

ANGEL H. QUIZON, PETITIONER, VS. HON. COURT OF APPEALS, HON. HARRIET O. DEMETRIOU, IN HER CAPACITY AS PRESIDING JUDGE, RTC, BRANCH 70, PASIG CITY AND ANTONIO L. SANCHEZ, RESPOND...

G.R. No. 127819. April 27, 2004

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TINGA, J.:

The Court is here confronted with a Petition that is moot in one aspect and premature in another. Consequently, the Petition must be denied.

Sometime in November 1993, in connection with Criminal Case Nos. 101141-47, entitled *People of the Philippines versus Antonio L. Sanchez, et al.*, Atty. Manuel P. Cruz, then Chief of the Legal Division of Philippine National Police-Central Investigation Service Command (PNP-CISC), filed an ex-parte motion to transfer the custody of accused Antonio L. Sanchez from the CISC Custodial Center to the PNP Custodial Center before the Regional Trial Court. After an ocular inspection, respondent Judge Harriet O. Demetriou denied the request.

On January 26, 1994, the Chief of the Prosecution Division of the legal office of the CIS, Atty. Joselito A.Z. Casugbo, filed another motion to transfer Sanchez from the CISC Detention Center to the PNP Custodial Center. Atty. Casugbo alleged that there was a recent intelligence report indicating that a member of the PNP assigned to the CISC was a very close friend of Sanchez and had made arrangements for his rescue. He further alleged that in the first week of January 1994, a high ranking police officer of the CISC was offered a huge amount of money for the detainee's escape. This time, respondent Judge granted the motion.

On January 31, 1994, one of the lawyers of the accused Sanchez, Atty. Mario E. Ongkiko, filed a motion to cite petitioner Chief Supt. Angel H. Quizon, then Chief of the CISC, in contempt of court for allegedly fabricating the so-called intelligence report.

After initially failing to attend the first hearing, petitioner appeared at the contempt proceedings on February 7, 1994. Petitioner testified that he was the police officer who was offered a P100 million bribe. However, when questioned as to the identity of the bribe offeror, petitioner declined to answer, alleging that it was classified information.[1] When pressed further, petitioner added that he was concerned for the security and safety not only of himself but also of his family because the proponent is allegedly powerful and influential in government.[2]

For petitioner's refusal to disclose the identity of the bribe offeror, Sanchez's counsel moved that petitioner be declared guilty of contempt of court. On February 8, 1994, respondent Judge declared petitioner in contempt and ordered him incarcerated until further action of the court.

On February 14, 1994, or seven (7) days after his arrest, petitioner filed an Urgent Ex-Parte Manifestation and Motion for Reconsideration of the Order dated February 8, 1994, this time invoking a totally different justification for his refusal to answer: his constitutional right against self-incrimination. He claimed that by divulging the identity of the offeror, the latter may charge him with false testimony, or even incriminating innocent person,

defined and punished by Articles 183 and 363 of the Revised Penal Code, respectively.[3] Petitioner likewise reiterated that the information is classified based on an “unwritten law” practiced by all police organizations worldwide.[4] On the same day, the trial court issued an order which considered petitioner’s seven (7) days of confinement as full service for the direct contempt.

On February 18, 1994, the court a quo denied petitioner’s motion for reconsideration.

Thereafter, petitioner filed a Petition for Certiorari and Prohibition with Preliminary Injunction and Temporary Restraining Order before the Court of Appeals, assailing respondent Judge’s Orders dated February 8 and 18, 1994.

While the petition was pending resolution in the Court of Appeals, the PNP initiated an administrative case for summary dismissal against petitioner. As a result, the petition before the Court of Appeals was amended on February 20, 1995 to include then PNP Director General Recaredo Sarmiento as one of the respondents. Eventually, the Court of Appeals dismissed the petition for lack of merit.

Petitioner thus filed the present Petition before this Court assailing the Court of Appeals Decision for holding that a conviction for direct contempt is not correctible by certiorari and prohibition, that the conviction of the petitioner is in order, and that he was not denied due process of law by reason of prejudicial publicity. Petitioner prays that the Court not only reverse the Decision of the Court of Appeals but also to enjoin the PNP from proceeding with the administrative charges against him based on the orders subject of the instant petition or declare void any action taken relative thereto.[5]

The Petition is denied.

In direct contempt cases, the matter becomes a *fait accompli* once the penalty has been executed by the contemnor’s service of the penalty of imprisonment.[6] In the present case, respondent Judge has deemed petitioner’s incarceration of seven (7) days as full service for direct contempt. Plainly, the petition is moot.

That administrative charges have been leveled against petitioner does not render the case less so. The administrative case against petitioner stems from the same facts that gave rise to the contempt proceedings and not on the fact that petitioner was found guilty of contempt by respondent Judge. In recommending the institution of summary proceedings against petitioner, Police Chief Insp. Ceferino Nunag found:

- As an officer with the rank of Chief Superintendent, one commands the respect of his peers and subordinates. In a court room, a lawyer is being accorded with the same respect as an officer of the Court. P/CSupt. Angel Quizon, a star-rank officer and a lawyer on 07 Feb 1994, compromised these positions. He opened the floodgates of suspicion when he repeatedly refused to heed the order of the court to identify his bribe offeror. His conflicting explanation on why he defied the order of the court made him “less than fair and candid in dealing with the magistrate.” Moreover, “it was certainly misbehavior not to speak of misconduct on his part to give impression or insinuation to the Court that there was strong proof of reliability on the bribe story.” Short of saying that an attempt to fool the court did not materialize, the court declared that P/Chief Supt. Quizon merited the penalty of direct contempt.

- More particularly, P/Chief Supt. Quizon dishonored and disgraced himself as a member of the PNP and officer of the Court in refusing to identify his bribe offeror. Furthermore, P/Chief Supt. Quizon made irresponsible remarks to the questions of the defense counsel of Mayor Sanchez as appearing in the stenographic notes in Crime Cases No. 101141-47 of the People of the Philippines vs. Antonio Sanchez, et al....

....

- The word of an officer is his badge of honor. It must be beyond reproach. The last paragraph of the Police Officer's creed speaks of the wisdom of truthfulness. That a policeman "must be trustworthy and shall speak the truth at all times as required by his profession." For a man in uniform to be branded as untruthful under whatever circumstances brings disgrace and dishonor to the organization he represents.

- P/Chief Supt. Quizon's weakness in moral character was observed when in the same stenographic notes, specifically on page 49, P/Chief Supt. Quizon stated that security not only to himself but the entire members of his family is paramount reason why he cannot tell before the court the identity of the bribe offeror. This statement elicited sarcastic remarks not only from the defense counsel but the court itself who maybe could not believe that such remark is coming from a PNP General holding at that a key

position such as the Dir[.] of CISC.

- We have our solemn oath to perform our sworn duty over and above our obligation to our family. Although we are but human to "subject that oath over our concern for our love ones, still, it is unethical for a man in uniform to shrink from that responsibility, more so if declared openly. Citing again the Police Officer's Creed, we have vowed "selfless love and service to the people." As a consequence, "we commit ourselves to the service of our fellowmen over an above our personal convenience."

- Whatever reasons P/Chief Supt. Quizon has at that moment, the fact remains that the PNP in general was placed in a very bad light. The ridicule he received and the embarrassment it generated affected the whole officer corps. He can blame no one but himself is the whole PNP organization was enraged by his conduct for he failed to conform to that high standards of propriety and correct behavior. Sadly, this episode was recently repeated in the halls of the Senate at the expense of the PNP.[7]

Thus, any decision rendered on the merits of this case would not affect the disposition of the administrative case against petitioner, administrative cases being entirely independent of contempt proceedings.

Finally, petitioner claims that the institution of the administrative case is unwarranted since his refusal to answer was made in the exercise of his right against self-incrimination.[8] This plea is premature, however, since it does not appear that the administrative tribunal already had to rule on the matter then, assuming that petitioner has even raised that argument therein.

WHEREFORE, the Petition is denied.

SO ORDERED.

Puno, (Chairman), Quisumbing, and Callejo, Sr., JJ., concur.
Austria-Martinez, J., no part.

[1] Rollo p. 113.

[2] Id. at 119.

[3] Id. at 138.

[4] Id. at 140.

[5] Id., p. 387.

[6] Edillon v. Ferandos, G.R. No. L-31255, 31 May 1982, 114 SCRA 155.

[7] Rollo, pp. 219-221.

[8] Id. at 385-386.

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