



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ELISA ANGELES,
Petitioner,

G.R. No. 178733

- versus -

Present:

HON. COURT OF APPEALS,
Officer-In-Charge MARILOU C.
MARTIN, Deputy Sheriff
JOSELITO SP ASTORGA,
MARCO BOCO, and JOHN DOES,
Regional Trial Court of Pasig,
Branch 268,
Respondents.

CARPIO, *Acting Chief Justice,**
BRION,
DEL CASTILLO,
VILLARAMA, JR.,** and
LEONEN, JJ.

Promulgated:

SEP 15 2014

X ----- X

DECISION

DEL CASTILLO, J.:

This Petition for *Certiorari*¹ seeks to set aside the February 22, 2007 Decision² of the Court of Appeals (CA) and its June 4, 2007 Resolution³ in CA-G.R. SP No. 93772, which dismissed the herein petitioner's Petition for Contempt⁴ against the herein respondent public officers and her Motion for Reconsideration,⁵ respectively.

Factual Antecedents

A complaint for annulment of real estate mortgage, foreclosure sale, reconveyance and damages – docketed as Civil Case No. 69213 in the Regional Trial Court of Pasig City, Branch 268 – was filed by spouses Juan and Anatalia Coronel (the Coronels) against herein petitioner Elisa Angeles and several others.

* Per Special Order No. 1770 dated August 28, 2014.

** Per Special Order No. 1767 dated August 27, 2014.

¹ *Rollo*, pp. 3-12.

² Id. at 57-64; penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Renato C. Dacudao and Arturo G. Tayag.

³ Id. at 70.

⁴ Id. at 40-47.

⁵ Id. at 65-68.

After trial, or on April 3, 2005, the trial court rendered a Decision⁶ containing the following decretal portion:

WHEREFORE, foregoing premises considered, judgment is hereby rendered in favor of the plaintiffs and against defendants:

1. Declaring Transfer Certificate of Title No. PT-113632 as null and void;
2. Ordering the Registry of Deeds for the City of Pasig to cancel TCT No. PT-113632 in the name of Rosalina Liwag and to issue a new one in the names of plaintiffs Spouses Juan L. Coronel and Anatalia Coronel;
3. Ordering plaintiff to pay defendant Miguel Galicia the amount of ₱960,000.00 as reimbursement for his redemption of the property;
4. No pronouncement as to costs.

SO ORDERED.⁷

Petitioner and her co-defendants in Civil Case No. 69213 filed their Notice of Appeal, while the Coronels filed a motion for execution of the April 3, 2005 judgment pending appeal, which the trial court denied in an October 19, 2005 Order. On November 15, 2005, the Coronels filed their Motion for Reconsideration.⁸

Petitioner and her co-defendants' appeal to the CA was docketed as CA-G.R. CV No. 86451.

In a November 15, 2005 Order,⁹ the trial court directed that the entire record of Civil Case No. 69213 be transmitted to the CA for appropriate action.

In a February 1, 2006 Order,¹⁰ the trial court reconsidered its October 19, 2005 Order and thus granted the Coronels' motion for execution pending appeal. A Writ of Execution Pending Appeal was thus issued on February 16, 2006.¹¹

On February 27, 2006, the record of Civil Case No. 69213 was transmitted to the CA.¹²

⁶ Id. at 28-36; penned by Judge Amelia C. Manalastas.

⁷ Id. at 35-36.

⁸ Id. at 16-20.

⁹ Id. at 14.

¹⁰ Id. at 22-23.

¹¹ Id. at 25-26.

¹² Id. at 6, 44.

On March 9, 2006, petitioner was evicted from the subject property as a result of the enforcement of the Writ of Execution Pending Appeal.

Ruling of the Court of Appeals

On March 24, 2006, petitioner filed a Petition for Contempt¹³ with the CA against herein respondents Officer-In-Charge Marilou C. Martin (Martin), Deputy Sheriff Joselito SP Astorga (Astorga), Clerk III Marco Boco (Boco), and John Does. Docketed as CA-G.R. SP No. 93772, the Petition alleged that Martin defied the trial court's November 15, 2005 Order to elevate the records of Civil Case No. 69213 to the CA and acted in collusion with the Coronels to ensure that the latter obtain execution pending appeal; that the Writ of Execution Pending Appeal was hastily and irregularly issued; that Astorga and Boco "cleverly contrived" and used trickery in ejecting petitioner from the subject property; that Astorga and Boco favored other tenants and did not evict them from the property; that Astorga did not have the authority to enforce the writ of execution inasmuch as the trial court lost jurisdiction over the case after the records of Civil Case No. 69213 were elevated to the CA on February 27, 2006; that the respondent public officers' actions were abusive, illegal, and constitute indirect contempt of the appellate court. Petitioner prayed that Martin, Astorga, Boco and John Does whose identities have yet to be ascertained be declared in contempt of court and penalized accordingly.

In her Comment,¹⁴ Martin sought the dismissal of the Petition, alleging that as a mere court employee and researcher, she had no authority or control over the proceedings in Civil Case No. 69213, as well as the issuance or implementation of the court's orders; that the non-transmittal of the records to the CA was not intentional but came as a result of the trial court's giving due course to the various motions filed by the parties; that she had no hand in the enforcement of the writ of execution pending appeal as she had no power or authority to direct its implementation; and that she did not commit any irregular or illegal act as to be held liable for contempt of court.

In their Comment,¹⁵ Astorga and Boco denied the accusations against them, claiming that these were already the subject of administrative complaints in the Supreme Court – in MISC No. 2476 – filed by petitioner, to which Comments have been submitted as well; that petitioner's accusations were all lies and contrived; that without a stay order, they were duty-bound to enforce the orders and writs of the trial court; and that they had no intention to impede or obstruct the administration of justice or embarrass the court in the implementation of the lawful processes of the court.

¹³ Id. at 40-47.

¹⁴ Id. at 48-53.

¹⁵ Id. at 54-55.

On February 22, 2007, the CA issued the assailed Decision containing the following pronouncement:

The Supreme Court further explained in *Igot v. Court of Appeals*, thus:

In whatever context it may arise, contempt of court involves the doing of an act, or the failure to do an act, in such a manner as to create an affront to the court and the sovereign dignity with which it is clothed. As a matter of practical judicial administration, jurisdiction has been felt to properly rest in only one tribunal at a time with respect to a given controversy. Only the court which rendered the order commanding the doing of a certain act is vested with the right to determine whether or not the order has been complied with, or whether a sufficient reason has been given for noncompliance, and therefore, whether a contempt has been committed. It is a well-established rule that the power to determine the existence of contempt of court rests exclusively with the court contemned. No court is authorized to punish a contempt against another.

This petition should have been filed with the court *a quo*. It bears stressing that the power to determine whether x x x the acts alleged by petitioner constitute indirect contempt, rests exclusively in the court against which the contumacious act was committed. The reason being that it was the court *a quo* which issued the subject orders and is vested with the right to determine whether x x x such orders have been complied with or have been defied, which acts may constitute contempt of court.

Further, basic is the rule that unless an order/resolution/directive issued by a court of competent jurisdiction is declared null and void, such orders are presumed to be valid. But in this case, there is nothing on record to show that petitioner availed herself of any of the legal remedies under the Rules of Court to assail the validity of the said order or writ, hence, the same remained valid and enforceable.

It should be stressed that the authority to issue [an] order or writ of execution pertains to the presiding judge of the court *a quo*. Respondents do not occupy positions of discretion, but are subject to the authority or control of the court *a quo*. Their functions as officers or employees of the court are purely ministerial or administrative in character and confined to serving court orders and processes, and carrying the same into effect. Contrary to petitioner's allegations, the records show that respondents were merely implementing the orders issued by the trial court in Civil Case No. 69213 and that no stay order was issued against the enforcement of the subject writ of execution. There is no sufficient showing of acts committed by respondents which may constitute contempt, such as among others, refusing to obey [a] lawful order of the court or act of disrespect to the dignity of the court which tends to hamper the orderly proceedings and lessen its efficiency.

As a final note, it must be borne in mind that a court's power to punish for contempt, must be exercised judiciously and sparingly with utmost self-restraint, with the end in view of utilizing the same for correction and preservation of the dignity of the court, and not for retaliation or vindication.

Strict compliance with the rules and the guidelines prescribed in contempt proceedings is mandatory. In this case, petitioner failed to show with convincing evidence sufficient compliance with the foregoing rules and guidelines.

WHEREFORE, the petition is DISMISSED for lack of merit.

SO ORDERED.¹⁶

Petitioner filed a Motion for Reconsideration,¹⁷ which the appellate court denied in a June 4, 2007 Resolution. Hence, the instant Petition.

In a December 10, 2008 Resolution,¹⁸ this Court resolved to give due course to the Petition.

Issue

The only issue here is whether the CA committed grave abuse of discretion in dismissing the Petition in CA-G.R. SP No. 93772 to hold the respondent public officers in contempt of court for defying the orders and directives of the trial court, and for disregarding the CA's authority after it acquired jurisdiction over the case through the appeal interposed by petitioner and her co-defendants in Civil Case No. 69213.

Petitioner's Arguments

In her Petition, petitioner insists that respondent public officers should be held in contempt of court for defying the trial court's order to elevate the records of the case to the CA, and for enforcing the writ of execution pending appeal even as the CA obtained jurisdiction over the case through the appeal interposed by her and her co-defendants. She contends further that respondents' involvement in supposed irregularities relative to the issuance and implementation of the writ of execution pending appeal warrants their punishment for indirect contempt. For failure of the CA to appreciate these facts, it thus committed grave abuse of discretion in dismissing the petition in CA-G.R. SP No. 93772. She, therefore, prays that the assailed dispositions be set aside, and that her Petition for Contempt be reinstated and consolidated with the appeal in CA-G.R. CV No. 86451, with costs against the individual respondents.

Respondents' Arguments

Praying that the Petition be denied for lack of merit, respondents Astorga

¹⁶ Id. at 62-64.

¹⁷ Id. at 65-68.

¹⁸ Id. at 90-91.

and Boco maintain and profess their innocence; that they acted only in obedience to the directives, writs and processes of the trial court and have no authority to defy the same unless a stay order is issued; and that petitioner's contempt charge should have been initiated with the trial court, and not with the CA.

Respondent Martin, on the other hand, failed to file her comment to the Petition.

Our Ruling

The Court dismisses the Petition.

Petitioner's accusations are rooted not in the individual respondents' official acts, but in the directives of the trial court in Civil Case No. 69213. The CA is correct in its pronouncement that –

Further, basic is the rule that unless an order/resolution/directive issued by a court of competent jurisdiction is declared null and void, such orders are presumed to be valid. But in this case, there is nothing on record to show that petitioner availed herself of any of the legal remedies under the Rules of Court to assail the validity of the said order or writ, hence, the same remained valid and enforceable.

It should be stressed that the authority to issue [an] order or writ of execution pertains to the presiding judge of the *court a quo*. Respondents do not occupy positions of discretion, but are subject to the authority or control of the court *a quo*. Their functions as officers or employees of the court are purely ministerial or administrative in character and confined to serving court orders and processes, and carrying the same into effect. Contrary to petitioner's allegations, the records show that respondents were merely implementing the orders issued by the trial court in Civil Case No. 69213 and that no stay order was issued against the enforcement of the subject writ of execution. There is no sufficient showing of acts committed by respondents which may constitute contempt, such as among others, refusing to obey [a] lawful order of the court or act of disrespect to the dignity of the court which tends to hamper the orderly proceedings and lessen its efficiency.¹⁹

Indeed, contrary to petitioner's claims, it appears that the respondent public officers acted faithfully in carrying out the trial court's directives. If petitioner doubted these directives – arguing as she does that the trial court lost jurisdiction over the case when her appeal was perfected – then she should have questioned them by filing the corresponding appeal or petition in order to set them aside. Punishing the respondents for contempt will not solve her dilemma; it will not reverse the effects of the trial court's orders and processes.

¹⁹ Id. at 63.

And, speaking of contempt, the appellate court is likewise correct in its position that if respondent public officers should be punished for their perceived defiance or failure to abide by the trial court's directives and processes, then the contempt charge should have been initiated in the court *a quo*, and not in the CA. Sections 4 and 5, Rule 71 of the Rules of Court state, respectively, that "[p]roceedings for indirect contempt may be initiated *motu proprio* by the court against which the contempt was committed" and "[w]here the charge for indirect contempt has been committed against a Regional Trial Court or a court of equivalent or higher rank, or against an officer appointed by it, the charge may be filed with such court."

x x x [C]ontempt proceedings are *sui generis* and are triable only by the court against whose authority the contempts are charged; the power to punish for contempt exists for the purpose of enabling a court to compel due decorum and respect in its presence and due obedience to its judgments, orders and processes and in order that a court may compel obedience to its orders, it must have the right to inquire whether there has been any disobedience thereof, for to submit the question of disobedience to another tribunal would operate to deprive the proceeding of half its efficiency.

Section 4, Rule 71 of the Rules of Court provides, in effect, that a charge for indirect contempt must be filed with the court contemned. Although this provision is permissive in nature, in the event of concurrent jurisdiction over cases of contempt of court, it would be a good practice to acknowledge the preferential right of the court against which the act of contempt was committed to try and punish the guilty party.²⁰

Besides, it cannot be said that the issuance and implementation by the individual respondents of the writ of execution pending appeal is a contemptible disregard of the CA's jurisdiction over CA-G.R. CV No. 86451. Apparently, the trial court had the authority to grant execution pending appeal on February 1, 2006 and issue the writ on February 15, 2006. The record of Civil Case No. 69213 was transmitted to the CA only on February 27, 2006. Prior to the transmittal of the original record, the trial court may order execution pending appeal.²¹ "The

²⁰ *San Luis v. Court of Appeals*, 417 Phil. 598, 607 (2001).

²¹ Rule 41 of the Rules of Court, on "APPEAL FROM THE REGIONAL TRIAL COURTS", states: Sec. 9. Perfection of appeal; effect thereof.

A party's appeal by notice of appeal is deemed perfected as to him upon the filing of the notice of appeal in due time.

A party's appeal by record on appeal is deemed perfected as to him with respect to the subject matter thereof upon the approval of the record on appeal filed in due time.

In appeals by notice of appeal, the court loses jurisdiction over the case upon the perfection of the appeals filed in due time and the expiration of the time to appeal of the other parties.

In appeals by record on appeal, the court loses jurisdiction only over the subject matter thereof upon the approval of the records on appeal filed in due time and the expiration of the time to appeal of the other parties.

In either case, prior to the transmittal of the original record or the record on appeal, the court may issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal, approve compromises, permit appeals of indigent litigants, order execution pending appeal in accordance with Section 2 of Rule 39, and allow withdrawal of the appeal. (Emphasis supplied)

‘residual jurisdiction’ of trial courts is available at a stage in which the court is normally deemed to have lost jurisdiction over the case or the subject matter involved in the appeal. This stage is reached upon the perfection of the appeals by the parties or upon the approval of the records on appeal, but prior to the transmittal of the original records or the records on appeal. In either instance, the trial court still retains its so-called residual jurisdiction to issue protective orders, approve compromises, permit appeals of indigent litigants, order execution pending appeal, and allow the withdrawal of the appeal.”²²

Having found no irregularity in the assailed pronouncement, and instead declaring herein that judgment was rendered correctly, it cannot be said that the appellate court committed any abuse of its discretion at all as to allow the remedy of *certiorari* petitioner prays for.

WHEREFORE, the Petition is **DISMISSED**.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

²² *Katon v. Palanca, Jr.*, 481 Phil. 168, 181 (2004).

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**ANTONIO T. CARPIO***Associate Justice**Acting Chief Justice*