



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 July 2020** which reads as follows:*

“**G.R. No. 252014 (Arnel B. Turado, Gregorio E. Angeles, Giovanni A. Balmadrid and Edwin T. Tanael v. Mayor Flerida Alberto)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the Decision¹ dated 6 May 2019 and the Resolution² dated 29 January 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 38090 for failure of petitioners to show that the CA committed any reversible error in affirming the Decision³ of the Regional Trial Court (RTC), Virac, Catanduanes, Branch 42 dated 25 August 2015 which found petitioner Arnel B. Turado guilty of indirect contempt, and reprimanded and admonished petitioners Gregorio E. Angeles, Giovanni A. Balmadrid, and Edwin T. Tanael.

Contempt of court is defined as a disobedience to the court by acting in opposition to its authority, justice and dignity. It signifies not only a willful disregard or disobedience of the court’s orders, but such conduct which tends to bring the authority of the court and the administration of law into disrepute or in some manner to impede the due administration of justice. Contempt of court is a defiance of the authority, justice or dignity of the court; such conduct as tends to bring the authority and administration of the law into disrespect or to interfere with or prejudice party litigants or their witnesses during litigation.⁴

All courts are given the inherent power to punish contempt. This power is an essential necessity to preserve order in judicial proceedings and to enforce the due administration of justice and the court’s mandates, orders,

¹ Penned by Associate Justice Marie Christine Azcarraga-Jacob, with Associate Justices Remedios A. Salazar-Fernando and Pablito A. Perez, concurring; *rollo*, pp. 23-35.

² *Id.* at 36-38.

³ Penned by Acting Presiding Judge Lelu P. Contreras; *id.* at 15-22.

⁴ *Limbona v. Judge Lee*, 537 Phil. 610, 618 (2006).

and judgments. It safeguards the respect due to the courts and, consequently, ensures the stability of the judicial institution.⁵

Contempt may be either civil or criminal in nature, depending on the contumacious act. When the act is directed against the authority and dignity of the court or a judge acting judicially, or when it obstructs the administration of justice and tends to bring the court into disrepute or disrespect—the contempt is criminal. But if the act constitutes a failure to comply with an order of a court or judge for the benefit of the opposing party, or an offense against the party in whose behalf the violated order was made—the contempt is civil in nature. In other words, contempt is criminal when its purpose is to punish, but it is civil if the purpose is to compensate.⁶

Indirect contempt is committed through any of the acts enumerated under Rule 71, Section 3 of the Rules of Court:

- (a) Misbehavior of an officer of a court in the performance of his [or her] official duties or in his [or her] 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 such without authority;
- (f) Failure to obey a subpoena duly served;
- (g) The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him [or her]. (Emphasis supplied)

In this case, petitioners were found guilty of indirect contempt for misrepresentation of facts when petitioner Turado, in behalf of the petitioners, told the RTC that respondent Mayor Flerida Alberto (Mayor Alberto) still had one day to file her answer as directed by the Committee in the 15 May 2015 order, and failed to disclose that the Committee had in fact already submitted its Report to the Sanggunian.

Verily, petitioners' non-disclosure of a fact material in the determination and resolution of the pending prayer for the issuance of an injunctive writ, despite the repeated and explicit inquiry by the trial court as to the status of the proceedings in the administrative case, constitutes

⁵ *Bro. Oca v. Custodio*, 814 Phil. 641, 665 (2017).

⁶ *Burgos v. Pres. Macapagal-Arroyo*, 668 Phil. 699, 721 (2011).

contumacious conduct that serves no other purpose but to mislead, impede, and obstruct the administration of justice by the court.

As aptly pointed out by the CA, the pertinent portions of the TSN show that the purpose of the summary hearing conducted on 1 June 2015 was clear to petitioners, that is, to determine whether the Committee should be enjoined from conducting further proceedings in the administrative complaint against Mayor Alberto. This, notwithstanding, none of the petitioners informed the RTC that there was nothing more to be restrained since the Committee had already submitted its Report to the Sanggunian. It was by reason of the misleading information given by petitioners that the RTC had to reset the summary hearing and direct the suspension of the proceedings before the Committee when there was actually nothing to suspend anymore.

Petitioners justified their failure to disclose the submission of the Committee Report to the Sanggunian by shifting the blame to Mayor Alberto contending that it was the latter's duty to reveal such fact to the RTC. The CA was correct in rejecting petitioners' contention. Petitioners simply cannot feign ignorance of the submission of the Committee Report on 20 May 2015 as members of the Committee who prepared the report and submitted the same to the Sanggunian. Moreover, as correctly posited by the CA, it cannot be presumed that Mayor Alberto had already received notice of the submission of the Committee Report on 20 May 2015 considering that she had filed her amended petition only a few days thereafter on 26 May 2015.

The decision of the RTC holding petitioners liable for contempt of court was certainly not rendered moot and academic by the subsequent nullification of the Sanggunian orders dated 14 May 2015 and 15 May 2015 for the simple reason propounded by the CA that the issuance by the Sanggunian of the nullified orders has nothing to do with petitioners' contumacious conduct of not disclosing to the RTC a material fact during the summary hearing on 1 June 2015.

Indeed, the power of the court to punish contemptuous acts should be exercised on the preservative and not on the vindictive principle. However, where there is clear and contumacious conduct against the authority of the court, as in the instant case, this Court will not hesitate to sustain the exercise of the inherent power to punish contempt if only to maintain respect to the courts, for without which the administration of justice may falter or fail.⁷

SO ORDERED." (*J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020.*)

⁷ *Limbona v. Judge Lee*, supra note 4, at 621.

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

09 SEP 2020

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