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10. Contempt

Contempt of court is a 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 of, to interfere with, or prejudice parties litigant or their witnesses during litigation. It is defined as a disobedience to the court by setting up an opposition to its authority, justice and dignity. It signifies not only a willful disregard or disobedience to the court's order 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.⁴⁸⁶

1. Two (2) kinds of Contempt

(Refer to the Table of Differences Between Direct and Indirect Contempt, *infra*)

2. Two (2) Aspects of Contempt

2.1 Civil Contempt is the failure to do something ordered to be done by a court or a judge for the benefit of the opposing party therein.⁴⁸⁷

2.2 Criminal Contempt is conduct directed against the authority and dignity of a court or of a judge, as in unlawfully assailing or discrediting the authority and dignity of a court or a judge or in doing a forbidden act.⁴⁸⁸

Note: A criminal contempt proceeding is in the nature of a criminal or quasi-criminal action and, therefore, punitive in nature. A civil contempt proceeding is remedial and civil in nature.

3. Decisions

3.1 The violation of a TRO issued by the SEC or any quasi-judicial tribunal is criminal contempt so that acquittal of the respondents is unappealable.⁴⁸⁹

3.2 A writ of execution issued by a court after five (5) years from entry of final judgment is void and disobedience thereto does not constitute indirect contempt.⁴⁹⁰

4. Necessity of Hearing

Previous hearing is required under Rule 71, Section 3 of the Revised Rules of Court, where an arrest and the subsequent detention of petitioner for her failure to appear at a hearing set by the trial judge is based on the commission of an indirect contempt. Without that hearing, the order violated the rules and deprived the petitioner of her liberty without due process.⁴⁹¹

Where a lawyer fails to obey a subpoena and likewise committed direct contempt for having disturbed the preliminary examination being conducted by the judge by repeatedly driving his jeep and honking its horn in the vicinity of the court session hall for which the lawyer was ordered arrested and confined in jail, the judge should

issue a separate order for such direct contempt, and another order requiring the lawyer to show cause why he should not be punished for disobedience to its process, to give the lawyer a chance to explain his failure to appear as a witness.⁴⁹²

5. Contempt by non-party

Generally, no contempt is committed by one not a party to the case. The remedy against such person is either a civil or criminal action.⁴⁹³ However, persons who are not parties in a proceeding may be declared guilty of contempt for willful violation of an order issued in a case if said persons are guilty of conspiracy with any one of the parties in violating the Court's order.⁴⁹⁴

6. Power to punish for contempt to be exercised in preservative not vindictive principle; what constitutes disobedience

Only in cases of clear and contumacious refusal to obey should the power be exercised. A bona fide misunderstanding of the terms of the order or of the procedural rules should not immediately cause the institution of contempt proceedings. 'The power to punish for contempt of court should be exercised on the preservative and not on the vindictive principle. Only occasionally should the court invoke its inherent power in order to retain the respect without which the administration of justice must falter or fail. Such power being drastic and extraordinary in its nature xxx should not be resorted to xxx unless necessary in the interest of justice.⁴⁹⁵

486 Halili v. Court of Industrial Relations, No. L-24864, April 30, 1985, 136 SCRA 112.

487 People v. Godoy, G. R. Nos. 115908-09, March 29, 1995, 243 SCRA 64.

488 Ibid.

489 Yasay v. Recto, G.R. No. 129521, September 7, 1999, 313 SCRA 739.

490 Crucillo v. Intermediate Appellate Court, G.R. No. 65416, October 26, 1999.

491 Bulado v. Navarro, G.R. No. 59442, February 2, 1988, En Banc, Minute Resolution.

492 Gardones v. Delgado, A. M. No. 120-MJ, July 23, 1974, 58 SCRA 58.

493 Ayog v. Cusi, Jr., G. R. No. 46729, November 19, 1982, 118 SCRA 492.

494 Desa Enterprises, Inc. v. Securities and Exchange Commission, G. R. No. L-45430, September 30, 1982, 117 SCRA 321.

495 Villavicencio v. Lukban, 39 Phil. 778 [1919]; Gamboa v. Teodoro., 91 Phil. 270 [1952]; Sulit v. Tiangco, G. R. No. L-35333, July 20, 1982, 115 SCRA 207; Lipata v. Tutaan, G. R. No. L-61643, September 29, 1983, 124 SCRA 877.

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