

IN THE MATTER OF THE APPLICATION FOR ISSUANCE OF WRIT OF HABEAS CORPUS IN BEHALF OF LETICIA LOURDES A. CAMARA, ASST. VICE PRESIDENT OF LAND BANK OF THE PHILIPPINES, REPRESENTED ...

G.R. NO. 176563. April 02, 2007

Ponente: CARPIO, J.

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CARPIO, J.:

This resolves the petition for the issuance of the writ of habeas corpus filed by Mark Darwin Camara (petitioner) for the release from detention of Leticia Lourdes A. Camara (Camara), Assistant Vice-President and Head of the Land Compensation Division of the Land Bank of the Philippines (LBP). We issued the writ on 2 March 2007, directing respondent Judge Ernesto Pagayatan (respondent judge) of the Regional Trial Court, San Jose, Occidental Mindoro, Branch 46 (trial court) to bring Camara to the Court on 5 March 2007 during which we also heard the parties in oral arguments.

The records show that on 4 March 2005, respondent judge issued an Order in Civil Case No. R-1390[1] ordering LBP to "deposit the preliminary compensation as determined by the PARAD, in cash and bonds, in the total amount Php 71,634,027.30 with the Land Bank of the Philippines, Manila x x x." LBP questioned the order in a petition for certiorari in the Court of Appeals (CA G.R. SP No. 93206), which the appellate court dismissed on 17 August 2006. LBP sought reconsideration. Pending LBP's motion, respondent in Civil Case No. R-1390, Josefina Lubrica (Lubrica), filed a petition in the trial court to hold liable for indirect contempt Camara and one Teresita V. Tengco (Tengco), head of LBP's Bonds Servicing Department, for LBP's non-compliance with the 4 March 2005 Order. Overruling LBP's objection that a contempt citation is premature since the Court of Appeals had yet to act on its motion for reconsideration in CA G.R. SP No. 93206, the trial court, in its Order of 9 February 2007, found Camara and Tengco guilty of indirect contempt and ordered their arrest "until they comply with the order to deposit [dated 4 March 2005]." The authorities arrested Camara on 12 February 2007 and detained her at the Provincial Jail, San Jose, Occidental Mindoro. Tengco eluded arrest.

On 14 February 2007, LBP filed with the trial court a Compliance, indicating that as of that date, it had deposited in its head office in Manila the amount of P71,634,027.30 in cash under the account of Land Bank "in trust for," and in bond payable to, "The Clerk of Court, RTC Branch 46, San Jose, Occidental Mindoro, in the Matter of Agrarian Case No. 1390." [2] LBP submitted to the trial court a copy of a manager's check for the cash deposit payable to "The Clerk of Court, RTC Branch 46, San Jose Occidental Mindoro, in the Matter of Agrarian Case No. 1390." Hence, LBP moved for the release of Camara from detention and for the quashal of the arrest warrant. [3] On 15 February 2007, LBP sought clarification from the trial court on whose name the cash and bond deposit should be made.

In the hearing of LBP's Compliance and other incidental motions on 19 February 2007, the trial court suggested that LBP change the account and payee's name for the cash and bond deposit to "Office of Clerk of Court, RTC

San Jose Occidental Mindoro, for the account of Josefina S. Lubrica, as assignee of Federico Suntay, in the matter of Agrarian Case No. 1390." LBP complied and made the corresponding change on the same day.

However, in his Order of 21 February 2007, respondent judge found LBP's Compliance insufficient because the deposit was not made "in such form that the Respondent Josefina S. Lubrica may immediately withdraw the same without any difficulty." Accordingly, respondent judge ordered LBP that "cash and bond payments be placed in the name of Josefina S. Lubrica as payee, in a form that is readily withdrawable." Meanwhile, respondent judge let the warrant of arrest of 9 February 2007 stand.

On 23 February 2007, LBP, Camara, and Tengco filed with the Court of Appeals a petition for the writs of certiorari and mandamus to set aside the 9 February 2007 and 21 February 2007 Orders (docketed as CA G.R. SP No. 98032). LBP, Camara, and Tengco prayed for the issuance of a writ of preliminary mandatory injunction to secure Camara's release from detention pending the resolution of the petition.

On 27 February 2007, petitioner filed this petition. Respondent judge received the writ of habeas corpus on 2 March 2007. Meanwhile, on 1 March 2007, the Court of Appeals in CA G.R. SP No. 98032 issued a writ of preliminary mandatory injunction ordering respondent judge to release Camara from detention. After receiving the Court of Appeals' writ in the afternoon of 2 March 2007, respondent judge ordered Camara's release on the same day.

For reasons stated below, we resolved to grant the petition and make permanent the writ we issued on 2 March 2007.

Camara was detained under a warrant of arrest respondent judge issued on 9 February 2007 arising from a contempt citation against Camara (and Tengco) for LBP's failure to deposit the preliminary compensation in Civil Case No. R-1390 as provided under the trial court's Order dated 4 March 2007. Under Section 4, Rule 102 of the Rules of Court, a writ of habeas corpus does not lie "[i]f it appears that the person alleged to be restrained of his liberty is in the custody of an officer under process issued by a court or judge x x x, and that the court or judge had jurisdiction to issue the process x x x." [4] Petitioner does not question the trial court's jurisdiction to issue the Order of 9 February 2007 citing Camara and Tengco in contempt of court. What petitioner assails is respondent judge's refusal to release Camara from detention despite LBP's deposit with its head office on 14 February 2007 of the full amount of the preliminary compensation provided in respondent judge's 4 March 2005 Order. Thus, the issue is whether, by doing so, respondent judge acted with grave abuse of discretion amounting to lack or in excess of his jurisdiction.

The office of the writ of habeas corpus is to inquire into the legality of deprivation of liberty.[5] It is on this narrow ground that we resolve this petition.[6]

The Order Camara (and Tengco) were found to have disobeyed, dated 4 March 2005, provides in pertinent parts:

The foregoing considered and as prayed for by the respondent-movant, the Compensation Department, Land Bank of the Philippines, is hereby directed to deposit the preliminary compensation as determined by the PARAD, in cash and bonds[,] in the total amount of Php 71,634,027.30 with the Land Bank of the Philippines, Manila, within seven (7) days from receipt of this order, and to notify the Court of compliance within such period.[7] (Emphasis supplied)

Complying with this Order, LBP, on 14 February 2007, deposited P71,634,027.30 in its head office in cash under its account in trust for, and in bond payable to, the trial court's clerk of court. Seven days after such deposit, during which Camara remained in detention, respondent judge issued the 21 February 2007 Order finding LBP's deposit insufficient because LBP should have "placed [the deposit] in the name of Josefina S. Lubrica as payee, in

a form that is readily withdrawable." Thus, respondent judge ordered Camara to remain in detention until LBP complies with such order.

This is grave abuse of respondent judge's contempt powers, amounting to lack or excess of his jurisdiction.

Nothing in the 4 March 2005 Order requires that the deposit be "placed in the name of Josefina S. Lubrica as payee, in a form that is readily withdrawable." What respondent judge ordered LBP to do, which LBP did, was to "deposit the preliminary compensation as determined by the PARAD, in cash and bonds[,] in the total amount of Php 71,634,027.30 with the Land Bank of the Philippines, Manila." That the cash deposit was made under its account in trust for, and the bond made payable to, respondent judge's clerk of court is not a contumacious disregard of the 4 March 2005 Order not only because that Order is silent in whose name the deposit should be made but also because the branch clerk of court is under respondent judge's control. If LBP's supposed transgression is in not placing the cash deposit under the account of, and the bond made payable to, Lubrica, respondent judge could have readily remedied the problem by directing LBP to turn over the manager's check and LBP bond to the branch clerk of court for disposal of the check's proceeds and the bond to Lubrica, subject to Lubrica's compliance with regulations of the Department of Agrarian Reform (DAR) on the release of payment to claimants under Republic Act No. 6657.[8]

Indeed, LBP went out of its way to further accommodate respondent judge when, following the latter's suggestion during the hearing of 19 February 2007, LBP changed the account name for the cash deposit and the payee's name for the bond deposit to the "Office of Clerk of Court, RTC San Jose Occidental Mindoro, for the account of Josefina S. Lubrica, as assignee of Federico Suntay, in the matter of Agrarian Case No. 1390." Significantly, during the oral arguments, Lubrica's counsel admitted that even if the deposit was made under the name of Lubrica, the latter is still bound by, and willing to comply with, the DAR regulations on the release of payment.

The facts of this case highlight respondent judge's failure to appreciate, in full measure, the nature of his power to cite litigants in contempt of court. It is a drastic and extraordinary attribute of courts, to be exercised in the interest of justice and only when there is clear and contumacious refusal to obey orders.[9] If a bona fide misunderstanding of the terms of an order does not justify the immediate institution of contempt proceedings,[10] with more reason that it should not serve as basis to prolong a litigant's detention under a prior contempt citation when, as here, there has been an attempt to comply with the order.

Thus, we find the detention of Camara unlawful.[11] To ensure that Camara will not be detained again for the same cause, we deem it necessary to order respondent judge to desist from doing so,[12] irrespective of the outcome of CA G.R. SP No. 98032 in the Court of Appeals. This ruling is without prejudice to Camara's availment of administrative reliefs.

WHEREFORE, we RESOLVED to GRANT the petition. Respondent Judge Ernesto Pagayatan is ORDERED to desist from detaining again Lourdes A. Camara for the same cause.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Entitled "Land Bank of the Philippines v. Josefina S. Lubrica et al.," this is an appeal by LBP of the ruling of the Provincial Agrarian Reform Adjudicator (PARAD) of San Jose, Occidental Mindoro, fixing the just compensation for a parcel of land in Sablayan, Occidental Mindoro the Department of Agrarian Reform expropriated under Presidential Decree No. 27.

[2] The breakdown of the deposit is as follows: P7,163,402.73 in cash and P64,470,624.57 in bond. The account name for the cash deposit reads in full: "LBP ITF The Clerk of Court, RTC Branch 46, San Jose Occidental Mindoro, in the Matter of Agrarian Case No. 1390."

[3] LBP reiterated its request for Camara's release from detention on 16 February 2007.

[4] This provision reads in full: "When writ not allowed or discharge authorized. — If it appears that the person alleged to be restrained of his liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment."

[5] Section 1, Rule 102, Rules of Court. See also *Sombong v. CA*, 322 Phil. 737 (1996); *Villavicencio v. Lukban*, 39 Phil. 778 (1919).

[6] This petition for habeas corpus should be distinguished from the petition for certiorari (and mandamus) in CA G.R. SP No. 98032 as follows: "[A] writ of habeas corpus is a remedy different from the special civil action of certiorari under Rule 65 of the Rules of Court, as amended. The writ of habeas corpus is a collateral attack on the processes, orders, or judgment of the trial court, while certiorari is a direct attack of said processes, orders, or judgment on the ground of lack of jurisdiction or grave abuse of discretion amounting to excess or lack of jurisdiction. A writ of certiorari reaches only jurisdictional errors. It has no other use, except to bring before the court a record material to be considered in exercising jurisdiction. A writ of certiorari reaches the record. On the other hand, a writ of habeas corpus reaches the body but not the record; it also reaches jurisdictional matters but does not reach the record. However, when jurisdiction is obtained by the issuance of a writ of habeas corpus, to bring the body of the person whose liberty is involved into court, and if it is necessary, to provide the record upon which the detention is based, that may be accomplished by using a writ of certiorari as an ancillary proceeding, i.e., it is subordinate to or in aid of the primary action for the purpose of impeaching the record. When a writ of certiorari is issued as the foundation of jurisdiction to bring it and direct upon the validity of a judicial determination by any body or officer, jurisdictional questions only are reached, and such questions pertaining to the detention made by the officer or body particularly complained of." (*Caballes v. Court of Appeals*, G.R. No. 163108, 23 February 2005, 452 SCRA 312, 326-327)

[7] Rollo, p. 16.

[8] E.g. Administrative Order No. 2, series of 2005 (DAR AO No. 2) listing the documents which the claimant or landowner must present as precondition for the release of payment.

[9] *Gamboa v. Teodoro*, 91 Phil. 270 (1952).

[10] *Id.*

[11] Section 15, Rule 102 of the Rules of Court.

[12] Section 17, Rule 102 of the Rules of Court provides: "Person discharged not to be again imprisoned. — A person who is set at liberty upon a writ of habeas corpus shall not be again imprisoned for the same offense unless by the lawful order or process of a court having jurisdiction of the cause or offense; and a person who knowingly, contrary to the provisions of this rule, recommits or imprisons, or causes to be committed or imprisoned, for the same offense, or pretended offense, any person so set at liberty, or knowingly aids or assists therein, shall forfeit

to the party aggrieved the sum of one thousand pesos, to be recovered in a proper action, notwithstanding any colorable pretense or variation in the warrant of commitment, and may also be punished by the court or judge granting the writ as for contempt."

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