

UNA KIBAD, PETITIONER, VS. THE COMMISSION ON ELECTIONS, THE MUNICIPAL BOARD OF CANVASSERS OF TUBARAN, LANAOS DEL SUR, AND ABDULMADID MARUHOM PANONDIONGAN, RESPONDENTS.

G.R. No. L-28469. October 29, 1968

Ponente: FERNANDO, J.

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FERNANDO, J.:

The issue posed by this contempt proceeding is serious in character, one that simply cannot just be ignored or treated with indifference. It is an incident in this suit for mandamus with preliminary injunction, filed on December 28, 1967, petitioner Kibad praying for the issuance of a restraining order or preliminary injunction to enjoin the proclamation of respondent Panondiongan until further orders by us and to order the other respondent Commission on Elections to direct the Board of Canvassers of the Municipality of Tubaran, Lanao del Sur, to recanvass and reject the returns from Precincts 10, 11, 12 and 13 of such municipality and thereafter to make a new proclamation. The very next day, a resolution was issued by us to this effect: "The respondents in L-28469 (Una Kibad vs. The Commission on Elections, et al.) are required to file, not later than January 6, 1968, an answer (not a motion to dismiss) to the petition for mandamus; let temporary restraining order issue, effective immediately and until further orders from this Court, enjoining the Municipal Board of Canvassers from making the corresponding proclamation for Mayor of Tubaran, Lanao del Sur. Hearing on the preliminary injunction is set for Tuesday, January 9, 1968, at 9:30 a.m."

The answer for respondent Commission on Elections seeking the dismissal of the petition was filed on January 6, 1968. Respondent Panondiongan first sought an extension of time within which to file an answer and thereafter did so on January 8, 1968. The case was then duly heard on January 9, 1968, as set forth in the aforesaid resolution.

Then came, on April 23, 1968, a motion for contempt dated the same day wherein it was alleged: "That on March 22, 1968, respondent Panondiongan Abdul Madid, without benefit of a proclamation, forcibly assumed office as may be shown by his memorandum to the Chief of Police and to all members of the police force of the same date, * * *, and with the aid of the PC in Lumbatan and Malabang of Lanao del Sur, he has succeeded in said assumption of office and is now assuming office as Mayor which is an indirect defiance of the restraining order restraining his proclamation." The prayer in such motion was for respondent Panondiongan Abdul Madid to appear before us to show cause "why he should not be punished for contempt, and that in the meantime, * * * he be restrained from discharging the functions of the Office of Mayor of Tubaran, Lanao del Sur, until judgment on the merits of this case."

Our decision in this mandamus suit was promulgated on May 7, 1968. According to its dispositive portion: "WHEREFORE, without prejudice to the final disposition of the motion to cite respondent Panondiongan Abdul Madid for contempt, the restraining order of December 29, 1967 is lifted and the petition for mandamus denied. With costs against petitioner." The entry of judgment was entered on June 4, 1968.

Then, on June 25, 1968, came a pleading entitled "Explanation" from respondent Abdulmadid Marohom Panondiongan, wherein he asserted that while he did assume office as Mayor of the Municipality of Tubaran, Province of Lanao del Sur, "despite the existence of a restraining order" issued by us, he denied having done so without benefit of proclamation "and with intent to disobey a lawful order of this Honorable Court." The above explanation went on to state: "Truth to tell, his assumption of office was solely dictated by the demands of public interest in that, petitioner Una Kibad, charged of running the affairs of the municipal government as hold-over mayor, had been remiss in his duty and, in fact, totally neglected to run the affairs of the municipal government during the pendency of the case at bar before this Honorable Court."

He would seek to justify his assumption of office not only on the basis of the alleged proclamation, which was challenged in this suit, but, likewise, to the alleged "obedience to the clamor of the people for him to assume office because of the alarming rise in criminality in that municipality arising out of petitioner Kibad's neglect, * * *." Respondent Panondiongan would thus impress on this Court that he "felt it more than a moral duty to heed that clamor and come to the aid of the people who, by their overwhelming votes in the last local elections, have clearly demonstrated their full will to confide in him the mandate of running the affairs of their government ? a mandate which this Honorable Court later on confirmed when it denied the petition for mandamus filed by the petitioner." He would further stress: "It was, therefore, public interest, and public interest alone, which impelled your respondent to assume office, without any least intention of going against a lawful order of this Honorable Court."

The above explanation did explain, but, certainly, it could not justify what was done by respondent Panondiongan. If there was a need for a mayor to act in view of what was considered "the alarming rise of criminality in that municipality arising out of petitioner Kibad's neglect" and respondent Panondiongan was of the sincere belief that only through his assumption of office could such a situation be remedied, then the proper step for him to take was to seek either a dissolution or a modification of a restraining order.

As long as such restraining order was in full force and effect, however, respondent Panondiongan had one clear unavoidable obligation. His duty was to obey such a restraining order not to evade, much less to disregard, it. His conduct finds no justification and must be dealt with as contempt.

Time and time again, this Court has had occasion to stress the importance of the rule of law. Nobody is exempt from compliance with what it commands, whether it finds expression in a legislative enactment, executive order, or a judicial decree. Obedience is due to its unequivocal dictate. Accordingly, when this Tribunal issues an order, it is incumbent on the parties before it to submit to the terms thereof. What is decreed by us must be lived up to in good faith. A defiance thereof cannot be tolerated; it is undeniable that the failure to accord respect and deference to its terms are fraught with pernicious consequences.

Only recently, in *Philippine Association of Free Labor Union v. Salvador*,^[1] we had occasion to impress on petitioner labor union that as long as an order of an inferior tribunal, whether judicial or administrative, stands, it is incumbent on those affected by such an order to obey. A failure to do so even on the pretext that such an inferior tribunal was without juris-diction cannot receive the approval of this Court. The principle that compels obedience to what tribunals, lower in category, order is even more applicable when this Court itself acts on a matter before it. When the parties before us are restrained or enjoined from the performance of certain acts, they have no alternative but to submit. It would be unthinkable if there is, as there should be, insistence on commands by judicial agencies other than this Court being unconditionally followed and its own decrees left at the mercy and caprice of a litigant who does not feel bound, even if he were so impelled by the most worthy of motives. To repeat, such is not the way of the law.

What is even more reprehensible is that the defiance in this case of a restraining order issued by us came from the highest elective official of a municipality. The warning of Justice Brandeis is ever timely, namely, that the government and the public officials set the ever present example. This is much more true in municipalities distant from Manila where the majesty of the law finds personification in the highest elective and appointive officers therein. If, as did happen here, the inhabitants thereof could see with their own eyes the sad spectacle of an order by the highest court of the land being flouted and disregarded, without incurring any penalty for such an odious breach, then, not only this Tribunal, but the law itself stands in disrepute.

Such a dire eventuality we must at all cost take pains to avoid. The conduct of respondent Abdulmadid Maruhom Panondiongan, in defying a restraining order of this Tribunal, finds no justification and must be severely dealt with.

WHEREFORE, respondent Abdulmadid Maruhom Panondiongan is fined P1,000.00 for the contempt thus committed.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Sanchez, Castro, Angeles, and Capistrano, JJ., concur.
Zaldivar, J., on official leave.

[1] L-29471, September 28, 1968.

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