

LOURDES BARRERA, PLAINTIFF, VS. LEON BARRERA AND FIDELA ANDRES BARRERA, DEFENDANTS. RE CONTEMPT CHARGE AGAINST JUDGE ALFREDO CATOLICO, RESPONDENT.

G.R. No. L-31589. July 31, 1970

Ponente: FERNANDO, J.

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FERNANDO, J.:

This Court is faced with a question of the most unique kind. Respondent Judge Alfredo Catolico of the Court of First Instance of Cavite was cited for contempt and asked why no disciplinary action should be taken against him for hurling the accusation that this Court had delegated to its Clerk a power which under the Rules of Court appertained to its Chief Justice, an accusation made in the context of an explicit avowal that he was in no mood to accord recognition and respect to a binding decision of this Court, which for him was obsolete and no longer authoritative. Such an attitude betrayed a refusal to apply the law as interpreted by this tribunal. He could not bring himself to abide by a settled doctrine. Given the opportunity to explain both in a memorandum and in an oral argument, he remained adamant and obdurate. It was apparent he was not averse to disciplinary action being visited on his conduct. He leaves us no choice. We find him in contempt.

It all started innocently enough in a letter dated September 8, 1969, received by us two days thereafter. Counsel for the plaintiff in *Barrera v. Barrera*, a civil case pending in the Court of First Instance of Cavite^[1] requested "that the Court of First Instance of Cavite, Branch III, presided over by the Hon. Judge Alfredo Catolico be authorized to continue with the hearing of the above-entitled case pursuant to Section 3, Rule 22 of the Rules of Court."^[2] Why such request was made was explained by counsel in these words: "The said case is pending trial. The plaintiff has one more witness to present and thereafter, she intends to rest her case. Unfortunately, on May 22, 1969, when this case was set for hearing, the presiding Judge of the Court of First Instance of Cavite, the Hon. Judge Jose B. Jimenez, was appointed as District Judge for the Court of First Instance of Manila, and on said date, he did not hold court session. Because of this, the trial of this case was left pending, and it was only in the month of July when it was reset for hearing on August 6, 1969. However, on this date, this case was not again heard because the new Presiding Judge did not arrive due to bad weather."

Under our resolution of September 12, 1969, the aforesaid letter was referred to the Department of Justice. The then Undersecretary of Justice, now the Solicitor General, Felix Q. Antonio, referred the matter to respondent Judge whose comments were received by the Department of Justice in an indorsement of October 22, 1969. After pointing out that the first day of trial on the merits of the case in *Barrera v. Barrera* having been held on August 21, 1968, there had elapsed by then the period of fourteen months, far beyond the three-month limit as set forth in the Rules of Court, he continued: "When the undersigned Presiding Judge assumed his duties as such, he found no written authority by the Honorable Chief Justice of the Supreme Court extended to this branch for it to be able to continue trying the case by receiving evidence yet to be presented, seasonably adjourning and transferring continuation of the trial, and finally thereafter, adjudging the case. Considering the express provision of Rule 22 of the Rules of Court on the subject of adjournments and postpone-ments, same need not be interpreted or

construed for indeed, the Court can only apply its clear and express provisions; and that upon the lapse of three months from the first day of trial on the merits, the trial judge lost control of the same, and may not continue trying the same for the only thing possible to be done is to dismiss the case." [3]

That policy he adopted, notwithstanding his awareness of our ruling in *Barrueco v. Abeto*, [4] as is evident from his comments. Thus: "This is the only conceivable way of complying with the express provision of Rule 22 of the Rules of Court. Indeed, this same provision was incorporated in the original rules of court of 1940. In an identical case submitted for ruling by the Hon. Supreme Court, *Barrueco v. Abeto*, 71 Phil. 7, Justice Laurel who penned the decision interpreted the same to be of directory character rather than mandatory." [5] Clearly then, he was not disposed to yield obedience. What the Court had said, he would blithely ignore. So his comments would indicate: "Way back in 1941 where throughout the Philippines there were few thousands of cases undecided beyond 90 days, the said decision of the Supreme Court could be well-sustained according to the facts then existing; but, could that ruling be sustained now where throughout the Philippines there are pending cases with a dormancy of between four months to seventeen years reaching the awful number of almost 100,000 cases be justified in its observance as directory when according to the present circumstances and the policy adopted by the same Supreme Court in incorporating this provision in its Rules of Court the idea is to make judges decide cases as fast as possible within 90 days rather than allowing cases with a dormancy reaching up to 17 years? [6]

In the meanwhile, he would follow his own interpretation contrary to what was decided by this Court: "It is submitted that under the said rule, not even the Chief Justice of the Supreme Court could validly, legally and morally extend power to the trial Judge to reacquire control of the case tantamount to reacquiring jurisdiction of the subject matter when the said written authority is extended far beyond the three months limit in the said Rule 22 of the Rules of Court, for indeed, it is elementary, and it has been reiterated time and again by the Hon. Tribunal that when it comes to time or period in order that it could be extended, the petition for extension should be filed before its expiration or there is nothing that could be extended." [7]

Not content with such an attitude that breathes of defiance, he would impute a delegation of such authority by the Chief Justice of this Court to its Clerk with this unfounded assertion: "Further, the clerk of court of the Supreme Court had been extending this power to the undersigned trial judge upon petition of counsel for the plaintiff to continue trying the case where the same has already been dismissed 'without prejudice' and where there is no more case to continue, for indeed, the counsel for the plaintiff has not as yet secured the reconsideration of the said order of dismissal previous to the granting of power to continue trying and handling the case by the undersigned trial judge. Another question that cropped up as a consequence of the above observation is as to whether the phrase 'by authority of the Chief Justice' has given enough legal power and authority to the said employee of the Supreme Court to in turn give power and authority to the undersigned trial judge to continue trying the case even if it has already been dismissed." [8]

Pursuing the same line, he continued thus: "In one case, it was the same clerk of court who informed the undersigned trial judge that by resolution of the Supreme Court he is empowered to continue trying the case until finished. In this case, could the Supreme Court as a body validly and legally authorize the undersigned trial judge to continue handling a case pending in his Court which was not brought to the appellate jurisdiction of the Hon. Supreme Court either by appeal or by certiorari? Can the Supreme Court take cognizance of a case pending before the Court of First Instance without the benefit of appeal or certiorari? If this could be done, could the Supreme Court order the trial judge to continue a case which was already dismissed and not existing anymore where the counsel for the plaintiff has not filed a motion to set aside an order of dismissal or has not filed any petition for certiorari to the Supreme Tribunal for the review of said order?" [9]

The closing portion of his comments let no doubt as to his determination to adhere to the policy adopted by him

contrary to the ruling in the Abeto case: "The above considerations and questions are hereby humbly submitted to the Hon. Department of Justice for its consideration in the sanguine belief and expectation that something be done tending to remedy the nebulous situation wherein the undersigned trial Judge is found, not only by the clear and express provisions of Sec. 3 of Rule 22 of the Rules of Court but also by the ruling of the highest tribunal of the land in the Abeto case and in the letters written by the Clerk of the Supreme Court extending authority to the undersigned trial judge to continue handling all these cases even if dismissals have already been ordered and no petition for the setting aside of the order, or no certiorari has been presented for the review thereof and where factually, there is no case to continue." [10]

In our resolution of November 12, 1969, his comments being sent to us by the then Undersecretary of Justice on November 3 of that month, he was given the opportunity to explain in writing not later than November 24, and to appear personally before the Court on November 26, to show cause why he should not be dealt with for contempt. His explanation was filed on November 24. It was apparent that further reflection did not occasion a change of heart. As set forth therein: "It may not be amiss to state in this connection, that your herein respondent is at a loss for really he cannot ascertain who is the offended party in this proceeding. Is it the Hon. Tribunal as a whole or the Chief Justice of the Supreme Court, or the deputy clerk of court? Indeed, there is no written charge by anybody or specific person seeking the institution of a contempt proceeding against your herein respondent." [11]

This is how he would answer his question: "If it is the Hon. Tribunal as a whole who might be the offended party your herein respondent would be at a loss to understand how he could incur the responsibilities attached to a contempt of court proceeding when he has not disobeyed any order of the Supreme Court. If it is the Hon. Chief Justice of the Supreme Court who might be the offended party in this case, it is respectfully submitted that the respondent judge might not be subjected to contempt proceeding for expressing his honest opinion which happens to be different from the highly respected one of the Hon. Chief Justice of the Supreme Court, and if there is any error in this case it might be one where interpretation of law rather than a deliberate misstatement of facts as specified in the communication of the deputy clerk of court. And if it is the deputy clerk of court who has been writing all these letters to your herein respondent who might be considering himself as an offended party and has initiated this contempt of court proceeding, your herein respondent, with all humility, submits the fact that he cannot be made respondent in a contempt of court proceeding just because of an erroneous communication written by the said deputy clerk of court and may your humble respondent be allowed to say that he cannot be charged with contempt of court because of the erroneous letters of a deputy clerk of court who might want to exert a personality higher than that of your herein respondent, and finally, if these were the case, let your humble respondent say with Dolores Ibarruri as follows: '[Better to die on one's feet than to live on one's knees.]' [12]

Then two days later, on November 26, respondent Judge argued his case in a manner that erased any lingering doubt as to his being obsessed with the conviction that nothing said or done by him could in no wise be objectionable, a position maintained with all the obstinacy at his command. He could not be reconciled to the thought that our Clerk when speaking for this Court was performing a duty to which lower court judges would do well to pay heed. It was even more apparent that while making much of his refusal to believe that the order received by him proceeded from a source not authorized to do so, in itself an unfounded charge that this Court was recreant to its responsibility not to allow any one to usurp its authority, he was acting in accordance with a fixed and resolute determination not to be bound by the Barrueco doctrine. For him, it was no longer in force. It did not matter that this Court had not so decreed. He could not bring himself to accord it deference. So his acts and words did indicate. What other alternative is there then than to find him guilty of contempt?

It is to be made clear that the disciplinary action taken against him is not for the thoughts entertained or opinions uttered by him. Judges are not expected to be wholly in agreement with every decision of this Tribunal. Nor are

they required to keep locked up within their breasts their own views on such matters. Doubts and skepticism about the continuing validity of doctrines announced by us may under appropriate circumstances be ventilated. As a matter of fact, they should not be discouraged, for the progress of the law may very well depend on a More searching inquiry as to the continuing validity of certain assumptions and presuppositions uncritically accepted. Nonetheless, as long as our rulings constitute authoritative precedents, the duty of obedience is cast on inferior court judges.

Nor is respondent Judge to be held responsible for the manner in which he gave expression to his thoughts. There is no offense against this Court arising from a rather truculent tone that fails to exhibit the redeeming grace of urbanity. Nor could the mere fact that the impression left is one of dogmatic finality, that apparently could not harbor the least suspicion that one could possibly be in the slightest bit mistaken, call for a reproof. After all, the style reflects the man, and perhaps he cannot help himself.

What calls for disciplinary action is the recklessness with which respondent Judge did hurl the baseless allegation that the Clerk of this Court was permitted to exercise an authority which appertained to the Chief Justice. He did speak with all the valor of ignorance. Nor did he retreat from such an indefensible stand in the face of his being informed that what the Clerk did was solely in accordance with what was previously decided by this Court, which certainly will not tolerate, anybody else, much less a subordinate, to speak and act for itself. This gross disrespect shown to this Court has no justification. The misdeed of respondent Judge is compounded by such an accusation apparently arising from his adamant conviction that a doctrine of this Court that fails to meet his approval need not be applied. No inferior court judge, to repeat, can be permitted to arrogate unto himself such a prerogative at war with everything that the rule of law stands for.

The delicate task of ascertaining the significance that attaches to a constitutional statutory provision, an executive order, a procedural norm or a municipal ordinance is committed to the judiciary. It thus discharges a role no less crucial than that appertaining to the other two departments in the maintenance of the rule of law. To assure stability in legal relations and avoid confusion, it has to speak with one voice. It does so with finality, logically and rightly, through the highest judicial organ, this Court. What it says then should be definitive and authoritative, binding on those occupying the lower ranks in the judicial hierarchy. They have to defer and to submit. What was so appropriately said by Justice Laurel comes to mind: "A becoming modesty of inferior courts demands conscious realization of the position that they occupy in the interrelation and operation of the integrated judicial system of the nation." [13]

Such a thought was reiterated in an opinion of Justice J.B.L. Reyes and further emphasized in these words: "Judge Gaudencio Cloribel need not be reminded that the Supreme Court, by tradition and in our system of judicial administration, has the last word on what the law is; it is the final arbiter of any justifiable controversy. There is only one Supreme Court from whose decisions all other courts should take their bearings." [14] To the same effect is the following excerpt from a 1958 decision: "Now, if a Judge of a lower Court feels, in the fulfillment of his mission of deciding cases, that the application of a doctrine promulgated by this Superiority is against his way of reasoning, or against his conscience, he may state his opinion on the matter, but rather than disposing of the case in accordance with his personal views he must first think that it is his duty to apply the law as interpreted by the Highest Court of the Land, and that any deviation from a principle laid down by the latter would unavoidably cause, as a sequel, unnecessary inconveniences, delays and expenses to the litigants. And if despite of what is here said a Judge, by delicate or acute qualms of conscience, still believes that he cannot follow Our rulings, then he has no other alternative than to place himself in the position that he could properly avoid the duty of having to render judgment on the case concerned (Art. 9, C. C.), and he has only one legal way to do that." [15]

WHEREFORE, respondent Judge Alfredo Catolico is reprimanded by this Court for the above offense. Let a copy

of this resolution be forwarded to the Honorable, The Secretary of Justice.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Teehankee, and Barredo, JJ., concur.

Concepcion, C.J., took no part.

Villamor, J., reserves his vote.

[1] Civil Case No. 1179 of the Court of First Instance of Cavite.

[2] The aforesaid section is worded thus: "[Sec.] 3. Adjournments and postponements. - A court may adjourn a trial from day to day, and to any stated time, as the expeditious and convenient transaction of business may require, but shall have no power to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all, except when authorized in writing by the Chief Justice of the Supreme Court."

[3] Comments of Respondent Judge, pp. 1-2.

[4] 71 Phil. 7 (1940).

[5] Comments of Respondent Judge, pp. 2-3.

[6] Ibid, pp. 3-4.

[7] Ibid, pp. 5-6.

[8] Ibid, pp. 6 -7.

[9] Ibid, p. 7.

[10] Ibid, p. 8.

[11] Explanation of Respondent Judge, p. 7.

[12] Ibid, p. 8.

[13] People v. Vera, 65 Phil. 56, 82 (1937).

[14] Albert v. Court of First Instance of Manila (Br. VI), L-26364, May 29, 1968, 23 SCRA 948, 961.

[15] People v. Santos, et al., 104 Phil. 551, 560. Cf. Commissioner of Immigration v. Cloribel, L-24139, August 31, 1967, 20 SCRA 1241.

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