

MARIANO Y. SIY, IN HIS PERSONAL CAPACITY, AS WELL AS IN HIS CAPACITY AS OWNER OF PHILIPPINE AGRI TRADING CENTER, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION AND ELENA EM...

G.R. NO. 158971. August 25, 2005

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-158971/>

CORONA, J.:

For resolution is private respondent Elena Embang's motion to cite Atty. Frederico P. Quevedo, counsel of petitioner Mariano Y. Siy, in contempt of court for delaying this case and impeding the execution of the judgment rendered herein, in violation of Canon 12[1] and Rule 12.04[2] of the Code of Professional Responsibility.

This case originated from a complaint for illegal dismissal and non-payment of holiday pay and holiday premium pay filed by Embang against petitioner and Philippine Agri Trading Center. The labor arbiter ruled in favor of Embang. The dispositive portion of his September 29, 2000 decision[3] read:

WHEREFORE, judgment is hereby rendered declaring [Embang] to be a regular employee of the PHIL-AGRI TRADING CENTER and ordering the latter to reinstate her to her former position and pay her backwages from the date of her dismissal on February 18, 2000 until her reinstatement which computed as of today amounts to P37,771.50 (P5881 x 6.5 months) plus 1/12 thereof or the amount of P3,147.62 as corresponding 13th month pay for the period.

An additional award of 5% of the total award is also rendered since [,] compelled to litigate [,] [Embang] had to engage the services of counsel.

All other claims are DISMISSED for lack of merit.

SO ORDERED.

On March 8, 2002, the Third Division of the National Labor Relations Commission (NLRC) denied petitioner's appeal and affirmed the decision of the labor arbiter with modification. Thus:

WHEREFORE, premises considered, the appeal is DENIED for lack of merit and the Decision dated September 29, 2000 is hereby AFFIRMED with MODIFICATION in [that Mariano Y. Siy] should be made jointly and severally liable together with Phil. Agri Trading Center and that [Embang] is entitled only [to] the ten (10%) percent of his awarded 13th month pay as attorney's fees.

SO ORDERED.[4]

After the NLRC refused to reconsider its March 8, 2002 resolution, petitioner elevated the case to the Court of Appeals (CA) by way of a petition for certiorari. Finding the petition to be without merit, the appellate court dismissed the same.[5] The motion for reconsideration filed by petitioner was likewise denied.[6]

Undaunted, petitioner filed a petition for review on certiorari before this Court questioning the CA's decision

(dismissing his petition) and resolution (denying his motion for reconsideration). Since we found no reversible error on the part of the appellate court, we denied the petition in our September 22, 2003 resolution. Petitioner sought a reconsideration of our resolution but we resolved to deny the same with finality. Thereafter, entry of judgment was made on December 30, 2003.

In accordance with the rules of procedure of the NLRC, Embang's counsel filed a motion for the issuance of a writ of execution dated February 16, 2004 before the labor arbiter. Subsequently, Atty. Quevedo entered his appearance for the petitioner and filed a comment to the motion for writ of execution.[7] He alleged that Embang rejected the various offers of reinstatement extended to her by petitioner; hence, she should be entitled to backwages only up to September 29, 2000, the date of the promulgation of the labor arbiter's decision.

This was followed by a protracted exchange of pleadings and motions between the parties.[8] Finding that his office was never informed by petitioner and Philippine Agri Trading Center of any intention on their part to reinstate Embang to her former position, the labor arbiter issued an order dated July 30, 2004[9] granting the February 16, 2004 motion and directing that a writ of execution be issued.

Atty. Quevedo refused to be deterred. He filed an appeal with the NLRC on August 12, 2004. He insisted that the labor arbiter committed grave abuse of discretion in failing to specify in his order that the backwages should be computed until September 29, 2000 only and that no backwages should accrue thereafter because of Embang's refusal to be reinstated.

Embang's counsel moved to dismiss the appeal. He contended that the appeal was not perfected because petitioner and Philippine Agri Trading Center did not post the required cash or surety bond. Pending the resolution of the appeal, Embang filed the instant motion to cite Atty. Quevedo in contempt of court.

By way of comment, Atty. Quevedo maintains that he did not delay the execution of the decision but only sought the consideration of Embang's refusal to be reinstated in any writ of execution that may be issued. He claims that such refusal on Embang's part constituted a supervening event that justified the filing of an appeal - notwithstanding the finality of the decision. He also asserts that an appeal was the proper remedy to question the July 30, 2004 order of the labor arbiter.

Meanwhile, the Third Division of the NLRC issued a resolution[10] on February 28, 2005 resolving not to give due course to the appeal and to remand the case to the regional arbitration branch for further proceedings. The NLRC held that the July 30, 2004 order was not appealable. Despite the denial of the appeal, however, Atty. Quevedo filed a motion for clarification/partial reconsideration of the NLRC's February 28, 2005 resolution.

For his obstinacy in refusing to respect a final and executory judgment, we hold Atty. Quevedo in contempt of court.

Contempt of court is disobedience to the court by acting in opposition to its authority, justice and dignity. It signifies not only a willful disregard or disobedience of the court's orders but also conduct tending to bring the authority of the court and the administration of law into disrepute or, in some manner, to impede the due administration of justice.[11] Under the Rules of Court, contempt is classified into either direct or indirect contempt. Direct contempt is committed in the presence of or so near a court or judge as to obstruct or interrupt the proceedings before the same.[12] Indirect contempt is one not committed in the presence of a court.[13] It is an act done at a distance which tends to belittle, degrade, obstruct or embarrass the court and justice.[14]

Atty. Quevedo should be sanctioned for indirect contempt. Indirect contempt is committed by a person who commits the following acts, among others: disobedience or resistance to a lawful writ, process, order or judgment of a court;[15] any abuse of or any unlawful interference with the processes or proceedings of a court not

constituting direct contempt;[16] and any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice.[17]

We denied with finality the petitioner's petition for review on certiorari almost two years ago. But the decision of the labor arbiter (affirmed with modification by the NLRC and upheld by the CA and this Court) remains unsatisfied up to now because of Atty. Quevedo's sly maneuvers on behalf of his client.

Once a case is decided with finality, the controversy is settled and the matter is laid to rest. The prevailing party is entitled to enjoy the fruits of his victory while the other party is obliged to respect the court's verdict and to comply with it. We reiterate our pronouncement in *Sacdalan v. Court of Appeals*: [18]

...well-settled is the principle that a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land.

The reason for this is 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 deprived of the fruits of the verdict. Courts must guard against any scheme calculated to bring about that result and must frown upon any attempt to prolong the controversies.

The only exceptions to the general rule are the correction of clerical errors, the so-called *nunc pro tunc* entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.

This case does not fall under any of the recognized exceptions. Contrary to Atty. Quevedo's contention, there existed no supervening event that would have brought the case outside the ambit of the general rule on the immutability of final and executory decisions.

Supervening events refer to facts which transpire after judgment becomes final and executory or to new circumstances which develop after judgment acquires finality.[19] The "refusal" of Embang to be reinstated happened, assuming it really happened, before the finality of our September 22, 2003 resolution, i.e., before the decision of the labor arbiter as modified by the NLRC became final and executory.

In fact, the issue of the alleged offer of reinstatement and Embang's rejection of the same was not a new one and had already been passed upon by the courts. Atty. Quevedo himself admits that petitioner brought the issue before the CA in his June 6, 2002 petition for certiorari and December 3, 2002 memorandum. The appellate court brushed it aside and found neither factual nor legal merit in the petition. The matter was again raised in petitioner's June 3, 2003 motion for reconsideration which was denied on the ground that the basic issues had already been previously considered by the court. Embang's alleged refusal to be reinstated was also alleged in the petition for review on certiorari filed by petitioner before this Court. We denied it for failing to show that a reversible error had been committed by the CA.

Atty. Quevedo's client was bound by the finality of our affirmance of the modified decision of the labor arbiter. He should not have tried, under the guise of a flimsy appeal to the NLRC, to reopen a case already decided with finality. Nor should he have raised anew matters previously considered and issues already laid to rest.

Atty. Quevedo's act of filing a baseless appeal with the NLRC was obviously intended to defeat the implementation of a final and executory decision. Elementary is the rule that an order granting a motion for a writ of execution is not appealable.[20] Thus, Atty. Quevedo's deceptively "innocent" appeal constituted either a willful disregard or gross ignorance of basic rules of procedure resulting in the obstruction of justice.

By his acts, Atty. Quevedo has tried to prevent Embang from enjoying the fruits of her hard earned legal victory.

In effect, he has been tying the hands of justice and preventing it from taking its due course. His conduct has thwarted the due execution of a final and executory decision. By appealing an order which he knew to be unappealable, he abused court processes and hindered the dispensation of justice. His dilatory tactics were an affront to the dignity of the Court, clearly constituting indirect contempt.

We note that the ground cited in the motion to cite Atty. Quevedo in contempt of court was his violation of Canon 12 and Rule 12.04 of the Code of Professional Responsibility. While a lawyer's violation of his duties as an officer of the court may also constitute contempt, the grounds for holding a person in contempt and for holding him administratively liable for the violation of his lawyer's oath are distinct and separate from each other. They are specified in Rule 71 of the Rules of Court. A finding of contempt on the part of a lawyer does not preclude the imposition of disciplinary sanctions against him for his contravention of the ethics of the legal profession. Thus:

x x x the power to punish for contempt and the power to disbar are separate and distinct, and that the exercise of one does not exclude the exercise of the other. A contempt proceeding for misbehavior in court is designed to vindicate the authority of the court; on the other hand, the object of a disciplinary proceeding is to deal with the fitness of the court's officer to continue in that office, to preserve and protect the court and the public from the official ministrations of persons unfit or unworthy to hold such office. The principal purpose of the exercise of the power to cite for contempt is to safeguard the functions of the court [while that] of the exercise of disciplinary authority by the Supreme Court is to assure respect for orders of such court by attorneys who, as much as judges, are responsible for the orderly administration of justice.

Moreover, it has been held that the imposition of a fine as a penalty in a contempt proceeding is not considered *res judicata* to a subsequent charge for unprofessional conduct. In the same manner, an attorney's conviction for contempt was not collaterally estopped by reason of a subsequent disbarment proceeding in which the court found in his favor on essentially the same facts leading to conviction. It has likewise been the rule that a notice to a lawyer to show cause why he should not be punished for contempt cannot be considered as a notice to show cause why he should not be suspended from the practice of law, considering that they have distinct objects and for each of them a different procedure is established. Contempt of court is governed by the procedures laid down under Rule 71 of the Rules of Court, whereas disciplinary actions in the practice of law are governed by Rules 138 and 139 thereof.

Although apparently different in legal bases, the authority to punish for contempt and to discipline lawyers are both inherent in the Supreme Court and are equally incidents of the court's basic power to oversee the proper administration of justice and the orderly discharge of judicial functions. As was succinctly expounded in *Zaldivar v. Sandiganbayan, et al.*:

There are, in other words, two (2) related powers which come into play in cases like that before us here: the Court's inherent power to discipline attorneys and the contempt power. The disciplinary authority of the Court over members of the Bar is broader [than] the power to punish for contempt. Contempt of court may be committed both by lawyers and non-lawyers, both in and out of court. Frequently, 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, however, the Supreme Court's disciplinary authority over lawyers may come into play whether or not the misconduct with which the respondent is charged also constitutes contempt of court. The power to punish for contempt of court does not exhaust the scope of disciplinary authority of the Court over lawyers. The disciplinary authority of the Court over members of the Bar is but corollary to the Court's exclusive power of admission to the Bar. A lawyer is not merely a professional but also an officer of the court and as such, he is called upon to share in the task and responsibility of dispensing justice and resolving disputes in society. Any act on his part which visibly tends to obstruct, pervert, or impede and degrade the administration of justice constitutes both professional misconduct calling for the exercise of disciplinary action against him, and contumacious conduct warranting application of the contempt power.[21]

We therefore refer the complaint against Atty. Quevedo's behavior to the Committee on Bar Discipline of the Integrated Bar of the Philippines for an investigation of his possible liabilities under Canon 12 and Rule 12.04 of the Code of Professional Responsibility.

WHEREFORE, Atty. Frederico P. Quevedo is hereby found GUILTY of INDIRECT CONTEMPT for which a FINE of P30,000 is imposed upon him, payable in full within five days from receipt of this resolution.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Carpio Morales, and Garcia, JJ., concur.

[1] Canon 12 - A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

[2] Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse court processes.

[3] Rollo, pp. 98-104.

[4] Decision dated March 8, 2002, "Elena B. Embang v. Phil. Agri Trading Center and Mariano Y. Siy," NLRC NCR Case No. 00-03-01406-2000 (CA No. 026595-00); Rollo, pp. 105-117.

[5] Decision dated June 2, 2003 in CA-G.R. SP No. 71015. Penned by Associate Justice Jose L. Sabio, Jr. and concurred in by Associate Justices Bennie A. Adefuin-de la Cruz and Hakim S. Abdulwahid of the Ninth Division.

[6] Resolution dated July 14, 2003; Rollo, p. 40.

[7] Rollo, pp. 202-208.

[8] (a) Reply to comment dated May 4, 2004 filed by Embang's counsel;
(b) Rejoinder (to reply to comment on the motion for writ of execution) dated May 24, 2004 filed by Atty. Quevedo;
(c) Urgent motion for resolution dated June 24, 2004 by Embang's counsel;
(d) Rebuttal (to motion to resolve) and manifestation dated July 8, 2004 by Atty. Quevedo;
(e) Second urgent motion for resolution dated July 26, 2004 submitted by Embang's counsel and
(f) Comment to second motion to resolve dated August 3, 2004 submitted by Atty. Quevedo.

[9] Rollo, pp. 156-158.

[10] Rollo, pp. 345-347.

[11] Heirs of Trinidad de Leon vda. de Roxas v. Court of Appeals, G.R. No. 138660, 5 February 2004, 442 SCRA 101.

[12] Section 1, Rule 71, Rules of Court.

[13] Delima v. Gallardo, G. R. No. L-41281-82, 31 May 1977, 77 SCRA 286.

[14] Id.

[15] Cf. Section 3 (b), Rule 71, Rules of Court.

[16] Section 3 (c), *supra*.

[17] Section 3 (d), id.

[18] G.R. No. 128967, 20 May 2004, 428 SCRA 586, 599 citing Philippine Veterans Bank v. Estrella, G.R. No. 138993, 27 June 2003, 405 SCRA 168 and Salva v. Court of Appeals, 364 Phil. 284 (1999).

[19] Natalia Realty, Inc. v. Court of Appeals, 440 Phil. 1 (2002).

[20] Section 1 (f), Rule 41, Rules of Court; Molina v. de la Riva, 8 Phil. 571 (1907); Nolasco v. Beltran, G.R. No. L-58313, 8 December 1988, 168 SCRA 325; Sy Chin v. Court of Appeals, G.R. No. 136233, 23 November 2000, 345 SCRA 673; Shugo Noda & Co., Ltd. v. Court of Appeals, G.R. No. 107404, 30 March 1994, 231 SCRA 620.

[21] People v. Godoy, 312 Phil. 977 (1995).

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.