

REPUBLIC OF THE PHILIPPINES, PETITIONER-APPELLANT, VS. HON. LUIS LARDIZABAL, AS MAYOR OF BAGUIO CITY, PEDRO Z. CLARAVALL, BERT FLORESCA, ANTONIO S. ROMERO, CLEMENTE CALPUTORA AN...

G.R. No. L-41351. September 30, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a motion of petitioner-appellant Republic of the Philippines asking that the respondents Clemente S. Calputora, Pedro Z. Claravall, Bert Floresca, Antonio Romero and Teopisto Rondez as members of the Sangguniang Panglunsod of the City of Baguio, and respondent Luis L. Lardizabal, as presiding officer thereof, show cause why they should not be declared in contempt of this Court and punished accordingly for alleged acts which constitute disobedience of, or resistance to, the decision promulgated on October 28, 1977 in the above-entitled case.

This Court promulgated its decision on October 28, 1977, the dispositive portion of which reads:

"WHEREFORE, the decision of the Court of First Instance of Baguio and Benguet in Civil Case No. 2437 is hereby set aside and judgment is rendered declaring Resolutions Nos. 12-70, 355-71 and 535-71, and the leases executed pursuant thereto in favor of the respondents Times Transportation Co., Inc., Dacanay Express, Inc., and Anastacio Imson, null and void, with costs against the private respondents.

The respondents are ordered to return the use and possession of the leased lands to the petitioner.

SO ORDERED."

The respondents filed separate motions for reconsideration of the decision. In a resolution dated March 17, 1978 the Court declared:

"Considering the grounds of private respondents' separate motions for reconsideration of the decision of October 28, 1977 as well as petitioner's consolidated comment thereon, the Court Resolved to DENY the aforesaid motions for reconsideration for lack of merit and this denial is FINAL."

The aforesaid decision of October 28, 1977 became final and executory on March 29, 1978.[1] The

petitioner-appellant filed the present motion on July 17, 1978 to require herein respondents to show cause why they should not be declared in contempt of the Court and punished accordingly. Movant Republic of the Philippines alleges that although aware of the decision and order of this Court, respondents Clemente S. Calputora, Pedro A. Claravall, Bert Floresca, Antonio Romero and Teopisto Rondez, as members of the Sangguniang Panglunsod of Baguio City and respondent Luis L. Lardizabal, as presiding officer thereof, passed Resolution No. 27-78 authorizing the execution of one-year leases over the same areas of the Slaughterhouse Compound subject of the 25-year leases earlier declared null and void by this Court, in favor of the same parties, herein private respondents Times Transportation Co., Inc., Dacanay Express, Inc. and Anastacio Imson. The motion avers that "the act of respondent city officials constitutes disobedience of or resistance to the decision of this Honorable Court and improper conduct tending to impede, obstruct or degrade the administration of justice." [2]

In answer, the respondents state: [3]

1. That the decision of October 28, 1977 did not prohibit the City of Baguio from granting leases over the Slaughterhouse Compound of one-year duration, an act of which they are authorized to do as administrators under Proclamation No. 312 of 1930, it not being an act of dominion; that the City of Baguio continues to be the administrator of the Slaughterhouse Compound and as an act of administration it may lease the controverted areas on a year to year basis without violating any law or the principles laid down by the Supreme Court in the aforesaid decision of October 28, 1977;
2. That the act of respondents in passing Resolution No. 27-78 does not constitute contempt since their purpose was to serve the best interest of the public and that they have acted in good faith without any intention whatsoever of violating, defying or disregarding the decision of the Honorable Court; that contempt presupposes a contumacious attitude to the Court which they have not exhibited; and that one cannot be punished for contempt unless the act which is forbidden or required to be done is clearly and precisely defined.

This Court's decision of October 28, 1977 categorically and plainly ordered that the land subject of the annulled lease contracts be returned to petitioner-appellant Republic of the Philippines. It was addressed to herein public respondents. The herein respondents committed acts which constitute clever circumvention of the aforesaid decision when it passed Resolution No. 27-78 and entered into a new one-year lease contract involving the same parcels of land, with the same parties, private respondents herein.

We have held that disobedience of or resistance to lawful writ, process, order, judgment or command of a court or manifest disobedience thereof constitutes contempt of court (Francisco vs. Ramos, Adm. Matter No. 776-MJ, Feb. 27, 1976, 69 SCRA 379); that the power to punish persons for contempt is inherent in all courts and essential to the preservation of order in judicial proceedings and to the enforcement of their orders and decisions (Montalban vs. Canonoy, Adm. Matter No. 179-J, March 15, 1971, 38 SCRA 1). Again, We said that conduct that tends to trifle with this Tribunal and impede, obstruct or otherwise degrade the administration of justice is contempt of court (Gabriel vs. Court of Appeals, L-43757, July 30, 1976, 72 SCRA 273). As pointed out by movant Republic of the Philippines, the act of respondents city officials constitutes disobedience of or resistance to the decision of this Court which tends to impede, obstruct or degrade the administration of justice. Consequently, the inherent preservative power of the court by inflicting punishment upon contemnors should, in the instant case, be resorted to. Considering, however, the explanation of public respondents that they have acted in good faith; that their intention was to serve the best interest of the public by providing a bus terminal; and, that they have no contumacious attitude nor arrogant belligerence towards the Court [4] and, mindful of Our admonition that there must be caution and hesitancy on the part of judges against the exercise of this awesome prerogative (Royeca vs. Hon. Animas, etc. et al., L-39584, May 3, 1976, 71 SCRA 1) and that "only in cases of clear and contumacious

refusal to obey, should said power be exercised." (Oliveros vs. Villaluz, L-34636, May 30, 1974, 57 SCRA 163), the Court is not inclined to take drastic action against the respondents. Moreover, it does not appear that the movant Republic of the Philippines has applied for and secured a writ of execution to enforce the judgment. For as this Tribunal has said, paraphrasing an American pronouncement, an execution is the fruit and end of the suit and is very aptly called the life of the law ... it is the process of the court for carrying its decree into effect. (People's Homesite & Housing Corporation vs. Jeremias, et al., L-43252, Sept. 30, 1976, 73 SCRA 239). There is nothing in the record of this case to show that a writ of execution had been issued or that having been issued and served, the respondents deliberately evaded or refused to comply therewith. Because of all these, the Court will give herein public respondents another chance to comply with the order of this Court for them to return the use and possession of the controverted leased lands to petitioner-appellant now movant Republic of the Philippines.

IN VIEW OF THE FOREGOING, the Baguio City officials, respondents Luis L. Lardizabal, Clemente S. Calputora, Pedro Z. Claravall, Bert Floresca, Antonio S. Romero and Teopisto Rondez and private respondents Times Transportation Co., Inc., Dacanay Express, Inc., and Anastacio Imson are hereby ordered to return the possession and use of the leased lands to petitioner-appellant Republic of the Philippines within ten (10) days from receipt hereof or be declared in contempt of this Court.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Guerrero, JJ., concur.

[1] Notice of Entry of Judgment, Rollo, p. 428.

[2] Motion to Declare in Contempt of Court, Rollo, pp. 432-433.

[3] Answer to Motion to Declare in Contempt of Court, Rollo, pp. 446-448.

[4] Answer to Motion to Declare in Contempt of Court, Rollo, pp. 446-448.

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