

ATTY. FRANCISCO ANTE, PETITIONER, VS. HON. HERMINIA M. PASCUA, PRESIDING JUDGE OF BRANCH XXV, REGIONAL TRIAL COURT, 1ST JUDICIAL REGION STATIONED AT VIGAN, ILOCOS SUR, RESPONDENT.

G.R. No. 74997. June 28, 1988

Ponente: YAP, C.J.

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YAP, C.J.:

In this special civil action of certiorari, petitioner contends that respondent judge gravely abused her discretion in finding him guilty, of direct contempt and ordering him to pay a fine of P200.00 or suffer imprisonment of five (5) days should he fail to do so.

Atty. Francisco Ante, as counsel for plaintiff, filed a complaint, with the Regional Trial Court of Vigan, docketed as Civil Case No: 3540-V (Allarde vs. Ruaro) for damages against defendant Ruaro on account of a vehicular accident involving the truck of plaintiff and a truck of defendants. Defendants were declared in default for failure to answer the complaint and after the presentation of evidence for plaintiff, a judgment was rendered which became final and executory.

Defendants in the above case subsequently filed in Laoag City a civil case for damages based on the same facts and circumstances as the Vigan case. This other case was dismissed, according to petitioner, on the ground of res judicata. Thereafter, petitioner, as counsel for Allarde, filed a complaint for damages in Vigan (Civil Case No. 3665-V) against defendant Ruaro, alleging that he suffered damages due to illness, anxiety, and other causes as a result of the filing of the case against him in Laoag City. He asked for damages amounting to P30,000.00 for the plaintiff and P10,000.00 as attorney's fees. Defendant Ruaro was again declared in default and after securing a default order, Atty. Ante filed a supplemental pleading asking for increased attorney's fees in the amount of P60,000.00.

Respondent Judge Pascua could not recall how much attorney's fees and expenses she awarded to plaintiff in Civil Case No. 3665-V because the records of the case was already elevated on appeal, but she believed it was not more than P1,500.00.

In his motion for reconsideration, petitioner accused the court of "its biasness" in the case. On filing said motion for reconsideration, Atty. Ante made a statement to two court employees threatening that he would file an administrative charge against the respondent judge if his motion were denied. This threat was in fact subsequently made in a manifestation which he filed with the court, in which he asked that the court hold its temper and refrain from punishing him because he would file an administrative charge with the Supreme Court and the Minister of Justice. These were cited by the respondent as the basis for finding petitioner guilty of contempt of court.

Upon careful review of the facts and circumstances of this case, we find the petition to be without merit. It is true that the statements supposedly made by petitioner to the court employees do not constitute direct contempt. But

the questioned order of the judge finding him guilty of direct contempt is based on contemptuous statements he made in his pleadings before the court, as recited in the order of the court, which petitioner has not denied. These contemptuous statements made in pleadings filed with the court constitute direct contempt. We find no grave abuse of discretion on the part of the respondent judge in imposing a fine of P200.00 on the petitioner for contempt of court.

ACCORDINGLY, we hereby dismiss the petition for lack of merit.

SO ORDERED.

Yap, C. J. (Chairman), Melencio-Herrera, Paras, Padilla, and Sarmiento, JJ., concur.

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