

**REXIE EFREN A. BUGARING AND ROYAL BECHTEL BUILDERS, INC.,
PETITIONERS, VS. HON. DOLORES S. ESPAÑOL, IN HER CAPACITY AS
PRESIDING JUDGE OF THE REGIONAL TRIAL COURT BRANCH 90,
IMU...**

G.R. No. 133090. January 19, 2001

Ponente: DE LEON, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-133090/>

DE LEON, JR., J.:

Before us is a petition for review on certiorari of the Decision dated March 6, 1998 of the Court of Appeals[1] affirming the decision of the Regional Trial Court of Cavite, Branch 90, Imus, Cavite, declaring petitioner Rexie Efren A. Bugaring guilty in direct contempt of court.

The incident subject of the petition occurred during a hearing held on December 5, 1996 of Civil Case No. 1266-96 entitled "Royal Bechtel[2] Builders, Inc. vs. Spouses Luis Alvaran and Beatriz Alvaran, et al.", for Annulment of Sale and Certificates of Title, Specific Performance and Damages with Prayer for Preliminary Injunction and/or Temporary Restraining Order in the sala of respondent judge Dolores S. Español of the Regional Trial Court of Cavite, Branch 90, Imus, Cavite.

Pursuant to a motion filed by the previous counsel of Royal Bechtel Builders, Inc., the trial court issued an order on February 27, 1996 directing the Register of Deeds of the Province of Cavite to annotate at the back of certain certificates of title a notice of lis pendens. Before the Register of Deeds of the Province of Cavite could comply with said order, the defendant Spouses Alvaran on April 15, 1996, filed a motion to cancel lis pendens. On July 19, 1996, petitioner, the newly appointed counsel of Royal Bechtel Builders, Inc., filed an opposition to the motion to cancel lis pendens. On August 16, 1996, the motion to cancel lis pendens was granted by the court. Petitioner filed a motion for reconsideration, which was opposed by the defendants. On November 5, 1996, petitioner filed an Urgent Motion to Resolve, and on November 6, 1996, filed a Rejoinder to Opposition and a Motion for Contempt of Court.[3]

During the hearing of the motion for contempt of court held on December 5, 1996, the following incident transpired:

ATTY. BUGARING:

For the plaintiff, your Honor, we are ready.

ATTY CORDERO:

Same appearance for the defendant, your Honor.

ATTY. BUGARING:

Your Honor please, we are ready with respect to the prosecution of our motion for contempt, your Honor. May we know from the record if the Register of Deeds is properly notified for today's hearing.

COURT:

Will you call on the Register of Deeds.

INTERPRETER:

Atty. Diosdado Concepcion, He is here, your Honor.

ATTY. BUGARING:

We are ready, your Honor.

COURT:

There is a motion for contempt in connection with the order of this Court which directed your office to register lis pendens of the complaint in connection with this case of Royal Becthel Builder, Inc. versus spouses Luis Alvaran and Beatriz Alvaran, et al.

ATTY. CONCEPCION:

Your Honor, I just received this morning at ten o' clock [in the morning] the subpoena.

ATTY. BUGARING:

May we put it on record that as early as November 6, 1996, the Office of the Register of Deeds was furnished with a copy of our motion, your Honor please, and the record will bear it out. Until now they did not file any answer, opposition or pleadings with respect to this motion.

ATTY. CONCEPCION:

Well I was not informed because I am not the Register of Deeds. I am only the Deputy Register of Deeds and I was not informed by the receiving clerk of our office regarding this case. As a matter of fact I was surprised when I received this morning the subpoena, your Honor.

ATTY. BUGARING:

Your Honor please, may we put that on record that the manifestation of the respondent that he was not informed.

COURT:

That is recorded. This is a Court of record and everything that you say here is recorded.

ATTY. BUGARING:

Yes your Honor please, we know that but we want to be specific because we will be [filing] a case against this receiving clerk who did not [inform] him your Honor please, with this manifestation of the Deputy of the Register of Deeds that is irregularity in the performance of the official duty of the clerk not to inform the parties concerned.

COURT:

Counsel, the Court would like to find out who this fellow who is taking the video recording at this proceedings. There is no permission from this Court that such proceedings should be taken.

ATTY. BUGARING:

Your Honor, my Assistant. I did not advise him to take a video he just accompanied me this morning.

COURT:

Right, but the video recording is prepared process and you should secure the permission of this Court.

ATTY. BUGARING:

Actually, I did not instruct him to take some video tape.

COURT:

Why would he be bringing camera if you did not give him the go signal that shots should be done.

ATTY. BUGARING:

This Court should not presume that, your Honor please, we just came from an occasion last night and I am not yet come home, your Honor please. I could prove your Honor please, that the contents of that tape is other matters your Honor please. I was just surprised why he took video tape your Honor please, that we ask the apology of this Court if that offend this Court your Honor please.

COURT:

It is not offending because this is a public proceedings but the necessary authority or permission should be secured.

ATTY. BUGARING:

In fact I instructed him to go out, your Honor.

COURT:

After the court have noticed that he is taking a video tape.

ATTY. BUGARING:

Yes, your Honor, in fact that is not my personal problem your Honor please, that is personal to that guy your Honor please if this representation is being

COURT:

That is very shallow, don't give that alibi.

ATTY. BUGARING:

At any rate, your Honor please, we are going to mark our documentary evidence as part of our motion for contempt, your Honor please.

COURT:

What has the Register of Deeds got to say with this matter?

ATTY. CONCEPCION:

Well as I have said before, I have not received any motion regarding this contempt you are talking. I am willing now to testify.

ATTY. BUGARING:

Your Honor I am still of the prosecution stage, it is not yet the defense. This is a criminal proceedings, contempt proceedings is a criminal.

ATTY. CONCEPCION:

Your Honor please, may I ask for the assistance from the Fiscal.

COURT:

If this is going to proceed, we need the presence of a Fiscal or a counsel for the Register of Deeds.

ATTY. CONCEPCION:

Can I appoint an outside lawyer not a Fiscal but a private counsel, your Honor.

COURT:

That is at your pleasure. The Court will consider that you should be amply represented.

ATTY. CONCEPCION:

As a matter of fact I have a lawyer here, Atty. Barzaga if he is willing

ATTY. BARZAGA[4]:

Yes, your Honor, I will just review the records.

ATTY. BUGARING:

Anyway your Honor please, I will not yet present my witness but I will just mark our documentary exhibits which are part of the record of the case and thereafter your Honor please....

COURT:

You wait for a minute counsel because there is a preparation being done by newly appointed counsel of the respondent, Atty. Barzaga is considered as the privately hired counsel of the register of deeds and the respondent of this contempt proceedings. How much time do you need to go over the record of this case so that we can call the other case in the meanwhile.

ATTY. BARZAGA:

Second call, your Honor.

COURT:

Are you ready Atty. Barzaga?

ATTY. BARZAGA:

Yes, your Honor. Well actually your Honor, after reviewing the record of the case your Honor, I noticed that the motion for contempt of Court was filed on November 6, 1966 and in paragraph 6 thereof, your Honor it is stated that, 'the record of the case shows up to the filing of this motion, the Register as well as the Deputy Register Diosdado Concepcion of the Office of the Register of Deeds of the Province of Cavite, did not comply with the Court Orders dated February 27, 1996, March 29, 1996, respectively.' However, your Honor, Atty. Diosdado Concepcion has shown to me a letter coming from Atty. Efren A. Bugaring dated September 18, 1996 addressed to the Register regarding this notice of Lis Pendens pertaining to TCT Nos. T-519248, 519249 and 519250 and this letter request, your Honor for the annotation of the lis pendens clearly shows that it has been already entered in the book of primary entry. We would like also to invite the attention of the Hon. Court that the Motion for Contempt of Court was filed on November 6, 1996. The letter for the annotation of

the lis pendens was made by the counsel for the plaintiff only on September 18, 1996, your Honor. However, your Honor, as early as August 16, 1996 an Order has already been issued by the Hon. Court reading as follows, 'Wherefore in view of the above, the motion of the defendant is GRANTED and the Register of Deeds of the Province of Cavite, is hereby directed to CANCEL the notice of lis pendens annotated at the back of Certificate of Title Nos. 519248, 51949 (sic) and 51950 (sic).'

ATTY. BUGARING:

Your Honor please, may we proceed your Honor, will first mark our documentary evidence.

COURT:

You wait until the Court allows you to do what you want to do, okay. The counsel has just made manifestation, he has not prayed for anything. So let us wait until he is finished and then wait for the direction of this Court what to do to have an orderly proceedings in this case.

ATTY. BARZAGA:

Considering your Honor, that the issues appear to be a little bit complicated your Honor, considering that the order regarding the annotation of the lis pendens has already been revoked by the Hon. Court your Honor, we just request that we be given a period of ten days from today your Honor, within which to submit our formal written opposition your Honor.

COURT:

Counsel, will you direct your attention to the manifestation filed earlier by Atty. Tutaan in connection with the refusal of the Register of Deeds to annotate the lis pendens because of certain reasons. According to the manifestation of Atty. Tutaan and it is appearing in the earlier part of the record of this case, the reason for that is because there was a pending subdivision plan, it is so stated. I think it was dated March, 1996. May I have the record please.

ATTY. BARZAGA:

Yes, your Honor.

COURT:

This Court would like to be enlightened with respect to that matter.

ATTY. BARZAGA:

Well, according to Atty. Diosdado Concepcion he could already explain this, your Honor.

COURT:

Have it properly addressed as part of the manifestation so that this court can be guided accordingly. Because this Court believes that the root of the matter started from that. After the submission of the what are you suppose to submit?

ATTY. BARZAGA:

Comment your Honor, on the motion to cite Atty. Diosdado Concepcion in contempt of Court.

COURT:

After the submission of the Comment and furnishing a copy of the comment to the counsel for the plaintiff, this Court is going to give the counsel for the plaintiff an equal time within which to submit his reply.

ATTY. BUGARING:

Your Honor please, it is the position of this representation your Honor please, that we will be marking first our documentary evidence because this is set for hearing for today, your Honor please.

COURT:

If you are going to mark your evidence and they do not have their comment yet what are we going to receive as evidence.

ATTY. BUGARING:

If your Honor please...

COURT:

Will you listen to the Court and just do whatever you have to do after the submission of the comment.

ATTY. BUGARING:

I am listening, your Honor please, but the record will show that the motion for contempt was copy furnished with the Register of Deeds and Diosdado Concepcion.

COURT:

Precisely, if you are listening then you will get what the Court would want to do. This should be an orderly proceedings and considering that this is a Court of record the comment has to be in first then in your reply you can submit your evidence to rebut the argument that is going to be put up by the respondent and so we will be able to hear the case smoothly.

ATTY. BUGARING:

My point here your Honor please, is that the respondent had been long time furnished of this contempt proceedings. With a copy of the motion they should have filed it in due time in accordance with the rules and because it is scheduled for trial, we are ready to mark our evidence and present to this Court, your Honor.

COURT:

(Banging the gavel) Will you listen.

ATTY. BUGARING:

I am listening, your Honor.

COURT:

And this Court declares that you are out of order.

ATTY. BUGARING:

Well, if that is the contention of the Court your Honor please, we are all officers of the Court, your Honor, please, we have also ---- and we know also our procedure, your Honor.

COURT:

If you know your procedure then you follow the procedure of the Court first and then do whatever you want.

ATTY. BUGARING:

Yes, your Honor please, because we could feel the antagonistic approach of the Court to this representation

ever since I appeared your Honor please and I put on record that I will be filing an inhibition to this Hon. Court.

COURT:

Do that right away. (Banging the gavel)

ATTY. BUGARING:

Because we could not find any sort of justice in town.

COURT:

Do that right away.

ATTY. BUGARING:

We are ready to present our witness and we are deprive to present our witness.

COURT:

You have presented a witness and it was an adverse witness that was presented.

ATTY. BUGARING:

I did not.

COURT:

With respect to this, the procedure of the Court is for the respondent to file his comment.

ATTY. BUGARING:

Well your Honor please, at this point in time I don't want to comment on anything but I reserve my right to inhibit this Honorable Court before trying this case.

COURT:

You can do whatever you want.

ATTY. BUGARING:

Yes, your Honor, that is our prerogative your Honor.

COURT:

As far as this Court is concerned it is going to follow the rules.

ATTY. BUGARING:

Yes, your Honor, we know all the rules.

COURT:

Yes, you know your rules that's why you are putting the cart ahead of the horse.

ATTY. BUGARING

:No your Honor, I've been challenged by this Court that I know better than this Court. Modestly (sic) aside your Honor please, I've been winning in many certiorari cases, your Honor.

COURT:

Okay, okay, do that, do that. I am going to cite you for contempt of Court. (Banging the gavel) You call the police and I am going to send this lawyer in jail. (Turning to the Sheriff)

ATTY. BUGARING:

I am just manifesting and arguing in favor of my client your Honor please.

COURT:

You have been given enough time and you have been abusing the discretion of this Court.

ATTY. BUGARING:

I am very sorry your Honor, if that is the appreciation of the Court but this is one way I am protecting my client, your Honor.

COURT:

That is not the way to protect your client that is an abuse of the discretion of this Court. (Turning to the Sheriff) "Will you see to it that this guy is put in jail." (pp. 29-42. Rollo)

Hence, in an Order dated December 5, 1996, Judge Español cited petitioner in direct contempt of court, thus:

During the hearing of this case, plaintiffs and counsel were present together with one (1) operating a video camera who was taking pictures of the proceedings of the case while counsel, Atty. Rexie Efren Bugaring was making manifestation to the effect that he was ready to mark his documentary evidence pursuant to his Motion to cite (in contempt of court) the Deputy Register of Deeds of Cavite, Diosdado Concepcion.

The Court called the attention of said counsel who explained that he did not cause the appearance of the cameraman to take pictures, however, he admitted that they came from a function, and that was the reason why the said cameraman was in tow with him and the plaintiffs. Notwithstanding the flimsy explanation given, the counsel sent out the cameraman after the Court took exception to the fact that although the proceedings are open to the public and that it being a court of record, and since its permission was not sought, such situation was an abuse of discretion of the Court.

When the respondent, Deputy Register of Deeds Concepcion manifested that he needed the services of counsel and right then and there appointed Atty. Elpidio Barzaga to represent him, the case was allowed to be called again. On the second call, Atty. Bugaring started to insist that he be allowed to mark and present his documentary evidence in spite of the fact that Atty. Barzaga was still manifesting that he be allowed to submit a written pleading for his client, considering that the Motion has so many ramifications and the issues are complicated.

At this point, Atty. Bugaring was insisting that he be allowed to mark his documentary evidence and was raring to argue as in fact he was already perorating despite the fact that Atty. Barzaga has not yet finished with his manifestation. As Atty. Bugaring appears to disregard orderly procedure, the Court directed him to listen and wait for the ruling of the Court for an orderly proceeding.

While claiming that he was listening, he would speak up anytime he felt like doing so. Thus, the Court declared him out of order, at which point, Atty. Bugaring flared up and uttered words insulting the Court; such as: 'that he knows better than the latter as he has won all his cases of certiorari in the appellate Courts, that he knows better the Rules of Court; that he was going to move for the inhibition of the Presiding Judge for allegedly being antagonistic to his client,' and other invectives were hurled to the discredit of the Court.

Thus, in open court, Atty. Bugaring was declared in direct contempt and order the Court's sheriff to arrest and

place him under detention.

WHEREFORE, in view of the foregoing and the fact that Atty. Rexie Efren Bugaring committed an open defiance, even challenging the Court in a disrespectful, arrogant, and contumacious manner, he is declared in direct contempt of Court and is sentenced to three (3) days imprisonment and payment of a fine of P3,000.00. His detention shall commence immediately at the Municipal Jail of Imus, Cavite.[5]

Pursuant to said Order, the petitioner served his three (3) day sentence at the Imus Municipal Jail, and paid the fine of P3,000.00.[6]

While serving the first day of his sentence on December 5, 1996, petitioner filed a motion for reconsideration of the Order citing him in direct contempt of court. The next day, December 6, 1996, petitioner filed another motion praying for the resolution of his motion for reconsideration. Both motions were never resolved and petitioner was released on December 8, 1996.[7]

To clear his name in the legal circle and the general public, petitioner filed a petition before the Court of Appeals praying for the annulment of the Order dated December 5, 1996 citing him in direct contempt of court and the reimbursement of the fine of P3,000.00 on grounds that respondent Judge Dolores S. Español had no factual and legal basis in citing him in direct contempt of court, and that said Order was null and void for being in violation of the Constitution and other pertinent laws and jurisprudence.[8]

The Court of Appeals found that from a thorough reading of the transcript of stenographic notes of the hearing held on December 5, 1996, it was obvious that the petitioner was indeed arrogant, at times impertinent, too argumentative, to the extent of being disrespectful, annoying and sarcastic towards the court.[9] It affirmed the order of the respondent judge, but found that the fine of P3,000.00 exceeded the limit of P2,000.00 prescribed by the Rules of Court,[10] and ordered the excess of P1,000.00 returned to petitioner. On March 6, 1998, it rendered judgment, the dispositive portion of which reads:

WHEREFORE, the petition is hereby DISMISSED for lack of merit and the assailed order dated December 5, 1996 issued by the trial court is hereby AFFIRMED with the modification that the excess fine of P1,000.00 is ORDERED RETURNED to the petitioner.

Before us, petitioner ascribes to the Court of Appeals this lone error:

THE APPELLATE COURT COMMITTED A REVERSIBLE ERROR IN AFFIRMING THE ASSAILED ORDER OF THE TRIAL COURT WHICH TO PETITIONER'S SUBMISSIONS SMACKS OF OPPRESSION AND ABUSE OF AUTHORITY, HENCE IT COMMITTED A GRAVE ERROR OF LAW IN ITS QUESTIONED DECISION.[11]

Petitioner insists that a careful examination of the transcript of stenographic notes of the subject proceedings would reveal that the contempt order issued by respondent judge had no factual and legal basis. It would also show that he was polite and respectful towards the court as he always addressed the court with the phrase "your honor please."

We disagree.

Section 1, Rule 71 of the Rules of Court as amended by Administrative Circular No. 22-95 provides:

Direct contempt punished summarily. - A person guilty of misbehavior in the presence of or so near a court or judge as to obstruct or interrupt the proceedings before the same, including disrespect toward the court or judge, offensive personalities toward others, or refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court or judge and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10)

days, or both, if it be a superior court, or a judge thereof, or by a fine not exceeding two hundred pesos or imprisonment not exceeding one (1) day, or both, if it be an inferior court.

We agree with the statement of the Court of Appeals that petitioner's alleged deference to the trial court in consistently addressing the respondent judge as "your Honor please" throughout the proceedings is belied by his behavior therein:

- the veiled threat to file a petition for certiorari against the trial court (pp. 14-15, tsn, December 5, 1996; pp. 41-42, Rollo) is contrary to Rule 11.03, Canon 11 of the Code of Professional Responsibility which mandates that "a lawyer shall abstain from scandalous, offensive or menacing language or behavior before the Courts".
- the hurled uncalled for accusation that the respondent judge was partial in favor of the other party (pp. 13-14, tsn, December 5, 1996; pp. 40-41, Rollo) is against Rule 11.04, Canon 11 of the Code of Professional Responsibility which enjoins lawyers from attributing to a judge "motives not supported by the record or have no materiality to the case".
- behaving without due regard to the trial court's order to maintain order in the proceedings (pp. 9-13, tsn, December 5, 1996; pp. 36-40, Rollo) is in utter disregard to Canon 1 of the Canons of Professional Ethics which makes it a lawyer's duty to "maintain towards the courts (1) respectful attitude" in order to maintain its importance in the administration of justice, and Canon 11 of the Code of Professional Responsibility which mandates lawyers to "observe and maintain the respect due to the Courts and to judicial officers and should insist on similar conduct by others".
- behaving without due regard or deference to his fellow counsel who at the time he was making representations in behalf of the other party, was rudely interrupted by the petitioner and was not allowed to further put a word in edgewise (pp. 7-13, tsn, December 5, 1996; pp. 34-39, Rollo) is violative of Canon 8 of the Code of Professional Responsibility and Canon 22 of the Canons of Professional Ethics which obliges a lawyer to conduct himself with courtesy, fairness and candor toward his professional colleagues, and
- the refusal of the petitioner to allow the Registrar of Deeds of the Province of Cavite, through counsel, to exercise his right to be heard (Ibid) is against Section 1 of Article III, 1997 Constitution on the right to due process of law, Canon 18 of the Canons of Professional Ethics which mandates a lawyer to always treat an adverse witness "with fairness and due consideration," and Canon 12 of Code of Professional Responsibility which insists on a lawyer to "exert every effort and consider it his duty to assist in the speedy and efficient administration of justice."

The Court cannot therefore help but notice the sarcasm in the petitioner's use of the phrase "your honor please." For, after using said phrase he manifested utter disrespect to the court in his subsequent utterances. Surely this behavior from an officer of the Court cannot and should not be countenanced, if proper decorum is to be observed and maintained during court proceedings.[12]

Indeed, the conduct of petitioner in persisting to have his documentary evidence marked to the extent of interrupting the opposing counsel and the court showed disrespect to said counsel and the court, was defiant of the court's system for an orderly proceeding, and obstructed the administration of justice. The power to punish for contempt is inherent in all courts and is essential to the preservation of order in judicial proceedings and to the enforcement of judgments, orders, and mandates of the court, and consequently, to the due administration of justice.[13] Direct contempt is committed in the presence of or so near a court or judge, as in the case at bar, and can be punished summarily without hearing.[14] Hence, petitioner cannot claim that there was irregularity in the actuation of respondent judge in issuing the contempt order inside her chamber without giving the petitioner the opportunity to defend himself or make an immediate reconsideration. The records show that petitioner was cited in contempt of court during the hearing in the sala of respondent judge, and he even filed a motion for reconsideration of the contempt order on the same day.[15]

Petitioner argued that while it might appear that he was carried by his emotions in espousing the case of his client - by persisting to have his documentary evidence marked despite the respondent judge's contrary order - he did so in the honest belief that he was bound to protect the interest of his client to the best of his ability and with utmost diligence.

The Court of Appeals aptly stated:

But "a lawyer should not be carried away in espousing his client's cause" (Buenaseda v. Flavier, 226 SCRA 645, 656). He should not forget that he is an officer of the court, bound to exert every effort and placed under duty, to assist in the speedy and efficient administration of justice pursuant to Canon 12, Canons of Professional Responsibility (Gomez v. Presiding Judge, RTC, Br. 15, Ozamis City, 249 SCRA 432, 439). He should not, therefore, misuse the rules of procedure to defeat the ends of justice per Rule 10.03. Canon 10 of the Canons of Professional Responsibility, or unduly delay a case, impede the execution of a judgment or misuse court processes, in accordance with Rule 12.04, Canon 12 of the same Canons (Ibid).

"Lawyers should be reminded that their primary duty is to assist the courts in the administration of justice. Any conduct which tends to delay, impede or obstruct the administration of justice contravenes such lawyer's duty." [16]

Although respondent judge was justified in citing petitioner in direct contempt of court, she erred in imposing a fine in the amount of P3,000.00 which exceeded the ceiling of P2,000.00 under Supreme Court Administrative Circular No. 22-95 which took effect on November 16, 1995. It was not established that the fine was imposed in bad faith. The Court of Appeals thus properly ordered the return of the excess of P1,000.00. Aside from the fine, the three days imprisonment meted out to petitioner was justified and within the 10-day limit prescribed in Section 1, Rule 71 of the Rules of Court, as amended.

It is our view and we hold, therefore, that the Court of Appeals did not commit any reversible error in its assailed decision.

WHEREFORE, the assailed Decision dated March 6, 1998 of the Court of Appeals is hereby **AFFIRMED**. The Regional Trial Court of Cavite, Branch 90, Imus, Cavite is ordered to return to the petitioner, Rexie Efren A. Bugaring, the sum of P1,000.00 out of the original fine of P3,000.00.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

[1] Penned by Associate Justice Ramon A. Barcelona and concurred in by Associate Justice Minerva P. Gonzaga-Reyes and Associate Justice Demetrio G. Demetria, Fourth Division.

[2] Spelled as Becthel in CA Decision.

[3] CA Decision, pp. 1-2, Rollo, pp. 51-52; Comment of respondent Judge Español, Rollo, pp. 82-83.

[4] Also spelled as Bargaza in the petition.

[5] Rollo, pp. 49-50.

[6] CA Decision, pp. 16-17, Rollo, pp. 66-67.

[7] Rollo, p. 67.

[8] Rollo, p. 67.

[9] Rollo, p. 69.

[10] Section 1, Rule 71 of the Rules of Court as amended by Administrative Circular No. 22-95, which took effect on November 16, 1995.

[11] Petition, p. 22, Rollo, p. 33.

[12] CA Decision, pp. 22-23, Rollo, pp. 71-73.

[13] *Cabilan vs. Ramolete*, 192 SCRA 674, 678 [1990].

[14] *Id.*, p. 679.

[15] Rollo, pp. 14, 17.

[16] CA Decision, p. 23, Rollo, p. 73.

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.