NESTOR F. DANTES, COMPLAINANT, VS. JUDGE RAMON S. CAGUIOA, REGIONAL TRIAL COURT, BRANCH 74, OLONGAPO CITY, RESPONDENT.

A.M. No. RTJ-05-1919 (Formerly A.M. OCA IPI No. 02-1634-RTJ). June 27, 2005

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/363373178ddf/

CARPIO MORALES, J.:

Judge Ramon S. Caguioa (respondent) is being administratively faulted, in a complaint[1] filed by Atty. Nestor F. Dantes (complainant), for serious or gross misconduct.

The antecedents of the case are as follows:

Eduardo R. Tulfo and Wilma Galapin, through their counsel-herein complainant, filed a complaint for declaration of nullity of a deed of sale with right to repurchase against Norma Yap Ong and Elanio Ong before the Olongapo City Regional Trial Court (RTC). The complaint, docketed as Civil Case No. 96-0-2001, was raffled to Branch 74 of the RTC.[2]

By Order[3] dated May 22, 2001, Judge Philbert I. Iturralde, then acting Presiding Judge of Branch 74 of the Olongapo RTC, dismissed the complaint, it appearing that the validity of the questioned sale had already been passed upon by Branch 72 in Civil Case No. 14-0-94.[4] In the same order, the trial court, finding the plaintiffs and their counsel-herein complainant guilty of direct contempt for willful and deliberate forum shopping,[5] imposed a fine of P5,000 against the plaintiffs and a fine of the same amount against their counsel.

On May 28, 2001, the plaintiffs filed a Motion for Reconsideration of the trial court's May 22, 2001 Order[6] upon the grounds that the issues which Civil Case No. 14-0-94 and Civil Case No. 96-0-2001 raised are dissimilar and that their and their counsel's being declared guilty of contempt was bereft of factual, legal and jurisdictional basis. To the motion, the defendants filed an Opposition on June 5, 2001.[7]

In the meantime, respondent was appointed as Presiding Judge of Branch 74 and took over the pending incident in Civil Case No. 96-0-2001.[8]

By Order dated September 19, 2001, the plaintiffs' Motion for Reconsideration was deemed submitted for resolution.[9]

The motion was, with respect to the reconsideration of the dismissal of the complaint on the ground of res judicata, denied by respondent for lack of merit, by Order dated June 18, 2002, upon a finding that the issues in both civil cases were "substantially similar."[10] Respecting Judge's Iturralde's finding that the plaintiffs and their counsel violated the rules on forum shopping, respondent set it aside, he holding that there was "no sufficient basis to impose the same considering the lack of independent and convincing evidence (other than the wordings contained in the verification and certification) that would show deliberate intent to mislead the Court."[11]

The plaintiffs, through their counsel-herein complainant, filed a Motion for Clarification[12] of the Order of June

18, 2002, followed by the submission of an Addendum/Supplement to Plaintiffs Motion to Convert/Reconsider and Inhibition.[13]

By Order of October 9, 2002, respondent directed the plaintiffs and complainant to show cause and explain in writing why "they should not be cited in contempt of Court for using disrespectful language in their pleadings that constitutes an affront to the dignity of the Court."[14]

On October 16, 2002, complainant filed a Motion for respondent to specify/particularize the "disrespectful language" used in the pleadings he submitted.[15]

On October 18, 2002, respondent issued an Order denying the Motion to specify/particularize for being a sham pleading and ordering the arrest of complainant.[16] The pertinent portion of the Order reads:

> The filing of said motion [to specify/particularize] is a clear indication that counsel does not believe and will not admit that he used disrespectful language against the court. That being so and in order to preserve and uphold its dignity, the court cites Atty. Nestor F. Dantes in direct contempt of court. He is sentenced to suffer the penalty of five (5) days imprisonment and pay a fine in the amount of Php 2,000.00. (Italics supplied)[17]

On even date, around 3:30 in the afternoon, a police officer arrested complainant at his law office. On complainant's request, the police officer brought him to the chambers of respondent where he verbally asked the latter to allow him to post a bond for his provisional liberty and to enable him to prepare the necessary documents needed to elevate the matter to the Court of Appeals on a petition for certiorari/prohibition.[18]

Respondent denied the request of complainant who was thereafter brought to the detention center of Police Station 1, Olongapo City where he stayed until his release four days later.[19]

On December 2, 2002, complainant filed the present administrative case against respondent for serious misconduct, positing the following arguments:

> - Direct contempt proceedings are akin to criminal cases, and the substantial rights of petitioner (as an alleged contemner) must remain inviolate;
>
> - The respondent judge deprived petitioner his right to due process of law, more specifically, his right to be heard and present his defense because:
>
> B-1. The contempt order was issued by the respondent judge without any hearing and, therefore, prevented petitioner from putting up his defense;
> B-2. The respondent judge took back the three day (3) period he originally gave the petitioner in his previous order of October 9, 2002 directing him to explain in writing why he should not be cited in contempt;
> B-3. The contempt order and the warrant of arrest were issued simultaneously by the respondent judge on the same day causing the immediate arrest of petitioner also on same day;

- The motion to specify/particularize — which angered the respondent judge and triggered the issuance of the contempt order — is nothing more than a motion to be informed of what petitioner must explain in writing;

- The respondent judge cannot presume and speculate that the filing of the motion to specify/particularize is a clear indication that petitioner does not believe and will not admit that he used disrespectful language in various pleadings;

- The respondent judge issued the contempt order out of vindictiveness and retaliation, not preservation.[20]

In his Comment, respondent explains that complainant in his motion for clarification used intemperate and contumacious language in describing his Order dated June 18, 2003, which language cannot under any circumstance be justified in light of his simple and clear orders.[21]

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Portions of the alleged contemptuous motion for clarification read:

> It is respectfully submitted that the Order sought to be clarified maybe best described as a legal legerdemain and or a sophistry.[22]
>
> x x x x x x x x x
>
> This stares at the very face of the Hon. Court and it is submitted that a disregard of the same would constitute gross negligence [or even malice].[23]
>
> x x x x x x x x x
>
> Certainly, with all due respect, the grandiose (though lackadaisical, it is respectfully submitted in all candor) declaration in the order that:
>
> "This Court is not convinced."
>
> is utterly short of the cited requirement. In fact, it is submitted, it is much too cavalier to acquire a valid judicial statement.[24]
>
> x x x x x x x x x
>
> In the context of the ground cited in defendant's Motion to Dismiss, this is in all candor and at the risk of being cited in contempt, is pure chicanery, or at least ignorance of Rule 16, Sec. 1 and the ground cited as already noted earlier, is res judicata, but the order cavalierly did not find it necessary anymore to rule on the same.[25]
>
> x x x x x x x x x
>
> The statement in the order that Other Case No. 14-0-94 and this case to be "substantially similar," it is submitted in all candor is not only ambivalent and has a tinge of sophistry x x x[26]
>
> A careful reading of the allegations/claims of the Complaint in this case and a like reading of the pleading in the Other Case will readily demonstrate that their in verisimilitude is patent, substantial and cannot be brushed aside by the order's sophistry and legal legerdemain.[27]
>
> x x x x x x x x x
>
> It is respectfully submitted that "The Without Prejudice Order of Dismissal" is absurd and contradicts itself.[28]
>
> x x x x x x x x x (Italics supplied)

Respondent further explains: While in direct contempt, no notice and hearing is required, he nevertheless issued a "show-cause" order to give complainant a chance to explain his use of foul and intemperate language.[29] Complainant, however, threw back the order at him and required the court to first specify/particularize the disrespectful language considered contemptuous which "effectively mock[ed] the court."[30]

Respondent adds that complainant very well knew that the language he used in his pleadings was disrespectful as he admitted on page 4 of his Motion for Clarification, to wit:

> The penultimate paragraph of the Order of June 18, 2002 which is herein sought to be clarified states: "This case is Dismissed without Prejudice." In the context of the ground cited in defendant's Motion to Dismiss, this is in all candor and at the risk of being cited in contempt, is pure chicanery, or at least ignorance of Rule 16, Sec. 1 and the ground cited as already noted earlier, is res judicata, but the order cavalierly did not find it necessary anymore to rule on the same. x x x (Italics supplied)[31]

Finally, respondent explains that the citation for contempt was never issued to retaliate, nor was it motivated by

any ill will, hostility and vindictiveness, but was resorted to preserve the dignity of the court.[32]

The Office of the Court Administrator (OCA) finds that complainant's use of the above-cited words and phrases referred either to the respondent's Order dated June 18, 2002 or to respondent's person, and since respondent found the language contemptuous, his appraisal in cases of this character deserves utmost reliance.[33]

Ruling out bad faith on respondent's part in issuing the contempt order, the OCA explains:

> x x x x x x x x x
>
> The text of the contempt order yields no indication that respondent judge was influenced or induced by personal animosity or by a desire to exact vengeance. The fact that he did not accord complainant a hearing is not indicative of bad faith or malice considering that when he issued the contempt order he was of the firm belief that herein complainant had committed an act constituting direct contempt which is summarily punishable without need of a formal hearing. (Italics supplied).[34]

This Court finds the OCA's evaluation well-taken.

A pleading containing derogatory, offensive or malicious statements when submitted before a court or judge in which the proceedings are pending is direct contempt because it is equivalent to a misbehavior committed in the presence of so near a court or judge as to interrupt the administration of justice.[35] Contrary to complainant's assertion, direct contempt is summarily punishable without need of a hearing.

Section 1, Rule 71 of the Rules of Court states:

> 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 one (1) day, or both, if it be a lower court.

It is with respect to respondent's denial of complainant's verbal request to post bond for his provisional liberty that the complaint against respondent assumes merit.[36]

Section 2, Rule 71 of the Rules of Court explicitly and clearly provides thus:

> SEC. 2. Remedy therefrom. — The person adjudged in direct contempt by any court may not appeal therefrom, but may avail himself of the remedies of certiorari or prohibition. The execution of the judgment shall be suspended pending resolution of such petition, provided such person files a bond fixed by the court which rendered the judgment and conditioned that he will abide by and perform the judgment should the petition be decided against him. (Italics and underscoring supplied)

Not every error bespeaks ignorance of the law, for if committed in good faith, it does not warrant administrative sanctions.[37] To hold otherwise would be nothing short of harassment and would make his position doubly unbearable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in judgment.[38]

Good faith, however, in situations of fallible discretion inheres only within the parameters of tolerable judgment and does not apply where the issues are so simple and the applicable legal principles evident and basic as to be beyond possible margins of error.[39]

Thus where the law violated is so elementary, like Rule 71 which provides the scope of a judge's authority to

punish for contempt and the procedure to be followed, for a judge not to know it or to act as if he does not know it constitutes gross ignorance.[40]

Respondent's denial of complainant's request to post a bond for his provisional liberty violated complainant's right to due process — his right to avail of the remedies of certiorari or prohibition pending resolution of which the execution of the judgment should have been suspended. His denial of the request betrayed his ignorance.

Gross ignorance of the law, which is classified as a serious charge,[41] is severely sanctioned under the amendment of Rule 140, Revised Rules of Court by A.M. No. 01-8-10-SC.[42] Considering however that respondent was moved by no other desire but to maintain the respect due to courts borne by his belief that the use by complainant of disrespectful, abusive and abrasive language, or intemperate words in his pleadings tending to obstruct or embarrass the court in administering justice or to bring it into disrepute cannot under any given situation be countenanced,[43] and considering further that it is respondent's first offense in his judicial service coupled with a good performance record,[44] this Court believes that a fine of Five Thousand Pesos (P5,000.00) as recommended by the OCA, is in order.

WHEREFORE, respondent, Judge Ramon S. Caguioa, is found GUILTY of gross ignorance of the law. He is ORDERED to pay a FINE in the amount of Five Thousand Pesos (P5,000.00) and STERNLY WARNED that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Panganiban (Chairman), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

---

[1] Rollo at 1-19.

[2] Id. at 2.

[3] Id. at 52-56.

[4] Id. at 31.

[5] Id. at 55-56.

[6] Id. at 57-64.

[7] Id. at 71-74.

[8] Id. at 3.

[9] Id. at 75.

[10] Id. at 79-80.

[11] Id. at 80.

[12] Id. at 81-86.

[13] Id. at 90-91.

[14] Id. at 92.

[15] Id. at 93.

[16] Id. at 94.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[17] Ibid.

[18] Id. at 5.

[19] Ibid.

[20] Id. at 5-6.

[21] Id. at 103.

[22] Id. at 81.

[23] Id. at 83.

[24] Ibid.

[25] Id. at 84.

[26] Ibid.

[27] Ibid.

[28] Id. at 85.

[29] Id. at 102.

[30] Ibid.

[31] Id. at 84.

[32] Id. at 103.

[33] Id. at 123.

[34] Id. at 122.

[35] Ang v. Castro, 136 SCRA 453, 458 (1985).

[36] Rollo at 5. Vide Rollo 105.

[37] Daracan v. Natividad, 341 SCRA 161, 171 (2000) citing DBP v. Llanas, 266 SCRA 212 (1997).

[38] Id. at 172.

[39] Poso v. Mijares, 387 SCRA 485, 507 (2002).

[40] Corpus v. Ochotorena, 435 SCRA 446, 454 (2004).

[41] Section 8, Rule 140 as amended by A.M. No. 01-8-10-SC.

[42] Rule 140 as amended by A.M. No. 01-8-10-SC, Section 11 provides:

SEC. 11. Sanctions. — A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or

3. A fine of more than P20,000.00 but not exceeding P40,000.

x x x x x x x x x

[43] Tolentino v. Cabral, 329 SCRA 1, 20 (2000).

[44] Taran v. Jacinto, Jr., 419 SCRA 1, 5 (2004).

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.