

CAROLINA QUINIO, PETITIONER, VS. COURT OF APPEALS, TOYOTA BEL-AIR, INC., ROBERT L. YUPANGCO, LEONARDO BAHIA AND ATTY. RUDY B. CANAL, RESPONDENTS.

G.R. No. 113867. July 13, 2000

Ponente: PURISIMA, J.

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PURISIMA, J.:

At bar is a petition for review on certiorari under Rule 45 of the Rules of Court of the Decision dated May 28, 1993 of the Court of Appeals in C.A. G.R. SP No. 29810.

The facts that matter are as follows:

Toyota Bel-Air, Inc. (TOYOTA) commenced Civil Case No. 91-1808 before the Regional Trial Court, Makati, Metro Manila[1] for recovery of damages with prayer for replevin of three (3) Toyota cars purchased by Manila Construction Development of the Philippines or John Doe, Austria Fil-Homes, Inc. or Roger Doe and Atty. Honor P. Moslares or Peter Doe. As prayed for, the lower court issued a Writ of Replevin for the seizure of the three vehicles involved.

Pursuant to the prayer for the issuance of a writ of replevin, the trial court judge, in an Order dated June 28, 1991, allowed the seizure of the three vehicles. Said writ resulted in the seizure of two (2) units, one of which was that of Carolina Quinio (Quinio), herein petitioner.

Petitioner Carolina Quinio, identifying herself as one of the John Does in the Complaint of TOYOTA, presented a Motion to Dismiss on the ground of lack of cause of action but in its Order of July 12, 1991 the trial court deferred resolution of subject motion until “trial on the merits pursuant to Sec. 3, Rule 16 of the Rules of Court”.[2]

A Petition for Certiorari with Prayer for Issuance of Writ of Preliminary Injunction was then brought before the Court of Appeals,[3] by the petitioner to annul (1) the Order deferring resolution of her Motion to Dismiss, and (2) the Writ of Replevin; theorizing that the same were issued with grave abuse of discretion.

On October 31, 1991, the Court of Appeals[4] decided in favor of petitioner Quinio by annulling the challenged Writ of Replevin and disposing thus:

“IN VIEW OF THE FOREGOING, the order granting the application for a writ of replevin issued by respondent Judge is hereby set aside and respondent Sheriff is directed to return the vehicles seized from petitioners (sic) pursuant to said writ.

The action may proceed with regard to private respondent’s claim for damages and for recovery of the purchase price of the subject vehicles.”[5]

With Toyota failing to appeal from the aforesaid decision, the same became final.

On May 25, 1992, petitioner Quinio filed with the Regional Trial Court of Makati, Branch 58, a “Motion to Order Plaintiff to Comply with the Court of Appeals’ Final Resolution”.^[6]

On June 24, 1992, petitioner also filed an “Ex-Parte Motion to Direct the Deputy Sheriff Honorio Santos and Plaintiff, thru its President and General Manager to comply with the Court of Appeals’ Decision”.^[7]

On July 1, 1992, the Makati Regional Trial Court directed the President and General Manager of TOYOTA to return petitioner Quinio’s motor vehicles within five (5) days from receipt of said order.^[8]

TOYOTA, thru its President Leonardo Bahia and General Manager Robert L. Yupangco, failed to comply with the said Order such that petitioner resorted to a Motion^[9] to cite Bahia, Yupangco and their counsel, Atty. Rudy Canal, in contempt under Section 3, Rule 71 of the Rules of Court for failing to comply with the said Order of July 1, 1992.

After the private respondents had filed their Comment,^[10] the trial court issued the assailed Order of October 5, 1995, holding private respondents guilty of indirect contempt pursuant to Section 3, Rule 71 of the Rules of Court and sentencing them thus:

“xxx Accordingly, each of the respondents are directed to pay a fine of P500.00 each pursuant to Section 6, Rule 71 of the Rules of Court. It is noted that per sheriff’s return dated July 27, 1992, the respondents herein were duly notified of the Order of July 1, 1992 directing them to return the car subject of this case to movant Carolina Quinio, and that despite said notice, said respondents failed to comply thereto without any justifiable reason.”^[11]

Denial of her Motion for Reconsideration of such Order prompted petitioner Quinio to bring a Petition for Certiorari before the Court of Appeals docketed as C.A. G.R. SP. No. 29810.

On May 21, 1993, the Court of Appeals came out with its disposition denying the petition. Petitioner Quinio’s Motion for Reconsideration met the same fate. It was similarly denied.

Undaunted, petitioner found her way to this Court via the present petition, posing as sole issue - whether or not the private respondents, after having been declared guilty of indirect contempt under Section 3, Rule 71, should have been indefinitely incarcerated pursuant to Section 7, Rule 71 until the act ordered by the court has been obeyed, and not merely fined Five Hundred (P500.00) Pesos each under Section 6, Rule 71.

Petitioner posits that since the Court has adjudged the private respondents guilty of indirect contempt under Section 3, Rule 71^[12] of the Rules of Court, thus indefinite incarceration under Section 7, Rule 71^[13] of the Rules of Court should have been imposed in order to compel TOYOTA to comply with subject disobeyed Order of the Court.

Private respondents, on the other hand, agreed with the ruling of the Court of Appeals that the applicable provision is Section 6, Rule 71^[14] which reads:

Section 6. Punishment if found guilty.- If the accused is thereupon adjudged guilty of contempt committed against a superior court or judge, he may be fined not exceeding one thousand pesos or imprisoned not more than six (6) months, or both, if adjudged guilty of contempt committed against an inferior court or judge, he may be fined not exceeding one hundred pesos or imprisoned not more than one (1) month, or both, and if the contempt consist in the violation of an injunction, he may also be ordered to make complete restitution to the party injured by such violation.

The Court of Appeals also ratiocinated:

“Thus, Section 6, Rule 71, of the Revised Rules of Court provides for the punishment if the accused is

adjudged guilty of contempt while Section 7 of the same Rule, for imprisonment to compel the accused to perform an act which is within his power to do. xxx xxx xxx And it is discretionary on the part of the Court to avail itself of that provision. Note the rule as worded, ‘When the contempt consists in the omission to do an act which is yet in the power of the accused to perform, he may be imprisoned by order of a superior court until he performs it.’ In not granting the petitioner’s motion for reconsideration (Annex K, petition), the Regional Trial Court must have been persuaded by the respondents’ argument that the return of the subject vehicle to the petitioner should be made after the main case (Civil Case No. 91-1808) shall have been finally resolved. Besides, a contempt proceeding partakes of the nature of a criminal action (Pajao vs. Provincial Board of Canvassers, 88 Phil 588; Concepcion, Jr. vs. Gonzales, 4 SCRA 1124; Fuentes vs. Leviste, 117 SCRA 958). xxx”[15]

The petition is meritorious.

There is no question that private respondents are guilty of indirect contempt pursuant to Section 3(b) of Rule 71 of the Rules of Court. What petitioner assails is the imposition of a fine of Five Hundred (P500.00) Pesos and the non-application of Section 7, Rule 71 on indefinite incarceration.

It has been held that:

“xxx 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 or 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 of the court’s orders 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.” [16]

Under the rules, the penalty for contempt is prescribed by Section 6, Rule 71 of the Rules of Court, which gives the court the power to decide whether a fine of not exceeding One Thousand Pesos or imprisonment of not more than six (6) months, or both should be imposed.

Section 7 of the same rule provides for indefinite incarceration in civil contempt proceedings to compel a party to comply with the order of the court. This may be resorted to where the attendant circumstances are such that, the non-compliance with the court order is an utter disregard of the authority of the court which has then no other recourse but to use its coercive power.

The reason for indefinite incarceration in civil contempt proceedings, in proper cases, is that it is remedial, preservative, or coercive in nature. The punishment is imposed for the benefit of complainant or a party to a suit who has been injured. Its object is to compel performance of the orders or decrees of the court, which the contemnor refuses to obey although able to do so.[17] Imprisonment for civil contempt proceeding relates to something to be obeyed by the contemnor by the compliance with which he may discharge himself. Thus, in civil contempt it is aptly said that the contemnor carries the key of his prison in his pocket. [18]

However, in applying Sections 6 and 7, Rule 71, it should be kept in mind[19] that the power to punish for contempt should only be exercised on the preservative and not on the vindictive principle.[20] As held in the early case of Villavicencio vs. Lukban,[21] “[o]nly occasionally should the court invoke its inherent power in order to retain that respect without which the administration of justice must falter or fail”. Being “drastic and extraordinary” in its nature, contempt power should not be availed of unless necessary in the interest of justice. Although the courts have inherent power to impose a penalty for contempt, this power to penalize must be reasonably commensurate with the gravity of the offense. And when it comes to failure to obey courts’ orders and processes, to the fore is the observation made by the late Chief Justice Cesar Bengzon in Gamboa vs. Teodoro, et al.,[22] that “xxx Courts should be slow in jailing people for noncompliance with their orders”. But, where there

exists a clear and contumacious refusal to obey court orders or processes by the parties, the power to order that a party be indefinitely incarcerated can be imposed.

Applying the foregoing principles in the present case, the Court believes, and so finds, that private respondents did show a clear and contumacious behavior warranting their indefinite incarceration, as prescribed by Section 7, Rule 71 of the Revised Rules of Court. Not only did they unlawfully deprive petitioner QUINIO of her vehicle, they blatantly disregarded the orders of the trial court to return the same despite their ability to comply with said orders. As can be gleaned from the records, the Court of Appeals' decision, dated October 31, 1991, in CA-G.R. SP. No. 25796, entitled "Farida Tanedo and Carolina Quinio vs. Hon. Zosimo Angeles, et al." which set aside the writ of replevin issued by the court a quo and directed the return of subject vehicle belonging to petitioner Carolina Quinio, has already become final and executory. To enforce said decision, the court a quo issued an Order dated July 1, 1992, directing private respondent Toyota Bel-Air, Inc., thru its officers, to return the vehicle of petitioner. However, private respondents refused to comply therewith. Having failed to show any justifiable reason why they have repeatedly ignored the trial court's orders, private respondents should be indefinitely incarcerated for disobeying orders, until such time that they are able to comply with the same.

The Court cannot therefore uphold the imposition below of a fine of Five Hundred (P500.00) Pesos. This will set a precedent, long avoided by the Court, for its orders to be easily disregarded and rendered inutile when the only sanction for their refusal to comply with the same, without justifiable reason, is an imposition of measly fines.

WHEREFORE, the petition is GRANTED; and the Decision of the Court of Appeals in CA-G.R. SP. No. 29810 REVERSED and SET ASIDE. It is hereby ordered that private respondent Toyota Bel-air, Inc. thru its officers Robert L. Yupangco, Leonardo Bahia and their counsel, Atty. Rudy B. Canal be placed in custody and kept in confinement by the Sheriff in the case until the Order, dated July 1, 1992, directing them to return the subject car is complied with, or until further orders. No pronouncement as to costs.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

[1] Penned by Judge Zosimo Z. Angeles, Branch 58 .

[2] Rollo, p. 59.

[3] Docketed as C.A. G.R. No. 25796 – S.P.

[4] Penned by Justice Santiago M. Kapunan and concurred in by Justice Segundino G. Chua and Quirino D. Abad Santos, Jr.

[5] Rollo, page 76.

[6] Rollo, page 82.

[7] Rollo, page 80

[8] Rollo, page 86.

[9] Rollo, page 87; Motion to Cite Leonardo Bahia (Plaintiffs General Manager), Plaintiff's President and Atty. Canal for Contempt of Court.

[10] Rollo, page 91.

[11] Rollo, page 100.

[12] “Section 3. Indirect contempt to be punished after charge and hearing. – xxx

xxx xxx xxx

(b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, xxx”

[13] Now Section 8 of the 1997 Revised Rules of Court.

[14] Now Section 7 of the 1997 Revised Rules of Court.

[15] Rollo, page 23.

[16] Abad vs. Somera, 187 SCRA 75, 84-85 citing: Halili vs. Court of Industrial Relations, 136 SCRA 112,135.

[17] 17 C.J.S. , § 91, pp. 263-264 .

[18] 17 C.J.S., § 93, page 269 citing the case of Penfield Co. of California vs. Securities and Exchange Commission , Cal., 67 S. Ct. 918, 330 U. S. 585, 91 L. Ed. 1117.

[19] 17 Am Jur 2d, § 105, page 91, citing the case of Beach vs. Beach, 79 Ohio App 397, 35 Ohi Ops 172, 74 NE2d 130.

[20] Paredes-Garcia vs. Court of Appeals, 261 SCRA 693, 705; De Guia vs. Guerrero, Jr., 234 SCRA 625, 630; People vs. Maceda, 188 SCRA 532, 551; Oliveros vs. Villaluz, 57 SCRA 163, 175; Villavicencio vs. Lukban, 39 Phil 778, 798.

[21] 39 Phil 778.

[22] 91 Phil 270.

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