

ISIDRO I. GIGANTO, PETITIONER, VS. THE HONORABLE JUDGE OF REGIONAL TRIAL COURT, BRANCH 111 AND 112, PASAY CITY, SUPT. PAMPILO UBANA SAC, C/INSP. SILVINO VERA BAUTISTA AND SPO4 F...

Ponente: DIMAAMPAO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2dde860093af/>

DIMAAMPAO, J.:

This Petition for Certiorari[1] filed under Rule 65 of the 1997 Rules of Civil Procedure by petitioner Isidro Giganto (petitioner) ascribes grave abuse of discretion on the part of public respondent Regional Trial Court (RTC) of Pasay City, Branch 111, presided by Judge Wilhelmina Jorge-Wagan (Judge Wagan), for issuing the Orders dated 11 December 2012[2] and 28 February 2013,[3] in Crim. Case Nos. 99-1047 and 99-1048. The first challenged Order denied petitioner's Motion to Lift Contempt Order while the second one denied his Motion for Reconsideration thereof.

The precursor facts of the case unfold as follows:

Petitioner filed criminal complaints for Robbery against private respondents Supt. Pampilo Ubana Sac (Sac), C/Insp. Silvino Vera Bautista (Bautista) and SPO4 Fernando Lazo (Lazo). We shall refer to them collectively as private respondents. Docketed as Criminal Case Nos. 99-1047 and 99-1048, the cases were initially raffled off to the RTC, Branch 112 of Pasay City. Then newly-appointed Judge Jesus Mupas (Judge Mupas) of Branch 112, heard the cases.

In the course of the trial, petitioner filed an Affidavit of Complaint[4] dated 25 March 2011 before the Supreme Court asseverating—

“xxx

3. On (sic) 2005, the case was heard by Judge Jesus B. Mupas, the newly(-)appointed Judge of the Regional Trial Court, Branch 112, Pasay City;

4. On April 18, 2001, the Prosecution rested its case;

5. On July 1, 2008, the Accused were directed to formally offer their evidence within fifteen (15) days from receipt hereof, x x x

6. For failure of the accused to file their formal offer of evidence, the case was scheduled for hearing of the rebuttal evidence on February 3, 2009;

7. During the said scheduled hearing, the Prosecution manifested that they will not present any rebuttal evidence. The defense were given fifteen (15) days from February 3, 2009, to file their formal offer of evidence, while the Prosecution was given five (5) days to file its Comment/ Opposition. The parties were also given thirty (30) days from receipt of the Resolution to file their respective Memo-randum, x x x

8. The accused did not file their formal offer of evidence within the period given to them by the Court;

9. On April 21, 2009, the Prosecution filed its Memorandum, while the defendant did not bother to file it x x x
10. On April 29, 2009, despite their failure to file their formal offer of Exhibits and upon learning that the Prosecution has filed their Memorandum, the Honorable Court motu proprio gave them another fifteen (15) days within which to file it x x x
11. They did not file their formal offer of evidence, however, on October 20, 2009,(,) the accused filed an ex-parte motion for extension of time to file their formal offer of exhibits. They prayed they be given a period of thirty (30) days from October 20, 2009, to file their formal offer or up to November 30, 2009 x x x
12. On November 18, 2009, they filed a second ex-parte motion for extension of time to file their formal offer of exhibits. They prayed that they given up to December 3, 2009, to file their formal offer of exhibits x x x
13. On December 1, 2009, they filed a third ex-parte motion for extension of time to file their formal offer of exhibits praying that they be given forty five (45) days or up to January 15, 2010, to file their formal offer of evidence x x x
14. For a period of almost five months, the Accused still failed to file their formal offer of evidence;
15. Despite the period given to the Accused to file their formal offer of evidence, they still failed to file it and on June 28, 2010,(,) the Prosecution filed a Motion to Resolve x x x
16. Instead of resolving the case, the Honorable Judge, in utter show of partiality motu proprio ordered Public Prosecutor (sic) Arnel U. Peralta, to file the formal offer of exhibits and on August 31, 2010, he filed a formal offer of exhibits x x x
17. An Opposition was filed on the ground that the period to file it has long prescribed x x x
18. On October 5, 2010, an Order was issued admitting the documentary exhibits of the Accused and they were given thirty (30) days from receipt within which to file their respective Memorandum and the case was set for Oral arguments on November 10, 2010 x x x
19. During the scheduled hearing, the Accused as well as the Public Attorney failed to appear and the Honorable Judge re-scheduled it to December 7, 2010 x x x
20. On December 7, 2010, the Accused instead of orally arguing their case requested that they be given time to file their Memorandum. They were given fifteen (15) days to file their Memorandum;
21. The Accused again failed to file their Memorandum and they filed a Motion for Extension of time to file the Memorandum. Atty. Peralta admitted that he was appointed by the Honorable Judge as counsel for the Accused x x x
22. The Motion was deliberately addressed to the former address of his counsel, so, when he received the copy, it was already too late to file the Comment;
23. The Motion for Extension was granted on February 18, 2011 x x x
24. Up to this time,(,) the accused has (sic) not filed the Memorandum;
25. I was informed by my counsel that the Clerk of Court (of) Branch 112, texted him, informing him that the accused requested for a Conference on December 14, 2009 or anytime December 15, 2009 (sic). My counsel informed me about the said request and I agreed;
26. My Lawyer attended the conference conducted by Judge Mupas and during said conference(,) Judge Mupas was trying to persuade him to convince me for the settlement of the case;
27. I did not agree to any settlement because I know that I have a strong case against the accused;

28. The accused went to the office of my counsel and requested him to help them convince me into agreeing for the settlement of the case. My Lawyer told them that I was abroad and told them to just talk to my wife who was then in the province;

29. They called up my wife using the telephone of my lawyer and my wife told me that accused Bautista talked to her about the settlement of the case. He even boasted to her that he will be the Provincial Commander in Cavite and that he will be promoted to Police Chief Superintendent;

30. Accused Bautista even told her that Judge Mupas was promoted because of the backing of Gov. Remulla, that is why he is 'malakas' to Judge Mupas and just agree to an amicable settlement, if not, I will get nothing from them because Judge Mupas will acquit them;

31. When my wife informed me about it, I told her not to worry because I believe in the integrity of Judge Mupas, however, with all that he had done to this case, I doubted and now I believe that Judge Mupas is partial in favor of the accused as can be shown by the several Orders he issued in their favor;

32. From the very beginning(,) the accused were represented by counsel, in fact, upon withdrawal of Atty. Cerezo, they were represented by another lawyer, a certain Atty. Carreon before the M(e)TC, Branch 46, Pasay City;

33. To show his partiality in favor of the accused, he appointed motu proprio Atty. Peralta from the Public Attorney's Office to prepare and file their formal offer of exhibits;

34. To further prove his partiality, he admitted all the documentary exhibits of the accused even if it was filed out of time. He even admitted some of the documentary exhibits which are inadmissible because they were only photocopies, Exh. 3, are photocopies and not marked during the trial because these evidence were formally offered in Crim. Case no. ____8-6996, tried before the Metropolitan Trial Court of Pasay City, Branch 44, x x x

35. The Court has ordered for the return of the said exhibits but the accused refused to return it and instead presented and have it marked in Crim. Case nos. 99-2173 and 99-2174 before M(e)TC, Br. 46, Pasay City. As a result thereof, a Criminal complaint was filed against them before the Office of the Ombudsman x x x

36. All the acts of Honorable Judge Mupas was (sic) designed to support his plan of acquitting them;

37. He even delayed the Resolution of the case just to accommodate the accused by giving them a chance to file their formal offer of evidence, give him grounds to eventually acquit them;

38. This is GROSS MISCONDUCT (par. 3, Sec. 8, Rule 140, RRC) and in violation of the Code of Judicial Conduct particularly Rule 1.02 which states that 'A judge should administer justice impartially and without delay.'"[5]

Three days later, petitioner filed an Ex-Parte Motion to Inhibit[6] praying for the recusal of Judge Mupas on the ground that he could not anymore decide the cases with impartiality. Attached thereto was petitioner's Affidavit of Complaint.

Not to be bested in this legal scuffle, Bautista and Lazo filed an Opposition to Ex-Parte Motion to Inhibit with Motion to Cite Complainant in Contempt.[7] Finding the Motion meritorious, Judge Mupas made the following disquisition in his Order[8] dated 1 June 2011, viz:

"On the basis of the facts and contention of the parties, the Court is of the considered view that the Motion to Cite (petitioner) Isidro I. Giganto in Contempt of Court appeared to be in order as the acts and conduct of (petitioner) Isidro I. Giganto in making false allegations in his subject affidavit of Complaint directed against the Presiding Judge and the Court constitute not only as a misbehavior but an improper conduct in the presence

of or so near a Court tending directly or indirectly to impede, obstruct or interrupt the proceeding before the same including disrespect toward the Court (Rule 71, Sec. 1(,) Rules of Court)(.) Derogatory remark in the pleading constitute(s) direct contempt. Moreover, the uncalled for act of respondent Isidro I. Giganto is not only malicious but it is contumacious tending 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. xxx”[9]

Thus, he ruled—

“WHEREFORE, premises considered, the Court finds (petitioner) Isidro I. Giganto guilty of direct contempt defined and penalized under Section 1 of Rule 71 of the Rules of Court, and hereby sentenced (him) to suffer the penalty of ten (10) days imprisonment and to pay a fine of P2,000.00

SO ORDERED.”[10]

Unflustered, petitioner, through his wife, filed a Motion for Reconsideration and to Inhibit to Resolve the Motion.[11]The case was re-raffled to Branch 114 and re-raffled anew to the sala of Judge Wagan. Thereafter, petitioner's new counsel filed an Entry of Appearance with Manifestation/Motion to Lift Contempt Order.[12]

On 11 December 2012, Judge Wagan issued the assailed Order. Petitioner moved for reconsideration thereof[13] but his plea was denied in the second impugned Order.

Ensuingly, petitioner is now before Us via this Petition proffering the following grounds:

I

THE HONORABLE JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION WHEN IT DENIED DUE COURSE PETITIONER'S MOTION TO LIFT THE ORDER OF CONTEMPT.

II

THE HONORABLE JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION WHEN IT FAILED TO CONSIDER THE VALID AND LEGAL GROUNDS ADDUCED BY PETITIONER AND INSISTING THAT THE ORDER OF CONTEMPT HAS BECOME FINAL DESPITE THE FACT THAT THE ORDER CANNOT ATTAIN FINALITY FOR BEING A VOID/INVALID ORDER.

At the onset, it bears stressing that in a special civil action for certiorari under Rule 65 of the Rules of Court, questions of fact are generally not permitted, the inquiry being limited to whether the public respondent acted without or in excess of its jurisdiction or with grave abuse of discretion.[14] The term “grave abuse of discretion” has a specific meaning. An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a “capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction.” The abuse of discretion must be so patent and gross as to amount to an “evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility.” Furthermore, the use of a petition for certiorari is restricted only to “truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void.” From the foregoing definition, it is clear that the special civil action of certiorari under Rule 65 can only strike an act down for having been done with grave abuse of discretion if the petitioner could manifestly show that such act was patent and gross.[15]

After a perspicacious scrutiny of the record, We are convinced that the factual milieu of the instant case warrants the issuance of a writ of certiorari.

In denying petitioner's Motion to Lift Contempt Order, Judge Wagan propounded the following ratiocination:

“Anent private complainant's motion to lift contempt order, he contends that he timely filed, through his wife,

a motion for reconsideration and to inhibit to resolve the motion. He attached to his motion a photocopy of the alleged motion for reconsideration, which apparently shows that it was filed, by registered mail in September 12, but does not indicate the year it was mailed. As such, private complainant essentially argues that he seasonably filed a motion for reconsideration of this Court's Order citing him in contempt. However, the records do not show and do not contain the alleged motion for reconsideration. The records show that after the contempt order on 01 June 2011, it was followed by the issuance of a Warrant of Arrest on 08 July 2011 and the resolution of the motion to inhibit on 11 July 2012. Thereafter, the case was re-raffled to Branch 114 of this Court which reminded the parties to submit their respective memoranda, and subsequently promulgated the decision in the main case.

To reiterate, it does not appear from the records that private complainant seasonably filed a motion for reconsideration. Besides private complainant attached a mere photocopy of the alleged motion for reconsideration.

Moreover, private complainant's former counsel, Atty. Gilbert P. Zulueta, specifically stated in his "Ex-Parte Motion to Withdraw as Private Prosecutor," filed on 27 July 2011, that he received a copy of the contempt Order on 11 July 2011. It need not be emphasized that service of Orders to counsel is equivalent to service to the client.

Thus, assuming that the motion for reconsideration was indeed filed on 12 September 2011, it was nevertheless filed beyond the fifteen-day reglementary period to seek reconsideration. Besides, as pointed out by the accused, the remedies available to a person adjudged in contempt are either to file a petition for certiorari or prohibition. It appears that private complainant did not avail of any of those remedies.

Accordingly, the Order on 01 June 2011 finding the private complainant in contempt became final and executory, and is therefore immutable. Private complainant may point out and insists that the contempt order was erroneous. However, this Court cannot anymore alter or set aside the same, it having attained finality."^[16]

As a rule, a final judgment may no longer be altered, amended or modified, even if the alteration, amendment or modification is meant to correct what is perceived to be an erroneous conclusion of fact or law and regardless of what court, be it the highest Court of the land, rendered it.^[17] However, the Supreme Court has relaxed this rule in order to serve substantial justice considering (a) matters of life, liberty, honor or property, (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a lack of any showing that the review sought is merely frivolous and dilatory, and (f) the other party will not be unjustly prejudiced thereby.^[18]

Taking Our cue from the foregoing jurisprudential touchstones, We deem it judicious to relax the rule in order to serve substantial justice taking into consideration the matters of liberty and property of petitioner. This behooves Us to probe with a fine-tooth comb the impugned Order which adjudged petitioner in direct contempt and sentenced him to 10 days imprisonment and imposed a fine of P2,000.00.

The record reflects that petitioner was cited for direct contempt due to the Affidavit of Complaint which he attached to his Ex-Parte Motion To Inhibit. Upon this point, well-ensconced is the rule that contemptuous statements made in pleadings filed with the court constitute direct contempt. A pleading containing derogatory, offensive or malicious statements submitted to the court or judge in which the proceedings are pending has been held to be equivalent to misbehavior committed in the presence of or so near a court or judge as to interrupt the proceedings before the same within the meaning of Rule 71, Section 1^[19] of the Rules of Court and, therefore, constitutes direct contempt.^[20]

Discernibly, the Ex-Parte Motion To Inhibit contained no offensive or disrespectful language. Apropos the attached Affidavit of Complaint, this query comes down the pike— Did it aver derogatory, offensive or malicious

statements so as to constitute direct contempt?

We rule in the negative.

The Affidavit of Complaint was attached to the Ex-Parte Motion to Inhibit not to defame or debase the judge or defy or denigrate the authority of the court, but simply to demonstrate the basis for petitioner's apprehension that the judge might be affected by the same as to lose that cold neutrality demanded of his office.[21] In actual fact, petitioner professed that he formerly believed in the integrity of Judge Mupas, and was the one who even assured his wife not to worry. Lamentably, due to turn of events, petitioner's perception changed. Petitioner's divergent insight makes no difference. It is the manner how it was expressed that takes precedence. Suffice it to say that contempt of court presupposes a contumacious attitude, a flouting or arrogant belligerence, a virtual defiance of the court.[22] The Ex-Parte Motion to Inhibit and Affidavit of Complaint are devoid of such disparaging deportment. To Our mind, the subject avowals negate contempt of court.

Given the foregoing, the rules of procedure must give way to substantial justice. Invariably, rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed. Even the Rules of Court reflects this principle.[23] This finds judicial mooring in the edifying discourse of the Supreme Court in the case of *De Guzman v. Sandiganbayan*[24]—

“The Rules of Court was conceived and promulgated to set forth guidelines in the dispensation of justice but not to bind and chain the hand that dispenses it, for otherwise, courts will be mere slaves to or robots of technical rules, shorn of judicial discretion. That is precisely why courts in rendering justice have always been, as they ought to be, conscientiously guided by the norm that when on the balance, technicalities take a backseat against substantive rights, and not the other way around. Truly then, technicalities, in the appropriate language of Justice Makalintal, 'should give way to the realities of the situation'.”

In this light, We find and so hold that the liberal construction of the rules breathes new life into the pronouncement of the Highest Tribunal— to serve substantial justice considering the matters of liberty and property of petitioner. Needless to state, petitioner's rights to his liberty and property are strictly guarded by no less than the Constitution itself. Along this grain, prescribed rules of procedure were envisaged precisely to protect said rights and not to frustrate the same.

WHEREFORE, the Petition is hereby GRANTED. The Orders dated 11 December 2012 and 28 February 2013 of the Regional Trial Court of Pasay City, Branch 111, in Crim. Case Nos. 99-1047 and 99-1048, are hereby REVERSED and SET ASIDE. The Order dated 1 June 2011 declaring petitioner Isidro Giganto in contempt of court is REVERSED and SET ASIDE.

SO ORDERED.

Ybañez, and Paredes,* JJ;, concur.

* Vice Justice Carmelita S. Manahan, per Office Order No. 149-14-RSF dated 21 April 2014.

[1] Rollo, pp. 3-11.

[2] Id., pp. 46-49.

[3] Id., pp. 53-54.

[4] Rollo, pp. 55-59.

[5] Rollo, pp. 55-59.

[6] Id., pp. 61-63.

[7] Rollo, pp. 36-45.

[8] Id., pp. 12-15.

[9] Ibid.

[10] Ibid.

[11] Id., pp. 16-30.

[12] Id., pp. 31-33.

[13] Rollo, pp. 50-52.

[14] See *Ong v. PDIC*, 628 SCRA 415, 430 (18 August 2010).

[15] See *Malayang Manggagawa ng Stayfast Phils., Inc. v. NLRC*, 704 SCRA 24, 39 (28 August 2013), citing *Yu v. Judge Reyes-Carpio*, 652 SCRA 341, 348 (15 June 2011).

[16] Rollo, pp. 48-49.

[17] *Apo Fruits Corporation v. Land Bank of the Philippines*, 632 SCRA 727, 760 (12 October 2010).

[18] See *Id.*, p. 761 citing *Barnes v. Padilla*, 439 SCRA 675 (30 September 2004).

[19] SECTION 1. Direct contempt punished summarily.—A person guilty of misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, offensive personalities toward others, or refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10) days, or both, if it be a Regional Trial Court or a court of equivalent or higher rank, or by a fine not exceeding two hundred pesos or imprisonment not exceeding one (1) day, or both, if it be a lower court.

[20] See *Cruz v. Gingoyon*, 658 SCRA 254, 266 (28 September 2011).

[21] See *Patricio v. Suplico*, 196 SCRA 140, 151 (22 April 1991).

[22] See *Tabao v. Gacott, Jr.*, 509 SCRA 470, 480-481 (30 November 2006).

[23] *Apo Fruits Corporation v. Land Bank of the Philippines*, 632 SCRA 727, 761 (12 October 2010), citing *Barnes v. Padilla*, 439 SCRA 675 (30 September 2004).

[24] 256 SCRA 171 (11 April 1996), cited in *Barnes v. Padilla*, 439 SCRA 675, 687 (30 September 2004).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.