

**PAZ M. GARCIA, PETITIONER, VS. HON. FRANCISCO DE LA ROSA,
JUDGE OF THE COURT OF FIRST INSTANCE, BRANCH VII, PASAY
CITY, RESPONDENT.**

G.R. No. L-28653. June 08, 1978

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/52d5bcc98dca/>

AQUINO, J.:

These five related cases were brought by Paz M. Garcia, a stenographer and assistant clerk of court of the Court of First Instance of Rizal, Pasay City Branch VII, against the Presiding Judge thereof, Hon. Francisco de la Rosa.

In L-28653, Paz M. Garcia filed on February 15, 1968 a petition for certiorari wherein she assailed two orders of Judge De la Rosa (1) holding her in direct contempt of court for quarrelling with the clerk of court while the Judge was working in his chamber and fining her P200 and (2) charging her with indirect contempt for disobeying the order requiring her to turn over to the clerk of court certain records.

In L-28679, Paz M. Garcia on February 21, 1968 filed a petition for habeas corpus because Judge De la Rosa ordered her imprisonment for six days in the Pasay city jail for having committed direct contempt in that at the hearing on February 19, 1968 before the said Judge, she said that the latter was harassing her. This Court ordered her provisional release.

In L-29403, Paz M. Garcia filed on August 23, 1968 another petition for habeas corpus because on August 22, 1968 Judge De la Rosa found her guilty of direct contempt and ordered her confinement in jail for shouting and causing alarm and disturbance in court. She was released on bail pursuant to this Court's resolution of August 23, 1968.

In L-29470, Paz M. Garcia filed on September 6, 1968 a petition for prohibition and mandamus against Judge De la Rosa, his clerk of court and deputy clerk of court to restrain them from allegedly harassing her and for the transfer to another Judge of the two contempt cases against her.

On October 8, 1968 she filed a supplemental petition for habeas corpus, seeking her release from her confinement in the Pasay city jail. On October 8, 1968 Paz M. Garcia was provisionally released on bail pursuant to a resolution of this Court.

In L-30495, Paz M. Garcia filed on May 15, 1969 against Judge De la Rosa, his clerk of court and deputy clerk of court a petition for certiorari wherein she questioned the institution of contempt proceedings against her and the other acts of the respondents.

In a decision of the Commissioner of Civil Service dated January 2, 1970 Paz M. Garcia was found guilty of gross misconduct and neglect of duty and was dismissed from the service. She assailed that decision in this Court by means of certiorari. Her petition was dismissed in the resolution of September 23, 1970 because her remedy was an appeal to the Civil Service Board of Appeals (L-31934).

The Civil Service Board of Appeals in a decision dated October 15, 1971 found that she was not guilty of gross misconduct. It found her guilty of neglect of duty and ordered her suspension for three months without pay.

She assailed that decision in her petition for certiorari, mandamus and prohibition filed on September 16, 1972. The petition was dismissed in the resolution dated September 26, 1972 (L-35515, Garcia vs. Civil Service Board of Appeals).

She filed administrative charges against Judge De la Rosa on January 29 and 31, 1968. She imputed to him gross ignorance of the law, dishonesty, oppression, grave misconduct and incompetence. All the charges were dismissed in this Court's per curiam resolution of October 6, 1972 (Administrative Cases Nos. 124-M and 127-J).

All the said five cases were filed by Paz M. Garcia when she was still in the service. On October 24, 1972, she was dismissed by Secretary of Justice Vicente Abad Santos pursuant to Letter of Instruction No. 14-A.

In view of that dismissal, this Court, in its resolution of March 1, 1978, required her and the respondents, Judge De la Rosa, his clerk of court and deputy clerk of court, to state whether these cases have become moot and academic.

The respondents in a compliance dated March 22, 1978 stated that the petitions in these five cases "may be treated as moot and academic" because, by reason of petitioner's dismissal and the fact that she is now abroad, it would be futile to revive and continue the contempt proceedings against her (See Velasco vs. Rosenberg, 29 Phil. 212).

The respondents, implying that the objective of the contempt proceedings had already been attained, cited the rule that the power to punish for contempt is exercised on the preservative and not on the vindictive principle or on the corrective and not on the retaliatory idea of punishment.

Finding respondents' observations to be well-taken, these five cases are dismissed and considered closed.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Santos, JJ., concur.

Concepcion, Jr., J., did not take part.

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.