MAYOR ANWAR BERUA BALINDONG, LT. COL. JALANDONI COTA, MAYOR AMER ODEN BALINDONG, AND ALI BALINDONG, PETITIONERS, VS. COURT OF APPEALS, STATE PROSECUTOR LEAH ARMAMENTO, OFFICE OF...

G.R. No. 177600. October 19, 2015

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The issuance by the trial court of the warrant of arrest upon filing of the information and supporting papers implies the determination of probable cause for the offense charged. It is then superfluous for the accused to seek the judicial determination of probable cause on the pretext that the trial court should still act and proceed independently of the executive determination of probable cause to charge the proper offense.

The Case

Before us are the consolidated cases of G.R. No. 177600 and G.R. No. 178684. G.R. No. 177600 involves the appeal by petition for review on certiorari of Mayor Anwar Berua Balindong, Lt. Col. Jalandoni Cota, Mayor Amer Oden Balindong, and Ali Balindong (Balindong, et al.) to assail the Decision promulgated on April 24, 2007 by the Court of Appeals (CA) in CA-G.R. SP No. 97121.[1] G.R. No. 178684 relates to the Petition (To Show Cause Why Respondent Should Not Be Held in Contempt of Court)[2] brought by Zenaida M. Limbona (Limbona), the private complainant in the criminal cases instituted against Balindong, et al., charging Presiding Judge Alexander S. Balut of the Regional Trial Court (RTC), Branch 76, in Quezon City with contempt of court for issuing the order dated July 16, 2007 suspending the proceedings in the criminal cases involving Balindong, et al. out of judicial courtesy.[3]

Antecedents

The CA's decision being assailed in CA-G.R. SP No. 97121 rendered the following factual antecedents, to wit:

> The long-drawn controversy now raised in the instant petition was instigated by a shooting incident that took place in Poblacion, Malabang, Lanao del Sur on May 11, 1998 that resulted in the death of Dante Limbona and Ante Maguindanao, and the serious wounding of Azis Panda and Kiri Hadji Salik. In the course of the preliminary investigation the investigating prosecutor found probable cause to charge private respondents Lt. Col. Jalandoni D. Cota, Anwar Berua Balindong, PO1 Kennedy Balindong, Amer Oden Balindong and Ali Sarip Balindong with Double Murder with Multiple Frustrated Murder. The Information was thereupon filed before the Regional Trial Court of Malabang, Lanao del Sur, Branch 12. However, after reinvestigation ordered by the trial court, the Office of the Provincial Prosecutor downgraded the charges against private respondents Lt. Col. Jalandoni D. Cota, Anwar Berua Balindong and Kennedy Balindong and dropped the charges against Amer Oden Balindong and Ali Balindong. Private complainant Zenaida Limbona, the widow of the victim Dante Limbona, filed a petition for review questioning the Provincial Prosecutor's 28 August 1998 Resolution before the Department of Justice (DOJ). In a 4 August 1999 Resolution, then Secretary

> Serafin Cuevas modified the assailed resolution and directed the Provincial Prosecutor to file instead "two (2) informations for frustrated murder with attempted murder, two (2) informations for frustrated murder and an information for attempted murder" against private respondents. Subsequently, in a 1 December 1999 Resolution, Secretary Cuevas denied private respondents' Motion for Reconsideration in this wise:
> "The matters raised in the instant motion for reconsideration have been taken into consideration in arriving at our resolution, hence, we find no cogent reason to reconsider the same.
>
> In view, however, of the Supplemental Manifestation filed by Prosecutor Ringcar B. Pinote on October 19, 1999, the dispositive portion of our resolution dated August 4, 1999 is hereby modified to read as follows:
>
> xxx WHEREFORE, your resolution is hereby modified. You are directed to file two (2) informations for murder with attempted murder, two (2) informations for frustrated murder and an information for attempted murder against respondents Datu Anwar Berua Balindong, Lt. Col. Jalandoni Cota, PO1 Kennedy Macaborod Balindong, Datu Amer-Oden Sarip Balindong and Datu Ali Sarip Balindong. Report your compliance within ten (10) days from receipt hereof x x x"

The corresponding Amended Informations were accordingly filed before the Regional Trial Court of Maguindanao, Cotabato City and docketed as Criminal Case Nos. 2503, 2573, 2574, 2575 and 2576. Private respondents, in the meantime, filed a second Motion for Reconsideration, which the succeeding DOJ Secretary Artemio G. Tuquero in a 16 March 2000 Resolution denied "with finality and with warning that no further pleadings will be entertained". Undeterred by the tenor of the denial of their second motion for reconsideration, they filed a Third Motion for Reconsideration that was eventually granted by the new DOJ Secretary Hernando B. Perez in a 12 March 2001 Resolution. Private complainants sought reconsideration thereof but the same was subsequently denied in a 24 July 2001 Resolution, prompting them to bring the matter before the Court of Appeals in a petition for certiorari docketed as C.A. G.R. SP No. 66858. In a 22 May 2003 Decision, the Court of Appeals set aside the assailed issuances of DOJ Secretary Perez and reinstated the 4 August 1999, 1 December 1999 and 16 March 2000 DOJ Resolutions, in due time denying private respondents' Motion for Reconsideration in a 23 September 2003 Resolution.

Later, Criminal Case Nos. 2503 and 2573 were re-raffled to the Regional Trial Court (RTC) of Quezon City, Branch 219 and re-docketed as Criminal Case Nos. Q-01-998992-93 [sic], Q-01-100542-43 and Q-01-100594. Then, pursuant to the 22 May 2003 Decision of the Court of Appeals, the RTC-Branch 219 issued a resolution finding probable cause to charge private respondents for Murder with Attempted Murder in Criminal Case No. Q-01-998992-93 [sic], Frustrated Murder in Criminal Case No. Q-01-100542-43, and Attempted Murder in Criminal Case No. Q-01-100594. The warrants of arrest were accordingly issued against private respondents, who, undaunted, went up to the Supreme Court to question the Decision of the Court of Appeals by way of a petition for review on certiorari, docketed as G.R. No. 159962. Soon after, the Supreme Court promulgated therein its 16 December 2004 Decision, the dispositive portion of which states:

> "WHEREFORE, the petition is DENIED and the Decision of the Court of Appeals dated 22 May 2003 which annulled the DOJ Resolution dated March 12, 2001 and reinstated its Resolutions issued on 04 August 1999, 01 December 1999 and 16 March 2000 is AFFIRMED. The Temporary Restraining Order issued on 18 February 2004 by this Court is hereby LIFTED, and the Regional Trial Court of Quezon City, Branch 219, is ORDERED to implement its Resolution dated 03 December 2003 relative to the issuance of warrants of arrest against all the accused. The said court is directed to submit a report thereon within ten (10) days from receipt hereof."

Private respondents filed a Motion for Reconsideration but the same was denied with finality as the Supreme Court declared in its 6 June 2005 Resolution that "there is no longer any obstacle to the implementation of the existing warrants of arrest". Despite the categorical pronouncement, however, private respondents adamantly filed

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another motion purportedly for clarification of the 16 December 2004 Decision but which was in fact an attempt to have the High Court order a re-determination by the trial court of the appropriate crime with which to charge private respondents. In the 14 August 2005 Resolution, the Supreme Court ruled thus:

> "The Court Resolves to (a) EXPUNGE from the records of this case petitioners' urgent motion for clarification dated June 25, 2005, xxx; and (b) ADMONISH petitioners and their counsel to pay heed to the directives of this Court and against misrepresenting the import of its rulings and to desist from any further unauthorized pleadings UNDER PAIN OF CONTEMPT."

The 16 December 2006 Decision of the Supreme Court became final and executory on July 5, 2005. Subsequently, due to the inhibition of the presiding judge of the RTC-Branch 219 the criminal cases were raffled to RTC-Branch 100, whose presiding judge was expressly ordered by the Supreme Court to enforce the warrants of arrest against private respondents with utmost dispatch in a 12 December 2005 Resolution. After issuing the Order relative to the enforcement of the warrants of arrest against private respondents, however, the presiding judge of the RTC-Branch 100 inhibited herself as well from hearing the criminal cases and the same were re-raffled anew to the RTC-Branch 83, presided by respondent Judge Ralph S. Lee.

Private respondents then filed before RTC-Branch 83 a Motion to Re-Determine the Existence or Non-Existence of Probable Cause Which May Even Warrant Dismissal - Even of the Appropriate Charges of Homicide, Frustrated and Attempted Homicides. Private complainants, on the other hand, moved for respondent Judge Lee's inhibition when the latter failed to act upon a motion for the issuance of Alias Warrants of Arrest. However, prior to voluntarily inhibiting himself from the subject criminal cases, respondent Judge Lee issued the assailed 12 May 2006 Order granting private respondents' motion for redetermination of probable cause and consequently ordering the downgrading of the crimes charged. The cases were then re-raffled to RTC-Branch 77, presided by respondent Judge Vivencio S. Baclig, who then issued the second assailed 18 October 2006 Order denying a Motion for Reconsideration of the 12 May 2006 Order issued by respondent Judge Lee and setting the arraignment on November 3, 2006. Private complainants filed a motion for the voluntary inhibition of respondent Judge Baclig, who later denied said motion and re-set the arraignment on December 11, 2006 in the 22 November 2006 Order.[4]

Aggrieved by the orders issued on May 12, 2006 and October 18, 2006, respectively, by Judge Ralph S. Lee and Judge Vivencio S. Baclig, the State, through the Office of Solicitor General, commenced a special civil action for certiorari in the CA (CA-G.R. SP No. 97121), alleging that:

> RESPONDENT JUDGES COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN ISSUING THE ASSAILED MAY 12, 2006 AND OCTOBER 18, 2006 ORDERS.[5]

On November 20, 2006, the Court promulgated its Decision in G.R. No. 173290 adjudging Judge Lee and Balindong, et al. guilty of indirect contempt,[6] viz.:

> In the present case, private respondents are guilty of indirect contempt for filing the following:
>
> (1)
>
> Urgent Motion for Clarification of the dispositive portion of the December 16, 2004 Decision in G.R. No. 159962;
>
> (2)
>
> Motion for Determination of Probable Cause and/or Motion to Dismiss the Case and to Quash Warrant of Arrest (with prayer for suspension of the enforcement of warrant of arrest pending hearing) filed on September

1, 2005 before Branch 100 of the RTC of Quezon City presided by Judge Christine Jacob;

(3)

Motion for Reconsideration of Judge Jacob's January 4, 2006 Order denying their motion dated September 1, 2005 filed on January 24, 2006;

(4)

Motion to Re-Determine the Existence or Non-Existence of Probable Cause Which May Even Warrant Dismissal - Even of the Appropriate Charges of Homicide, Frustrated and Attempted Homicide filed before Branch 83 on February 21, 2006.

The December 16, 2004 Decision of the Court in G.R. No. 159962 clearly sustained the filing of two Informations for Murder with Attempted Murder, two Informations for Frustrated Murder and an Information for Attempted Murder against private respondents. The Court even directed the implementation of the arrest warrants against them. This, notwithstanding, private respondents filed a motion for determination of probable cause and/or dismissal of the case against them. Worse, this was done after being admonished by the Court to pay heed to its directives under pain of contempt.

With the finality of this Court's Decision, all issues relative to the determination of the proper offenses with which to charge private respondents had been laid to rest. In continuing to file pleadings and motions purportedly seeking for the clarification of the proper charges against them, respondents merely rehashed their tired arguments and unavailing assertions. They did not only succeed in delaying the conduct of the trial of the aforesaid cases but also willfully and deliberately flouted this Court's directives with their stubborn refusal to abide by our pronouncement and their incessant nit-picking of issues already resolved with finality.

In granting respondents' motions for reconsideration and re-determination of probable cause, and consequently down-grading the charges against respondents in his Order dated May 12, 2006, Judge Lee contravened this Court's directive in G.R. No. 159962 and in the subject Resolutions. He impudently substituted his own judgment for that of this Court. Had he thoroughly reviewed the records of the case, it would have been impossible for him to misread the import of said Decisions and Resolutions.[7]

Thereafter, Judge Lee inhibited from the criminal cases, which were re-assigned to Branch 91 the RTC, presided by Judge Lita Tolentino-Genilo, who, on May 24, 2007, issued an order: (a) reinstating the charges against Balindong, et al. for two counts of murder with attempted murder, two counts of frustrated murder, and one count of attempted murder to conform with the decision promulgated in G.R. No. 159962; (b) issuing alias warrants of arrest against them; and (c) inhibiting herself from further hearing the cases.[8] Subsequently, the criminal cases were re-raffled to Branch 76, whose Presiding Judge was respondent Judge Alexander S. Balut.

Aggrieved by the dispositions of Judge Tolentino-Genilo, Balindong, et al. filed their Motion for Reconsideration and/or Recall Suspend Order of Arrest.[9] As the new trial judge, however, Judge Balut opted to defer action to await the Court's ruling in G.R. No. 177600.[10] He further suspended the enforcement of the alias warrants issued for the arrest of Balindong, et al.[11] Hence, Limbona commenced G.R. No. 178684.

On April 24, 2007, the CA promulgated its ruling in CA-G.R. SP No. 97121,[12] disposing:

WHEREFORE, premises considered, the petition is hereby GRANTED. The 12 May 2006 Order of the Regional Trial Court of Quezon City, Branch 83, as well as, the 18 October 2006 Order of the Regional Trial Court of Quezon City, Branch 77 are REVERSED and SET ASIDE.

SO ORDERED.[13]

The CA declared the assailed orders of Judge Lee and Judge Baclig to be in clear defiance of the Court's decision

in G.R. No. 159962.[14] It pronounced that Judge Lee erred in opining that the Court had only sustained in G.R. No. 159962 the executive determination of probable cause by the DOJ, and had not touched on what appropriate crimes should have been charged against Balindong, et al.;[15] and that Judge Baclig similarly erred in holding that the Court "did not prohibit the trial judge from determining the appropriate crime to be filed against the accused [once] the cases were brought to his sala."[16] It pointed out that:

> There are no two ways to construe the 16 December 2004 Decision of the Supreme Court relative the appropriate charges to be filed against private respondents. In upholding the Court of Appeals' ruling that the DOJ should not have entertained a third motion for reconsideration, the Supreme Court did not merely touch upon a procedural infirmity but ruled further on private respondents' material objections to the propriety of the murder charge against them. x x x
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> x x x x
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> To reiterate the rule, determination of qualifying circumstances is a matter of evidence. Thus, as pointed out by petitioner, by arbitrarily downgrading the original charge from murder, frustrated murder and attempted murder to homicide, frustrated homicide and attempted homicide, respondent Judge Lee effectively denied the prosecution the opportunity to prove the attendance of qualifying circumstances in a full--blown trial.[17]

The CA took note of the ruling of the Court in G.R. No. 173290, which said in part:

> Finally, whatever other grounds for opposition raised by private respondents in their Comment to the Petition and Rejoinder to Petitioner's Reply, the resolution of this case has been simplified by the promulgation of the Supreme Court 20 November 2006 Decision in the petition for indirect contempt filed against private respondents. In granting private respondents' motion for reconsideration and re-determination of probable cause, and consequently downgrading the charges, the Supreme Court found respondent Judge Lee guilty of indirect contempt for having clearly contravened the Court's directive in G.R. No. 159962 and impudently substituting his own judgment for that of the Court. It further found private respondents' persistent attempts to raise issues long settled by a final and executory judgment a contumacious defiance of the Court's authority. x x x
>
> x x x x
>
> Accordingly, private respondents have been penalized for their contumacious acts and the issue concerning the proper crimes with which they should be charged has been laid to rest.[18]

Balindong, et al. have appealed the CA's decision in CA-G.R. SP No. 97121 (G.R. No. 177600).

Issues

In G.R. No. 177600, Balindong, et al. submit the following issue:

> WHETHER OR NOT AFTER THE EXHAUSTION OF PRELIMINARY INVESTIGATION WHICH REACHED THE DEPARTMENT OF JUSTICE BY WAY OF PETITION FOR REVIEW, TO THE COURT OF APPEALS AND ULTIMATELY TO THIS HONORABLE COURT (IN G.R. NO. 159962), AND AFTER THE PROSECUTION'S STAND SUSTAINING THE ORIGINAL INFORMATIONS FOR MURDER, FRUSTRATED AND ATTEMPTED HAD BEEN MADE FINAL AND EXECUTORY, THE RTC - COURT (A COURT OF GENERAL JURISDICTION) AND/OR YOUR PETITIONERS ACCUSED, ARE PRECLUDED/ PROHIBITED FROM INVOKING SECTION 14, RULE 110 OR SECTION 19, RULE 119 OF THE 2000 REVISED RULES ON CRIMINAL PROCEDURE ESPECIALLY SINCE IT WAS MADE FOR THE FIRST TIME AFTER YOUR PETITIONERS' EXECUTIVE REMEDY FROM THE PRELIMINARY INVESTIGATION TO A PETITION FORE REVIEW (BEFORE THE DOJ), THE APPELLATE COURT AND THIS HONORABLE COURT WAS EXHAUSTED AND NOTHING MORE.[19]

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In G.R. No. 178684, Limbona raises as the sole ground for her petition to cite in contempt of court Judge Balut and Balindong, et al. that:

> Petitioner respectfully submits the foregoing acts of Respondent in willfully disobeying the decision and resolutions issued by the Hon. Supreme Court in G.R. No. 159962 and G.R. 173290 (sic), which tend to impede upon or obstruct the administration of justice, constitutes an indirect contempt which ought to be punished.[20]

Rulings of the Court

G.R. No. 177600

The petition for review on certiorari in G.R. No. 177600 is denied for being bereft of merit.

Despite conceding that the Decision promulgated in G.R. No. 159962 had long become final and executory,[21] Balindong, et al. insist that they were not precluded from still seeking from the RTC as the trial court the judicial determination of probable cause against them because all that the Court had upheld in G.R. No. 159962 was only the executive determination of probable cause. They argue that the Court did not thereby prevent their resort to available judicial remedies, like filing the proper motions for the judicial determination of probable cause in the trial court,[22] anchoring their argument on Section 14, Rule 110, in relation to Section 19, Rule 119, both of the Rules of Court

The insistence of Balindong, et al. is legally unwarranted.

To recall, G.R. No. 159962 was an appeal by Balindong, et al. to review the judgment the CA had promulgated on May 22, 2003: (a) granting the petition for certiorari of Limbona; (b) setting aside DOJ Resolution issued on March 12, 2001 by then Secretary of Justice Hernando Perez favorably acting on the third motion for reconsideration of Balindong, et al. relative to the proper offenses to be charged against them despite the denial with finality of their first and second motions for reconsideration; and (c) reinstating the DOJ Resolutions dated August 4, 1999, December 1, 1999 and March 16, 2000 issued by the predecessors of Secretary Perez.[23] It is noted that in his assailed Resolution of March 12, 2001, Secretary of Justice Perez had dropped Amer Oden Balindong and Ali S. Balindong from the informations, and had directed the Office of the Provincial Prosecutor of Lanao del Sur "to cause the filing of the amended information for double homicide with multiple frustrated homicide against Mayor Anwar Berua Balindong, Lt. Col. Jalandoni Cota and PO1 Kennedy Balindong."[24]

In granting the petition for certiorari of Limbona, the CA declared that Secretary of Justice Perez had committed grave abuse of discretion amounting to lack or excess of jurisdiction, firstly, by totally disregarding the clear provision of Section 13 of DOJ Circular No. 70 (governing appeals) prohibiting second or further motions for reconsideration; and, secondly, by acting on and granting the third motion for reconsideration despite the grounds relied upon by Balindong, et al. being previously raised in the first and second motions for reconsideration and being already fully passed upon by his predecessors in office in the guise of serving the interest of justice and as an exception to Section 13 of DOJ Circular No. 70.

The Court disposed in G.R. No. 159962 as follows:

> WHEREFORE, the petition is DENIED and the Decision of the Court of Appeals dated 22 May 2003 which annulled the DOJ Resolution dated 12 March 2001 and reinstated its Resolutions issued on 04 August 1999, 01 December 1999 and 16 March 2000 is AFFIRMED. The Temporary Restraining Order issued on 18 February 2004 by this Court is hereby LIFTED, and the Regional Trial Court of Quezon City, Branch 219, is ORDERED to implement its Resolution dated 03 December 2003 relative to the issuance of warrants of arrest against all the accused. The said Court is directed to submit a report thereon within ten (10) days from receipt

hereof.

Let a copy of this Decision be furnished the Department of Justice for its information and appropriate action.

SO ORDERED.[25]

The language and meaning of the Decision promulgated in G.R. No. 159962, that the proper criminal charges against Balindong, et al. were two counts of murder with attempted murder, two counts of frustrated murder, and one count of attempted murder, were clear and forthright enough to require elaboration. Accordingly, the Court, by thereby ordering the RTC "to implement its Resolution dated 03 December 2003 relative to the issuance of warrants of arrest against all the accused," did not need to dwell specifically on the judicial determination of probable cause independently of the executive determination. We should remind that the trial judge, by issuing the warrants of arrest, already found the existence of probable cause against Balindong, et al. Indeed, the act of issuing the warrant of arrest upon filing of the information and supporting papers implied that the judge has determined the existence of probable cause for the offenses charged. It is then superfluous for the accused to seek the judicial determination of probable cause on the pretext that the trial court should still act and proceed independently of the executive determination of probable cause to charge the proper offense. Rule 112 of the Rules of Court relevantly provides:

> Sec. 6. When warrant of arrest may issue. — (a) By the Regional Trial Court. — Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested pursuant to a warrant issued by the judge who conducted the preliminary investigation when the complaint or information was filed pursuant to section 7 of this Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information. (bold emphasis supplied)
>
> x x x x

Moreover, Balindong, et al. could not reasonably support their position that they could still have the trial court determine the existence of probable cause in their criminal cases independently of the executive determination of probable cause by the DOJ by relying on Section 14, Rule 110, in relation to Section 19, Rule 119, both of the Rules of Court.

Section 14 of Rule 110 states:

> Section 14. Amendment or substitution. — A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.
>
> However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party. (n)
>
> If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or information upon the filing of a new one charging the proper offense in accordance with section 19, Rule 119, provided the accused would not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial. (14a) (bold emphasis supplied)

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Ostensibly, Section 14, supra, applies only to a situation in which there has been a mistake on the part of public prosecutor in charging the proper offense.

It becomes logical to ask: Did the public prosecutor make a mistake in charging the proper offenses against Balindong, et al.?

The answer is no.

There was no mistake in charging the proper offenses. Balindong, et al. fully exhausted the procedure to determine the proper offenses to be charged against them by going all the way up to the Secretary of Justice. Their quest was ultimately settled with finality by the Secretary of Justice denying their second motion for reconsideration and declaring that such offenses were two counts of murder with attempted murder, two counts of frustrated murder, and one count of attempted murder. They thereafter attempted to undo such final determination by filing a third motion for reconsideration in the DOJ, and they initially succeeded because Secretary Perez directed the Office of the Provincial Prosecutor of Lanao del Sur "to cause the filing of the amended information for double homicide with multiple frustrated homicide against Mayor Anwar Berua Balindong, Lt. Col. Jalandoni Cota and PO1 Kennedy Balindong," and dropped Amer Oden Balindong and Ali S. Balindong from the informations. But their success was overturned by the CA, whose nullification of Secretary Perez's favorable action on their third motion for reconsideration was affirmed in G.R. No. 159962. Thus, this Court even issued its judicial imprimatur on the probable cause for two counts of murder with attempted murder, two counts of frustrated murder, and one count of attempted murder. For Balindong, et al. to rely on Section 14, supra, as basis for the RTC to still reach a determination of probable cause different from those sanctioned in G.R. No. 159962 would be untenable.

G.R. No. 178684

We next deal with the contempt charge of Limbona against Judge Balut who, by his order of July 16, 2007, deferred action on the Motion for Reconsideration and/or Recall Suspend Order of Arrest of Balindong, et al., and suspended the enforcement of the alias warrants of arrest.[26]

Limbona claims that Judge Balut's actions constituted a disobedience to the decisions of the Court in G.R. No. 159962 and G.R. No. 173290 because the suspension of the enforcement of the alias warrants of arrest "has a predilection to put the dignity of the [Court] in disrepute, obstruct the administration of justice, or interfere with the disposition or (sic) the court's business in the performance of its function in an orderly manner."[27] She also points out that the "order to suspend the enforcement of the said warrants has the same effect of a temporary restraining order,"[28] which, in effect, "pre-empted the [Court's] resolution of the prayer for the issuance of the temporary restraining order/injunction."[29]

Let us also look at Judge Balut's order of July 16, 2007, in which he stated as follows:

> Without necessarily addressing the merit of the motion, that is, whether or not the alias warrants of arrest issued against the accused should be recalled or set aside, and to avert any conflicting determinations on the matter at hand, the Court deems it but prudent to defer any action hereto considering that the accused's petition for review in G.R. No. 177600 assailing the Court of Appeals' judgment in CA-G.R. SP No. 97121, which precipitated the issuance of the order of arrest sought to be reconsidered/recalled by herein accused, is still pending before the Honorable Supreme Court for final determination.
>
> In the meantime, while awaiting resolution of the said petition for review in G.R. No. 177600, the enforcement of the alias warrants of arrest, dated May 25, 2007, issued against the accused is hereby suspended.[30]

Judge Balut has justified his actions by invoking judicial courtesy and asserting his judicial discretion on the

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matters in question, to wit:

> As a backgrounder, five (5) consolidated criminal cases were filed charging the accused Mayor Anwar Berua Balindong et al. with murder with attempted murder, frustrated murder and attempted murder. Thereafter, a legal battle ensued concerned mainly on what is the appropriate crime with which to charge the accused. After several years of legal haggling, flip-flopping of charges and the inhibition of five (5) trial judges, these cases finally landed in the undersigned's sala with a pending incident: the accused's MOTION FOR RECONSIDERATION AND/OR RECALL SUSPEND ORDER OF ARREST. Conscientious of his duty to dispose of pending incidents with dispatch, the undersigned, fully aware that any resolution of the said incident would spark controversy, which would necessarily entail another series of legal maneuverings resulting in the further delay of the disposition of these cases, resolved to withhold action thereon and deemed it best to observe judicial courtesy and await this Honorable Court's determination of the accused's petition for review in G.R. No. 177600.
>
> No less than the imperative of judicial courtesy impelled the undersigned Presiding Judge to issue the order dated July 16, 2007. A PETITION FOR REVIEW assailing the Court of Appeals' Decision reversing and setting aside the May 12, 2006 Order of the Regional Trial Court of Quezon City (Branch 83), as well as the October 18, 2006 Order of the Regional Trial Court of Quezon City (Branch 77) is pending before this Honorable Court. It is to be recalled that in the May 12, 2006 Order, Judge Ralph S. Lee downgraded the offenses charged in the informations from Murder with Attempted Murder, Frustrated Murder and Attempted Murder, to Double Homicide with Attempted Homicide, Multiple Frustrated Homicide and Attempted Homicide, respectively. In the October 18, 2006 Order, Judge Vivencio S. Baclig denied the prosecution's MOTION FOR RECONSIDERATION thereof. In ordering the suspension of the enforcement of the alias warrants of arrest dated May 25, 2007, the undersigned, not unmindful of the Decision dated December 16, 2004 in G.R. No. 159962, the two Resolutions dated June 6, 2005 and December 12, 2005, and the Decision dated November 20, 2006 in G.R. No. 173290, merely exercised his judicial discretion. He most respectfully submits that the issuance of the Order downgrading the offenses is a supervening fact which now divides the procedural antecedents of the case, i.e, "prior to the order dated May 12, 2006" and "after said order". Prior to the order, this Honorable Court in ordering the Regional Trial Court of Quezon City (Branch 219) to implement its Resolution dated December 3, 2003 relative to the issuance of warrants of arrest against all the accused, resolved that there is no longer any obstacle to the implementation of the existing warrants of arrest, and ordered Judge Marie Christine A. Jacob (Presiding Judge of the Regional Trial Court of Quezon City, Branch 100) to enforce the warrants of arrest against the petitioners on December 3, 2004 with utmost dispatch. In this stage, there could certainly be no question or issue as to the enforcement of the warrants of arrest. The Court indeed spoke with finality. However, "after the Order, " where the undersigned is, another issue evolved, which issue is still pending final determination by the Honorable Court. The foundation for this Honorable Court's issuances, "before the order" could not be said to be the same judicial foundation now, "after the order," as to hold the undersigned for contempt in suspending the enforcement of the warrants of arrest. The legal milieu has changed. x x x[31]

It is clear that Judge Balut did not thereby disobey the decisions of the Court in G.R. No. 159962 and G.R. No. 173290. To start with, there was no indication in his Order that bad faith had moved him to suspend the implementation of the warrants of arrest against Balindong, et al., or that he had thereby acted with a willful and deliberate intent to disobey or to ignore the Court's bidding, or to cause injustice to any of the parties. In the absence of the clear showing of bad faith on his part, his being prudent could only be an error of judgment, for which he could not be held to account. Secondly, the history of the criminal cases, from the transfer of venue at the behest of Secretary Tuquero from Cagayan de Oro to Quezon City; to the successive inhibitions of several RTC Judges; to the succession of petitions for certiorari bearing on the handling of the criminal cases brought to the higher courts, including this Court,[32] must have probably persuaded Judge Balut to tread the path of prudence and caution. Indeed, he expressed in his Order of July 16, 2007 the desire "to avert any conflicting

determinations" pending the promulgation of the Court's Decision in G.R. No. 177600. And, thirdly, his actuations were entirely different from those of Judge Lee's, who downgraded the offenses from two counts of murder with attempted murder, two counts of frustrated murder, and one count of attempted murder to double homicide with multiple frustrated homicide, and ordered the issuance of the warrants of arrest for such downgraded offenses. Judge Lee thereby directly contradicted the ruling in G.R. No. 159962.

Contempt of court is defined in jurisprudence in this manner:

> Contempt of court is defined as a 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 courts orders, but such conduct which tends 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. Contempt of court is 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 litigant or their witnesses during litigation.[33]

The contempt power of the courts has been discussed in Sison v. Caoibes, Jr.,[34] to wit:

> Thus, the power to declare a person in contempt of court and in dealing with him accordingly is an inherent power lodged in courts of justice, to be used as a means to protect and preserve the dignity of the court, the solemnity of the proceedings therein, and the administration of justice from callous misbehavior, offensive personalities, and contumacious refusal to comply with court orders. Indeed, the power of contempt is power assumed by a court or judge to coerce cooperation and punish disobedience, disrespect or interference with the courts orderly process by exacting summary punishment. The contempt power was given to the courts in trust for the public, by tradition and necessity, in as much as respect for the courts, which are ordained to administer the laws which are necessary to the good order of society, is as necessary as respect for the laws themselves.[35]

Verily, the power of the courts to punish for contempt is to be exercised cautiously, sparingly, and judiciously.[36] Self-restraint in wielding contempt powers should be the rule unless the act complained of is clearly contumacious. An act, to be contumacious, must manifest willfulness, bad faith, or deliberate intent to cause injustice.[37]

WHEREFORE, the Court DENIES the petition for review on certiorari in G.R. No. 177600; DISMISSES the petition for contempt in G.R. No. 178684; AFFIRMS the Decision promulgated on April 24, 2007 by the Court of Appeals in CA-G.R. SP No. 97121; and ORDERS the petitioners in G.R. No. 177600 to pay the costs of suit.

The Regional Trial Court, Branch 76, in Quezon City is DIRECTED to forthwith resume the proceedings in Criminal Case No. Q-01-99892, Criminal Case No. Q-01-99893, Criminal Case No. Q-01-100542, Criminal Case No. Q-01-100543 and Criminal Case No. Q-01-100594; and to report its compliance with this decision within 30 days from notice.

SO ORDERED.

Sereno, C. J., Velasco, Jr.,[*] Leonardo-De Castro, and Perlas-Bernabe, JJ., concur.

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[*]In lieu of Associate Justice Jose Portugal Perez, who is travelling to Canada on official business, per Special Order No. 2253 dated October 14, 2015.

[1] Rollo (G.R. No. 177600), pp. 58-72, penned by Associate Justice Rosmari D. Carandang, with the concurrence of Associate Justice Rodrigo V. Cosico (retired) and Associate Justice Mariflor P. Punzalan-Castillo.

[2]Rollo (G.R. No. 178684), pp. 3-17.

[3] Id. at 112.

[4] Supra note 1, at 59-65.

[5] Id. at 65.

[6]Rollo (G.R. No. 178684), pp. 68-78; penned by Associate Justice Consuelo Ynares-Santiago with Associate Justices Ma. Alicia Austria-Martines, Romeo J. Callejo, Sr., and Minita V. Chico-Nazario concurring. Chief Justice Artemio V. Panganiban had no part in the case as he is a former partner of a party's counsel.

[7]Id. at 75-76.

[8] Id. at 99-100.

[9]Id. at 101-107.

[10] Supra note 3.

[11] Id.

[12] Supra note 1.

[13] Id. at 71.

[14] Id. at 66.

[15] Id. at 67.

[16] Supra note 14.

[17] Id. at 66-67.

[18] Id. at 69-71.

[19] Rollo (G.R. No. 177600), pp. 14-15.

[20] Rollo (G.R. No. 178684), pp. 10-11.

[21] Balindong v. Court of Appeals, December 16, 2004, 447 SCRA 200.

[22] Rollo (G.R. No. 177600), pp. 15-18.

[23] The first motion for reconsideration, which was filed by Balindong, et al. on September 1, 1999 to contest the ruling on their petition for review issued on August 4, 1999 whereby then Secretary of Justice Serafin Cuevas directed the filing against them of two informations for murder with attempted murder, two informations for frustrated murder, and an information for attempted murder, was denied on December 1, 1999. Balindong, et al. then filed the second motion for reconsideration on January 1, 2000, but then Acting Secretary of Justice Artemio Tuquero denied it on March 16, 2000 with a warning that no further pleadings would be entertained. Nonetheless, Balindong, et al., still undeterred by the warning of Acting Secretary Tuquero, filed the third motion for reconsideration on October 10, 2000.

[24] Supra note 21, at 205.

[25] Id. at 213.

[26] All the criminal cases against Balindong, et al. (specifically, Criminal Case No. Q-01-99892, Criminal Case

No. Q-01-99893, Criminal Case No. Q-01-100542, Criminal Case No. Q-01-100543 and Criminal Case No. Q-01-100544) were re-raffled to Branch 76 of the RTC in Quezon City on June 1, 2007. The Presiding Judge at the time was Judge Balut.

[27] Rollo (G.R. No. 178684), p. 14.

[28] Id.

[29] Id.

[30] Supra note 3.

[31] Rollo (G.R. No. 178684), pp. 236-237.

[32] This history has been noted and listed in G.R. No. 159962, supra note 21.

[33] Lu Ym v. Mahinay, G.R. No. 169476, June 16, 2006, 491 SCRA 253, 261-262.

[34] A.M.No.RTJ-03-1771, May 27, 2004, 429 SCRA 258.

[35] Id. at 265.

[36] De Guia v. Guerrero, Jr., A.M. No. RTJ-93-1099, August 1, 1994, 234 SCRA 625, 630.

[37] In the Matter to Declare in Contempt of Court Hon. Simeon A. Datumanong, Secretary of DPWH, G.R. No. 150274, August 6, 2006, 497 SCRA 626, 631.

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