

**NICASIO I. ALCANTARA, BIENVENIDO TAN III, SIMEON A. REYES,
AND ALFREDO R. DE BORJA, PETITIONERS, VS. VICENTE C. PONCE,
NELIA C. PONCE, LEVI B. MARIANO, DANILO L. PATRON, MANUEL ...**

G.R. NO. 131547. December 15, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before this Court is an original Petition for Contempt under Rule 71 of the 1997 Rules of Civil Procedure.

ITHE PRECEDING CASES

The antecedent facts of the Petition at bar are rooted in two cases which had been previously resolved by this Court, namely, *Ponce, et al. v. Securities and Exchange Commission, et al.* (G.R. No. 107651) and *Ponce, et al. v. Court of Appeals, et al.* (G.R. No. 116054). In order for this Court to reach a comprehensive understanding of the present Petition, it is necessary to also recount the developments in the two earlier cases.

A

Ponce, et al. v. Securities and Exchange Commission, et al.
(G.R. No. 107651)

Back in 1983, a dispute arose between Nicasio I. Alcantara, Bienvenido Tan III, Simeon A. Reyes, and Alfredo R. De Borja (the Alcantara Group), on one hand, and Vicente C. Ponce, Nelia C. Ponce, and Levi B. Mariano (the Ponce Group), on the other, over ownership of the majority of the stockholdings in Iligan Cement Corporation (ICC). In their Complaint with the Securities and Exchange Commission (SEC), dated 08 August 1983,[1] and docketed as SEC Case No. 2507, the Ponce Group claimed to have acquired 58.83% of the total subscribed and outstanding shares of ICC based on several unrecorded stock payments made by respondent Vicente C. Ponce to ICC. The Alcantara Group, however, asserted that the Ponce Group owned no more than 10.5% of the subscribed and outstanding common shares of ICC.[2]

After nine years of investigation, the SEC Hearing Officer, Alberto P. Atas, rendered a Decision[3] on 01 September 1992, in favor of the Ponce Group, a copy of which was received by the Alcantara Group on 03 September 1992.[4] On 21 September 1992, the Alcantara Group filed their Notice of Appeal[5] and Memorandum of Appeal,[6] requesting the SEC En Banc to reverse and set aside the Decision by SEC Hearing Officer Atas, dated 01 September 1992. Petitioner Alcantara filed his own Supplemental Memorandum on Appeal[7] with the SEC, while the rest of the petitioners, Tan, Reyes, and De Borja, filed their consolidated Supplemental Memorandum on Appeal[8] with the SEC on 02 October 1992.

On 24 September 1992, SEC Hearing Officer Atas issued an Order,[9] which reads thus –

ORDER

The Appeal taken by the respondents from the Decision dated September 1, 1992 rendered in the above-entitled case, having been filed before this Commission within the reglementary period and the corresponding appeal bond having been paid thereon, let the entire records of the above-entitled case be, as it is hereby forwarded to the Commission En Banc.

This was followed by another Order,[10] issued by SEC Associate Commissioner Fe Eloisa C. Gloria on 13 October 1992, which stated that the SEC En Banc, acting upon the Memoranda on Appeal filed by the Alcantara Group, was now directing the Ponce Group to file/submit their Reply and/or Comment thereto.

The Ponce Group, through their counsel, Atty. Alan F. Paguia, strongly opposed the appeal to the SEC En Banc by the Alcantara Group of the Decision by SEC Hearing Officer Atas, dated 01 September 1992. In his urgent motion,[11] dated 01 October 1992, filed with SEC Hearing Officer Atas, and Comment,[12] dated 28 October 1992, submitted to the SEC En Banc, Atty. Paguia argued that the appeal by the Alcantara Group was filed beyond the 15-day reglementary period for filing an appeal as provided under Section 15, Chapter 3, Book VII of Executive Order No. 292, otherwise known as the Administrative Code of 1987.[13] The Alcantara Group received a copy of the Decision by SEC Hearing Officer Atas, dated 01 September 1992, on 03 September 1992; they then had only until 18 September 1992 to file an appeal with the SEC En Banc. Since the Alcantara Group perfected its appeal only on 21 September 1992, the Decision by SEC Hearing Officer Atas, dated 01 September 1992, had already become final and executory.

In an Order,[14] dated 06 November 1992, SEC Hearing Officer Atas denied the urgent motion of Atty. Paguia, dated 01 October 1992, and found that the appeal by the Alcantara Group was timely filed. Pursuant to Section 6 of Presidential Decree (P.D.) No. 902-A,[15] the decree that reorganized the SEC and granted it additional powers, and Section 3, Rule XVI of the SEC Revised Rules of Procedure,[16] the reglementary period for filing an appeal of a decision by an SEC Hearing Officer to the SEC En Banc was 30 days. Only 18 days had elapsed from 03 September 1992 (the date the Alcantara Group received a copy of the Decision by SEC Hearing Officer Atas, dated 01 September 1992) to 21 September 1992 (the date of filing of their appeal of the said Decision to the SEC En Banc); hence, the appeal was made well-within the prescribed period for appeal to the SEC En Banc. SEC Hearing Officer Atas determined that P.D. No. 902-A, as a special law, prevailed over the Administrative Code of 1987, which was a general law.

Atty. Paguia, as counsel of the Ponce Group, filed before this Court a Petition for Certiorari, Prohibition and Mandamus,[17] dated 13 November 1992, and docketed as G.R. No. 107651, assailing the Orders issued by SEC Hearing Officer Atas, dated 24 September 1992 and 06 November 1992, and by SEC Associate Commissioner Gloria, dated 13 October 1992, which, in effect, recognized and gave due course to the appeal filed by the Alcantara Group with the SEC En Banc. The SEC officials, in issuing the questioned Orders, allegedly acted without or in excess of their respective jurisdiction, or with grave abuse of discretion, and unlawfully neglected or refused to perform their ministerial duty to issue the requested order for execution of the Decision by SEC Hearing Officer Atas, dated 01 September 1992, which had become final and executory by operation of law.

The Third Division of this Court,[18] in a Resolution,[19] dated 02 December 1992, dismissed the Petition on the basis of Circular 1-91, dated 27 February 1991, which provided that appeals from the final order, decision, or judgment of a quasi-judicial agency, such as the SEC, should be appealed to the Court of Appeals. In a subsequent Resolution,[20] dated 20 January 1993, the Third Division of this Court denied the motion, filed by the Ponce Group, for reconsideration of its earlier Resolution, dated 02 December 1992, and declared the said denial as final, there being no compelling reason to reconsider the dismissal of the Petition in G.R. No. 107651.

This prompted Atty. Paguia to institute, in his own name, an Administrative Complaint,[21] dated 15 February 1993, before this Court En Banc, against the Chairman and members of the Third Division, asserting that the Resolutions, dated 02 December 1992 and 20 January 1993, issued by the said Division were unjust and void ab initio. This Court En Banc, however, in a Resolution,[22] dated 11 March 1993, found that the administrative complaint was a mere incident of G.R. No. 107651 and was, in reality, a second motion for reconsideration. Declining to resolve the administrative complaint, this Court En Banc directed the Third Division to take the appropriate action thereon. Following the lead of this Court En Banc, the Third Division, in its Resolution,[23] dated 17 March 1993, treated the administrative complaint as a second motion for reconsideration and denied the same for utter lack of merit. According to the Third Division, the Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure in G.R. No. 107651 was a strategy to avoid the provisions of Circular 1-91. The remedy of Certiorari under Rule 65 would merely be an incident to a case still pending before a quasi-judicial body, the review of a final decision or order of which falls within the exclusive jurisdiction of the Court of Appeals. Therefore, the dismissal of the Petition in G.R. No. 107651 could not be considered unjust.

Since the Resolution issued by the Third Division of this Court, dated 02 December 1992, dismissing the Petition in G.R. No. 107651, had become final and executory as of 26 March 1993, it was consequently recorded in the Book of Entries of Judgments on 21 October 1993.[24]

B

Ponce, et al. v. Court of Appeals, et al.
(G.R. No. 116054)

While G.R. No. 107651 was pending before this Court, the SEC En Banc proceeded to give due course to the appeal filed by the Alcantara Group of the Decision by SEC Hearing Officer Atas, dated 01 September 1992. The SEC En Banc, in its Order,[25] promulgated on 29 March 1993, overturned the appealed Decision and found for the Alcantara Group instead. It observed that the alleged stock payments made by herein respondent Vicente C. Ponce were not supported by any subscription contract. Moreover, the Ponce Group had been signing documents showing the stockholders and their respective stockholdings in ICC but never raised any objection thereto. This was tantamount to an admission that the stockholdings as stated in the books and records of ICC were valid and reflective of the true ownership of the shares of stock in the said corporation. The SEC En Banc denied the motion for reconsideration filed by the Ponce Group in its Resolution,[26] dated 03 January 1994.

The Ponce Group appealed to the Court of Appeals the Order of the SEC En Banc, dated 29 March 1993, and the Resolution, dated 03 January 1994, denying their motion for reconsideration.[27] The Ponce Group raised only one issue before the Court of Appeals: Whether the Decision by SEC Hearing Officer Atas, dated 01 September 1992, had already become final and executory as of 18 September 1992, in accordance with the provisions of the Administrative Code of 1987. On 18 March 1994, the Court of Appeals rendered its Decision,[28] resolving the issue in the negative and finding that the Alcantara Group filed its appeal of the Decision by SEC Hearing Officer Atas, dated 01 September 1992, to the SEC En Banc within the 30-day reglementary period for appeal set by P.D. No. 902-A. The Court of Appeals adopted the position of the SEC En Banc that the period to appeal a Decision by an SEC Hearing Officer to the SEC En Banc was 30 days, as provided in P.D. No. 902-A, and not the shorter period of 15 days, as limited by the Administrative Code of 1987. P.D. No. 902-A,[29] a special law that exclusively pertained to the SEC, should prevail over the Administrative Code of 1987,[30] which generally applied to all government agencies, because pursuant to the established rule of statutory construction, a subsequent general law could not repeal a prior special law. Furthermore, the 15-day appeal period provided for in the Administrative Code of 1987 applied only to appeals from a final decision of an agency, which was, in this case, the SEC En Banc, to the Court of Appeals. It did not apply to internal appeals within the same agency or

administrative body. The Court of Appeals denied the motion for reconsideration filed by the Ponce Group in a Resolution,[31] dated 21 June 1994.

The Ponce Group, now represented by their new counsel, Atty. Lino M. Patajo, filed with this Court a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure.[32] The said Petition, dated 15 July 1994, was docketed as G.R. No. 116054, and once again assigned to the Third Division. In their Petition, the Ponce Group maintained that the appeal filed by the Alcantara Group of the Decision by SEC Hearing Officer Atas, dated 01 September 1992, to the SEC En Banc was made beyond the 15-day appeal period provided by the Administrative Code of 1987, and, thus, the said Decision by SEC Hearing Officer Atas, dated 01 September 1992, in favor of the Ponce Group, had already become final and executory. Acting on the Petition, the Third Division of this Court issued a Resolution,[33] dated 15 August 1994, which reads, in part, as follows –

G.R. No. 116054 (Vicente C. Ponce, Nelia G. Ponce and Levi B. Mariano vs. Court of Appeals, et al.) – Considering that the instant petition is identical with G.R. No. 107651 which had already been dismissed in the resolution of December 3, 1992 [sic] and which dismissal had already become final and entry of judgment had already been made on February 3, 1993 [sic], the Court Resolved:

(a)

to DENY the petition for review on certiorari of the decision dated March 18, 1994 of the Court of Appeals in CA G.R. Sp. No. 33050; and ...

The Ponce Group submitted a motion,[34] dated 22 September 1994, for reconsideration of the above-quoted Resolution, dated 15 August 1994, denying their Petition in G.R. No. 116054. Even before the Third Division of this Court could act upon their motion for reconsideration, the Ponce Group filed another motion,[35] dated 04 October 1994, to have G.R. No. 116054 referred to this Court En Banc or, in the alternative, to another Division, so as to avoid any suspicion that the disposition of the case would be influenced by the resentment of the members of the Third Division which may have arisen from the unjust accusations leveled against them by Atty. Pagua, the former counsel of the Ponce Group.

In a Resolution,[36] dated 19 October 1994, the Third Division of this Court denied the motion, filed by the Ponce Group, for reconsideration of its earlier Resolution, dated 15 August 1994, which had already denied their Petition in G.R. No. 116054. According to the Resolution, dated 19 October 1994, the motion for reconsideration did not present any substantial reasons not previously invoked nor any matters not already considered and passed upon by this Court, and accordingly, this Court resolved to deny the motion for reconsideration for lack of merit; such denial was expressly declared as final. Given its resolve to deny the Petition in G.R. No. 116054, the Third Division of this Court merely noted in the same Resolution, the submission by the Ponce Group of the motion, dated 04 October 1994, to refer G.R. No. 116054 to this Court En Banc.

Refusing to give up their cause just yet, the Ponce Group, through their counsel, Atty. Patajo, filed a motion[37] for leave to file a second motion for reconsideration of the Resolution, dated 15 August 1994, denying their Petition in G.R. No. 116054, together with the said second motion[38] for reconsideration, both motions being dated 17 November 1994. Consistent with its earlier Resolutions, however, the Third Division of this Court issued another Resolution[39] on 07 December 1994 denying the motion for leave to file a second motion for reconsideration filed by the Ponce Group, and noted without action the attached second motion for reconsideration.

On 10 January 1995, Atty. Danilo L. Patron entered his appearance[40] as counsel for the Ponce Group and as substitute for Atty. Patajo, who withdrew from the case.[41] On the same day, Atty. Patron filed a motion[42] for reconsideration of the Resolution, dated 07 December 1994, denying the motion for leave to file a second motion

for reconsideration by the Ponce Group. As it had done with previous motions of the Ponce Group, the Alcantara Group filed an opposition,[43] dated 23 January 1995, to this most recent motion for reconsideration submitted by their opponents; and Atty. Patron, on behalf of the Ponce Group, in turn, submitted a Reply,[44] dated 30 January 1995, to the aforementioned opposition.

While awaiting action by this Court on their latest motion for reconsideration, the Ponce Group, through their counsel, Atty. Patron, submitted to this Court an omnibus motion,[45] dated 18 April 1995, seeking the inhibition of three members of the Third Division, namely, Justices Florentino P. Feliciano, Florida Ruth P. Romero, and Jose A.R. Melo, from participating in the deliberations of G.R. No. 116054. They questioned the ability of the said Justices to act impartially and without bias considering the close ties of Justice Feliciano to a director of the ICC and the civil case for damages instituted by Atty. Paguia, their former counsel, against Justices Romero and Melo.

The Alcantara Group, on the other hand, subsequently filed a motion,[46] dated 03 August 1995, to cause entry of judgment in G.R. No. 116054. On 14 August 1995, Atty. Paguia, once again entering his appearance as collaborating counsel for the Ponce Group, opposed the motion filed by the Alcantara Group for entry of judgment, and prayed for the resolution of the case by this Court En Banc.[47] The Alcantara Group, contending that the opposition filed by Atty. Paguia did not advance anything new, reiterated on 24 August 1995 their motion to cause entry of judgment in G.R. No. 116054.[48]

Acting upon and addressing all the afore-mentioned pleadings and motions filed by the parties, the Third Division of this Court issued a Resolution[49] on 02 October 1995, pertinent portions of which are reproduced below –

Petitioners[50] have already denied any connection with Atty. Paguia regarding the handling of the instant petition when they stated in the required certification on non-forum shopping (p. 17, Rollo) that Atty. Paguia filed the said complaint in his personal capacity "and without any authority to represent me and/or my co-petitioners...." In fact, petitioners were represented by Atty. Lino M. Patajo from the inception of this petition until January 9, 1995, when he formally withdrew his appearance as such counsel. He was replaced by Atty. Danilo L. Patron, who entered his appearance as counsel for petitioners on January 10, 1995. In the meantime, Atty. Paguia entered his appearance on August 14, 1995 as collaborating counsel for petitioners. The records, however, do not show if petitioners have any knowledge of, or have given their consent to, said appearance.

It is logical, therefore, that with the severance of ties between the petitioners and their former counsel who filed a damage suit against certain members of this Division, including Justices Romero and Melo, petitioners' fears of unfairness and partiality are not only misplaced but unwarranted. The fact that Atty. Paguia has entered his appearance as collaborating counsel for petitioners does not in any conceivable way revive such apprehensions.

Finally, as in the case of Justice Feliciano, the question that begs answer is why this issue was raised only on October 5, 1994[51] in the "Motion to Have Case Referred to Court En Banc" (p. 337, Rollo), after the petition was dismissed on August 15, 1994 and after previous efforts of petitioners to re-open the case have failed.

It is obvious that the omnibus motion of April 18, 1995 was filed as a last-ditch effort to resuscitate a lost cause, even to the extent of harassing the members of the Third Division.

The counsel for private respondents have filed several motions and manifestations clamoring for an entry of judgment in this case considering that petitioners' motion for leave to file a second motion for reconsideration was denied in the resolution of December 7, 1994.

ACCORDINGLY, to put an end to this case once and for all, this Court resolved:

1) to NOTE WITHOUT ACTION:

a)

the omnibus motion filed by counsel for petitioners dated April 18, 1995; and

b)

the appearance of Atty. Alan F. Pagua as collaborating counsel for petitioner, dated August 14, 1995, with opposition to the aforesaid motion to cause entry of judgment;

2) to GRANT the motion to cause entry of judgment dated August 3, 1995, filed by counsel for private respondents Nicasio I. Alcantara, et al.; and

...

The Clerk of Court, this Division, is hereby instructed to cause an entry of judgment in the instant petition.

No further pleadings shall be entertained in this case.

Given that the Resolution issued by the Third Division of this Court, dated 15 August 1994, denying the Petition for Review on Certiorari in G.R. No. 116054, had become final and executory as of 16 November 1994, it was accordingly recorded in the Book of Entries of Judgments on 05 October 1995.[52]

Despite the entry of judgment in G.R. No. 116054 on 05 October 1995 and the pronouncement of the Third Division of this Court that no further pleadings shall be entertained in the said case, Atty. Manuel Luis G. Limpin entered his appearance as collaborating counsel for the Ponce Group on 14 October 1995, with Atty. Patron as the lead counsel.[53] On the same date, the Ponce Group, as represented by Attys. Patron and Limpin, filed a motion[54] for leave to admit their motion for reconsideration, with the attached motion[55] for reconsideration, of the Resolution of the Third Division of this Court, dated 02 October 1995, which had denied once and for all their Petition in G.R. No. 116054 and ordered the entry of judgment in the said case. On 17 October 1995, Atty. Pagua withdrew as counsel for the Ponce Group.[56]

In consideration of its Resolution, dated 02 October 1995, all the aforementioned pleadings filed thereafter were merely noted by the Third Division of this Court in its Resolution,[57] dated 13 November 1995, without taking any action thereon.

The Ponce Group, through their counsels, Attys. Patron and Limpin, persisted though by filing yet more motions: (1) a motion,[58] dated 18 December 1995, for leave to file a motion to resolve issue and to set aside entry of judgment; (2) the aforementioned motion[59] to resolve issue and to set aside entry of judgment, also dated 18 December 1995; and (3) a motion,[60] dated 19 March 1996, for early resolution of the motion for leave to file attached motion to resolve issue and to set aside entry of judgment. All of these foregoing motions were noted without action by the Third Division of this Court in its Resolution,[61] dated 28 February 1996, wherein it mentioned once more its earlier Resolution, dated 02 October 1995, stating that no further pleadings or motions shall be entertained in G.R. No. 116054. This Resolution of the Third Division of this Court, dated 28 February 1996, and all its subsequent Resolutions described in the succeeding paragraphs would now bear the docket numbers and titles of the two related cases – G.R. No. 116054 (Vicente Ponce, et al. v. Court of Appeals, et al.) and G.R. No. 107651 (Vicente Ponce, et al. v. Securities and Exchange Commission, et al.).

Undeterred by the consistent refusal of this Court to act on any further pleadings and motions in both G.R. No. 116054 and G.R. No. 107651, Attys. Patron and Limpin, for the Ponce Group, submitted another motion,[62] dated 01 April 1996, for leave to file a motion for reconsideration of the Resolution, dated 28 February 1996, with

the said motion[63] for reconsideration attached thereto. The Resolution[64] of the Third Division of this Court, dated 14 May 1996, noted without action these motions, and ordered the same expunged from the records of the two cases.

Still unwilling to accept defeat, the Ponce Group availed the services of more lawyers. Attys. Celia M. Escareal-Sandejas[65] and Raymundo N. Beltran[66] entered their respective appearances in G.R. No. 116054 on 09 September 1996, as counsels for the Ponce Group, in collaboration with Atty. Limpin. Also on 09 September 1996, Attys. Escareal-Sandejas and Beltran, on behalf of the Ponce Group, filed a motion[67] to refer the case to this Court En Banc. More than a year later, Attys. Escareal-Sandejas and Beltran again filed a motion,[68] dated 16 September 1997, to resolve the motion to refer the case to this Court En Banc. Without noting them or taking any other action thereon, the Third Division of this Court issued a Resolution,[69] on 03 December 1997, ordering all the aforecited pleadings filed by the Ponce Group, through their counsels, Attys. Escareal-Sandejas and Beltran, expunged from the records of G.R. No. 116054 and G.R. No. 107651.

II

THE PETITION AT BAR

Alcantara, et al. v. Ponce, et al.
(G.R. No. 131547)

The Alcantara Group instituted with this Court on 12 December 1997 the instant Petition[70] to cite the Ponce Group, as well as their counsels, for contempt, pursuant to the provisions of Rule 71 of the 1997 Rules of Civil Procedure. In their Petition,[71] the Alcantara Group denounced the conduct of the Ponce Group and their counsels in G.R. No. 116054, which they described as follows –

1.4. Respondents brashly ignored the Honorable Court's admonition and in mockery of the same, commenced the filing of a string of pleadings, pounding upon and deliberately testing the Court's patience in insisting again and again, in pleading after pleading, on the same issues already laid to rest by the Court's Resolutions of 14 August 1994 [sic], 19 October 1994, and 02 October 1995.

...

1.6. More than two (2) years after the final and executory judgment of the Supreme Court of 15 August 1994 was entered into the Book of Entries of Judgment[s], respondents are still causing the filing of repetitive pleadings, as well as the entry of various lawyers to represent them, the latest of whom are herein respondents, Atty. Celia M. Escareal-Sandejas and Atty. Raymundo Beltran. Despite the clear and unequivocal pronouncements of the Honorable Court writing finis to their cause, respondents simply refused, time and again, to defer to the same.

...

1.9. Respondents cannot and should not be allowed to continue to freely trivialize and infringe on the elementary doctrine that decisions must become final at some point in time and remain undisturbed. Neither should petitioners herein be made to suffer the uncertainty that is caused by respondents' endless stream of pleadings filed with the Honorable Court in G.R. No. 116054, respondents' actions constitute, at the very least, an abuse of the processes of the Court, tending to impede, obstruct, or degrade the administration of justice (Sec. 3, pars. [c] and [d], Rule 71, 1997 Rules of Civil Procedure).

1.10. The Honorable Court has thus far been magnanimous in its tolerance of respondents' antics, which strike abusively at the heart of the long-held tradition of respect and deference for decisions of the highest tribunal of the land and of respect for the rules of procedure established for the better and proper administration of justice.

This cannot go on. The full force of the Honorable Court's reproach must be brought to bear upon respondents' protracted and appalling insolence.

The Alcantara Group thus prayed that the Ponce Group and their counsels be cited for contempt and be meted such penalty as may be warranted under the circumstances.

Respondents Vicente C. Ponce and Attys. Danilo L. Patron and Manuel Luis G. Limpin filed their consolidated Comments,[72] dated 21 March 1998, on the present Petition. In their Comments, and even in their subsequent Memorandum,[73] dated 03 June 2005, the said respondents made an effort to divide the facts of the case into various stages, to wit –

FIRST STAGE: Proceedings in case no. 2507 before the Securities and Exchange Commission, thru its Hearing Officer

SECOND STAGE: Proceedings in case no. AC-398 before the Securities and Exchange Commission sitting EN BANC

THIRD STAGE: Proceedings in case no. 107651 before the Supreme Court

FOURTH STAGE:

Proceedings in case no. CA-GR SP NO. 33050 before the COURT OF APPEALS

FIFTH STAGE:

Proceedings in case no. 116054 before the Supreme Court

It is their contention that under the Third Stage, this Court did not make any categorical ruling on the singular issue that the period of appeal from the Decision of the SEC Hearing Officer to the SEC En Banc is 30 days. There was no resolution on the merits of the vital legal issue submitted before this Honorable Court. G.R. No. 107651 was not decided on its merits but on a questionable technicality under Circular 1-91. They also argued that the Resolution of the Third Division of this Court, dated 03 December 1997, expunging from the records the pleadings filed by their co-respondents herein, Attys. Celia M. Escareal-Sandejas and Raymundo N. Beltran, referred only to G.R. No. 107651, and not to G.R. No. 116054.

In their Memorandum, the above-named respondents further maintained that they had no intention of causing disrespect to this Court. They kept on filing pleadings with this Court in G.R. No. 116054 because of their sincere and honest belief that this Court may still entertain the arguments raised therein. With their persistence, they hope to eventually convince this Court to suspend the rules of procedure and to give way to a re-evaluation of the merits of their case. They also called attention to the fact that they had already stopped filing pleadings at one point even if this Court did not expressly prohibit them from doing so.

Respondent Atty. Celia M. Escareal-Sandejas, meanwhile, filed her own Comment,[74] dated 25 March 1998, on the Petition at bar, which she also later adopted as her Memorandum.[75] She explained that she had just finished law school and passed the bar in 1996 when co-respondent, Vicente C. Ponce, a close friend of her father, consulted her with regard to his case against the Alcantara Group. She viewed Vicente C. Ponce's consultation with her, a new and inexperienced lawyer, as a compliment and, at the same time, a challenge. She believed that the issues involved in the case were unique and exceptional. Contrary to the claim of petitioners, the Alcantara Group, her filing of pleadings was a "way of giving full respect to and bowing to the majesty of the Honorable Court." She pointed out that no intemperate language was used in the pleadings she had filed, nor was there any attempt on the part of the Ponce Group to prevent the execution of the judgment of this Court in G.R. No. 116054. In fact, petitioners herein, the Alcantara Group, had been in full control and possession of ICC and, thus, had already been enjoying the benefits of the judgment of this Court.

Respondent Raymundo N. Beltran, in his Memorandum,[76] dated 29 June 2005, essentially invoked good faith in accepting the case of the Ponce Group and adopted the Memoranda filed by his co-respondents.

It bears emphasis that the two preceding cases, G.R. No. 107651 and G.R. No. 116054, were presented herein merely to lay the factual background for the present Petition. Considering that the Petitions in G.R. No. 107651 and G.R. No. 116054 had long been dismissed and denied, respectively, by this Court; and that the judgments therein, declared final and executory, were already duly entered into the Book of Entries of Judgments, this Court can no longer look into the merits of the said cases.

Therefore, the only issue for resolution of this Court in the Petition at bar is: Whether the Ponce Group and their counsels should be cited for contempt under Rule 71 of the 1997 Rules of Civil Procedure for their conduct in G.R. No. 116054.

This Court finds the instant Petition impressed with merit. The incessant filing by the Ponce Group and their counsels of pleadings and motions with the ultimate purpose of convincing this Court to give due course to their Petition in G.R. No. 116054, despite the categorical and final resolve of this Court to deny the same, constitutes indirect contempt under the following provisions of Section 3, Rule 71 of the 1997 Rules of Civil Procedure –

SEC. 3. Indirect contempt to be punished after charge and hearing. – After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

...

(b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;

(c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;

Basic is the rule in our judicial system that litigations must end and terminate at some point, and in the oft-quoted case of *Li Kim Tho v. Sanchez*,[77] this Court had explained that –

Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.

This Court better emphasized the importance of the rule on finality of judgment in another, even earlier case, *Arnedo v. Llorente*,[78] wherein it made the following declarations –

... It is true that it is the purpose and intention of the law that courts should decide all questions submitted to them "as truth and justice require," and that it is greatly to be desired that all judgments should be so decided; but controlling and irresistible reasons of public policy and of sound practice in the courts demand that at the risk of occasional error, judgments of courts determining controversies submitted to them should become final

at some definite time fixed by law, or by a rule of practice recognized by law, so as to be thereafter beyond the control even of the court which rendered them for the purpose of correcting errors of fact or of law, into which, in the opinion of the court it may have fallen. The very purpose for which the courts are organized is to put an end to controversy, to decide the questions submitted to the litigants, and to determine the respective rights of the parties. With the full knowledge that courts are not infallible, the litigants submit their respective claims for judgment, and they have a right at some time or other to have final judgment on which they can rely as a final disposition of the issue submitted, and to know that there is an end to the litigation.

In their pleadings and motions, the Ponce Group and their counsels raised the same arguments over and over again, even when the Third Division of this Court, as it was then constituted, declared that they had already considered and passed upon these arguments when it denied the Petition in G.R. No. 116054.[79] This Court has no doubt that the then Third Division arrived at its resolution to deny the Petition in G.R. No. 116054 only after a careful and conscientious study and deliberation of all the arguments raised by the opposing parties. But granting, for the sake of argument, that this Court did err in denying the Petition of the Ponce Group in G.R. No. 116054, it cannot, by reason of public policy and sound practice, set aside such denial, when the same had become final and executory, and entry thereof in the Book of Entries of Judgments had been made.

In total disregard of the rule on finality of judgment, the Ponce Group and their counsels refused to accept the final resolution of this Court denying their Petition in G.R. No. 116054. They launched a quest, spanning three years, to still advance, through the importunate filing of pleadings and motions, a cause already laid to rest by this Court and which, by reason of its finality, the Court itself is incapable of amending or setting aside.

To simply demonstrate how the respondents swamped this Court with their pleadings and motions, the said pleadings and motions are summarized below in outline form, with the corresponding actions taken thereon by this Court –

- Resolution, dated 15 August 1994, denying the Petition for Review on Certiorari
- Motion, dated 22 September 1994, for reconsideration of the Resolution, dated 15 August 1994 (by Atty. Patajo)
- Motion, dated 04 October 1994, to have the case referred to this Court En Banc or to another Division other than the Third (by Atty. Patajo)
- Resolution, dated 19 October 1994, which (i) denied I-A for lack of merit, such denial being final; and (ii) noted I-B
- Motion, dated 17 November 1994, for leave to file second motion for reconsideration of the Resolution, dated 15 August 1994 (by Atty. Patajo)
- Second motion for reconsideration of the Resolution, dated 15 August 1994 (by Atty. Patajo)
- Resolution, dated 07 December 1994, which (i) denied II-A; and (ii) noted without action II-B
- Entry of Appearance by respondent Atty. Patron, dated 10 January 1995, in substitution of Atty. Patajo who withdrew as counsel
- Motion, dated 10 January 1995, for reconsideration of the Resolution, dated 07 December 1994 (by Atty. Patron)
- Reply, dated 30 January 1995, to the Opposition filed by the Alcantara Group to III-B (by Atty. Patron)
- Omnibus motion, dated 18 April 1995, seeking the inhibition of three members of the Third Division from participating in the deliberations of the case (by Atty. Patron)

- Entry of Appearance, dated 14 August 1995, by Atty. Paguia, as collaborating counsel; with opposition to the motion, dated 03 August 1995, filed by the Alcantara Group, to cause entry of judgment in the case; and with prayer for resolution of the case by this Court En Banc
- Resolution, dated 02 October 1995, intended to put an end to the case once and for all by (i) noting without action III-D and III-E; (ii) ordering the entry of judgment in the case; and (iii) declaring that no further pleadings shall be entertained in the case.
- Entry of Judgment in the case on 05 October 1995
- Entry of Appearance, dated 14 October 1995, by Atty. Limpin as collaborating counsel
- Motion, dated 14 October 1995, for leave to admit their motion for reconsideration of the Resolution, dated 02 October 1995 (by Attys. Patron and Limpin)
- Motion, dated 14 October 1995, for reconsideration of the Resolution, dated 02 October 1995 (by Attys. Patron and Limpin)
- Withdrawal as counsel, dated 17 October 1995, by Atty. Paguia
- Resolution, dated 13 November 1995, noting without action V-A to V-D
- Motion, dated 18 December 1995, for leave to file motion to resolve issue and to set aside entry of judgment (by Attys. Patron and Limpin)
- Motion, dated 18 December 1995, to resolve issue and to set aside entry of judgment (by Attys. Patron and Limpin)
- Motion, dated 19 March 1996, for early resolution of VI-A (by Attys. Patron and Limpin)
- Resolution, dated 28 February 1996, which noted without action VI-A to VI-C
- Motion, dated 01 April 1996, for leave to file a motion for reconsideration of the Resolution, dated 28 February 1996 (by Attys. Patron and Limpin)
- Motion for reconsideration of the Resolution, dated 28 February 1996 (by Attys. Patron and Limpin)
- Resolution, dated 14 May 1996, which (i) noted without action VII-A and VII-B, (ii) ordered the said motions expunged from the records of the case, as well as, of G.R. No. 107651
- Entry of Appearance, dated 09 September 1996, by Atty. Escareal-Sandejas, as collaborating counsel
- Entry of Appearance, dated 09 September 1996, by Atty. Beltran, as collaborating counsel
- Motion, dated 09 September 1996, to refer the case to this Court En Banc (by Attys. Escareal-Sandejas and Beltran)
- Motion, dated 16 September 1997, to resolve VIII-D (by Attys. Escareal-Sandejas and Beltran)
- Resolution, dated 03 December 1997, ordering VIII-A to VIII-D expunged from the records of the case, as well as, of G.R. No. 107651

This Court recognizes the right of the Ponce Group to file a motion for reconsideration of the Resolution, dated 15 August 1994, denying their Petition in G.R. No. 116054, since such a motion is allowed under Rule 52 of the 1997 Rules of Civil Procedure.

As for the motion of the Ponce Group for leave to file a second motion for reconsideration, dated 17 November 1994, after the denial of their first motion for reconsideration, the same had been appropriately denied by this

Court. Section 2, Rule 52 of the 1997 Rules of Civil Procedure expressly provides that no second motion for reconsideration of a judgment or final resolution shall be entertained;^[80] thus, a second motion for reconsideration is a prohibited pleading. Indeed, this Court does not discount instances when it may authorize the suspension of the rules of procedure so as to allow the resolution of a second motion for reconsideration,^[81] but such authority may only be granted for extraordinarily persuasive reasons.^[82] Unfortunately for the Ponce Group, this Court did not deem it appropriate to suspend the rules of procedure for their sake and disallowed the filing of their second motion for reconsideration.

Even though a second motion for reconsideration is a prohibited pleading, the filing by the Ponce Group of such motion alone does not constitute contempt. What this Court does find contemptuous is the continuous filing thereafter by the Ponce Group and their counsels of numerous other pleadings and motions, which, like their second motion for reconsideration, are not recognized and allowed by the 1997 Rules of Civil Procedure after judgment or final resolution in a case. This Court refrains from declaring at what particular time or with which particular pleading or motion did the Ponce Group and their counsels finally breached the bounds of what is tolerable; their disrespect for this Court and abuse of its processes are best revealed by a complete survey of all the pleadings and motions they had filed after the final resolution of their case.

This Court cannot give credence to the claim of the Ponce Group and their counsels that they filed all these pleadings and motions in good faith.

In his Manifestation, dated 05 September 1995, Atty. Patajo, the former counsel of the Ponce Group, who represented them from the filing of the Petition in G.R. No. 116054 on 15 July 1994 until his eventual withdrawal as their counsel on 09 January 1995, explained the reason for his withdrawal from the case, to wit –

- He was the original counsel of record of the petitioners in the above case. However, when this Honorable Court denied his motion dated November 7, 1994 [sic], asking for leave to file a second motion for reconsideration he advised petitioners of the denial of the said motion. In his letter informing petitioners of the denial of said motion he told petitioners:

"x x x As a consequences [sic] of said denial the dismissal of our petition has already became [sic] final. Although I expressed to you a number of times my personal opinion that the dismissal of our petition by the Third Division of the Supreme Court is grossly erroneous, we are bound by said action of the 3rd Division. I see no possible course of action in said case in which I can be of any help."

- As a consequences [sic] of said letter of the undersigned petitioners terminated the legal services of the undersigned as petitioners apparently still cling to the belief that petitioners are not completely without further recourse against the decision of the Honorable Court.

The Ponce Group, therefore, were duly advised by their former counsel, Atty. Patajo, that there was no other recourse left for them to take after this Court denied their motion for leave to file a second motion for reconsideration of the Resolution, dated 15 August 1994, denying their Petition in G.R. No. 116054; and that they were already bound by the said Resolution. Ignoring the sound legal advice of Atty. Patajo, the Ponce Group terminated his services and engaged the services of other lawyers, their co-respondents herein, Attys. Patron, Limpin, Escareal-Sandejas, and Beltran, who were more willing to continue the fight for them. A review of the records of both G.R. No. 116054 and G.R. No. 107651 would bare the apparent preference of the Ponce Group for legal counsels with the propensity to file multiple pleadings and motions even after judgment or final resolution of their cases.

Likewise, invoking good faith in filing the questioned pleadings and motions may not exonerate the respondents, who acted as counsels for the Ponce Group, from the charge of contempt against them. They all alleged that, after seriously studying the case, they sincerely believed in the merits of the Petition in G.R. No. 116054, and for which

reason, they persisted in filing pleadings and motions to convince this Court to reinstate the said Petition.

If the counsels of the Ponce Group thoroughly reviewed the case file of G.R. No. 116054, as they had asserted, then it would have been impossible for them to miss the Resolutions of this Court consistently denying any effort to reinstate the said Petition. Among these Resolutions are: (1) Resolution, dated 19 October 1994, which denied the motion for reconsideration of the earlier Resolution, dated 15 August 1994, such denial being final; and (2) Resolution, dated 02 October 1995, which intended to put an end to the case once and for all by ordering the entry of judgment in G.R. No. 116054 and declaring that no further pleadings shall be entertained in the said case. By these two Resolutions alone, there can be no doubt and no room for misinterpretation of the intention of this Court to consider G.R. No. 116054 finally closed and terminated, and its instruction to parties to refrain from filing further pleadings in the said case because this Court would no longer entertain them. In *Ortigas and Company Limited Partnership v. Velasco*,^[83] this Court expounded on the interpretation of certain phrases used by the courts in their judgments or resolutions –

Denial "With Finality"

While the denial of a motion for reconsideration of a judgment or final order is normally accompanied by the modifier, "final," or "with finality," there may be a denial not so qualified. That is of no consequence. By no means may it be taken as indicating any uncertainty or indecisiveness on the part of the Court regarding its denial of reconsideration, or an encouragement or expectation of a second motion for reconsideration. The modifier serves simply to emphasize the import and effect of the denial of the motion for reconsideration, i.e., that the Court will entertain and consider no further arguments or submissions from the parties respecting its correctness; that in the Court's considered view, nothing more is left to be discussed, clarified or done in the case, all issues raised having been passed upon and definitely resolved, and any other which could have been raised having been waived and no longer being available as ground for a second motion. A denial with finality stresses that the case is considered closed.

...

Prohibition to File Further Pleadings

Apart from the original directive in its Resolution of March 1, 19 [sic], the Court twice reiterated the admonition that no further pleadings, motions or papers should be filed in these cases, except only as regards issues directly involved in the 'Motion for Reconsideration' (Re: Dismissal of Respondent Judge). This it did in its Resolutions dated July 24 and October 25, 1995, respectively.

Evidently, an order of this character is directed to parties who obstinately refuse to accept the Court's final verdict and who, despite such verdict and in defiance of established procedural rules, mulishly persist in still arguing the merits of their cause. They continue to take up the time of the Court needlessly, by filing unauthorized, forbidden, even worthless pleadings, motions and papers, serving no real purpose other than to delay termination of the case.

Evidently, too, the directive against the filing of any further pleadings, motions or papers is one that exacts observance by all parties concerned, such that willful and unjustifiable disregard or disobedience thereof constitutes constructive contempt under Section 3(b), Rule 71 of the Rules of Court...

In blatant disobedience of the Resolutions duly issued by this Court, however, the counsels of the Ponce Group kept on filing more pleadings and motions with this Court, on behalf of their clients.

This Court does not wish to discourage the counsels of the Ponce Group from exerting their utmost efforts to uphold and/or defend their clients' rights. They need to be reminded though that just as lawyers have the duty to zealously represent their client,^[84] they also have the equally important obligations to observe and maintain the

respect due to the courts^[85] and to assist the courts in the speedy and efficient administration of justice.^[86]

The Ponce Group and their counsels maintain that they did not, by their conduct, impede, obstruct, or degrade the administration of justice. It is not denied that the judgment in G.R. No. 116054 had been executed and that the members of the Alcantara Group already have in their names, possession, and control, the disputed stockholdings in ICC. Yet, this Court still finds that although the execution of the judgment in G.R. No. 116054 may not have been prevented by the conduct of the Ponce Group and their counsels, the administration of justice has been obstructed, impeded, and degraded to a certain extent. The Alcantara Group, despite winning the case, could still not fully enjoy the benefits of their property in peace. Each new pleading or motion filed by the Ponce Group and their counsels is a Damocles sword hanging over their heads that could fall anytime. Even when the favorable judgment they secured from this Court had long become final and had already been executed, they are compelled to remain on their guard against new attempts or schemes by the Ponce Group and their counsels to wrest away their stockholdings in ICC. In fact, even after the final resolution of G.R. No. 116054, the Alcantara Group had to retain the services of their lawyers so as to file oppositions to the pleadings and motions still being submitted by the Ponce Group and their counsels. This is the situation where the members of the Alcantara Group, as the victorious parties in G.R. No. 116054, should not find themselves in. The judgment of this Court must have put an end to the controversy between them and the Ponce Group; and, as the affirmed owners of the disputed stockholdings in ICC, any fears of losing those stocks to the Ponce Group should have already been laid to rest.

This Court also finds untenable the assertion of the Ponce Group and their counsels that the filing of the pleadings and motions actually demonstrates their recognition and respect for the authority of this Court. This Court plainly perceives the relentless filing of pleadings and motions by the Ponce Group and their counsels as a stubborn refusal to accept an unfavorable judgment from this Court. The Ponce Group and their counsels do not give recognition and respect to this Court when they brush aside basic legal rules, abuse court processes, and disobey Resolutions issued by this Court.

Even as the foregoing discussions apply generally to all of the respondents, the Ponce Group and their counsels, this Court gives consideration to respondent Atty. Escareal-Sandejas, who entered her appearance in G.R. No. 116054 on 09 September 1996. Having just graduated from law school in 1995 and having passed the bar examinations in 1996, it is quite understandable how, in her eagerness to prove herself and to please a close family friend, she regrettably decided to still accept the case and to file the last two pleadings therein. In view of her apparent inexperience in the practice of the profession, especially in appellate proceedings before the highest tribunal of the country,^[87] this Court, instead of citing her for contempt as with her co-respondents, chooses only to reprimand her and warn her that her commission of the same act would be more drastically dealt with.^[88]

WHEREFORE, the respondents Vicente C. Ponce, Nelia C. Ponce, and Levi B. Mariano, and their co-respondents Attys. Danilo L. Patron, Manuel Luis G. Limpin, and Raymundo N. Beltran, are hereby found guilty of INDIRECT CONTEMPT under the provisions of Section 3, Rule 71 of the 1997 Rules of Civil Procedure, and ordered to pay a FINE of TWO THOUSAND PESOS (P2,000.00) each, while respondent Atty. Celia M. Escareal-Sandejas is REPRIMANDED with a WARNING that a repetition of a similar act may warrant a more severe action by this Court.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] SEC Records (SEC Case No. 2507), Vol. I, pp. 1-10.

[2] Answer with Counterclaim, dated 17 September 1983, filed by the Alcantara Group, Id., pp. 22-33.

[3] SEC Records (SEC Case No. 2507), Vol. III, pp. 187-245.

[4] Id., p. 246.

[5] Rollo (G.R. No. 107651), pp. 41-43.

[6] SEC En Banc Records (SEC-AC No. 398), pp. 1-65.

[7] Id., pp. 66-145.

[8] Id., pp. 150-195.

[9] SEC Records (SEC Case No. 2507), Vol. III, p. 257.

[10] Rollo (G.R. No. 107651), p. 79.

[11] SEC Records (SEC Case No. 2507), Vol. III, pp. 264-265.

[12] SEC En Banc Records (SEC-AC No. 398), pp. 241-244.

[13] Section 15, Chapter 3, Book VII of the Administrative Code of 1987 provides that –

SEC. 15. Finality of Order. – The decision of the agency shall become final and executory fifteen (15) days after the receipt of a copy thereof by the party adversely affected unless within that period an administrative appeal or judicial review, if proper, has been perfected. One motion for reconsideration may be filed, which shall suspend the running of the said period.

[14] SEC Records (SEC Case No. 2507), Vol. III, pp. 294-299.

[15] The relevant paragraph in Section 6 of Presidential Decree No. 902-A reads –

SEC. 6. In order to effectively exercise such jurisdiction, the Commission shall possess the following powers:

...

In the exercise of the foregoing authority and jurisdiction of the Commission, hearings shall be conducted by the Commission or by a Commissioner or by such other bodies, boards, committees and/or any officer as may be created or designated by the Commission for the purpose. The decision, ruling or order of any such Commissioner, bodies, boards, committees and/or officer may be appealed to the Commission sitting en banc within thirty (30) days after receipt by the appellant of notice of such decision, ruling or order. The Commission shall promulgate rules of procedures to govern the proceedings, hearings and appeals of cases falling within its jurisdiction.

[16] According to Section 3, Rule XVI, of the SEC Revised Rules of Procedure –

Section 3. How Appeal is Taken: When Perfected: Appeal may be taken by filing with the Hearing Officer who promulgated the decision, order or ruling within thirty (30) days from notice thereof, and serving upon the adverse party, a notice of appeal and a memorandum on appeal and paying the corresponding docket fee therefor. The appeal shall be considered perfected upon the filing of the memorandum on appeal and payment of the docket fee within the period hereinabove fixed.

[17] Rollo (G.R. No. 107651), pp. 2-10.

[18] Then composed of Associate Justice Hugo E. Guterrez, Jr., Chairman, and Associate Justices Abdulwahid A. Bidin, (now Chief Justice) Hilario G. Davide, Jr., Flerida Ruth P. Romero, and Jose A.R. Melo, members.

[19] Rollo (G.R. No. 107651), p. 96.

[20] Id., p. 107-A.

[21] Id., pp. 141-147.

[22] Id., pp. 254-255.

[23] Id., pp. 266-275.

[24] Id., p. 327.

[25] Signed by Chairman Rosario N. Lopez and Associate Commissioners Rodolfo L. Samarista and Merle O. Manuel with Associate Commissioner Fe Eloisa C. Gloria not participating in the deliberations, SEC En Banc Records (SEC-AC No. 398), pp. 256-274.

[26] SEC En Banc Records (SEC-AC No. 398), pp. 373-377.

[27] CA Rollo (CA-G.R. SP No. 33050), pp. 1-10.

[28] Penned by Associate Justice Lourdes K. Tayao-Jaguros with Associate Justices Vicente V. Mendoza and Jesus M. Elbinias, concurring, Id., pp. 234-241.

[29] Issued on 11 March 1976.

[30] Promulgated on 25 July 1987.

[31] Penned by Associate Justice Lourdes K. Tayao-Jaguros with Associate Justices Jesus M. Elbinias and Quirino D. Abad Santos, Jr., concurring, CA Rollo (CA-G.R. SP No. 33050), p. 335.

[32] Rollo (G.R. No. 116054), pp. 2-20.

[33] Id., p. 286-A.

[34] Id., pp. 321-328.

[35] Id., pp. 335-337.

[36] Id., pp. 337-A, 337-B.

[37] Id., pp. 345-347.

[38] Id., pp. 348-353.

[39] Id., p. 357.

[40] Id., pp. 366-367.

[41] Withdrawal of Appearance filed by Atty. Lino M. Patajo, dated 09 January 199[5], Id., p. 368.

[42] Id., pp. 358-365.

[43] Id., pp. 369-371.

[44] Id., pp. 378-380.

[45] Id., pp. 381-385.

[46] Id., pp. 388-390.

- [47] Id., pp. 391-393.
- [48] Manifestation by petitioners Alcantara Group members, Id., pp. 396-397.
- [49] Id., pp. 399-403.
- [50] The petitioners in G.R. No. 116054 were the Ponce Group members.
- [51] The motion was dated 04 October 1994 and filed with this Court the following day, 05 October 1994.
- [52] Rollo (G.R. No. 116054), p. 404.
- [53] Id., pp. 409-410.
- [54] Id., pp. 411-418.
- [55] Id., pp. 419-423.
- [56] Id., p. 424.
- [57] Id., pp. 432-433.
- [58] Id., pp. 434-441.
- [59] Id., pp. 443-445.
- [60] Id., pp. 447-449.
- [61] Id., p. 446.
- [62] Rollo (G.R. No. 131547), pp. 60-62.
- [63] Id., pp. 44-59.
- [64] Rollo (G.R. No. 116054), pp. 469-470.
- [65] Rollo (G.R. No. 131547), pp. 67-68.
- [66] Id., pp. 65-66.
- [67] Id., pp. 69-72.
- [68] Id., pp. 77-78.
- [69] Rollo (G.R. No. 107651), pp. 342-343.
- [70] Rollo (G.R. No. 131547), pp. 3-13.
- [71] Id., pp. 7-10.
- [72] Id., pp. 80-96.
- [73] Id., pp. 156-176.
- [74] Id., pp. 106-112.
- [75] Manifestation, dated 26 May 2005, by respondent Atty. Celia M. Escareal-Sandejas, Id., pp. 145-148.
- [76] Id., pp. 195-198.
- [77] 82 Phil. 776, 778 (1949).

[78] 18 Phil. 257, 262-263 (1911).

[79] Resolution, dated 19 October 1994, Rollo (G.R. No. 116054), pp. 337-A, 337-B.

[80] Section 2, Rule 52 of the 1997 Rules of Civil Procedure applies to motions for reconsideration filed with the Court of Appeals; it is, however, also made to apply to motions for reconsideration filed with the Supreme Court by virtue of Sections 2 and 4, Rule 56 of the 1997 Rules of Civil Procedure.

[81] Sta. Rosa Realty Development Corporation v. Court of Appeals, G.R. No. 112526 and G.R. No. 118838, 16 March 2005, 453 SCRA 432.

[82] Ortigas and Company Limited Partnership v. Velasco, G.R. No. 109645 and G.R. No. 112564, 04 March 1996, 254 SCRA 234.

[83] Id., pp. 243-245.

[84] Canon 19, Chapter IV of the Code of Professional Responsibility.

[85] Canon 11, Chapter III of the Code of Professional Responsibility.

[86] Canon 12, Chapter III of the Code of Professional Responsibility.

[87] Such reasons justified a more lenient penalty for the erring lawyers in Tolentino v. Mangapit, Adm. Case No. 2251, 29 September 1983, 124 SCRA 741; Lim Se v. Argel, G.R. No. L-42800, 07 April 1976, 70 SCRA 378; and De Gracia v. The Warden, Municipal Jail, Makati, Rizal, G.R. No. L-42032, 9 January 1976, 69 SCRA 4.

[88] In contempt proceedings, where the contemnor is a lawyer, the contumacious conduct also constitutes professional misconduct, which calls into play the disciplinary authority of the Supreme Court. Where the respondent is a lawyer, the disciplinary authority of the Supreme Court over lawyers may come into play whether or not the misconduct with which the respondent is charged also constitutes contempt of court. (Zaldivar v. Gonzalez, G.R. No. L-79690, 07 October 1988, 166 SCRA 316).

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