JUDGE DOLORES L. ESPAÑOL, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 90, DASMARIÑAS, CAVITE, PETITIONER, VS. ATTY. BENJAMIN S. FORMOSO AND SPOUSES BENITO SEE AND MARLY SEE, R...

G.R. NO. 150949. June 21, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is a Petition for Review on Certiorari assailing the Decision[1] dated September 12, 2001 and Resolution dated November 15, 2001 of the Court of Appeals in CA-G.R. SP No. 65652.

The facts are:

On April 15, 1994, Sharcons Builders Philippines, Inc. (Sharcons) bought from Evanswinda Morales a piece of land consisting of 33,130 square meters in Paliparan, Dasmariñas, Cavite. The property is covered by Transfer Certificate of Title (TCT) No. T-278479 issued in her name by the Register of Deeds of Trece Martires City.

Thus, TCT No. T-278479 in Evanswinda's name was cancelled and in lieu thereof, TCT No. T-511462 was issued in the name of Sharcons. However, when the latter's workers tried to fence and take possession of the lot, they were prevented by the caretaker of spouses Joseph and Enriqueta Mapua. The caretaker claimed that spouses Mapua are the owners of the land. Sharcons verified the status of the title and found that TCT No. T-107163 was indeed registered in the names of spouses Mapua as early as July 13, 1979.

On January 25, 2000, Sharcons filed with the Regional Trial Court (RTC), Branch 90, Dasmariñas, Cavite a complaint for quieting of title, docketed as Civil Case No. 2035-00. Impleaded as defendants were spouses Mapua, Evanswinda Morales, and the Register of Deeds of Trece Martires City.

In their answer, spouses Mapua alleged, among others, that all the documents relied upon by Sharcons are spurious and falsified.

In the course of the proceedings, or on July 9, 2001, Judge Dolores L. Español, petitioner, issued an Order stating that Benito See and Marly See, president and treasurer, respectively, of Sharcons, and its counsel, Atty. Benjamin Formoso, respondents, have used a spurious certificate of title and tax declaration when it (Sharcons) filed with the RTC its complaint for quieting of title. Consequently, petitioner declared respondents guilty of direct contempt of court and ordered their confinement for ten (10) days in the municipal jail of Dasmariñas, Cavite.

Petitioner's Order is partly reproduced as follows:

> From the foregoing circumstances, this Court is of the view and so holds that the instant case is a callous and blatant imposition of lies, falsehoods, deceptions, and fraudulent manipulations, through the extensive use of falsified documents by the plaintiff corporation and its former counsel, Atty. Benjamin S. Formoso, defendant Evanswinda C. Morales and even the Geodetic Engineer who connived with this private group on one hand,

> and some officials and employees of the government agencies responsible for the processing and issuance of spurious or falsified titles, on the other. Unless these fraudulent operations are put to a complete and drastic halt, the Courts are at the mercy of these unscrupulous people for their own personal gain.
>
> Using the presumption that whoever is in possession and user of falsified document is the forger thereof (Gamido v. Court of Appeals, 25 SCRA 101 [1995]), let the appropriate falsification charges be filed against Benito See and Marly See together with Evanswinda C. Morales. Thus, let a copy of this Order be forwarded to the National Bureau of Investigation and the Department of Justice for their appropriate action. As regards Atty. Benjamin S. Formoso, let a copy of this Order be forwarded to the Bar Confidant's Office, Supreme Court. Manila.
>
> Further, Benito See and Marly See, President and Treasurer of Sharcons Builders Phils. Inc., respectively, and Atty. Benjamin S. Formoso, counsel for Sharcons until March 13, 2001, are declared and held in contempt for foisting falsehoods and using falsified and spurious documents in the pursuit of their nefarious activities pursuant to the instant case filed before this Court. Let the corresponding Warrants of Arrest be issued against the aforesaid respondents who should serve ten (10) days of detention at the Dasmariñas Municipal Jail, Cavite.
>
> Likewise, the title issued to Sharcons Builders Philippines, Inc., under TCT No. T-511462 allegedly issued on November 11, 1994, being spurious, is hereby cancelled, it having been derived from another spurious title with TCT No. T-278479 allegedly issued to Evanswinda C. Morales on December 29, 1989. The Declaration of Real Property No. 4736 is likewise hereby cancelled for being spurious. Let a copy of this Order be forwarded to the Registry of Deeds for its implementation with respect to the two (2) titles for cancellation and to the Assessor's Office of the Municipality of Dasmariñas, Cavite, to stave off the proliferation of these spurious instruments.
>
> WHEREFORE, in view of the foregoing, the instant case is DISMISSED WITH PREJUDICE, whereas, the private defendant's counterclaims, which need further substantiation, are likewise dismissed. However, the said private defendants are not precluded from pursuing their rightful course(s) of action in the interest of justice.
>
> SO ORDERED.

Petitioner stated that in determining the merits of Sharcons' complaint for quieting of title, she "stumbled" upon Civil Case No. 623-92 for cancellation of title and damages filed with the RTC, Branch 20, Imus, Cavite, presided by then Judge Lucenito N. Tagle.[2] Petitioner then took judicial notice of the judge's Decision declaring that Sharcons' TCT and other supporting documents are falsified and that respondents are responsible therefor.

On July 12, 2001, petitioner issued warrants of arrest against respondents. They were confined in the municipal jail of Dasmariñas, Cavite. That same day, respondents filed a motion for bail and a motion to lift the order of arrest. But they were denied outright by petitioner.

Respondents then filed with the Court of Appeals a petition for a writ of habeas corpus, docketed as CA-G.R. SP No. 65652. On July 19, 2001, the Court of Appeals granted the petition.

On September 12, 2001, the Court of Appeals promulgated its Decision, the dispositive portion of which reads:

> IN THE LIGHT OF ALL THE FOREGOING, finding the instant petition to be meritorious, the same is hereby GRANTED. Respondent judge's July 9, 2001 Order, insofar as it declared herein petitioners in direct contempt and ordered their incarceration for ten (10) days, as well as the Warrant of Arrest, dated July 12, 2001, and the Order of Commitment, dated July 13, 2001, which the respondent judge issued against the persons of the herein petitioners, are hereby NULLIFIED and SET ASIDE.
>
> SO ORDERED.

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The Court of Appeals ruled that Judge Español erred in taking cognizance of the Decision rendered by then Judge Tagle in Civil Case No. 623-92 since it was not offered in evidence in Civil Case No. 2035-00 for quieting of title. Moreover, as the direct contempt of court is criminal in nature, petitioner should have conducted a hearing. Thus, she could have determined whether respondents are guilty as charged.

Petitioner filed a motion for reconsideration but the Court of Appeals denied the same in its Resolution of November 15, 2001.

Hence, this petition.

The basic question before us is whether petitioner erred in ruling that respondents are guilty of direct contempt of court for using falsified documents when Sharcons filed its complaint for quieting of title.

The early case of In re Jones[3] defined contempt of court as "some act or conduct which tends to interfere with the business of the court, by a refusal to obey some lawful order of the court, or some act of disrespect to the dignity of the court which in some way tends to interfere with or hamper the orderly proceedings of the court and thus lessens the general efficiency of the same." It has also been described as "a defiance of the authority, justice or dignity of the court; such conduct as tends to bring the authority and administration of the law into disrespect or to interfere with or prejudice parties litigants or their witnesses during litigation."[4] Simply put, it is despising of the authority, justice, or dignity of the court.[5]

The offense of contempt traces its origin to that time in England when all courts in the realm were but divisions of the Curia Regia, the supreme court of the monarch, and to scandalize a court was an affront to the sovereign.[6] This concept was adopted by the Americans and brought to our shores with modifications. In this jurisdiction, it is now recognized that courts have the inherent power to punish for contempt on the ground that respect for the courts guarantees the very stability of the judicial institution.[7] Such stability is essential to the preservation of order in judicial proceedings, to the enforcement of judgments, orders, and mandates of the courts, and, consequently, to the very administration of justice.[8]

Rule 71 of the 1997 Rules of Civil Procedure, as amended, provides:

> SEC. 1. Direct contempt punished summarily. – A person guilty of misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, 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 and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10) days, or both, if it be a Regional Trial Court or a court of equivalent or higher rank, or by a fine not exceeding two hundred pesos or imprisonment, not exceeding one (1) day, or both, if it be a lower court.

In Narcida v. Bowen,[9] this Court characterized direct contempt as one done "in the presence of or so near the court or judge as to obstruct the administration of justice." It is a contumacious act done facie curiae and may be punished summarily without hearing.[10] In other words, one may be summarily adjudged in direct contempt at the very moment or at the very instance of the commission of the act of contumely.

Section 3, Rule 71 of the same Rules states:

> 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 by counsel, a person guilty of any of the following acts may be punished for indirect contempt:
>
> (a) Misbehavior of an officer of court in the performance of his official duties or in his official transactions;

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> (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;
>
> (e) Assuming to be an attorney or an officer of a court and acting as such without authority;
>
> (f) Failure to obey a subpoena duly served;
>
> (g) The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him.
>
> But nothing in this section shall be so construed as to prevent the court from issuing process to bring the respondent into court, or from holding him in custody pending such proceedings.

Indirect or constructive contempt, in turn, is one perpetrated outside of the sitting of the court and may include misbehavior of an officer of a court in the performance of his official duties or in his official transactions, disobedience of or resistance to a lawful writ, process, order, judgment, or command of a court, or injunction granted by a court or a judge, any abuse or any unlawful interference with the process or proceedings of a court not constituting direct contempt, or any improper conduct tending directly or indirectly to impede, obstruct or degrade the administration of justice.[11]

We agree with petitioner that the use of falsified and forged documents is a contumacious act. However, it constitutes indirect contempt not direct contempt. Pursuant to the above provision, such act is an improper conduct which degrades the administration of justice. In Santos v. Court of First Instance of Cebu, Branch VI,[12] we ruled that the imputed use of a falsified document, more so where the falsity of the document is not apparent on its face, merely constitutes indirect contempt, and as such is subject to such defenses as the accused may raise in the proper proceedings. Thus, following Section 3, Rule 71, a contemner may be punished only after a charge in writing has been filed, and an opportunity has been given to the accused to be heard by himself and counsel.[13] Moreover, settled is the rule that a contempt proceeding is not a civil action, but a separate proceeding of a criminal nature in which the court exercises limited jurisdiction.[14] Thus, the modes of procedure and the rules of evidence in contempt proceedings are assimilated as far as practicable to those adapted to criminal prosecutions.[15] Perforce, petitioner judge erred in declaring summarily that respondents are guilty of direct contempt and ordering their incarceration. She should have conducted a hearing with notice to respondents.

Petitioner, in convicting respondents for direct contempt of court, took judicial notice of the Decision in Civil Case No. 623-92, assigned to another RTC branch, presided by then Judge Tagle. Section 1, Rule 129 of the Revised Rules of Court provides:

> SEC. 1. Judicial notice, when mandatory. – A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government, and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of the legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.

In Gener v. De Leon,[16] we held that courts are not authorized to take judicial notice of the contents of records of other cases even when such cases have been tried or pending in the same court. Hence, we reiterate that petitioner took judicial notice of the Decision rendered by another RTC branch and on the basis thereof, concluded that respondents used falsified documents (such as land title and tax declaration) when Sharcons filed its complaint for quieting. Verily, the Court of Appeals did not err in ruling that respondents are not guilty of direct contempt of court.

Meanwhile, the instant petition challenging the Decision of the Court of Appeals granting the writ of habeas corpus in favor of respondents has become moot. We recall that respondents were released after posting the required bail as ordered by the Court of Appeals. A writ of habeas corpus will not lie on behalf of a person who is not actually restrained of his liberty. And a person discharged on bail is not restrained of his liberty as to be entitled to a writ of habeas corpus.[17]

WHEREFORE, we DENY the petition. The challenged Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 65652 are AFFIRMED. No costs.
SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

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[1] Rollo, pp. 26-35. Penned by Associate Justice Candido V. Rivera (retired) and concurred in by Associate Justice Conchita Carpio Morales (now a member of this Court) and Associate Justice Juan Q. Fuentes, Jr.

[2] Now Justice of the Court of Appeals.

[3] 9 Phil. 347 (1907).

[4] Heirs of Trinidad De Leon Vda. de Roxas v. Court of Appeals, G.R. No. 138660, February 5, 2004, 422 SCRA 101, 114, citing Halili v. CIR, 220 Phil. 507 (1985).

[5] Villavencio v. Lukban, 39 Phil. 778, 809 (1919).

[6] Re Caruba, 139 NJ Eq 404, 51 A2d 446, affd 140 NJ Eq 563, 55 A2d 289.

[7] Mercado v. Security Bank Corp., G.R. No. 160445, February 16, 2006, 482 SCRA 501, 518.

[8] In re Kelly, 35 Phil. 944, 950 (1916).

[9] 22 Phil. 365 (1912).

[10] Medina v. Rivera, 66 Phil. 155, 156 (1938); Encinas v. National Bookstore, Inc., G.R. No. 162704, July 28, 2005, 464 SCRA 572, 574.

[11] Patricio v. Suplico, G.R. No. 76562, April 22, 1991, 196 SCRA 140, 146.

[12] G.R. Nos. 57190-91, 58532, May 18, 1990, 185 SCRA 472.

[13] Ruiz v. How, A.M. No. RTJ-03-1805, October 14, 2003, 413 SCRA 333, 340, citing Wicker v. Arcangel, 242 SCRA 444 (1996).

[14] In re Mison, Jr. v. Subido, G.R. No. 27704, May 28, 1970, 33 SCRA 30, 33.

[15] Lee Yick Hon v. Collector of Customs, 41 Phil. 548, 552 (1921).

[16] G.R. No. 130730, October 19, 2001, 367 SCRA 631, citing People v. Hernandez, 260 SCRA 25 (1996); US

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v. Ckaveria, 29 Phil. 527 (1915).

[17] Tan Me Nio v. Collector of Customs, 34 Phil. 944, 947 (1916).

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