



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **February 1, 2023**, which reads as follows:*

**“G.R. No. 236933 (Atty. Roderick Estores Manzano v. Atty. Joaquin L. Misa, Jr. and Jose Norlito D. Fruto [deceased]).** – Before this Court is a Petition for Review on *Certiorari*<sup>1</sup> dated March 14, 2018 filed by petitioner Atty. Roderick Estores Manzano (Atty. Manzano), assailing the Orders dated July 14, 2017<sup>2</sup> and December 27, 2017<sup>3</sup> of the Regional Trial Court (RTC) of Pasay City, Branch 118, which dismissed Atty. Manzano’s Petition<sup>4</sup> for Indirect Contempt (Petition for Contempt) against Atty. Joaquin L. Misa, Jr. (Misa) and Jose Norlito D. Fruto (Fruto; collectively, respondents).

**Factual Antecedents**

On January 21, 2016, Atty. Manzano filed before the RTC a verified Petition for Contempt against respondents for violation of Sections 3(a), 3(c), and 3(d) of Rule 71 of the Rules of Court because of statements made in a Petition for Self-Inhibition *cum* Motion to Quash<sup>5</sup> (Petition for Inhibition) filed in another case, where Fruto was the accused, and Misa was his counsel.

Particularly, Atty. Manzano alleged that respondents made the following contemptuous and grossly abusive language in the Petition for Inhibition:

1. It has come to the attention of the accused that the Honorable presiding Judge is a member/follower of *IGLESIA NI CRISTO (INC)*, a religion

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<sup>1</sup> *Rollo*, pp. 28-50.

<sup>2</sup> *Id.* at 10-17. Penned by Presiding Judge Rowena Nieves A. Tan.

<sup>3</sup> *Id.* at 8-9.

<sup>4</sup> *Id.* at 88-97.

<sup>5</sup> *Id.* at 81-87.

formed and established pursuant to law. And whose leadership is presently at cross purposes with the accused.

2. As such, speaking with all due respect, it is probably time for the self-inhibition of the Honorable Presiding Judge, if only to protect the integrity of the Court and to spare it from accusations of bias and prejudice.

x x x x

4. INC members are encouraged to obey the commands of the leaders of INC, referred to as the *PANGKALAHATANG SANGGUNIANG (PS)*. Otherwise, for failure to do so the errant member stands a good chance of expulsion.

5. Aside from expulsion, its expelled members find themselves suffering indignities. For instance, recently it was newsworthy that Mrs. CHRISTINA “Ka Tenny” MANALO, widow of the late executive minister Ka ERDY MANALO, and the mother of incumbent executive minister Ka EDUARDO MANALO, together with her three other children, Ka ANGEL, Ka MARK, and Ka LOTTIE were expelled at the instance of the PS. They have since been complaining about being harassed. The same is true of the accused.

6. Politicians tend to court the INC considering its capability of deciding the result of the national elections. In exchange for political patronage, as a matter of *quid pro quo*, the winning candidate/party is naturally expected to, among others, fill vacancies in the bureaucracy endorsed by the PS.

7. Seen in the light of the anarchy that occurred at EDSA sometime August 2015, even to the extent of breaking the law the PS’s orders are obeyed by some of the INC’s more fanatical members. The situation probably holds true in government service, wherein its members are confident of being blessed with an even better job in the event that they lose their job due to some anomalous act or omission done at the instance of the PS. They are taught to believe that based on holy scripture any acts or omissions done for the good of the INC, whether legitimate or not, will rightly be rewarded.

8. In this manner, the PS tends to leverage its vast reach and influence through the mis-use of government offices/resources whereby wittingly or unwittingly, its members in the police force, the prosecutors’ office, and the judiciary are tasked to facilitate the illegal arrest and/or detention of the INC’s perceived enemies, by the filing of baseless ill-motivated cases, such as the instant case. But, ironically, as seen from the aforesaid EDSA experiment, when sued for having allegedly committed serious illegal detention, the PS loudly protested invoking the principle of separation of church and state. x x x

9. It ought to be of note that private complainant in the instant case is but one or two (2) individuals, the other being one KIM TAN, complainant in a similar case pending before the Branch 129 of the Caloocan City Regional Trial Court entitled People of the Philippines versus Jose [Norlito] Fruto, in criminal case no. C-94247-8. Obviously these cases

against the accused were filed by proxy with the PS as real party in interest.

10. The accused was, in fact, living a normal and productive life until he encountered differences with the PS as a consequence of his allegiance with Ka TENNY and family. First, he was threatened with physical violence and death. And then one night in May a grenade (a dud) was lobed at his home by motorcycle riders in tandem. Then he was expelled. Apparently unsatisfied the PS filed several cases of On Line Libel against him before the Quezon City Prosecutor's Office. And in two of these, the cases were manipulated to make it appear that respondent had been served subpoena. The situation was true, too, in the sex assault cases filed in Quezon City, Caloocan City and Pasay City.<sup>6</sup> (Italics and underscoring in the original)

According to Atty. Manzano, respondents are guilty of indirect contempt considering that the above-statements made by an attorney, in connivance with his client, are malicious accusations and invectives, and constitute grave misconduct, which is below the high standards expected from members of the legal profession.<sup>7</sup>

Notably, sometime after the filing of the Petition for Contempt, Atty. Manzano discovered that Misa is not a member of the Philippine Bar, per the Certification<sup>8</sup> issued by the Office of the Bar Confidant (OBC). Atty. Manzano, likewise, discovered Misa's Roll Number, as indicated in the pleadings he has signed, belongs to another lawyer.<sup>9</sup> Because of these discoveries, Atty. Manzano filed several cases against Misa for Falsification of Public Documents<sup>10</sup> under Article 172(1) of the Revised Penal Code (RPC) and Usurpation of Authority<sup>11</sup> under Article 177 of the RPC.

On November 25, 2016, respondents filed their Answer<sup>12</sup> to Atty. Manzano's Petition for Contempt asking for the dismissal of the case. In the Answer, respondents alleged that pleadings filed in court are privileged communication, and that the instant case, together with the criminal cases, were filed by Atty. Manzano merely to harass Misa.<sup>13</sup>

On January 3, 2017, Atty. Manzano filed his Reply,<sup>14</sup> emphasizing that, per Certification from the OBC, Misa is not a lawyer. Thus, his acts of making false statements, imputing malicious accusations, and representing himself as a member of the Philippine Bar, are all contemptuous acts.<sup>15</sup>

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<sup>6</sup> Id. at 81-84.

<sup>7</sup> Id. at 92-94.

<sup>8</sup> Id. at 106.

<sup>9</sup> Id. at 107.

<sup>10</sup> Id. at 112-115.

<sup>11</sup> Id. at 119-124.

<sup>12</sup> Id. at 100-104.

<sup>13</sup> Id. at 101.

<sup>14</sup> Id. at 108-111.

<sup>15</sup> Id. at 110.

### **Ruling of the Regional Trial Court**

On July 14, 2017, the RTC issued its Order,<sup>16</sup> dismissing the Petition for Contempt. The RTC ruled that Atty. Manzano's allegations against respondents – that they violated Sections 3(a), 3(c), and 3(d) of Rule 71 of the Rules of Court – were not proven considering that: (1) there was no order from any court of competent jurisdiction which was disobeyed or disregarded by respondents; and (2) there is no showing of any existence of a writ, process, order, or judgment, which respondents resisted to comply that would warrant liability for indirect contempt.<sup>17</sup>

Furthermore, the RTC pronounced that the grounds to hold a lawyer administratively liable, such as a violation of the Code of Professional Responsibility, cannot be the basis for a special civil action for indirect contempt.<sup>18</sup>

Aggrieved, Atty. Manzano filed a Motion for Reconsideration,<sup>19</sup> reiterating his allegations, and emphasizing that Misa appears not to be a member of the Philippine Bar and must, all the more, be punished for contempt.<sup>20</sup> However, in its Order<sup>21</sup> dated December 27, 2017, the RTC denied the Motion for Reconsideration, reasoning as follows:

The instant Motion for Reconsidering is denied.

The reason for the dismissal of the petition has already been thoroughly discussed by the Court in the assailed Order. The ground relied upon by the petitioner in his Motion for Reconsideration is entirely a new matter which was not raised in the petition and was only brought up in his Reply, but which the Court cannot consider for being a violation of the respondent's right to be properly informed of the allegations against him.

WHEREFORE, premises considered, the Motion for Reconsideration filed by the petition is hereby DENIED for lack of merit.

SO ORDERED.<sup>22</sup>

### **The Instant Petition**

On March 14, 2018, Atty. Manzano filed the instant petition,<sup>23</sup> raising the following questions of law:

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<sup>16</sup> Id. at 10-17.

<sup>17</sup> Id. at 15.

<sup>18</sup> Id. at 16.

<sup>19</sup> Id. at 18-25.

<sup>20</sup> Id. at 19.

<sup>21</sup> Id. at 8-9.

<sup>22</sup> Id.

<sup>23</sup> Id. at 28-51.

## I.

“WHETHER OR NOT THE ORDER FROM ANY COURT OF COMPETENT JURISDICTION IS NECESSARY FOR THE RESPONDENTS TO BE HELD LIABLE FOR INDIRECT CONTEMPT OF COURT UNDER RULE 71 OF THE 1997 REVISED RULES OF CIVIL PROCEDURE.”

## II.

“WHETHER OR NOT RESPONDENT ATTY. MISA MAY BE HELD LIABLE FOR MISBEHAVIOR AS AN OFFICER OF THE COURT UNDER PAR. A OF RULE 71 OF THE RULES OF COURT.”

## III.

“WHETHER OR NOT INFRACTION OF THE LEGAL CANONS CAN ALSO BE CONSIDERED MISBEHAVIOR UNDER RULE 71 OF THE RULES OF COURT.”

## IV.

“WHETHER OR NOT THE ADMINISTRATIVE PROCEDURE FOR INFRACTION OF THE LEGAL CANONS IS EXCLUSIVE AND WILL BAR THE INSTITUTION OF PROCEEDINGS UNDER RULE 71 OF THE RULES OF COURT FOR MISBEHAVIOR OF A MEMBER OF THE BAR.”

## V.

“WHETHER OR NOT THE CERTIFICATION ISSUED BY THE OFFICE OF THE BAR CONFIDANT (OBC) IS SUFFICIENT FOR RESPONDENT MISA TO BE HELD LIABLE FOR INDIRECT CONTEMPT OF COURT AT THIS STAGE.”<sup>24</sup>

On June 27, 2018, the Court issued a Resolution<sup>25</sup> ordering respondents to file their Comment within 10 days from notice. However, for their incessant failure to file the required Comment, the Court issued: (1) a Resolution<sup>26</sup> dated October 5, 2020, imposing upon Misa a fine of ₱1,000.00; and (2) a Resolution<sup>27</sup> dated October 4, 2021, increasing the fine to ₱2,000.00.

To this date, respondents have not filed their Comment, and as such, the filing of their Comment is deemed waived.

### The Court's Ruling

The petition is bereft of merit. The Orders of the RTC dismissing the contempt charge against respondents are upheld.

At the outset, it must be emphasized that contempt of court may either be civil or criminal in nature. As explained in *Bro. Oca v. Custodio*:<sup>28</sup>

<sup>24</sup> Id. at 36-37.

<sup>25</sup> Id. at 138-139.

<sup>26</sup> Id. at 152-153.

<sup>27</sup> Id. at 154.

<sup>28</sup> 814 Phil. 641 (2017).

Civil contempt is committed when a party fails to comply with an order of a court or judge “for the benefit of the other party.” A criminal contempt is committed when a party acts against the court’s authority and dignity or commits a forbidden act tending to disrespect the court or judge.<sup>29</sup> (Citations omitted)

Meanwhile, in the oft-cited case of *People v. Godoy*,<sup>30</sup> the Court elaborated the difference between civil contempt and criminal contempt:

It has been said that the real character of the proceedings is to be determined by the relief sought, or the dominant purpose, and the proceedings are to be regarded as **criminal** when the purpose is primarily **punishment**, and **civil** when the purpose is primarily **compensatory or remedial**.

**Criminal contempt proceedings are generally held to be in the nature of criminal or quasi-criminal actions.** They are punitive in nature, and the Government, the courts, and the people are interested in their prosecution. **Their purpose is to preserve the power and vindicate the authority and dignity of the court, and to punish for disobedience of its orders.** x x x In general, criminal contempt proceedings should be conducted in accordance with the principles and rules applicable to criminal cases, in so far as such procedure is consistent with the summary nature of contempt proceedings. **So it has been held that the strict rules that govern criminal prosecutions apply to a prosecution for criminal contempt, that the accused is to be afforded many of the protections provided in regular criminal cases, and that proceedings under statutes governing them are to be strictly construed.** However, criminal proceedings are not required to take any particular form so long as the substantial rights of the accused are preserved.

**Civil contempt proceedings are generally held to be remedial and civil in their nature;** that is, they are proceedings for the **enforcement of some duty, and essentially a remedy for coercing a person to do the thing required.** As otherwise expressed, a proceeding for civil contempt is one instituted to **preserve and enforce the rights of a private party to an action and to compel obedience to a judgment or decree intended to benefit such a party litigant.** So a proceeding is one for civil contempt, regardless of its form, if the act charged is wholly the disobedience, by one party to a suit, of a special order made in behalf of the other party and the disobeyed order may still be obeyed, and the purpose of the punishment is to aid in an enforcement of obedience. The rules of procedure governing criminal contempt proceedings, or criminal prosecutions, ordinarily are inapplicable to civil contempt proceedings. It has been held that a proceeding for contempt to enforce a remedy in a civil action is a proceeding in that action. Accordingly, where there has been a violation of a court order in a civil action, it is not necessary to docket an independent action in contempt or proceed in an independent prosecution to enforce the order. It has been held, however, that while the proceeding is auxiliary to the main case in that it proceeds out of the original case, it is essentially a new and independent proceeding in that it involves new issues and must be initiated by the issuance and service of new process.

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<sup>29</sup> Id. at 678.

<sup>30</sup> 312 Phil. 977 (1995).

x x x x

Contempt is not presumed. **In proceedings for criminal contempt, the defendant is presumed innocent and the burden is on the prosecution to prove the charges beyond reasonable doubt.** In proceedings for civil contempt, there is no presumption, although the burden of proof is on the complainant, and while the proof need not be beyond reasonable doubt, it must amount to more than a mere preponderance of evidence. It has been said that the burden of proof in a civil contempt proceeding lies somewhere between the criminal “reasonable doubt” burden and the civil “fair preponderance” burden.<sup>31</sup> (Emphases supplied; citations omitted)

Applying the foregoing jurisprudential guides, it is clear that the contempt charge in the instant case involves contempt which is criminal in nature, considering that, as alleged by Atty. Manzano, the contumacious invectives made by respondents degrade and dishonor the administration of justice. Accordingly, before respondents may be held guilty of indirect contempt, the strict rules of criminal prosecutions must be observed. In other words, respondents’ guilt must be proven beyond reasonable doubt, and any acquittal which may be had cannot be assailed because of the rule on double jeopardy.

At this juncture, it must be recalled that the RTC dismissed the contempt charge against respondents. Such dismissal is tantamount to an acquittal in criminal prosecutions, and thus, cannot be appealed.

In *Philippine Railway Co. v. Paredes and Panay Autobus Co.*,<sup>32</sup> the Court categorically declared that a dismissal of a criminal contempt charge cannot be appealed because if permitted, respondent would be twice put in jeopardy, thus:

x x x Having reached the conclusion that the contempt here in issue is criminal in nature, and the respondent Panay Autobus Co., having been absolved from the complaint, the complainant the Philippine Railway Co. cannot appeal from the judgment of acquittal, because **the appeal, if permitted, would expose the said respondent twice in jeopardy of punishment for the same offense, in violation of the constitutional principle against a person being put twice in jeopardy of punishment for the same crime.**<sup>33</sup> (Emphasis supplied)

Similarly, in *Robosa v. NLRC*,<sup>34</sup> the Court reiterated that a dismissal of a criminal contempt charge amounts to an acquittal, which is not subject to an appeal:

The second issue pertains to the nature of contempt proceedings, especially with respect to the remedy available to the party adjudged to have committed indirect contempt or has been absolved of indirect

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<sup>31</sup> Id. at 1000-1002.

<sup>32</sup> 63 Phil. 129 (1936).

<sup>33</sup> Id. at 133-134.

<sup>34</sup> 681 Phil. 446 (2012).

contempt charges. In this regard, Section 11, Rule 71 of the Rules of Court states that the judgment or final order of a court in a case of indirect contempt may be appealed to the proper court as in a criminal case. This is not the point at issue, however, in this petition. It is rather the question of whether the dismissal of a contempt charge, as in the present case, is appealable. **The CA held that the NLRC's dismissal of the contempt charges against the respondents amounts to an acquittal in a criminal case and is not subject to appeal.**

**The CA ruling is grounded on prevailing jurisprudence.**

x x x x

Still further, the Court held in *Santiago v. Anunciacion, Jr.* that:

But whether the first or the second, **contempt is still a criminal proceeding in which acquittal, for instance, is a bar to a second prosecution.** The distinction is for the purpose only of determining the character of punishment to be administered.

In the earlier case of *The Insurance Commissioner v. Globe Assurance Co., Inc.*, the Court dismissed the appeal from the ruling of the lower court denying a petition to punish the respondent therein from contempt for lack of evidence. The Court said in that case:

It is not the sole reason for dismissing this appeal. In the leading case of *In re Mison, Jr. v. Subido*, it was stressed by Justice J.B.L. Reyes as *ponente*, that the contempt proceeding far from being a civil action is “of a criminal nature and of summary character in which the court exercises but limited jurisdiction.” It was then explicitly held: **“Hence, as in criminal proceedings, an appeal would not lie from the order of dismissal of, or an exoneration from, a charge of contempt of court.”**<sup>35</sup> (Emphases supplied; citations omitted)

From the foregoing disquisitions, it is undeniable that the RTC's dismissal of the indirect charge against respondents amounts to an acquittal, and thus, can no longer be questioned, especially though a Rule 45 petition.

While indeed, there are instances when an acquittal may be challenged, such as when there has been a deprivation of due process, or when there has been grave abuse of discretion,<sup>36</sup> it has been consistently held that an acquittal may only be questioned through a petition for *certiorari* under Rule 65 of the Rules of Court<sup>37</sup> and not through a Rule 45 petition.

<sup>35</sup> Id. at 455-457.

<sup>36</sup> *People v. Arcega*, G.R. No. 237489, August 27, 2020.

<sup>37</sup> *People v. Alejandro*, G.R. No. 223099, January 11, 2018; *People v. Court of Appeals*, 755 Phil. 80 (2015); *Villareal v. Aliga*, 724 Phil. 47 (2014).



In any event, even if the Court treats the instant Rule 45 petition as a petition for *certiorari*, the same shall still fail considering that Atty. Manzano violated the doctrine of hierarchy of courts. In *Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. v. Judge Riel*,<sup>38</sup> the Court explained:

Fourthly, the filing of the instant special civil action directly in this Court is in disregard of the doctrine of hierarchy of courts. Although the Court has concurrent jurisdiction with the Court of Appeals in issuing the writ of *certiorari*, direct resort is allowed only when there are special, extra-ordinary or compelling reasons that justify the same. **The Court enforces the observance of the hierarchy of courts in order to free itself from unnecessary, frivolous and impertinent cases and thus afford time for it to deal with the more fundamental and more essential tasks that the Constitution has assigned to it. There being no special, important or compelling reason, the petitioner thereby violated the observance of the hierarchy of courts, warranting the dismissal of the petition for *certiorari*.**<sup>39</sup> (Emphasis supplied)

Thus, even assuming that Atty. Manzano filed a petition for *certiorari* instead of a Rule 45 Petition, the same shall still be dismissed because Atty. Manzano's act of filing the petition before the Court is a blatant disregard of the doctrine of hierarchy of courts. In this case, the Court of Appeals has concurrent jurisdiction to issue writs of *certiorari*, and there were no special, important, or compelling reasons for Atty. Manzano to directly resort to filing his petition before the Court.

All things considered, the instant petition must be dismissed.

As a final note, however, the Court finds it prudent to state that as regards the allegations of Misa's non-membership to the Philippine Bar, the dismissal of the instant petition is without prejudice to the finding of any criminal and/or administrative liability on Misa. As the Court understands, several cases have already been filed against Misa, and the Court shall not interfere with those judicial processes. Likewise, despite the dismissal of the instant petition, the Court still finds Misa liable to pay the fine amounting to ₱2,000.00 imposed by the Court for his incessant failure to comply with the Court's Resolution dated June 27, 2018.

**WHEREFORE**, the Petition for Review on *Certiorari* dated March 14, 2018 filed by petitioner Atty. Roderick Estores Manzano is **DENIED**. The Orders dated July 14, 2017 and December 27, 2017 of the Regional Trial Court of Pasay City, Branch 118, which dismissed the Petition for Indirect Contempt filed against respondents Joaquin L. Misa, Jr. and Jose Norlito D. Fruto are **AFFIRMED**.

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<sup>38</sup> 750 Phil. 57 (2015).

<sup>39</sup> Id. at 68.

Respondent Joaquin L. Misa, Jr. is **ORDERED** to pay a fine of ₱2,000.00 for his failure to comply with the Court's Resolution dated June 27, 2018.

**SO ORDERED."**

By authority of the Court:

*Misa JCBatt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court JB 4/28/23*

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(Deceased)

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 118, 1300 Pasay City  
(Civil Case No. R-PSY-16-21647-CV)

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