

EN BANC

[A.M. No. RTJ-09-2196 [Formerly A.M. No. 00-1052-RTJ], April 07, 2010]

MARIA PANCHO, DAVID GAYOTIN, LORETO GRAN AND MARINA GRAN, COMPLAINANTS, VS. JUDGE JOSE Y. AGUIRRE, JR., REGIONAL TRIAL COURT, BRANCH 56, HIMAMAYLAN, NEGROS OCCIDENTAL, RESPONDENT.

RESOLUTION

CARPIO MORALES, J.:

Judge Jose Y. Aguirre, Jr.^[1] (respondent) of Branch 56 of the Regional Trial Court of Himamaylan, Negros Occidental was charged by Maria Pancho, David Gayotin, Loreto Gran and Marina Gran (complainants) with grave abuse of authority, violation and ignorance of the law resulting in violation of Sections 4^[2] and 7, Rule 71 of the Rules of Civil Procedure, and Grave Oppression.

The complaint arose from respondent's issuance on July 13, 2000 of an Order finding complainants guilty of Contempt committed against the Municipal Trial Court and sentencing them to suffer imprisonment of four months to be served in the Municipal Jail of Himamaylan,^[3] and issuance on even date of warrants for their arrest.^[4]

Complainants fault respondent for violation of 1) Section 4, Rule 71 of the Rules of Court for giving due course to a mere unverified motion for contempt and declaring them guilty thereof, and 2) Section 7 of the same Rule for imposing a penalty of four months imprisonment.

The Court of Appeals, by Decision of October 31, 2006,^[5] affirmed respondent's July 13, 2000 Order but *modified* the penalty, noting that what complainants violated was an injunctive order which was issued by the Municipal Trial Court (MTC), hence, punishable by one month imprisonment, in accordance with Sec. 7, Rule 71 which 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. If he is adjudged guilty of contempt committed against a lower court, he may be punished by **a fine** not exceeding five thousand pesos **or** imprisonment of one (1) month, or both. If the contempt consists in the violation of a writ of injunction, temporary restraining order or status quo order, he may also be ordered to make complete restitution to the party injured by such violation of the property