

CAMILO PEÑA Y VALENZUELA AND DOMINGO CAJIPE Y DACUNO, PETITIONERS, VS. THE COURT OF APPEALS (SPECIAL SECOND DIVISION), RESPONDENT.

G.R. No. L-30052. April 18, 1969

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d932b4a726a3/>

DIZON, J.:

In a second motion for reconsideration filed by petitioner Camilo Peña in his own behalf and in that of his co-petitioner Domingo Cajipe, he alleged, inter alia, the following:

"(a) That the instant Certiorari was DISMISSED FOR LACK OF MERIT on January 24, 1969, and copy of the Resolution was received by petitioners on February 4, 1969;

'(b) That a Motion For Reconsideration was filed by petitioners on February 14, 1969, and included in the agenda of this Court for February 17, 1969;

'(c) That on said date, February 17, 1969, it was resolved to refer the petition to the Solicitor General for comment which, to the humble opinion and experience of petitioners, is tantamount to giving the petition DUE COURSE;

'(d) That the resolution aforesaid was not released perhaps due to oversight or inadvertence, and the same Motion For Reconsideration was again naturally included in the agenda of this Court for February 25, 1969;

'(e) That on February 25, 1969, during the deliberation, the Honorable Justice 'ponente' of the case was incidentally absent, and the case was assigned accidentally to the Honorable Justice who dissents most often to the opinion of the absent Justice, and finally, to the misfortune of the poor petitioners, their Motion For Reconsideration was denied, copy of the resolution was received by petitioners on March 6, 1969;

"3) That these were the pure and true things that happened with the case of the poor petitioners herein who simply relied, firstly, in the sense of justice and fairness of all the members of this Highest Court of the land; and, secondly, on their own personal strenghts and arguments backed by pure hearts and clear conscience, without twisting, wresting or interpreting what unfortunately transpired therein";

In our resolution of March 14, 1969 We denied said second motion for reconsideration, and because some allegations therein made, particularly the ones reproduced above, were not true, petitioner Peña was required to show cause within ten days from notice why he should not be dealt with for contempt of court. On April 1, 1969 he filed a manifestation stating, inter alia, the following:

"(1) That when he prepared his Second Motion For Reconsideration aforementioned, his mind was in a state of emotional despondency—in frenzied desperation, frantically confused and bewildered, after he had learned that various police authorities were searching for him and scaring his children, armed with Warrant of Arrest issued by CFI Judge Arsenio Solidum, now the subject of petitioners' URGENT MOTION TO CITE FOR CONTEMPT filed with this Honorable Tribunal on March 14, 1969;

"(2) That petitioner Peña when he prepared the motion aforecited, his residence was under twenty-four hour strict surveillance—his wife being trailed to and from the market, his children closely shadowed to and from the school by the police with whom he learned to play hide and seek, NOT BECAUSE HE INTENDED TO DEFY THE COURT'S ORDER OF ARREST, BUT SIMPLY FOR THE REASON THAT HE WANTED FIRST, BEFORE HE SURRENDERS, TO TEST THE PROPRIETY, VALIDITY AND LEGALITY OF THE HONORABLE JUDGE SOLIDUM'S ORDER OF ARREST BEFORE THIS HIGHEST TRIBUNAL, CONSIDERING THAT THERE WAS AS STILL IS A CERTIORARI PENDING FINAL DETERMINATION—SUB-JUDICE IN NATURE; AND, THEREFORE, THE EXECUTION OF SENTENCE SO ENTHUSIASTICALLY AND OVER-ZEALOUSLY BEING PROMULGATED BY SAID HONORABLE JUDGE SOLIDUM WAS FOR CERTAIN PREMATURE, NOT TO SAY ILL-MOTIVATED, OPPRESSIVE, INSPIRED BY HATRED AND ILL WILL, CONTEMPTOUS, DESPOTIC, IF NOT ALTOGETHER UNLAWFUL;

"(3) That petitioner Peña aside from the fact that he was racing with time in the preparation of his Second Motion For Reconsideration (filed on the last day, March 11, 1969), coupled with the fact that he could not even go out to consult with another lawyer for fear of unlawful arrest, and neither had he a fair chance to verify the reports heard by his friends as relayed to him about the status of his first motion for reconsideration in the Supreme Court, all these taken together, he inevitably fell into the pit of gullibility by erroneously swallowing and taking such reports on their face value;

"(4) That upon a belated verification, he was amazed and aghast to discover that his allegations, more particularly those in paragraphs 2(a) to 2(e), have no basis in fact, but purely hearsay and half truth, and for that reason he now withdraws the same, and respectfully moves that they be stricken out from the records, WITH SINCEREST APOLOGIES TO THIS HONORABLE COURT.

"WHEREFORE, it is most respectfully prayed that leniency be extended to petitioner herein, considering his precarious situation and mental state of emotion, desparation and confusion at the time, and that the foregoing manifestation and/or explanation be considered by this Honorable Tribunal as adequately satisfactory."

While, considering the circumstances of the case, the above explanation and apology may be deemed sufficient to make up for petitioner a case of lack of malice and bad faith, it is, however, resolved that he, like any other member of the bar or party in a case before this court, is hereby admonished to carefully verify the truth and correctness of the statements of fact made in their pleadings, and that any subsequent similar misconduct on the part of petitioner Camilo Peña will be dealt with more severely.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Fernando, Capistrano, Teehankee and Barredo, JJ., concur.

Ruiz Castro, 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.