

**ZENAIDA M. LIMBONA, PETITIONER, VS. HON. JUDGE RALPH S. LEE
OF REGIONAL TRIAL COURT-QUEZON CITY, BR. 83, MAYOR ANWAR
BERUA BALINDONG, LT. COL. JALANDONI COTA, MAYOR AMER
ODEN BA...**

G.R. NO. 173290. March 27, 2007

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In the assailed November 20, 2006 Decision, this Court found respondents guilty of indirect contempt and fined them P5,000.00 each for defying the Court's Decision in G.R. No. 159962 dated December 16, 2004.

In G.R. No. 159962, this Court (through Associate Justice Minita V. Chico-Nazario along with now Chief Justice Reynato S. Puno, Associate Justices Alicia Austria-Martinez and Dante O. Tinga) affirmed the decision of the Court of Appeals sustaining the August 4, 1999 Resolution of the Department of Justice directing the filing of two informations for murder with attempted murder, two informations for frustrated murder and an information for attempted murder against herein private respondents. The Court also ordered the Regional Trial Court to issue warrants of arrest against private respondents whose Motion for Reconsideration was denied while their Urgent Motion for Clarification was ordered expunged from the records. They were also admonished to desist from filing further pleadings under pain of contempt. The decision in G.R. No. 159962 became final and executory on July 5, 2005.

Notwithstanding finality of the decision, private respondents filed before the trial court a Motion for Determination of Probable Cause and/or Motion to Dismiss the Case and Quash Warrant of Arrest which was denied by Judge Marie Christine A. Jacob on January 4, 2006 prompting herein private respondents to file a Motion for Reconsideration. After the inhibition of Judge Jacob, the case was raffled to Judge Ralph S. Lee who issued an Order dated May 12, 2006 granting the motion for redetermination of probable cause and directing the downgrading of the subject offenses to double homicide with attempted homicide, double frustrated homicide and attempted homicide before eventually inhibiting himself.

In the now assailed Decision, we found Judge Lee and private respondents guilty of indirect contempt and fined them P5,000.00 each.

In finding them guilty of indirect contempt, we held that with the finality of the Court's Decision in G.R. No. 159962, all issues relative to the determination of the proper offenses with which to charge the private respondents had already been laid to rest. Thus, in continuing to file pleadings and motions purportedly seeking clarification of the proper charges against them, private respondents not only succeeded in delaying the conduct of the trial but also stubbornly refused to abide by this Court's pronouncement on issues already resolved with finality. On the other hand, Judge Lee is found guilty of indirect contempt because by downgrading the offenses charged, he in effect substituted the final and executory pronouncement of no less than this Court with his own.

The instant Motion for Reconsideration in the guise of a Motion for Clarification is another ploy to delay the trial of the case. Despite the finality of G.R. No. 159962 where the Court categorically declared that the proper charges to file against them are two informations for murder with attempted murder, two informations for frustrated murder and one information for attempted murder, private respondents insist this pronouncement is flawed and does not bind the trial court. They also argue that respondent judge did not err in downgrading the offenses as the records of the case allegedly prove only the crimes of frustrated homicide and attempted homicide.

The motion is not impressed with merit.

The issues raised herein are the same issues raised in the petition and squarely discussed in the assailed Decision. It could not be any clearer that in G.R. No. 159962, the Court has already declared that the proper informations to be filed against private respondents are murder, frustrated murder and attempted murder and not homicide. Entry of judgment has been made in due course in G.R. No. 159962. The Court has already spoken with finality, hence it should no longer be disturbed or modified.

IN VIEW OF THE FOREGOING, the instant motion for reconsideration is DENIED with FINALITY.
SO ORDERED.

Austria-Martinez, Callejo, Sr., Chico-Nazario, and Nachura, JJ., concur.

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