

SPOUSES ARLEEN AND LORNA OLIVEROS, COMPLAINANTS, VS. HON. DIONISIO C. SISON, ACTING PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 74, ANTIPOLLO CITY, RESPONDENT.

A.M. No. RTJ-07-2050 (Formerly OCA I.P.I. No. 07-2563-P). October 29, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

In a Decision[1] dated June 27, 2007, this Court found Judge Dionisio C. Sison, Acting Presiding Judge, Regional Trial Court of Antipolo City, Branch 74, guilty of gross ignorance of the law for which he was fined P10,000.00. We held therein that Judge Sison failed to abide by the requirements under the Revised Rules on Civil Procedure in citing herein complainants, spouses Arleen and Lorna Oliveros, for indirect contempt.

Judge Sison moved for reconsideration of the Decision. On March 14, 2008, this Court issued a Resolution[2] denying Judge Sison's Motion for Partial Reconsideration for lack of merit.

In that same Resolution, this Court found that complainants, in their Comment to Judge Sison's Motion for Reconsideration, admitted that they failed to inform this Court of a Petition for Certiorari[3] they filed before the Court of Appeals questioning the same contempt order which formed the basis of the instant administrative case they filed before this Court, pursuant to Section 5, Rule 7, of the Revised Rules on Civil Procedure.[4] They claimed that they were not aware of the requirement to so inform this Court.

This Court, however, found that -

While that may have been true, their argument becomes untenable when seen in the light of their subsequent actions. The Verification/Certification of the Petition for Certiorari before the CA clearly shows that both complainants signed the same. Thus, they are presumed to have read its contents, or since they are supposedly assisted by counsel, that the latter explained the contents thereof. This should have already made them aware of the requirement to inform the Court of the filing of the case before the CA considering that in the latter case, they are praying for the nullification of the very same Order for which they were seeking administrative sanctions against respondent judge before this Court. Yet even in the Petition for Review itself, they failed to disclose that they had already filed an administrative case against Judge Sison before this Court arising from the same order they were questioning therein. Thus, there appears a very real possibility of the pernicious effect sought to be prevented by the rules requiring the Certification against Forum Shopping would arise. Accordingly, the complainants could be held liable for contempt of this Court.

Hence, complainants were directed to show cause,[5] within ten (10) days from receipt of the Resolution, why they should not be cited for contempt for violation of Section 5, Rule 7, of the Revised Rules on Civil Procedure. Records of the case show that complainants acknowledged receipt of the Resolution on April 1, 2008,[6] giving them until April 11, 2008 to comply with the Court's directive. They failed to do so.

Thus, for violation of Rule 7, Section 5 of the Revised Rules on Civil Procedure, complainants are held guilty of indirect contempt of this Court.

Contempt of court is defiance of the authority, justice or dignity of the court; such conduct as tends to bring the authority and administration of the law into disrespect, or to interfere with or prejudice parties-litigants or their witnesses during litigation. It is defined as disobedience to the Court by acting in opposition to its authority, justice, and dignity. It signifies not only a willful disregard or disobedience of the court's orders, but such conduct as tends 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.[7]

In particular, non-compliance with any of the undertakings in the Certification against Forum Shopping shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions.[8] The rationale for the requirement of a certification against forum shopping is to apprise the Court of the pendency of another action or claim involving the same issues in another court, tribunal or quasi-judicial agency, and thereby precisely avoid the forum shopping situation.[9]

The rule is well settled that a court should be informed of the pendency of a similar proceeding a party has filed. The responsibility cannot be taken lightly because of the harsh penalties the law prescribes for non-compliance.[10]

The act of complainants in not informing the Court of the filing of the case before the CA is no small thing that can be brushed aside simply because this Court has already meted Judge Sison with an appropriate sanction. Respondent's error does not negate complainants' culpability. Those who seek relief from the courts must not be allowed to ignore basic legal rules and abuse court processes in their efforts to vindicate their rights.

The deleterious effects of complainants' act become more apparent in light of this Court's consistent ruling that disciplinary proceedings and criminal actions against a judge are not complementary or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for the taking of other measures against the person of the judge concerned, whether of civil, administrative, or criminal nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed.[11] For obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against him at all.[12]

Parties-litigants abuse court processes by prematurely resorting to administrative disciplinary action, even before the judicial issues involved have been finally resolved.[13]

Rules of procedure are required to be followed, except only when, for the most persuasive of reasons, they may be relaxed to relieve the litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.[14] We find no reason in this case to relax the Rules in complainants' favor.

WHEREFORE, this Court finds spouses Arleen and Lorna Oliveros GUILTY of INDIRECT CONTEMPT and are hereby ordered to pay a FINE of P10,000.00, payable to this Court within a non-extendible period of ten (10) days from receipt of this Resolution, with a WARNING that a repetition of the same or similar offense shall merit a more severe penalty.

SO ORDERED.

Ynares-Santiago, (Chairperson), Carpio,[*] Azcuna,[**] and Chico-Nazario, JJ., concur.

* Additional member in lieu of Associate Justice Ma. Alicia Austria-Martinez per Special Order No. 531 dated October 20, 2008.

** Additional member in lieu of Associate Justice Ruben T. Reyes per Special Order No. 521 dated September 29, 2008.

[1] Rollo, pp. 82-91.

[2] Id. at 160-167.

[3] CA-G.R. SP No. 97892.

[4] SEC. 5. Certification against forum shopping. — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading, but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission, of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

[5] Rollo, p. 166.

[6] Per Registry Return Receipt, id. at 167. (Dorsal side.)

[7] *Regalado v. Go*, G.R. No. 167988, February 6, 2007, 514 SCRA 616, 627. (Citations omitted.)

[8] Revised Rules of Civil Procedure, Rule 7, Sec. 5; *supra* note 4.

[9] *Peña v. Aparicio*, A.C. No. 7298, June 25, 2007, 525 SCRA 444, 454.

[10] *Leonidas v. Supnet*, 443 Phil. 53, 66 (2003).

[11] *Caguioa v. Laviña*, 398 Phil. 845, 853-854 (2000), citing *Flores v. Abesamis*, 275 SCRA 302 (1997); *Maylas Jr. v. Sese*, A.M. No. RTJ-06-2012, August 4, 2006, 497 SCRA 602, 607; *Rivera v. Mendoza*, A.M. No. RTJ-06-2013, August 4, 2006, 497 SCRA 608, 614-615; Request to Designate Another Judge to Try and Decide Criminal Case No. 3713 (SF-99) Pending Before the MCTC, San Fabian-San Jacinto, Pangasinan, 419 Phil. 1, 4-5 (2001); *Portic v. Villalon-Pornillos*, A.M. No. RTJ-02-1717, May 28, 2004, 430 SCRA 29, 39; *Macachor v. Beldia*, 451 Phil. 849, 854 (2003).

[12] *Equitable PCI Bank, Inc. v. Laviña*, A.M. No. RTJ-06-2001, August 16, 2006, 499 SCRA 8, 18, citing *Visitacion v. Libre*, 459 SCRA 398, 407 (2005) and *De Guzman v. Pamintuan*, 405 SCRA 22, 26 (2003).

[13] *Caguioa v. Laviña*, *supra* note 11; *Cruz v. Iturralde*, 450 Phil. 77, 85 (2003).

[14] *Gabriel v. Court of Appeals*, G.R. No. 149909, October 11, 2007, 535 SCRA 569, 577, citing *Ortiz v. CA*,

360 Phil. 95, 100 (1998).

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