

**THE SENATE BLUE RIBBON COMMITTEE, REPRESENTED BY ITS
CHAIRMAN, SENATOR AQUILINO Q. PIMENTEL, JR., PETITIONER, VS.
HON. JOSE B. MAJADUCON, PRESIDING JUDGE OF BRANCH 23,
REGIONAL ...**

G.R. No. 136760. July 29, 2003

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-136760/>

YNARES-SANTIAGO, J.:

For resolution are two consolidated petitions: (a) G.R. No. 136760, for certiorari, prohibition, mandamus and preliminary injunction, assailing the resolution dated November 11, 1998 of Judge Jose S. Majaducon of the Regional Trial Court of General Santos City, Branch 23, which denied the Senate Blue Ribbon Committee's motion to dismiss the petition for prohibition, injunction with writ of preliminary injunction filed by private respondent Atty. Nilo J. Flaviano; and (b) G.R. No. 138378, for review of the resolution dated April 15, 1999 of respondent Judge Majaducon declaring petitioner Senator Aquilino Q. Pimentel, Jr. guilty of indirect contempt of court.

The antecedent facts are as follows:

G.R. No. 136760:

On August 28, 1998, Senator Blas F. Ople filed Senate Resolution No. 157 directing the Committee on National Defense and Security to conduct an inquiry, in aid of legislation, into the charges of then Defense Secretary Orlando Mercado that a group of active and retired military officers were organizing a coup d'etat to prevent the administration of then President Joseph Estrada from probing alleged fund irregularities in the Armed Forces of the Philippines.[1]

On the same date, Senator Vicente C. Sotto III also filed Resolution No. 160, "directing the appropriate senate committee to conduct an inquiry, in aid of legislation, into the alleged mismanagement of the funds and investment portfolio of the Armed Forces Retirement and Separation Benefits System (AFP-RSBS) xxx." [2]

The Senate President referred the two resolutions to the Committee on Accountability of Public Officers and Investigations (Blue Ribbon Committee) and the Committee on National Defense and Security.

During the public hearings conducted by the Senate Blue Ribbon Committee (hereafter called the Committee), it appeared that the AFP-RSBS purchased a lot in General Santos City, designated as Lot X, MR-1160, for P10,500.00 per square meter from private respondent Atty. Nilo J. Flaviano. However, the deed of sale filed with the Register of Deeds indicated that the purchase price of the lot was only P3,000.00 per square meter.

The Committee thereafter caused the service of a subpoena to respondent Atty. Flaviano, directing him to appear and testify before it. Respondent refused to appear at the hearing. Instead, he filed a petition for prohibition and preliminary injunction with prayer for temporary restraining order with the Regional Trial Court of General

Santos City, Branch 23, which was docketed as SP Civil Case No. 496.

On October 21, 1998, the trial court issued a Temporary Restraining Order directing the Committee "to CEASE and DESIST from proceeding with the inquiry in P.S. 160 particularly in General Santos City and/or anywhere in Region XI or Manila on matters affecting the patenting/titling and sale of Lot X, MR-1160-D to AFP-RSBS," and "from issuing subpoenas to witnesses from Region XI, particularly from General Santos City, pending the hearing of the petition for prohibition and injunction." [3]

On November 5, 1998, the Committee filed a motion to dismiss the petition on the grounds of (a) lack of jurisdiction, and (b) failure to state a valid cause of action. It further argued that the issuance of the Temporary Restraining Order was invalid for violating the rule against ex-parte issuance thereof; and that the same was not enforceable beyond the territorial jurisdiction of the trial court.

On November 11, 1998, the trial court denied petitioner's motion to dismiss and granted the writ of preliminary injunction, thus:

WHEREFORE, PREMISES CONSIDERED, the motion to dismiss is DENIED, and the WRIT OF PRELIMINARY INJUNCTION is hereby issued against respondent. It is enjoined from enforcing its subpoenas to petitioner in Region XI to appear and testify before it in any of its inquiry or investigation anywhere in the Philippines regarding the acquisition by the AFP-RSBS of Lot X, MR-1160-D, located in General Santos City. The bond of petitioner filed on October 21, 1998, for P500,000.00 for the TRO also serves as his bond in this injunction.

SO ORDERED.[4]

Hence, the instant petition for certiorari which was docketed as G.R. No. 136760, alleging that respondent Judge Majaducon committed grave abuse of discretion and/or acted without or in excess of jurisdiction when he:

- DENIED PETITIONER'S MOTION TO DISMISS THE PETITION FOR PROHIBITION AND PRELIMINARY INJUNCTION FILED BY PRIVATE RESPONDENT, ATTY. NILO J. FLAVIANO, AGAINST THE PETITIONER IN SP. CIVIL CASE NO. 496.
- ISSUED (1) A TEMPORARY RESTRAINING ORDER EX-PARTE FOR A PERIOD OF TWENTY (20) DAYS AGAINST THE PETITIONER ON OCTOBER 21, 1998, AND (2) A WRIT OF PRELIMINARY INJUNCTION ON NOVEMBER 11, 1998 ENJOINING THE PETITIONER FROM ENFORCING ITS SUBPOENAS TO PRIVATE RESPONDENT IN REGION XI.
- APPLIED THE RULING OF BENGZON VS. SENATE BLUE RIBBON IN GRANTING INJUNCTIVE RELIEF TO PRIVATE RESPONDENT.[5]

G.R. No. 138378:

On January 13, 1999, the newspaper, The Philippine Star published a news report on the filing by the Committee with this Court of the petition for certiorari which was docketed as G.R. No. 136760. The news report quoted portions of the petition filed by the Committee, alleging that Regional Trial Court Judge Majaducon was guilty of gross ignorance of the rules and procedures when he issued the temporary restraining order and the writ of preliminary injunction because, under the principle of separation of powers, courts cannot interfere with the exercise by the legislature of its authority to conduct investigations in aid of legislation.[6]

Reacting to the aforesaid news report, respondent Judge Majaducon motu proprio initiated a charge for indirect contempt of court against Senator Aquilino Q. Pimentel, Jr., news reporter Perseus Echeminada, Philippine Star publisher Maximo Soliven, editor-in-chief Ramon J. Farolan, and executive editor Bobby G. dela Cruz, which was docketed as Special Civil Case No. 496. Judge Majaducon averred that the news report created in the minds

of the reader the impression that he violated the separation of powers clause of the Constitution and that he was guilty of gross ignorance of the rules and procedures.

After the respondents submitted their respective answers, a decision was rendered on April 15, 1999 finding petitioner Pimentel guilty of indirect contempt.

Hence, the instant petition based on the following grounds:

- THE EXPRESSION "GROSS IGNORANCE OF THE RULES OF PROCEDURE" OR "GROSS IGNORANCE OF THE LAW" IN REFERENCE TO THE RESPONDENT'S EX-PARTE ISSUANCE OF INJUNCTIVE RELIEF IS NOT PEJORATIVE AS TO CONSTITUTE A GROUND FOR INDIRECT CONTEMPT.
- THIS HONORABLE COURT ITSELF USES "GROSS IGNORANCE OF THE LAW" AND OTHER EXPRESSIONS OF SIMILAR FORCEFUL IMPORT IN DESCRIBING GROSS AND PALPABLE ERRORS OF JUDGES.
- BY UPHOLDING HIS CONTEMPT CHARGE AGAINST THE PETITIONER, THE RESPONDENT JUDGE HAS, IN EFFECT, PREEMPTED THIS HONORABLE COURT IN RESOLVING THE ISSUES RAISED AGAINST HIM IN G.R. NO. 136760.
- THE PUBLICATION BY PHILIPPINE STAR OF THE BLUE RIBBON PETITION IN G.R. NO. 136760, OR EXCERPTS THEREOF WAS A LEGITIMATE EXERCISE OF FREEDOM OF EXPRESSION AND OF THE PRESS.

The two petitions, namely, G.R. No. 136760 and G.R. No. 138378, were ordered consolidated on December 11, 2000.

The issues for resolution in these joint petitions are: (a) whether or not respondent Judge Jose Majaducon committed grave abuse of discretion when he dismissed petitioner's motion to dismiss the petition for prohibition and issued the writ of preliminary injunction; and (b) whether or not respondent Judge erred in convicting petitioner Pimentel of indirect contempt of court.

On the first issue, petitioner Committee contends that courts have no jurisdiction to restrain Congress from performing its constitutionally vested function to conduct investigations in aid of legislation, following the principle of separation of powers. Moreover, the petition filed by respondent Flaviano before the trial court failed to state a cause of action considering that the legislative inquiry did not deal with the issuance of the patent and title to Lot X, MR-1160-D in the name of AFP-RSBS, which is well within the court's jurisdiction, but with the anomaly in the purchase thereof, which falls squarely within the ambit of Senate Resolutions Nos. 157[7] and 160.[8]

On the other hand, respondent Flaviano contends that the trial court may properly intervene into investigations by Congress pursuant to the power of judicial review vested in it by the Constitution. He avers that he has a valid cause of action to file the petition for prohibition considering that the Committee's investigation will delve into the validity of the patenting and titling of Lot X, MR-1160-D which, as admitted by petitioner, falls within the competence of judicial courts. In fact, the validity of the purchase by AFP-RSBS of the subject lot is already the subject of a pending action before the Regional Trial Court of General Santos City and the Ombudsman of Mindanao. Finally, he cites the case of *Bengzon v. Senate Blue Ribbon Committee*,^[9] and argues that preliminary injunction may issue in cases pending before administrative bodies such as the Ombudsman or the Office of the Prosecutor as long as the right to self-incrimination guaranteed by the Bill of Rights is in danger. Furthermore, an information against him has been filed with the Sandiganbayan.

We find for petitioner. There is grave abuse of discretion when the respondent acts in a capricious, whimsical, arbitrary or despotic manner in the exercise of his judgment, as when the assailed order is bereft of any factual and legal justification.[10] In this case, the assailed resolution of respondent Judge Majaducon was issued without legal basis.

The principle of separation of powers essentially means that legislation belongs to Congress, execution to the Executive, and settlement of legal controversies to the Judiciary. Each is prevented from invading the domain of the others.[11] When the Senate Blue Ribbon Committee served subpoena on respondent Flaviano to appear and testify before it in connection with its investigation of the alleged misuse and mismanagement of the AFP-RSBS funds, it did so pursuant to its authority to conduct inquiries in aid of legislation. This is clearly provided in Article VI, Section 21 of the Constitution, thus:

The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.

Hence, the Regional Trial Court of General Santos City, or any court for that matter, had no authority to prohibit the Committee from requiring respondent to appear and testify before it.

The ruling in *Bengzon*, cited by respondent, does not apply in this case. We agree with petitioner Committee that the factual circumstances therein are different from those in the case at bar. In *Bengzon*, no intended legislation was involved and the subject matter of the inquiry was more within the province of the courts rather than of the legislature. More specifically, the investigation in the said case was an offshoot of the privilege speech of then Senator Enrile, who urged the Senate to look into a possible violation of the Anti-Graft and Corrupt Practices Act by the relatives of then President Corazon Aquino, particularly Mr. Ricardo Lopa, in connection with the alleged sale of 36 to 39 corporations belonging to Benjamin Romualdez. On the other hand, there was in this case a clear legislative purpose, as stated in Senate Resolution No. 160, and the appropriate Senate Committee was directed to look into the reported misuse and mismanagement of the AFP-RSBS funds, with the intention of enacting appropriate legislation to protect the rights and interests of the officers and members of the Armed Forces of the Philippines. Further, in *Bengzon*, the validity of the sale of Romualdez's corporations was pending with the Sandiganbayan when the Senate Blue Ribbon Committee decided to conduct its investigation. In short, the issue had already been pre-empted by the court.

In the instant case, the complaint against respondent Flaviano regarding the anomaly in the sale of Lot X, MR-1160 was still pending before the Office of the Ombudsman when the Committee served subpoena on him. In other words, no court had acquired jurisdiction over the matter. Thus, there was as yet no encroachment by the legislature into the exclusive jurisdiction of another branch of the government. Clearly, there was no basis for the respondent Judge to apply the ruling in *Bengzon*. Hence, the denial of petitioner's motion to dismiss the petition for prohibition amounted to grave abuse of discretion.

In G.R. No. 138378, petitioner, Senator Aquilino Pimentel, Jr., contends that respondent judge erred in finding him, as representative of the Committee, guilty of indirect contempt of court under Rule 71, Section 3(d) of the 1997 Rules of Civil Procedure. According to Pimentel, the phrase "gross ignorance of the rules of law and procedure," which the Committee used in the petition, is not depreciatory, but merely a description of normal usage in petitions where the acts of lower courts are challenged before higher judicial bodies. In fact, this Court often uses the phrase in its decisions to describe judges who commit gross and palpable mistakes in their interpretation and application of the law. Petitioner further maintains that when the Committee used the phrase, it did so without malice. Rather, it was only to stress the unfamiliarity of or disregard by the respondent Judge of a basic rule of procedure, and to buttress its arguments in support of its petition for certiorari.

Petitioner Pimentel also contends that he had no participation in the publication in the Philippine Star of excerpts from the Committee's petition for certiorari. Even assuming arguendo that it was within his control, he pointed out that he could not have prevented the editors and writers of the newspaper from publishing the same, lest he violate their constitutional right of free expression. Indeed, the report by the Philippine Star of the filing of the petition and the reproduction of its contents was a legitimate exercise of press freedom.

Respondent Judge counters that Pimentel was guilty of indirect contempt of court, first, for causing the publication of the Committee's petition in the Philippine Star notwithstanding that the same was sub judice; second, for making derogatory remarks in the petition itself which affected the honor and integrity of the respondent judge and degraded the administration of justice; and third, for making it appear that an administrative complaint was filed against respondent Judge for gross ignorance of the law. These, he said, constituted malicious and false report which obstructed the administration of justice.

Rule 71, Section 3(d) of the 1997 Rules of Civil Procedure provides:

Section 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:

x x x x x x x x

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

After deliberating on the parties' arguments, we find that petitioner Pimentel is not guilty of improper conduct which obstructs or degrades the administration of justice.

Verily, it does not appear that Pimentel caused the publication in the Philippine Star of the fact of filing of the petition for certiorari by the Committee and the reproduction of excerpts thereof. He had no right to choose which news articles will see print in the newspaper. Rather, it is the publisher thereof which decides which news events will be reported in the broadsheet. In doing so, it is allowed "the widest latitude of choice as to what items should see the light of day so long as they are relevant to a matter of public interest," pursuant to its right of press freedom.[12]

Respondent Judge's allegation that petitioner made it appear that an administrative complaint was filed against him is without basis. From a careful perusal of the records, it appears that while the Committee prayed for the imposition of administrative sanctions against respondent Judge Majaducon for gross ignorance of the law, no formal administrative complaint was instituted separately from the petition for certiorari.

Finally, the statement that respondent Judge was grossly ignorant of the rules of law and procedure does not constitute improper conduct that tends to impede, obstruct or degrade the administration of justice. As correctly argued by petitioner, the phrase "gross ignorance of the rules of law and procedure" is ordinarily found in administrative complaints and is a necessary description to support a petition which seeks the annulment of an order of a judge wherein basic legal principles are disregarded.

In *Spouses Bacar v. Judge De Guzman, Jr.*, [13] it was held that when the law is so elementary, not to know it or to act as if a judge does not know it, constitutes gross ignorance of the law. In this case, there was no showing that petitioner Pimentel, as representative of the Committee, used the phrase to malign the trial court. Rather, it was used to express what he believed as a violation of the basic principle of separation of powers.

In this connection, it bears stressing that the power to declare a person in contempt of court must be exercised on

the preservative, not vindictive principle, and on the corrective and not retaliatory idea of punishment.[14] This was aptly expressed in the case of *Nazareno v. Barnes*:^[15]

A judge, as a public servant, should not be so thin-skinned or sensitive as to feel hurt or offended if a citizen expresses an honest opinion about him which may not altogether be flattering to him. After all, what matters is that a judge performs his duties in accordance with the dictates of his conscience and the light that God has given him. A judge should never allow himself to be moved by pride, prejudice, passion, or pettiness in the performance of his duties. He should always bear in mind that the power of the court to punish for contempt should be exercised for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons but for the functions that they exercise.

WHEREFORE, in view of the foregoing, the petitions docketed as G.R. Nos. 136760 and 138378 are GRANTED. The resolution of the Regional Trial Court of General Santos City, Branch 23, in Special Civil Case No. 496 dated November 11, 1998, which denied the Senate Blue Ribbon Committee's motion to dismiss, is REVERSED and SET ASIDE. The Writ of Preliminary Injunction issued by the trial court on November 11, 1998 is DISSOLVED. The resolution dated April 15, 1999, which declared Senator Aquilino Q. Pimentel, Jr. guilty of indirect contempt of court, is REVERSED and SET ASIDE. The petition for indirect contempt is ordered DISMISSED.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.
Sandoval-Gutierrez, J., on official leave.

[1] Rollo for G.R. No. 136760, p. 51.

[2] *Id.*, at 54.

[3] Rollo for G.R. No. 136760, p. 37.

[4] *Id.*, at 35-36.

[5] *Id.*, at 11-12.

[6] J. Bernas, *The 1987 Constitution of the Republic of the Philippines: A Commentary*, p. 603 (1996 edition).

[7] *Supra*, note 1.

[8] *Supra*, note 2.

[9] G.R. No. 89914, 20 November 1991, 203 SCRA 767.

[10] *Ban Hua Flores v. Office of the Ombudsman and Atty. Enrique L. Flores, Jr.*, G.R. No. 136769, 17 September 2002, p. 6.

[11] Bernas, *The 1987 Constitution of the Republic of the Philippines: A Commentary*, p. 603 (1996 ed.).

[12] *Lopez v. Court of Appeals*, 145 Phil. 219 (1970).

[13] 338 Phil. 41 (1997).

[14] *Oclarit v. Paderanga*, G.R. No. 139519, 24 January 2001, 350 SCRA 260, 264-265.

[15] 220 Phil. 452 (1985).

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.