

EN BANC

[A.M. No. RTJ-90-483, September 25, 1998]

**ATTY. ANTONIO T. GUERRERO, COMPLAINANT, VS. HON.
ADRIANO VILLAMOR, RESPONDENT.**

[A.M. NO. RTJ-90-617. SEPTEMBER 25, 1998]

**GEORGE CARLOS, COMPLAINANT, VS. HON. ADRIANO
VILLAMOR, RESPONDENT.**

D E C I S I O N

QUISUMBING, J.:

In a sworn letter-complaint^[1] addressed to this Court through the Court Administrator, dated March 8, 1990, Atty. Antonio Guerrero charges Judge Adriano Villamor of the Regional Trial Court at Naval, Sub-Province of Biliran, Leyte, Branch 16, with serious misconduct, ignorance of the law, knowingly rendering an unjust judgment, misfeasance, malfeasance and neglect of duty for issuing an Order^[2] dated December 11, 1987 declaring the complainant and one George Carlos guilty of direct contempt.

In a separate verified complaint, involving exactly the same incident, George Carlos also charges Judge Adriano Villamor with substantially the same offenses.^[3]

By resolution dated February 5, 1991, this Court referred to Associate Justice Cancio C. Garcia of the Court of Appeals the complaint of Atty. Guerrero, docketed as Administrative Matter (A.M.) RTJ 90-483, for investigation, report and recommendation. This was followed by another resolution,^[4] pursuant to which the records of the case relating to Carlos' complaint, docketed as A.M. RTJ-90-617, were forwarded to said investigator for consolidation with A.M. RTJ 90-483.

The said administrative matters have now to be resolved in view of respondent's pending claims for gratuity granted by this Court per its Resolution dated April 12, 1994, which reads as follows:

"A.M. No. RTJ-90-474 (Clemencio C. Sabitsana, Jr. vs. Judge Adriano Villamor, Regional Trial Court, Branch 16, Naval, Leyte) and A.M. No. RTJ-90-606 (Clemencio C. Sabitsana, JR. vs. Judge Adriano Villamor, Regional Trial Court, Branch 16, Naval, Leyte). - Acting on the plea for mercy and compassion, dated February 2, 1994, filed by counsel for respondent judge, and it appearing that the Court in its per curiam resolution, dated February 7, 1992, amended the dispositive portion of its decision, dated October 4, 1991, by allowing Judge Villamor to enjoy all vacation and sick leave benefits that he has earned during the period of his government service and in the resolution of May 11, 1993, denied the

motion for reconsideration filed by the respondent for having been filed late, and although the Court will not condone the wrondings of any member of the bench, neither will it negate any move to recognize and remunerate their lengthy service in the government, more so, if this will greatly benefit the last days of their remaining lie, the Court Resolved to GRANT former Judge Adriano Villamor a gratuity equivalent to 25% of the retirement benefits. The payment of the benefit, however, shall be subject to the availability of funds and the usual clearance requirements. This ruling is pro hac vice and is not a precedent for the other cases."

As gleamed from the report by the Investigating Justice, the antecedent facts of this case are as follows:

Sometime in November 1968, one Gloria Pascubillo filed a complaint against George Carlos for quieting of title. Docketed as Civil Case No. B-0168 in the Regional Trial Court at Naval, Leyte, the case ended in a compromise agreement approved by the court whereby Carlos agreed to deliver possession of the property in question to Pascubillo, who, in turn, undertook to pay the former the sum of P5,000.00 as purchase price. For some reason or another, the judgment by compromise remained dormant for five (5) years.

On November 23, 1977, Gloria Naval, nee Pascubillo, filed before the Regional Trial Court at Naval, Leyte, Civil Case No. B-0398 against Carlos for revival and enforcement of the judgment in Civil Case No. B-0168. In turn, Carlos filed Criminal Cases Nos. N-989, N-990, N-991, N-992 and N-993 for qualified theft against Naval and her helpers. These criminal cases, like Civil Case No. B-0398, were raffled to the sala of Judge Villamor.

Due to the pendency of Civil Case No. B-0398, Judge Villamor had the criminal cases archived, noting in his Order^[5] of January 4, 1984 that both sets of cases have for their subject the same parcel of land.

Eventually, Judge Villamor rendered judgment in Civil Case No. B-0398, declaring Naval to be the lawful owner/possessor of the land being disputed, and ordering Carlos to vacate the same.

Forthwith, Carlos moved to reactivate the archived aforecited criminal cases. Acting on the motion of the accused, Judge Villamor dismissed the cases. As he observed in his dismissal order dated December 5, 1986, Naval and her helpers cannot be held liable for qualified theft for gathering coconuts on a piece of land of which Naval is the owner.^[6]

Meanwhile, Carlos appealed the decision in Civil Case No. B-0398. During the pendency of the appeal, Judge Villamor issued an order granting execution which Carlos, in due time, challenged through a petition for certiorari before this Court. The case was certified to the Court of Appeals and docketed as CA-G.R. SP No. 12011. In its Decision dated October 7, 1987, amending its earlier decision of July 24, 1987, the Court of Appeals affirmed with modification the order of immediate execution issued by Judge Villamor. Later, this Court, in G.R. No. 81826, resolved to deny the petition for review filed by Carlos for failure to show that the Appellate Court committed reversible error in sustaining the trial court's order granting

execution pending appeal.^[7]

On July 28, 1987, Carlos filed with this Court an administrative case against Judge Villamor, docketed as A.M. RTJ 87-105 charging the latter with having issued an illegal order and unjust decision principally in the aforementioned criminal cases and in Civil Case No. B-0398. In its En Banc Resolution dated November 21, 1988, as reiterated in another resolution of January 26, 1989, this Court dismissed the said administrative case for being premature but "without prejudice to refiling should the Supreme Court decision later in G.R. 81826 warrants its refiling."^[8]

Dissatisfied with the outcome of his administrative case, Carlos, through Atty. Antonio Guerrero, filed with the Regional Trial Court of Cebu a civil action for damages against Judge Villamor. In his complaint, docketed as CEB-6478, and raffled to Branch 21 presided by then Judge Juanito Bernad, Carlos alleged that Judge Villamor knowingly rendered an unjust judgment when he dismissed the five criminal cases against Naval and her co-accused.

The summons in Civil Case No. CEB-6478 was served on Judge Villamor on December 10, 1987. The following day, instead of answering the complaint, Judge Villamor issued in Criminal Cases Nos. N-0989 to 0993 an order declaring Carlos and his lawyer, Antonio Guerrero guilty of direct contempt for "degrading the respect and dignity of the court through the use of derogatory and contemptuous language before the court."^[9] In full, the contempt order reads:

"ORDER OF CONTEMPT OF COURT

It is indeed unfortunate and regrettable that George Carlos and his counsel, Atty. Antonio T. Guerrero have brushed aside the warning of this Court not to mistake its maximum tolerance as weakness. Once again, they have defiled this Court with abusive, offensive and disrespectful language in their complaint for Damages, Civil Case CEB 6478, RTC, 7th Judicial Region, Cebu City against the herein presiding judge for dismissing the aforementioned cases on December 5, 1986.

Neither George Carlos, the private prosecutor or public prosecutor questioned the said dismissal in the proper forum. It was only on December 3, 1987 that George Carlos and his counsel Atty. Antonio T. Guerrero when they filed civil case CEB 6478 peremptorily labeled the dismissal as 'unjust decision.'

And (sic) their complaint they alleged:

Par. 12. 'That the dismissal of criminal cases Nos. 0989, 0990, 0991, 0992 and 0993 for qualified theft was arrived at certainly without circumspection -- without any moral or legal basis -- a case of knowingly rendering unjust judgment since the dismissal was tantamount to acquittal of the accused Gloria P. Naval which is now beyond the reach of criminal and civil liability -- all because the defendant Hon. Adriano R. Villamor was bent backwards with his eyes and mind wilfully closed under these circumstances which demanded the scrutiny of the judicial mind and discretion from bias, xxx'

Par. 14. 'By the standard of a public official and a private person the conduct of

defendant Honorable Judge -- not only shocking, but appalling -- in giving the plaintiff before his court the run-around is at the very least distasteful, distressing and mortifying and moral damages therefor would warrant on this kind of reprehensible behavior xxx'.

Par. 15. 'That the aforecited manifestly malicious actuations, defendant judge should also visit upon him x x x for reducing plaintiff his agonizing victim of his disdain and contempt for the former who not only torn asunder and spurned but also humiliated and spitefully scorned.'

The foregoing specially chosen language by George Carlos and Atty. Guerrero is what Dean Pound aptly termed as 'Epithetical Jurisprudence'. And to paraphrase then Chief Justice Bengson in *Lagumbay v. Comelec* (16 SCRA 175) the employment of intemperate language serves no purpose but to detract the force of the argument. That is to put as its mildest a well-deserved reproach to such propensity. A member of the bar who has given vent to such expressions of ill will, not to say malevolence, betrays gross disrespect not only to the adverse party, but also to this Tribunal (*Surigao Mineral Reservation Board v. Cloribel*, 31 SCRA 1).

These epithets undermines (sic) the dignity of the court. It (sic) affronts its majesty and puts (sic) it in disrepute and disrespect. Not only are they unfounded and unsubstantiated. They constitute direct contempt or contempt in facie curiae summarily punishable without hearing.

The Court finds George Carlos and Atty. Antonio T. Guerrero GUILTY beyond reasonable doubt of Direct Contempt of Court and sentences both to an imprisonment of five (5) days and to pay a fine of Five Hundred (P500.00) Pesos".

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x x x

x x x

Carlos and Atty. Guerrero afterwards went to this Court on a petition for certiorari with a prayer for preliminary injunction against Judge Villamor. On November 13, 1989, this Court, in G.R. No. 82238-42, promulgated a decision annulling the contempt order^[10].

On March 8, 1990, Atty. Guerrero filed this instant case. Eight months later, Carlos followed with his complaint.

Complainant Atty. Guerrero, joined for the most part by complainant Carlos, alleged that the respondent judge issued the contempt order (a) as an incident of Criminal Case Nos. N-989 to N-993 which have long been terminated, (b) without informing them of the charge, (c) without a hearing, or at least a show cause order to determine whether their alleged contemptuous utterances constitute direct or indirect contempt, and (d) without following the prescription of Rule 71 of the Rules of Court on contempt. Complainant Atty. Guerrero adds that the supporting cases cited by the respondent in his order - referring to *Lagumbay vs. COMELEC*^[11] and *Surigao Mineral Reservation Board vs. Cloribel*^[12] are contextually not at all in point. Thus, it is contended that respondent is ignorant of the law and/or has knowingly rendered an unjust judgment. It is also contended that respondent stands