

CHIEF PROSECUTOR ZENON L. DE GUIA, COMPLAINANT, VS. JUDGE FRANCISCO MA. GUERRERO, JR., RESPONDENT.*A.M. No. RTJ-93-1099. August 01, 1994*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9ba6a8459e4a/>**PADILLA, J.:**

In a letter-complaint, dated 4 October 1993, filed with the Office of the Court Administrator, Chief State Prosecutor Zenon L. De Guia impugns as arbitrary the act of respondent Judge Francisco Ma. Guerrero[1] in citing for contempt Macario A. Agosila,[2] and ordering his arrest and detention for five (5) hours (later reduced to two (2) hours) in the Calamba Police Station Jail. Complainant charges respondent Judge with gross ignorance of the law, and with acts constituting a direct affront to the dignity not only of Agosila, but more importantly, to the dignity of the office of the Prosecutor which Agosila represents.

The incident subject of the present complaint occurred during the trial of Criminal Case No. 2689--90-C[3] in the sala of respondent Judge. The prosecution was trying to prove that the accused mortgaged to the complaining witness a falsified and forged document - Transfer Certificate of Title No. RT-164 - covering a non-existent property. Three (3) of the documents presented and marked by the prosecution during the pre-trial were the affidavit of complaining witness Fe Ochoa-Baybay (Exhibit "A"), TCT No. 164 (Exhibit "C"), and TCT No. RT-164 (2766) (Exhibit "E").

At the trial scheduled on 20 September 1993, Agosila presented TCT No. RT-164 (2766) and had it re-marked as Exhibit "A". He then requested for a suspension of the trial in order to have the original of TCT No. RT-164 (2766) photocopied. Instead of acting on Agosila's request, respondent Judge declared him in direct contempt of court allegedly in order to "teach him (Agosila) a lesson" for unduly delaying the business of the court on account of his failure to prepare ahead of time the photocopies of the original of the documents to be presented and marked during the trial; and for his failure to investigate the pertinent records in the office of the Register of Deeds to ascertain his facts.

Respondent Judge thereupon ordered the arrest and detention of Agosila for five (5) hours in the Calamba Police Station Jail. After being detained for two (2) hours, however, respondent Judge ordered the release of Agosila.

In his Comment on the present complaint, respondent Judge maintains that he committed no arbitrariness in declaring Agosila in direct contempt, and in ordering the latter's arrest and detention for five (5) hours, later reduced to two (2) hours. Respondent Judge argues that the acts of Agosila merited a direct contempt citation. And to substantiate this conclusion, respondent Judge posits the following premises: Agosila's request for a suspension of trial in order to complete the photocopying of his documentary exhibits betrayed his effort to delay the trial which could have proceeded continuously had Agosila just been mere assiduous and prudent in his preparation for trial. Moreover, Agosila's mismarking of duplicitous and immaterial documentary exhibits supposedly demons-trated his uncooperativeness with the continuous trial of the case. Furthermore, Agosila's undue attention to and reliance on what the court deemed as irrelevant documentary evidence - TCT No. RT-164

(2766) - only proved that Agosila intended to confuse his evidence.

Finally, respondent Judge cites other instances of delaying tactics in various criminal cases handled by Agosila wherein the latter allegedly sought the resetting of hearings only because he was unprepared to conduct the examination of witnesses, notwithstanding the constant warnings from respondent Judge to Agosila and other lawyers for them to abide by the continuous trial system. Respondent Judge prays that the complaint against him be dismissed.

We find merit in the letter-complaint.

Apparently, what triggered the direct contempt citation of Agosila was the evident impression of respondent Judge that Agosila was unwilling to cooperate with the court's continuous trial system, as allegedly shown by a lack of preparation in the presentation of documentary exhibits, thereby necessitating a request for a suspension of trial to complete the photocopying of said documentary evidence. Respondent Judge, therefore, interpreted Agosila's request for suspension of trial as not merely constituting a delaying tactic but, worse, as a subterfuge to cover for his unpreparedness (if not incompetence) in prosecuting Criminal Case No. 2689-90-C.

In effect, respondent Judge defends his questioned acts as nothing more than a legitimate and rightful exercise by a court of its contempt powers in the face of what it perceives as not only an unjustified refusal by an officer of the court to cooperate, but also his unpardonable display of incompetence.

We are not persuaded by the ratiocinations of respondent Judge as to the correctness of his action. On the contrary, we question entirely the logic behind respondent Judge's immediate resort to a direct contempt citation in Agosila's case.

First, we find a lack of impropriety in the conduct of Agosila to merit a direct contempt citation in his prosecution of Criminal Case No. 2689-90-C. The right to ask the court for adjournment or postponement, and much less, a mere continuance or suspension of trial, is well within the prerogative of a counsel handling a case. After all, the request is addressed to the sound discretion of the court. In *People vs. The Honorable Bonifacio Sanz-Maceda, et al.*,^[4] this Court stated:

"Although the matter of adjournment and postponement of trials is within the sound discretion of the court, such discretion should always be predicated on the consideration that more than the mere convenience of the courts or of the parties in the case, the ends of justice and fairness should be served thereby. After all, postponements and continuances are part and parcel of our procedural system of dispensing justice."

We further fail to see any contumacious attitude on the part of Agosila to delay the proceedings of the court. On the contrary, Agosila accorded the court proper respect when he requested for a suspension of the trial precisely to allow the court to decide on its own whether to permit the delay in the trial by allowing said request. Far from being a contemner, Agosila dutifully submitted his request for suspension of trial to the authority and discretion of the court.

Second, and more importantly, we seriously doubt the propriety of respondent Judge's choice of remedy in disposing of Agosila's request for suspension of trial. Although concededly within its inherent powers, the exercise of the court's power to cite for contempt was not appropriately done under the given circumstances.

In treating of a court's power to cite for contempt, the Rules of Court, more specifically Section I, Rule 71 provides:

"Section I. Direct contempt punished summarily. - A person guilty of misbehavior in the presence of or so near a court or judge as to obstruct or interrupt the proceedings before the same, including disrespect toward the court or judge, 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 so to do, may be summarily adjudged in contempt by such court or judge and punished by fine not exceeding two hundred pesos or imprisonment not exceeding ten (10) days, or both, if it be a superior court, or a judge thereof, or by fine not exceeding ten pesos or imprisonment not exceeding one (1) day, or both, if it be an inferior court."

It is clear from the foregoing provision that the power to declare a person in contempt of court and in dealing with him accordingly is an inherent power lodged in courts of justice, to be used as a means to protect and preserve the dignity, of the court, the solemnity of the proceedings therein, and the administration of justice from callous misbehavior, offensive personalities, and contumacious refusal to comply with court orders.

And as in all other powers of the court, the contempt power, however plenary it may seem, must be exercised judiciously and sparingly. In *Noe Baja vs. Hon. Judge Antonia Corpuz Macandong, et al.*,^[5] this Court explained the extent of the exercise of the contempt power of courts:

"We have consistently held that the power to punish for contempt should be used sparingly, so much so that only in cases of clear and contumacious refusal to obey should the said power be exercised.

x x x x x x x x

"More importantly, the power to punish for contempt should be exercised on the preservative and not on the vindictive principle; with the corrective rather than the retaliatory idea of punishment.

x x x x x x x x

"It is propitious to remind our judges that they should not be so thin-skinned or sensitive as to feel personally hurt or affronted everytime a complaining lawyer momentarily loses his 'cool' and writes in or utters less than polite language, more so when the lawyer is merely expressing an honest opinion about them which may not altogether be flattering. 'After all, what matters is that a judge performs his duties in accordance with the dictates of his conscience and the light that God has given him. A judge should never allow himself to be moved by pride, prejudice, passion, or pettiness in the performance of his duties'."

Clearly then, judges are enjoined to exercise utmost restraint in the use of their contempt powers. They are expected to avail of the contempt power only as a last resort when all other alternative courses of action are exhausted in the pursuit of maintaining respect to the court and its processes. Thus, when a less harsh remedy presents itself to the judge, he should at all times hesitate to use his contempt power, and instead opt for the less harsh remedy.

In light of the foregoing propositions, and after carefully examining the circumstances in this case, it is quite clear that respondent Judge had an alternative to the exercise of the court's contempt power. We agree with the observations of the OCA in its recommendation, to wit:

"From the facts on record, it is very evident that respondent acted rather arbitrarily in ordering the confinement of Fiscal Agosila in jail for the latter's unpreparedness and for unduly delaying the trial and wasting the time of the court. The undersigned cannot entirely disagree with Chief State Prosecutor de Guia's assertion that the grounds relied upon by respondent in holding Fiscal Agosila liable for direct contempt of court cannot in any way be considered as constitutive of direct contempt under Rule 71 of the Rules of Court. If respondent really believes that the purpose of Prosecutor Agosila in requesting for a continuance of the trial is merely to delay the proceedings, the former could have easily denied the request instead of ordering personally the arrest and confinement of the latter in jail along with hardened criminals. Assuming, without admitting, that Prosecutor Agosila was indeed unprepared on the day of the hearing, respondent should have taken into consideration the fact that the former is also an officer of the court who does not have to be treated the way he was treated and should have been accorded the appropriate respect from the judge."

WHEREFORE, for improperly citing Agosila for direct contempt and ordering his detention without sufficient legal basis, a fine in the amount of P2,500.00 is hereby IMPOSED upon respondent Judge Francisco Ma. Guerrero, Jr. with a STERN WARNING that a repetition of the same or similar acts in the future will be dealt with more severely.

Let a copy of this decision be entered in the records of respondent Judge.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Puno, and Mendoza, JJ., concur.

[1] Presiding Judge of the Regional Trial Court, Branch 34 of Calamba, Laguna.

[2] Assistant Provincial Prosecutor of Laguna.

[3] Entitled People of the Philippines vs. Amorino Sanchez and Tita Sales for Estafa Thru Falsification of Public Documents.

[4] G.R. Nos. 89591-96, 13 August 1990, 188 SCRA 530.

[5] No. L-60007, 29 February 1988, 158 SCRA 391.

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.