic of the Philippines
Supreme Court
 Manila



EN BANC

**Re: VERIFIED COMPLAINT
 FOR DISBARMENT OF AMA
 LAND, INC. (REPRESENTED
 BY JOSEPH B. USITA) AGAINST
 COURT OF APPEALS
 ASSOCIATE JUSTICES
 HON. DANTON Q. BUESER,
 HON. SESINANDO E. VILLON
 AND HON. RICARDO G.
 ROSARIO.**

OCA IPI No. 12-204-CA-J

Present:

SERENO, C.J.,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 BRION,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 PEREZ,
 MENDOZA,
 REYES,
 PERLAS-BERNABE,
 LEONEN,
 JARDELEZA, and
 CAGUIOA, JJ.:

Promulgated:

July 26, 2016

x-----

[Handwritten signature] x

RESOLUTION

BERSAMIN, J.:

In the resolution promulgated on July 15, 2014,¹ the Court: (a) declared Joseph B. Usita guilty of two counts of indirect contempt of court under Section 3(d), Rule 71 of the *Rules of Court*, but deferred the determination and imposition of the penalties against him; (b) ordered Usita to disclose the names of all the members of the Board of Directors of AMA Land, Inc. (AMALI) who had authorized him to bring the two administrative charges against respondent Associate Justices of the Court of Appeals (CA);

¹ *Rollo*, pp. 1195-1199.

and (c) required Usita and a certain Garry de Vera to shed light on the true interest or participation of the so-called JC-AT-JC Law Offices whose office address de Vera had stated as his in the affidavit of service he had executed for purposes of this case.

Consequently, Usita submitted his compliance dated August 11, 2014,² wherein he again apologized for his actions, but appealed for the understanding and forgiveness of the Court. He denied having disobeyed the decision of March 11, 2014, and pointed out that the other complaint against respondent Associate Justices of the CA dated October 2, 2012 (OCA-IPI No. 12-202-CA-J entitled *Re: Verified Complaint for Disbarment of AMA Land, Inc. Represented by Joseph B. Usita v. Hon. Danton Q. Bueser, Hon. Sesinado E. Villon and Hon. Ricardo R. Rosario, Associate Justices of the Court of Appeals*) had been filed earlier than the present complaint; that he had filed the present complaint against respondent Associate Justices of the CA “in good faith and merely to petition this Honorable Court for redress of what he believed to be a judicial wrong;”³ and that he was anyway withdrawing the complaint in OCA-IPI No. 12-202-CA-J as a manifestation of his “good faith and sincere remorse for his inaction (sic).”⁴

Regarding the participation of the so-called JC-AT-JC Law Office, Usita explained that de Vera was an employee of AMALI rendering messengerial services to the JC-AT-JC Law Office, one of the retained counsels of AMALI; and that the JC-AT-JC Law Office did not have any involvement in the filing of the administrative complaints.

De Vera submitted a *salaysay ng pagpapaliwanag*,⁵ which contained explanations similar to those made by Usita.

Finally, Usita disclosed by name the members of the AMALI Board of Directors who had authorized him to file the present complaint, as follows: (a) Atty. Vicente Acsay; (b) Felizardo R. Colambo; (c), Arnel F. Hibo; (d) Darwin V. Dominguez; and (e) Alberto L. Buenviaje.

On September 30, 2014, the Court directed the abovenamed officers of AMALI to show cause in writing why they should not be held liable for indirect contempt for degrading the judicial office of respondent Associate Justices of the CA, and for interfering with the due performance of their work for the Judiciary.⁶

² Id. at 1210-1214.

³ Id. at 1213.

⁴ Id. at 1211.

⁵ Id. at 1225-1228.

⁶ Id. at 1229.

The aforementioned members of the AMALI Board, with the exception of Atty. Acsay who had meanwhile passed away on March 29, 2014,⁷ uniformly manifested that only Atty. Acsay, Hibo and Dominguez had taken part in the meeting of the Board of Directors at which the resolution to file the present complaint had been adopted; that it was Atty. Acsay who had moved for the approval of the resolution; and that they had caused the filing of the administrative complaint in their belief that they were thereby raising a valid legal issue, without any intention of offending or disrespecting respondent Associate Justices of the CA.⁸ It was further manifested that Colambo and Buenviaje had been absent from the meeting when the resolution to file the complaint had been tackled.⁹

Ruling of the Court

We first deal with the penalties to be meted on Usita.

Usita's assertion that he did not disobey and defy the decision promulgated on March 11, 2014 is hollow in light of the solid and firm findings of the Court about AMALI having been prone to bring charges against judicial officers who had ruled against it in its cases. On the contrary, such assertion constitutes his continuing refusal to own his contumacious part in the filing of frivolous administrative charges against respondent Associate Justices of the CA. His tendered withdrawal of the complaint in OCA-IPI No. 12-202-CA-J is even irrelevant now considering that we dismissed his charges therein last January 15, 2013 due to their patent lack of merit. Verily, his filing of two unfounded identical administrative complaints against respondent Associate Justices of the CA displayed his utter lack of respect for their judicial office. His plea for understanding and forgiveness should be ignored for being actually insincere and frivolous.

Nonetheless, we have frequently reminded that the power to punish for contempt must be used sparingly, with caution, restraint, judiciousness, deliberation, and in due regard to the provisions of the law and the constitutional rights of the individual.¹⁰ This approach impels us now to hold Usita responsible for only one count of indirect contempt by considering his forthright compliance with our directive for him to identify the members of AMALI's Board of Directors who had caused him to bring the unfounded charges as a mitigating circumstance.

⁷ Id. at 1234.

⁸ Id. at 1234-1243 (Dominguez, Colombo, Hibo and Buenviaje submitted their joint compliance dated November 5, 2014); Colambo submitted his separate compliance with motion to admit dated November 14, 2014, id at 1272-1279.

⁹ Id. at 1272.

¹⁰ *Regalado v. Go*, G.R. No. 167988, February 6, 2007, 514 SCRA 616, 632.

Anent the liability of the abovenamed members of AMALI's Board of Directors, the general rule is that a corporation and its officers and agents may be held liable for contempt of court for disobeying judgments, decrees, or orders of a court issued in a case within its jurisdiction,¹¹ or for committing any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice.¹² So it must be herein.

The abovenamed members of the AMALI Board of Directors specifically claimed that they had brought the complaints against respondent Associate Justices of the CA in their belief in good faith that they were thereby raising a valid legal issue. Their claim is preposterous, however, because the complaints were identical, and palpably designed to intimidate or influence respondent Associate Justices of the CA in respect of AMALI's case in their Division. The abovenamed members of the AMALI Board of Directors could not allowed to hide behind the shield of good faith because their charges were from the beginning bereft of factual and legal merit. In this regard, we observed in our decision of March 11, 2014, as follows:

The filing of the meritless administrative complaints by AMALI was not only repulsive, but also an outright disrespect of the authority of the CA and of this Court. Unfounded administrative charges against judges truly degrade the judicial office, and interfere with the due performance of their work for the Judiciary. **Although the Court did not then deem fit to hold in the first administrative case AMALI or its representative personally responsible for the unfounded charges brought against respondent Justices, it is now time, proper and imperative to do so in order to uphold the dignity and reputation of respondent Justices, of the CA itself, and of the rest of the Judiciary. AMALI and its representatives have thereby demonstrated their penchant for harassment of the judges who did not do its bidding, and they have not stopped doing so even if the latter were sitting judges. To tolerate the actuations of AMALI and its representatives would be to reward them with undeserved impunity for an obviously wrong attitude towards the Court and its judicial officers.**¹³

Moreover, there is no doubt that the abovenamed members of the AMALI Board of Directors, led by the late Atty. Acsay, were well aware, or, at least, ought to have known that no judicial officer could be legitimately held administratively accountable for the performance of his duties as a judicial officer for the reason that such performance was a matter of discharging a public duty and responsibility.

The abovenamed members of AMALI's Board of Directors are hereby found and pronounced guilty of indirect contempt of court for

¹¹ *Heirs of Trinidad de Leon Vda. de Roxas v. Court of Appeals*, G.R. No. 138660, February 5, 2004, 422 SCRA 101, 120.

¹² Section 3(d), Rule 71 of the *Rules of Court*.

¹³ *Rollo*, p. 1112.

thereby causing the bringing of the unfounded and unwarranted administrative charges against respondent Associate Justices of the CA in order to intimidate or harass them, thereby directly or indirectly impeding, obstructing or degrading the administration of justice.

Any sanction, to be proper, should be commensurate to the contumacious conduct of Usita and the abovenamed members of AMALI's Board of Directors. The sanction should be meaningful and condign; otherwise, it would be mocked and derided, rendering it inutile for the purpose. It must also be within the bounds of Rule 71 of the *Rules of Court*, whose Section 7 relevantly provides:

SEC. 7. *Punishment for indirect contempt.* - If the respondent is adjudged guilty of indirect contempt committed against a Regional Trial Court or a court of equivalent or higher rank, he may be punished by a fine not exceeding thirty thousand pesos or imprisonment not exceeding six (6) months, or both. x x x

Although the conduct we hereby seek to punish tended to obstruct and degrade the administration of justice by respondent Associate Justices of the CA, fine, instead of imprisonment, will suffice, provided the amount thereof is not petty or trivial. The need to deter litigants and those acting upon their bidding from ever trying to intimidate or influence sitting judges in the performance of their sworn duties should be recognized. This instance is a good occasion to do so.

We have judicial precedents to serve as guides in determining the proper amount of fine. In *Ang Bagong Bayani-OFW Labor Party v. Commission on Elections*,¹⁴ the Court meted on the COMELEC Chairman and four COMELEC Commissioners a fine of ₱20,000.00 each for various actions, including issuing three resolutions that were outside of the jurisdiction of the COMELEC, for degrading the dignity of the Court, for brazen disobedience to the lawful directives of the Court, and for delaying the ultimate resolution of the many incidents of the party-list case to the prejudice of the litigants and of the country. It is notable that the Court prescribed a fine of ₱5,000.00 each on the two remaining Commissioners whose actions were deemed less serious in degree. In *Heirs of Trinidad de Leon Vda. de Roxas v. Court of Appeals*,¹⁵ we imposed a fine of ₱10,000.00 on the corporate officer who had caused the preparation and filing of the unwarranted complaint for reconveyance, damages and quieting of title in the trial court, an act that tended to impede the orderly administration of justice. In *Lee v. Regional Trial Court of Quezon City, Branch 85*,¹⁶ the corporate officers who had acted for the corporation to frustrate the

¹⁴ G.R. Nos. 147589 and 147613, February 18, 2003.

¹⁵ Supra note 10, at 119 & 121.

¹⁶ G.R. No. 146006, April 22, 2005, 456 SCRA 538, 555.

execution of the immutable judgment rendered against the corporation by a resort to various moves merited the maximum fine of ₱30,000.00 for each of them. Based on these precedents, the amount of the fine is fixed at ₱20,000.00 each for Usita, Dominguez and Hibo by virtue of their direct participation in the filing of the frivolous and contumacious complaints.

Considering that Colambo and Buenviaje did not take part in the meeting of the Board of Directors of AMALI, they are absolved of liability for indirect contempt of court. Likewise, Garry de Vera is absolved of any liability because he was a mere messenger of AMALI.

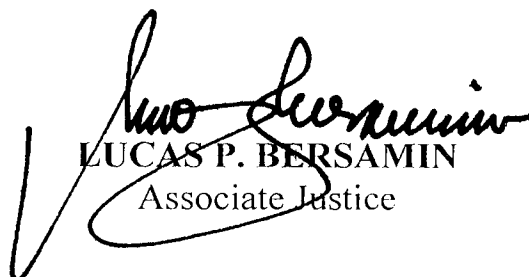
WHEREFORE, the Court:

- (1) **ABSOLVES** and **PURGES** Felizardo R. Colambo, Alberto L. Buenviaje and Garry de Vera of any act of contempt of court:


- (2) **DECLARES** and **PRONOUNCES** Joseph B. Usita, Darwin V. Dominguez and Arnel F. Hibo **GUILTY** of **INDIRECT CONTEMPT** for degrading the judicial office of respondent Associate Justices of the Court of Appeals, and for obstructing and impeding the due performance of their work for the Judiciary, and, **ACCORDINGLY**, metes on each of Usita, Dominguez and Hibo a fine of **₱20,000.00**, the same to be paid within 10 days from notice of this resolution.

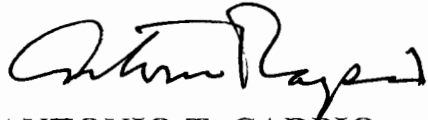
AMA Land, Inc., Joseph B. Usita, Darwin V. Dominguez and Arnel F. Hibo are **WARNED** that a repetition of the same or similar acts shall be dealt with more severely in the future.

SO ORDERED.

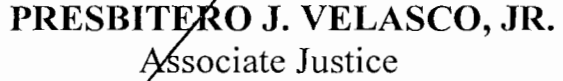

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



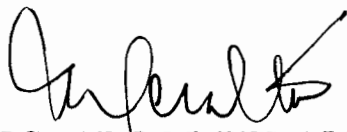
PRESBITERO J. VELASCO, JR.
Associate Justice



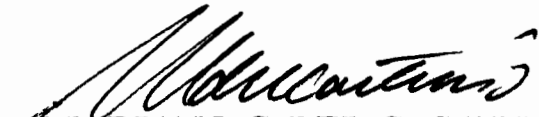
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



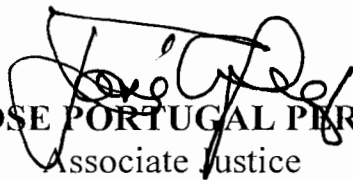
ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



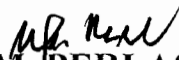
JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



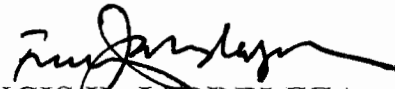
BIENVENIDO L. REYES
Associate Justice



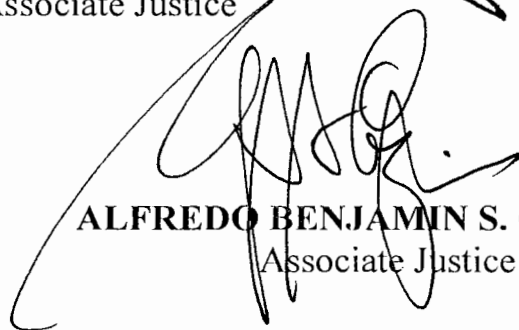
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

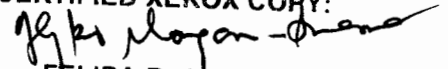


FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:



FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT