

FIRST DIVISION

[G.R. NO. 150949, June 21, 2007]

JUDGE DOLORES L. ESPAÑOL,* PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 90, DASMARIÑAS, CAVITE, PETITIONER, VS. ATTY. BENJAMIN S. FORMOSO AND SPOUSES BENITO SEE AND MARLY SEE, RESPONDENTS.

DECISION

SANDOVAL-GUTIERREZ, J.:

Before us is a Petition for Review on *Certiorari* assailing the Decision^[1] dated September 12, 2001 and Resolution dated November 15, 2001 of the Court of Appeals in CA-G.R. SP No. 65652.

The facts are:

On April 15, 1994, Sharcons Builders Philippines, Inc. (Sharcons) bought from Evanswinda Morales a piece of land consisting of 33,130 square meters in Paliparan, Dasmariñas, Cavite. The property is covered by Transfer Certificate of Title (TCT) No. T-278479 issued in her name by the Register of Deeds of Trece Martires City.

Thus, TCT No. T-278479 in Evanswinda's name was cancelled and in lieu thereof, TCT No. T-511462 was issued in the name of Sharcons. However, when the latter's workers tried to fence and take possession of the lot, they were prevented by the caretaker of spouses Joseph and Enriqueta Mapua. The caretaker claimed that spouses Mapua are the owners of the land. Sharcons verified the status of the title and found that TCT No. T-107163 was indeed registered in the names of spouses Mapua as early as July 13, 1979.

On January 25, 2000, Sharcons filed with the Regional Trial Court (RTC), Branch 90, Dasmariñas, Cavite a complaint for quieting of title, docketed as Civil Case No. 2035-00. Impleaded as defendants were spouses Mapua, Evanswinda Morales, and the Register of Deeds of Trece Martires City.

In their answer, spouses Mapua alleged, among others, that all the documents relied upon by Sharcons are spurious and falsified.

In the course of the proceedings, or on July 9, 2001, Judge Dolores L. Español, petitioner, issued an Order stating that Benito See and Marly See, president and treasurer, respectively, of Sharcons, and its counsel, Atty. Benjamin Formoso, respondents, have used a spurious certificate of title and tax declaration when it (Sharcons) filed with the RTC its complaint for quieting of title. Consequently, petitioner declared respondents guilty of direct contempt of court and ordered their confinement for ten (10) days in the municipal jail of Dasmariñas, Cavite.

Petitioner's Order is partly reproduced as follows:

From the foregoing circumstances, this Court is of the view and so holds that the instant case is a callous and blatant imposition of lies, falsehoods, deceptions, and fraudulent manipulations, through the extensive use of falsified documents by the plaintiff corporation and its former counsel, Atty. Benjamin S. Formoso, defendant Evanswinda C. Morales and even the Geodetic Engineer who connived with this private group on one hand, and some officials and employees of the government agencies responsible for the processing and issuance of spurious or falsified titles, on the other. Unless these fraudulent operations are put to a complete and drastic halt, the Courts are at the mercy of these unscrupulous people for their own personal gain.

Using the presumption that whoever is in possession and user of falsified document is the forger thereof (*Gamido v. Court of Appeals*, 25 SCRA 101 [1995]), let the appropriate falsification charges be filed against Benito See and Marly See together with Evanswinda C. Morales. Thus, let a copy of this Order be forwarded to the National Bureau of Investigation and the Department of Justice for their appropriate action. As regards Atty. Benjamin S. Formoso, let a copy of this Order be forwarded to the Bar Confidant's Office, Supreme Court. Manila.

Further, Benito See and Marly See, President and Treasurer of Sharcons Builders Phils. Inc., respectively, and Atty. Benjamin S. Formoso, counsel for Sharcons until March 13, 2001, are declared and held in contempt for foisting falsehoods and using falsified and spurious documents in the pursuit of their nefarious activities pursuant to the instant case filed before this Court. Let the corresponding Warrants of Arrest be issued against the aforesaid respondents who should serve ten (10) days of detention at the Dasmariñas Municipal Jail, Cavite.

Likewise, the title issued to Sharcons Builders Philippines, Inc., under TCT No. T-511462 allegedly issued on November 11, 1994, being spurious, is hereby cancelled, it having been derived from another spurious title with TCT No. T-278479 allegedly issued to Evanswinda C. Morales on December 29, 1989. The Declaration of Real Property No. 4736 is likewise hereby cancelled for being spurious. Let a copy of this Order be forwarded to the Registry of Deeds for its implementation with respect to the two (2) titles for cancellation and to the Assessor's Office of the Municipality of Dasmariñas, Cavite, to stave off the proliferation of these spurious instruments.

WHEREFORE, in view of the foregoing, the instant case is DISMISSED WITH PREJUDICE, whereas, the private defendant's counterclaims, which need further substantiation, are likewise dismissed. However, the said private defendants are not precluded from pursuing their rightful course(s) of action in the interest of justice.

SO ORDERED.

Petitioner stated that in determining the merits of Sharcons' complaint for quieting of title, she "stumbled" upon Civil Case No. 623-92 for cancellation of title and damages filed with the RTC, Branch 20, Imus, Cavite, presided by then Judge Lucenito N. Tagle.^[2] Petitioner then took judicial notice of the judge's Decision declaring that Sharcons' TCT and other supporting documents are falsified and that respondents are responsible therefor.

On July 12, 2001, petitioner issued warrants of arrest against respondents. They were confined in the municipal jail of Dasmariñas, Cavite. That same day, respondents filed a motion for bail and a motion to lift the order of arrest. But they were denied outright by petitioner.

Respondents then filed with the Court of Appeals a petition for a writ of *habeas corpus*, docketed as CA-G.R. SP No. 65652. On July 19, 2001, the Court of Appeals granted the petition.

On September 12, 2001, the Court of Appeals promulgated its Decision, the dispositive portion of which reads:

IN THE LIGHT OF ALL THE FOREGOING, finding the instant petition to be meritorious, the same is hereby GRANTED. Respondent judge's July 9, 2001 Order, insofar as it declared herein petitioners in direct contempt and ordered their incarceration for ten (10) days, as well as the Warrant of Arrest, dated July 12, 2001, and the Order of Commitment, dated July 13, 2001, which the respondent judge issued against the persons of the herein petitioners, are hereby NULLIFIED and SET ASIDE.

SO ORDERED.

The Court of Appeals ruled that Judge Español erred in taking cognizance of the Decision rendered by then Judge Tagle in Civil Case No. 623-92 since it was not offered in evidence in Civil Case No. 2035-00 for quieting of title. Moreover, as the direct contempt of court is criminal in nature, petitioner should have conducted a hearing. Thus, she could have determined whether respondents are guilty as charged.

Petitioner filed a motion for reconsideration but the Court of Appeals denied the same in its Resolution of November 15, 2001.

Hence, this petition.

The basic question before us is whether petitioner erred in ruling that respondents are guilty of direct contempt of court for using falsified documents when Sharcons filed its complaint for quieting of title.

The early case of *In re Jones*^[3] defined contempt of court as "some act or conduct which tends to interfere with the business of the court, by a refusal to obey some lawful order of the court, or some act of disrespect to the dignity of the court which in some way tends to interfere with or hamper the orderly proceedings of the court and thus lessens the general efficiency of the same." It has also been described as "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