

**GREGORIO Y. LIMPIN, JR. AND ROGELIO M. SARMIENTO,
PETITIONERS, VS. INTERMEDIATE APPELLATE COURT AND
GUILLERMO PONCE, RESPONDENTS.**

G.R. No. 70987. May 05, 1988

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-70987/>

NARVASA, J.:

I. Motions Before the Court

There are several motions before the Cotirt for resolution. These are:

1) a "motion for contempt" dated October 16, 1987[1] filed by private respondent Guillermo Ponce praying that Hon. Judge Teodoro K. Beltran of Branch 78 of the Regional Trial Court of Quezon City (Branch 78), and petitioner Rogelio M. Sarmiento be cited and punished for contempt:

a) Judge Beltran, for allegedly (1) "hindering the enforcement of a final judgment of the Supreme Court;" (2) "issuing a writ of injunction restraining and enjoining the implementation of a Writ of Possession issued pursuant to the decision of the Supreme Court affirming that of the Intermediate Appellate Court;" and (3) "interfering with the lawful writs and orders of a co-equal and coordinate Branch of the RTC of Quezon City;" and

b) Sarmiento and quite necessarily albeit impliedly. his counsel, Atty. Danilo Basa — for allegedly (1) "filing a case involving the same party over the same issues after an adverse decision had been rendered against him by the Supreme Court;" and (2) for "resisting a lawful writ, process or command of a Court";

2) a "petition/motion to declare Guillermo Ponce in contempt" filed by the petitioners' counsel, Atty. Danilo Basa under date of December 24, 1987[2] for having allegedly "fooled the Regional Trial Court, Branch 86, presided by Judge Antonio P. Solano in Civil Case No. Q-30726; the Honorable Court of Appeals in AC-G.R. No. 02516; the Honorable Supreme Court in G.R. No. 70987 *** (into believing) that he had the right to foreclose the lots covered by TCT Nos. 92836, 92837, 92839 and 92840, when in truth and in fact he had no right to do so ***"; this, by having "deliberately concealed the fact of (his) donation and the availment of deductions from estate taxes" as regards said lots;

3) a "petition to declare Attorneys Sycip Salazar Hernandez and Gatmaitan, Philip Sigfrid A. Fortun, Eugenio Lindo and Ernesto L. Pineda in contempt" dated January 15, 1988,[3] and an "urgent manifestation with prayer; additional ground for contempt, etc." dated February 12, 1988,[4] both filed by the same Atty. Basa, it being claimed that said attorneys had allegedly —

(a) "kept an unexplained silence" about the purported donation made by their client, Guillermo Ponce, to the Josefa Edralin Marcos Foundation of "his receivables from Jose C. Aquino and the mortgage constituted on the lots *** (above mentioned)" as well as his availment of that donation as "deductions from the gross estate (of his wife) of P25,409,168.89," thus enabling Ponce to perpetrate "a fraud against the Regional Trial Court presided by Judge *** Solano, the Court of Appeals and *** (the Supreme) Court;

(b) even instituted G.R. No. 79098 "to stop Judge Beltran from acting in Q-51117," and filed a motion for contempt against said Judge and petitioner Sarmiento;

4) a "motion for inhibition" dated December 9, 1987 filed also by Atty. Basa,[5] addressed to the Supreme Court Justices "who have been associated with the *** law firm (Sycip, Salazar, Hernandez and Gatmaitan) or ... have children with the said law firm;"

5) three (3) motions also filed by Atty. Basa, essentially seeking reconsideration of this Court's final and executory judgment of January 30, 1987,[6] variously entitled (a) "Supplement to the Answer (To the Contempt Charge); Motion to Amend Decision/ Orders to Conform to Law and Justice," dated December 31, 1987,[7] (b) "Motion to Modify/Alter the Decision to Harmonize with Justice and the Facts," dated January 7, 1988,[8] and (c) "Urgent Motion with Prayer; Additional Ground for Contempt; and Motion to Alter/Modify Judgment to Conform to Justice and the Facts," dated February 12, 1988,[9] and

6) an "urgent motion to order issuance of alias writ of possession" dated January 19, 1988, filed by respondent Ponce.[10]

II. Antecedents

So that these motions may be placed, and resolved, in proper perspective, it will be necessary to undertake a brief statement of the material antecedents.

A. This Court's Final and Executory Decision of January 30, 1987

This Court's decision of January 30, 1987[11] dismissed the appeal on certiorari taken by petitioners Limpin and Sarmiento from the judgment of the Intermediate Appellate Court promulgated on February 28, 1985. The dispositive part of that judgment of the Appellate Court reads as follows:

"WHEREFORE, the orders dated October 16,[12] 1983 and December 19, 1983 of the respondent Court,[13] so far as they deny the confirmation of the sale of the lots formerly covered by TCT Nos. 92836 and 92837, are SET ASIDE and the respondent court is hereby ORDERED to confirm the sale and issue a writ of possession to the petitioner with respect to the aforesaid lots, subject to the equity of redemption of the respondent Rogelio V. Sarmiento. Without costs." [14]

In its own Decision of January 30, 1987, this Court categorically declared inter alia that —

1. (As regards the jurisdictional issue raised by Limpin and Sarmiento).

Said petitioners were wrong in questioning the jurisdiction of the Intermediate Appellate Court on the theory that they were not parties to the action for judicial foreclosure begun in the Trial Court; for, "with knowledge of this ostensible defect (in the proceedings a quo regarding personal jurisdiction) they fully participated without objection in the certiorari and mandamus proceedings before the respondent Appellate Court *** (and having) thus voluntarily appeared and seen the case through to its final resolution, they cannot now be permitted to turn about and repudiate the Appellate Court's jurisdiction over them." [15]

2. (As regards the parties' conflicting rights over the property).

The Appellate Court, applying *Santiago v. Dionisio*, 92 Phil. 495, "correctly ruled that the rights and interests of petitioners Limpin and Sarmiento to the property in question are subordinate to those of respondent Ponce, who holds a prior and senior lien." [16]

3. (As regards Ponce's donation of the lots in question to the Doha Josefa Edralin Marcos Foundation).

The alleged donation was of no consequence whatever, since "that donation was never registered, a fact that the petitioners admit," and even "if this Court were inclined to take up that issue now, though raised only for the first time, it is obvious that no resolution thereof could possibly improve the petitioners' position as against that of the private respondent (Ponce) or the latter's transferee." [17] It is not amiss to point out, parenthetically, that the mortgage debt being then, and for some time having been, unpaid, propriety of foreclosure was undeniable; and whether Ponce was foreclosing as principal mortgage creditor or as agent or trustee of the party to whom the mortgage credit had been donated had no effect whatsoever on the precedence and preference in rights between Ponce (or the donee), on the one hand, and Sarmiento and Limpin, on the other.

The Decision became final and executory and entry thereof was made on June 1, 1987. [18]

B. Attempts To Enforce Decision by Court A Quo

Subsequently, in accordance with this decision and on Ponce's motion, Judge Solano issued in said Civil Case No. Q-30726 an Order —

- 1) conforming "the sale at public auction of the mortgaged properties, covered by Transfer Certificate of title Nos. 92836 and 92837 of the Register of Deeds, Quezon City" (conducted by Sheriffs Marino V. Cachero and Edgardo C. Tanangco. who thereafter executed the corresponding certificate of sale, dated October 12, 1983 [19]); and
- 2) directing the issuance of "a writ of possession over the lots covered by said titles *** in favor of *** Guillermo Ponce, et al., subject to the equity of redemption of Rogelio T. Sarmiento." [20]

Observe that the Judge's Order adhered to the letter of the dispositive part of the Appellate Court's decision of February 28, 1985 which, as above pointed out, this Court affirmed.

The writ of possession issued on June 17, 1987. [21]

C. New Suits by Sarmiento to Prevent Enforcement of Decision

Three (3) days later, in behalf of Rogelio Sarmiento, Atty. Basa filed a complaint with the Regional Trial Court of Quezon City, against Guillermo Ponce, Deputy Sheriff Eduardo Tenangco and Marino Cachero. This was docketed as Civil Case No. Q-51117 and was assigned to Branch 78, presided over by Judge Teodoro Beltran. The issue involved in the case, as described by Judge Beltran himself, "is whether or not the Certificate of Sale dated October 12, 1983 executed by Sheriffs Marino V. Cachero and Edgardo C. Tanangco is valid." What was being impugned therefore was the self-same foreclosure sale that the Appellate Court's affirmed decision had ordered Judge Solano to confirm. [22]

On June 22, 1987, Judge Beltran issued a restraining order, and on July 10, 1987, after holding a hearing and receiving evidence, a writ of preliminary injunction, inhibiting the enforcement of the writ of possession issued on Judge Solano's order. What Judge Beltran enjoined was the writ of possession which the Appellate Court's affirmed decision had precisely directed Judge Solano to issue. [23]

A second action was commenced by Atty. Basa in the same Court, docketed as Civil Case No. Q-51206. predicated on or basically connected with the theory advocated by him in the first case. In this second suit, Atty. Basa again prayed for an injunctive writ against Ponce, in yet another attempt to prevent the latter from coming into possession of the lots in question. [24]

III. Contempt Charge against Judge Beltran and Messrs. Sarmiento and Basa

The first question is whether or not on the basis of these undisputed facts, Judge Beltran, or Rogelio Sarmiento, or the latter's counsel, Atty. Basa — since Sarmiento's acts were in truth and in fact, Basa's — or all three of them, are

guilty of contempt of court.[25]

A. Re Judge Beltran

In his Answer dated November 23, 1987,[26] Judge Beltran professes awareness "of the background of the Writ of Possession issued by Judge Solano to the effect that it was issued pursuant to the decision of the Supreme Court in the above-entitled case affirming that of the Intermediate Appellate Court." Indeed, obviously in proof of his familiarity with such "background," he quotes the dispositive portion of the Decision of the Intermediate Appellate Court — which this Court affirmed — ordering the respondent court (presided over by Judge Solano) "to confirm the sale and issue a writ of possession to the petitioner with respect to the aforesaid lots (TCT Nos. 92836 and 92837), subject to the equity of redemption of the respondent Rogelio V. Sarmiento." He states in exculpation, however, that the issue before the Appellate Court was —

"*** whether or not Judge *** Solano acted with grave abuse of discretion or without or in excess of jurisdiction, but never for the purpose of determining or establishing their rights or claims against each other, while the issue involved in the case now pending before *** (him) is whether or not the Certificate of Sale dated October 12, 1983 executed by Sheriffs Marino V. Cachero and Edgardo C. Tanengco is valid, hence entirely different and distinct from the issues thus raised in the cases decided by the Intermediate Appellate Court and this Honorable (Supreme) Court."

This is sophistry. His Honor deliberately ignores the categorical command of the Appellate Court, made its own by this Court,

that Judge Solano (1) confirm the sale in question — which could not but refer to the foreclosure sale conducted by Sheriffs Cachero and Tanengco in connection with which they subsequently issued a certificate of sale — and (2) issue a writ of possession to the petitioner — which could not but refer to the delivery of the lots subject, among others, of said foreclosure sale to Ponce. His Honor also closes his eyes to this Court's own pronouncements *inter alia* clearly and unmistakably (1) upholding the jurisdiction of the IAC over Sarmiento although not an original party in the proceedings *a quo*,[27] and (2) determining the rights of Ponce, Sarmiento and Limpin, more specifically, that Ponce's rights as prior mortgagee and highest bidder at the mortgage foreclosure sale were superior to those of Limpin and Sarmiento.[28]

In his Explanation dated January 8, 1988, Judge Beltran restates the same casuistic distinction set out in his Answer, and asserts in addition, the equally specious plea that Sarmiento was not a party in the original action before Judge Solano: an argument which, in view of his professed awareness of the background of the proceedings, he knew had already been rejected by both this Court and the Appellate Court. He also states that "no formal opposition" had been presented "on the injunction aspect:" a quite inaccurate statement since the record discloses that within two (2) days after he had issued a restraining order against Judge Solano's writ of possession, Ponce had presented an "Urgent Motion to Dismiss," asking that the complaint be given short shrift on the ground of *res judicata* — bar by prior judgment of the Supreme Court, affirming that of the Intermediate Appellate Court — and that the injunction be not issued in light of the policy of "judicial stability" which bars interference with, or restraint of, the acts of one court by another court of coordinate jurisdiction.

Judge Beltran is thus shown by the record to have deliberately misread and misinterpreted the final and executory judgments of this Court and that of the Intermediate Appellate Court; to have entertained no less than two (2) actions which he knew were in defiance and obstructive of those final and executory judgments; to have interfered with and restrained the orders of a judge of a coordinate and co-equal court in infringement of familiar and fundamental precept, which orders he knew had been promulgated in literal compliance with said final and executory judgments of this Court and of the Appellate Court. He is thus guilty of improper conduct directly

tending to foil and frustrate the judgments of courts superior to his, and a lawful order and writ of a co-equal court, and consequently, tending to impede, obstruct, or degrade the administration of justice. He is, in a word, guilty of constructive contempt under Rule 71 of the Rules of Court. His Honor is moreover shown by the record to have filed with this Court pleadings calculated to mislead and foist an inaccuracy on said Court. This is misbehavior in the face of this Court, constituting direct contempt in accordance with the same Rule 71.

B. Re Messrs. Sarmiento and Basa

Much the same thing may be said of Sarmiento, the plaintiff in both Civil Cases Numbered Q-51117 and Q-51206 both pending before Judge Beltran, and his lawyer, Atty. Danilo Basa. In the Answer filed for Sarmiento by Atty. Basa under date of December 9, 1987, the latter seeks to make the point (1) that the judgment of the Intermediate Appellate Court, affirmed by this Court — which involved certain questioned orders of Judge Solano in an action in which Sarmiento was not a party — could not bind Sarmiento, and could not have determined and established the respective rights of Ponce, Limpin and Sarmiento "of ownership or of possession over the two (2) lots against each other;" (2) the validity of the certificate of sale issued by Sheriffs Tanengco and Cachero had "not been judicially tried in any trial court" and "not passed upon by the *** (Supreme) Court;" and (3) since the alleged contempt involved a writ of possession of *** (Supreme) Court." [29] It is upon these premises that Basa openly admits he filed both Civil Cases Numbered Q-51117 and Q-51256 now pending before Judge Beltran, and succeeded in obtaining a restraining order and, later, a writ of preliminary injunction to stop enforcement of the writ of possession issued by order of Judge Solano. Here is a deliberate disregard of the plain and patent actuality, of which both Basa and Sarmiento were fully aware, that the judgment of the Intermediate Appellate Court, sustained by this Court, had squarely ruled on the question of personal jurisdiction raised by Limpin and Sarmiento, as well as the issue of the conflicting rights being asserted over the same two (2) lots subject of the proceedings by Ponce, Limpin and Sarmiento; here, again, a submission to the Court of a flagrantly fallacious distinction; here, too, an unabashed acknowledgment of the filing of not one but two actions, and obtention of an injunction writ by a lawyer and his client, for the particular objective of preventing confirmation of a sale and the issuance of a writ of possession by Judge Solano, which acts the latter had been precisely ordered to do by this Court and the Court of Appeals; here, a blatant attempt to relitigate issues already resolved by the highest courts of the land.

Like Judge Beltran then, both Sarmiento and Basa are thus shown by the record to have tried in their pleadings and motions to mislead this Court by sophistical ratiocination, and by intentional misreading of the final and executory judgments of this Court and that of the Intermediate Appellate Court; to have instigated and caused a Regional Trial Court to entertain two (2) actions with the purpose of setting at naught those final and executory judgments, as well as to interfere with and restrain orders of a coordinate and co-equal court in infringement of familiar and elementary doctrine, which orders they knew full well had been promulgated in strict enforcement of this Court's final and executory judgment. Like Judge Beltran, they are both guilty of improper conduct directly tending to negate and avoid judgments, not only final and executory but rendered by the two highest tribunals of the land, as well as a lawful order and writ of a lower court, and consequently, to impede, obstruct, or degrade the administration of justice. They are guilty, too, of gross misbehavior before this Court, in facie curiae, by presenting pleadings and motions calculated to depict a quite inaccurate factual situation, and containing patently specious argument. Their liability for contempt, constructive and direct, in accordance with Rule 71 of the Rules of Court, is also plain and patent.

IV. Contempt Charge Against Mr. Ponce and His Attorneys

Atty. Basa, in turn, in his "Petition/Motion" dated December 24, 1987, would have Guillermo Ponce declared in contempt of court for having "DELIBERATELY CONCEALED the fact of (his) donation (to a foundation of the

four [4] lots involved in the action before Judge Solano) and the availment of deductions from estate taxes," and the resultant loss of any right on his (Ponce's) part to foreclose the mortgage on said lots. Atty. Basa and Sarmiento would also have Ponce's lawyers adjudged as co-contemnors for keeping an "unexplained silence" about these facts and even attempting to stop Judge Beltran from acting in Civil Case No. Q-51117 where these facts have been placed in issue.[30] Sarmiento and Basa base their accusations on documents — tending to prove the alleged donation and the availment of tax credit on account thereof - produced at a hearing on October 14, 1987 in Civil Cases Numbered Q-51117 and Q-51206 by the Bureau of Internal Revenue in response to subpoena duces tecum.[31]

The truth however is that the matter of this alleged donation by Ponce (of specified receivables inclusive of the mortgage on the four [4] lots in question), and the consequent loss by him and his sons of the right to foreclose the mortgage on those four (4) lots, was, as above already pointed out, raised before this Court[32] and ruled upon in the Decision of January 30, 1987.[33] The fact is, too, that as pointed out in Ponce's Comment dated February 11, 1988,[34] that precise matter of the donation was also extensively discussed: (1) in Civil Case No. 30726 — and it was there shown that not only was the donation never consummated because the donor never delivered the properties supposedly subject thereof to the donee, and no deed of donation was ever executed, but also that a lawyer attempting to intervene in the foreclosure suit allegedly in representation of the donee foundation was disauthorized by the latter itself which also refused to be impleaded in the suit — and (2) in CA-G.R. No. 02516. The inefficaciousness of the attempted donation is substantiated not only by the above mentioned disavowal by the donee foundation of its ever having authorized anyone to interve in its behalf in Civil Case No. Q-30726, and its actual refusal to be impleaded as party therein,[35] but also by the subsequent renunciation by Ponce of Tax credits on account of that aborted gift, and consequent payment to the Government of the no mean sum of P2,200,000.00 by way of amnesty. These facts are satisfactorily established by authentic copies of official documents and receipts variously dated from November 12, 1981 to January, 1983,[36] posterior to the dates of the execution of the documents relied upon by Basa and Sarmiento in support of their theory of an effective and consummated donation.[37]

It appears that Basa's and Sarmiento's "petition/motion" to have Ponce punished for contempt is without foundation, based on half-truths and misrepresented facts, and was resorted to merely as a mode of neutralizing the earlier charge against Sarmiento (and Basa) for contempt, apparently in line with the apocryphal axiom, "The best defense is offense." The disguised design appears to be to so exhaust the Court with a welter of voluminous pleadings and documents in relation to the contempt charge against Ponce, that when it finally saw through the sophistry and subterfuge and dismissed that charge, it would have forgotten Ponce's own charge of contempt against Sarmiento and Basa. Be this as it may, the filing and attempted substantiation of this baseless charge cannot but constitute an additional act of contumacy.

V. Atty. Basa's Second. Third and Fourth Motions For Reconsideration

In yet another stratagem to re-ventilate the same stale issues which he had revived in the two (2) actions pending in the Beltran Court, Atty. Basa has swamped this Court in this case (G.R. No. 70987) with pleadings or motions which are nothing but thinly masked motions for reconsideration of the final and executory judgment of January 30, 1987 — either sought to be passed off as a mere "supplement to the answer (to the contempt charge)" and an "additional ground for contempt", or artfully captioned as motions "to modify /alter the decision to harmonize with justice and the facts" and "to alter/modify judgment to conform to justice and the facts." [38] These motions for reconsideration are plainly without merit. Indeed, having been filed after denial of a first and without prior leave of court, they should by established rule be as they are hereby expunged from the record.[39]

a. Atty. Basa's Misconduct In Facie Curiae

But a few words about those motions are not out of place, specially as they demonstrate Basa's conduct before the Court. In those motions, Basa stubbornly reiterates the same argument already rejected by this Court that Sarmiento was never a party in Civil Case No. Q-30726. He attempts however to give it respectability by theorizing that this had prevented Sarmiento from moving for new trial in that case on the ground of "newly discovered evidence" — this evidence obviously being what he deems to be additional proof of the alleged donation and availment of tax deductions on account thereof — blithely disregarding the fact that the issues involving these matters had already been decided adversely to him and his client by final and executory judgment, or were, in any case, ineffectual to erase the superiority of Ponce's rights over the property in question as against Sarmiento and Limpin.

Again closing his eyes to the authoritative affirmation by this Court of the correctness of the Appellate Court's conclusion that "the rights and interests of petitioners Limpin and Sarmiento to the property in question (lots covered by TCT Nos. 92836 and 92837) are subordinate to those of respondent Ponce, who holds a prior and senior lien," as well as its consequent direction to the Trial Court to confirm the sale at public auction conducted by Sheriffs Cachero and Tanengco and issue a writ of possession over the lots in favor of Guillermo Ponce, Basa theorizes that another proceeding must still be had to challenge Sarmiento's titles to the same property. The argument is too unmeritorious to deserve consideration at all.

Of the same ilk is his argument in proof of the theory that Ponce and his attorneys had "deliberately withheld" certain documents relative to the donation. Upon the considerations already set out in no little detail earlier in this opinion, the argument will be spurned as carrying absolutely no persuasiveness whatever.

Basa would also foist upon the Court the theory, palpably indefensible, that since Ponce had participated in the public bidding at the foreclosure sale and had in fact offered the highest bid, he had lost the character of a mortgage creditor and had become a "mere bidder." The less said about this theory, the better.

Basa's adamantly insistent attempts to raise issues long since laid to rest by final and executory judgment of no less than the highest tribunal of the land, his presentation of misleading arguments, not only expose a deliberate plan to frustrate the executory and clear directions of this Court and those of the Appellate Court, but constitute an unwarranted imposition on the time and intelligence of this Court. By these tactics, he has been able to delay execution of this Court's final and executory judgment for several months now. He should no longer be permitted to do so. And he should be punished for having done so, with evident premeditation. His acts speak for themselves, *res ipsa loquitur*.^[40] They clearly constitute misbehavior before

the Court in *facie curiae*, summarily punishable in accordance with Section 1, Rule 71 of the Rules of Court.

VI. The Motion for Inhibition

The motion for inhibition of those members of the Court who have been associated with the . . . law firm (Sycip, etc.) or have children with the said law firm," is also without merit. The association of one of the Court members with that firm, severed for more than seventeen (17) years now, is not ground for disqualification. And except for former Chief Justice Claudio Teehankee, who opted not to take part in the deliberations on the present incidents, no member of the Division has any children in said law firm directly signing pleadings or motions or otherwise personally appearing, in behalf of any party to the case. It is moreover, settled that a motion for disqualification must be denied where filed after a member of the Court has already given an opinion on the merits of the case, the rationale being that "a litigant cannot be permitted to speculate upon the action of the Court *** (only to) raise an objection of this sort after decision has been rendered."^[41]

VII. The Motion for an Alias Writ of Possession

What has thus far been said in this Resolution should make clear what the disposition of the motion for an alias writ of possession should be. The writ must issue. Its issuance is ministerial and mandatory, being commanded by final and executory judgment of the highest Court of the land, affirming in toto that of the second highest court. The writ must issue immediately.

VIII. Forum Shopping by Sarmiento and Basa

So, too, what has thus far been said more than amply demonstrates Sarmiento's and Basa's acts of forum shopping. Having failed to obtain the reliefs to which they were not entitled in the first place from the "Solano Court," the Court of Appeals, and the Supreme Court, they subsequently instituted two (2) actions in the "Beltran Court" for the same purpose, violating in the process the rule against splitting causes of action.[42] The sanction is inescapable: dismissal of both actions, for gross abuse of the judicial processes.[43]

WHEREFORE, the Court —

1) FINDS AND DECLARES Judge Teodoro K. Beltran guilty of:

a) INDIRECT CONTEMPT, and SENTENCES him to pay a fine of One Hundred Pesos (P100.00), or if such fine is not paid within ten (10) days from notice, to suffer IMPRISONMENT of three (3) days; as well as

b) DIRECT CONTEMPT, and SENTENCES him to pay a fine of Fifty Pesos (P50.00), and if such fine is not paid within ten (10) days from notice, to suffer IMPRISONMENT of one (1) day;

2) FINDS AND DECLARES both Rogelio M. Sarmiento and Atty. Danilo Basa guilty of:

a) CONSTRUCTIVE CONTEMPT, and SENTENCES each of them to pay a fine of Five Hundred Pesos (P500.00), or if such fine is not paid within ten (10) days from notice, to suffer IMPRISONMENT of fifteen (15) days; as well as

b) DIRECT CONTEMPT, and sentences each of them to pay a fine of One Hundred Pesos (P100.00), or if such fine is not paid within ten (10) days from notice, to suffer IMPRISONMENT of five (5) days;

3) EXPUNGES from the record of this case the pleadings and motions filed by Atty. Danilo Basa in behalf of Sarmiento entitled (a) "Supplement to the Answer (to the Contempt Charge); Motion to Amend Decision/Orders to Conform to Law and Justice; (b) "Motion to Modify/Alter the Decision to Harmonize with Justice and the Facts," and (c) "Urgent Motion with Prayer; additional Ground for Contempt; and Motion to Alter/Modify Judgment to Conform to Justice and the Facts;"

4) DENIES the (a) "Motion for Inhibition" dated December 9, 1987, and (b) the "Petition to Declare Attorneys Sycip Salazar Hernandez and Gatmaitan, Philip Sigfrid A. Fortun, Eugenio Lindo and Ernesto L. Pineda in Contempt" dated January 15, 1988 (inclusive of the urgent motion described in item [c] of the next preceding paragraph);

5) ORDERS the Regional Trial Court of Quezon City, Branch 86, presided over by Hon. Judge Antonio Solano, forthwith upon service of notice of this Resolution and without need of any further order from this Court, to ISSUE A WRIT OF POSSESSION in Civil Case No. Q-30726, in favor of Guillermo Ponce conformably with this Court's decision dated January 30, 1987 in relation to that of the Appellate Court thereby affirmed, and otherwise to carry the same into full force and effect, this portion of this Resolution being declared, to avoid any doubt on the matter, to be immediately executory: and

6) ORDERS the DISMISSAL of the complaint in both Civil Cases No. Q-51117 and Q-51206 pending in the sal a of Judge Teodoro Beltran, Branch 78, and the NULLIFICATION AND SETTING ASIDE of the restraining order

issued by said Judge on June 22, 1987 and the order of preliminary injunction dated July 10, 1987 as well as the writ issued in pursuance thereto.

Cruz, Gancayco, and Grino-Aquino, JJ., concur.

[1] Rollo, pp. 380 et seq.

[2] Id., pp. 403 et seq.

[3] Id., pp. 526 et seq.

[4] SEE additional rollo (folder).

[5] Rollo, p. 480.

[6] The petitioners' motion for reconsideration of the judgment was denied with finality by the Court's Resolution dated April 27, 1987 (Rollo, p. 363); and Entry of Judgment was made on June 1, 1987 (Rollo, p. 364).

[7] Rollo, pp. 491 et seq.

[8] Id., pp. 512 et seq.

[9] SEE additional rollo (folder).

[10] Rollo, p. 503.

[11] 147 SCRA 516-528.

[12] The correct date is October 26, 1983.

[13] The Regional Trial Court in Quezon City, the orders having been promulgated in Civil Case No. Q-30726.

[14] Rollo, p. 26; italics supplied.

[15] Id., p. 318-319.

[16] Id., p. 320-321.

[17] Id., p. 322.

[18] Id., p. 364.

[19] See Rollo, p. 23.

[20] Id., pp. 381-382

[21] Id., p. 386.

[22] SEE footnote 9. p. 3. supra.

[23] Id.

[24] Rollo, p. 526.

[25] SEE par. I, 1), b). pp. 1-2, supra.

[26] Rollo, pp. 391 et seq.

[27] SEE footnote 1, p.4, supra.

[28] SEE footnote 2, p 4, supra.

[29] Rollo, pp. 473 et seq.

[30] SEE Rollo, pp. 526 et seq.

[31] Rollo. pp. 403 et seq: SEE also Urgent Manifestation With Prayer; etc., dated February 12, 1988 filed by Atty. Basa.

[32] Although not averred in the basic petition for review on certiorari.

[33] See footnote 3and related text at p. 4. supra.

[34] SEE additional rollo (folder).

[35] Rollo, p. 524.

[36] Id., pp. 520-523.

[37] SEE their Reply to the Opposition dated Feb. 6, 1988, in additional rollo.

[38]Sec p. 2. supra.

[39] Sec. 1. Rule 52. Rules of Court.

[40] Consolidated Bank & Trust Corp. v. Hon. Capistrano, AM No. R-66-RTC, March 18, 1988; Prudential Bank v. Hon. Castro. AM No. 2756. Nov. 12, 1987; In Re Wenceslao Laureta. 149 SCRA 570; Cathay Pacific Airways v. Hon. Romillo. 142 SCRA 262; People v. Hon. Valenzuela. 135 SCRA 712.

[41] Prudential Bank v. Hon. Castro, AM No. 2756, Nov. 12, 1987, supra, citing Araneta v. Dinglasan, 84 Phil. 368 which, in turn, cited Government v. Heirs of Abella, 49 Phil. 374.

[42] Sees. 3 and 4. Rule 2. Rules of Court.

[43] Sec. 17. Interim Rules and Guidelines. Jan. 11. 1983 in re the Judiciary Reorganization Act: Buan v. Lopez. 145 SCR A 34. citing E. Razon, Inc. v. Phil. Ports Authority. G.R. No. 75197. July 31. 1986. and People v. CA. 101 SCRA 450, 463-464.

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.