



Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

PROSEC. JORGE D. BACULI,
Complainant,

A.M. No. RTJ-09-2179
[Formerly A.M. OCA I.P.I. No.
08-2873-RTJ]

- versus -

Present:

JUDGE MEDEL ARNALDO B. BELEN,
RTC, Br. 36, Calamba City, Laguna,
Respondent.

VELASCO, JR., J., Chairperson,
LEONARDO-DE CASTRO,*
PERALTA,
BERSAMIN,**
MENDOZA, JJ.

X-----X

PROSEC. JORGE D. BACULI,
Complainant,

A.M. No. RTJ-10-2234
[Formerly A.M. OCA I.P.I. No.
08-2879-RTJ]

- versus -

JUDGE MEDEL ARNALDO B. BELEN, Promulgated:
RTC, Br. 36, Calamba City, Laguna,
Respondent.

24 September 2012

X-----X

DECISION

VELASCO, JR., J.:

These two cases stem from two separate administrative complaints filed by then State Prosecutor II (and currently Provincial Prosecutor of Zambales) Jorge D. Baculi (Baculi) against respondent Judge Medel Arnaldo B. Belen (Judge Belen) of the Regional Trial Court (RTC), Branch 36 in Calamba City, Laguna. In both administrative complaints, including the supplemental complaints he later filed, Baculi charged Judge Belen with

* Additional member per Special Order No. 1299-F dated August 28, 2012.

** Additional member per Special Order No. 1326-A dated September 21, 2012.

gross ignorance of the law, gross misconduct, violation of Section 3(e) of Republic Act No. (RA) 3019, as amended, grave abuse of authority, violation of RA 6713, conduct prejudicial to the interest of the public service, oppressive conduct, harassment, issuance of fraudulent and unjust order/s and decisions, among other offenses.

On April 28, 2010, the Court ordered the consolidation of the two complaints pursuant to the recommendation of the Office of the Court Administrator (OCA), as they involve the same parties and raise the same issues.

The Facts

A.M. No. RTJ-09-2179

In the first complaint dated April 10, 2008 docketed as OCA I.P.I. No. 08-2873-RTJ, and later redocketed as A.M. No. RTJ-09-2179, Baculi alleged that Judge Belen committed the above-mentioned inculpatory acts in relation to *People of the Philippines v. Azucena Capacete*,¹ then pending in RTC, Branch 36 in Calamba City, presided by Judge Belen.

The principal cause of action, as stated in the complaint, is the “unlawful, unconstitutional, illegal, arbitrary, malicious, capricious and immoral orders”² issued by Judge Belen. The adverted issuances refer to the December 18, 2006 Decision, in which Baculi was found guilty of direct contempt, and the June 7, 2007 Decision, wherein Judge Belen declared Baculi guilty of indirect contempt of court, for the contemptuous nature of pleadings that Baculi filed in his sala.³

¹ Criminal Case No. 13567-2005-C.

² *Rollo* (A.M. No. RTJ-09-2179), p. 1.

³ *Id.*

On August 9, 2005, Baculi, then stationed at the Hall of Justice of San Pablo City, Laguna, and partially detailed with the City Prosecutor's Office of Calamba City, filed an Information for Qualified Theft against one Azucena Capacete. On August 30, 2005, Judge Belen, based on his finding that the crime committed was not Qualified Theft but Estafa, dismissed the case. Baculi then filed a Motion for Reconsideration⁴ to reverse the dismissal order, but the motion was denied.

On February 27, 2006, Judge Belen issued an Order⁵ directing Baculi to explain why he should not be cited in contempt of court for the following statement in his Motion for Reconsideration, which, to Judge Belen, attacked the integrity of the Court and is, thus, subject to indirect contempt proceedings:

The dismissal of the information by the court was motivated by hatred, ill-will, and prejudice against Asst. State Prosecutor II Jorge Baculi, the Investigating Prosecutor at the Preliminary Investigation.

In due time, Baculi filed a Comment,⁶ alleging that Judge Belen's orders reveal his "premeditated, vitriolic, personal attacks, resentment and vendetta"⁷ against Baculi. This was followed by several motions to postpone, among which is denominated as an "Urgent Reiterative Motion to Dismiss and/or Hold in Abeyance the Proceedings and/or Resolution of the Citation for Contempt with Voluntary Inhibition and Complaints for Gross Ignorance of the Law, Grave Misconduct, Abuse of Authority and Acts Unbecoming of a Lawyer and a Member of the Judiciary, Harassment and Oppressive Conduct"⁸ dated November 17, 2006 (Reiterative Motion). In it, Baculi alleged that the sheer unprecedented number of pending contempt cases against him reveals Judge Belen's determination to place him in contempt of court. Personal resentment and hatred, he added, was the real reason why Judge Belen initiated contempt cases against him. Meanwhile,

⁴ Id. at 15.

⁵ Id. at 14.

⁶ Dated March 14, 2006, id. at 144.

⁷ Id.

⁸ Id. at 49.

Baculi also moved for the postponement of the hearings in the contempt proceedings set for the month of December. In the Order⁹ of December 11, 2006, Judge Belen moved the hearings on the contempt proceedings to February 7 and 14, 2007.

In the meantime, on December 18, 2006, Judge Belen issued a Decision, finding Baculi guilty of direct contempt of court for violating the decency and propriety of the judicial system in using, as he did, unethical language in his November 17, 2006 Reiterative Motion, copies of which he furnished to various judicial and executive officers. Judge Belen's December 18, 2006 Decision dispositively reads:

WHEREFORE, the Court finds the respondent Jorge Baculi GUILTY of direct contempt and sentenced him to pay the fine of ONE THOUSAND (P1,000.00) PESOS and suffer imprisonment of TWELVE (12) HOURS.

The bail for the provisional liberty of the accused is fixed at P5,000.¹⁰

Therefrom, Baculi filed a Motion for Reconsideration¹¹ with new/additional complaints, dated January 24, 2007.

Meanwhile, in relation to the indirect contempt proceedings, Baculi continued to file manifestations and motions to postpone or cancel the hearings, also seeking the voluntary inhibition of Judge Belen. Eventually, Judge Belen promulgated a Decision on June 7, 2007 finding Baculi in contempt of court, thus:

WHEREFORE, this court finds Respondent Jorge D. Baculi ***GUILTY of contempt of court and sentenced him to pay*** the penalty of TWENTY THOUSAND (P20,000.00) PESOS and suffer imprisonment of FOUR (4) DAYS.¹²

⁹ Id. at 200.

¹⁰ Id. at 73.

¹¹ Id. at 74.

¹² Id. at 159.

Baculi then filed on July 11, 2007 a Notice of Appeal, and a motion/manifestation praying for the stay of execution of the judgment. On August 6, 2007, Judge Belen directed Baculi to post a supersedeas bond in the amount of PhP 40,000 within two days from notice to stay the execution of the two contempt decisions.¹³

Baculi moved to reconsider the amount of the supersedeas bond, insisting that it is arbitrary, whimsical, punitive, prohibitive, exorbitant, confiscatory, and excessive.¹⁴ However, in an Order¹⁵ issued on August 29, 2007, the motion was stricken off the records of the case.

In another Order¹⁶ issued on August 20, 2007, Judge Belen directed the issuance of a writ of execution and a warrant of arrest against Baculi, to implement the December 18, 2006 and June 7, 2007 Decisions. On March 24, 2008, Judge Belen issued two Orders, declaring both the December 18, 2006 and June 7, 2007 Decisions, respectively, final and executory.

On April 10, 2008, Baculi filed the instant verified administrative complaint, alleging that Judge Belen's December 18, 2006 and June 7, 2007 Decisions violated his right to due process of law. As Baculi argued, he was not formally charged, and no notice or hearing was conducted to afford him the opportunity to air his side. He also alleged that the same decisions imposed oppressive and excessive penalties, and that the acts of Judge Belen were whimsical and oppressive. Judge Belen, Baculi averred, had already predetermined the outcome of the cases, and was only perfunctorily going through the motions to give a semblance of legality to his illegal actions.¹⁷

In a Supplemental Complaint filed on April 21, 2008, Baculi alleged that Judge Belen acted in bad faith when he ordered on December 11, 2006

¹³ Id. at 204-205.

¹⁴ Id. at 168.

¹⁵ Id. at 175-176.

¹⁶ Id. at 206.

¹⁷ Id. at 9-10.

the resetting of the hearings, but cited him in direct contempt on December 18, 2006. Hence, the December 18, 2006 Decision was rendered without waiting for the rescheduled hearings.¹⁸

In his Comment,¹⁹ Judge Belen averred that the contempt proceedings would not have been initiated had Baculi not filed the contemptuous pleadings. He further alleged that Baculi's failure to avail himself of any remedy with respect to the December 18, 2006 and June 7, 2007 Decisions rendered such decisions final and executory. Judge Belen added that he cannot be held administratively liable absent a declaration from a competent tribunal that the Decisions in question are legally infirm or have been rendered with grave abuse of discretion. He also argued that the administrative complaint cannot be resorted to only to reverse, nullify, or modify the orders and decisions that he issued as a judge.

A.M. No. RTJ-10-2234

The facts surrounding A.M. No. RTJ-10-2234 are substantially similar to those in A.M. No. RTJ-09-2179. It involves the same parties, and similar direct and indirect contempt proceedings, albeit related to a different case.

In the Complaint he filed on April 21, 2008, docketed as OCA I.P.I. No. 08-2879-RTJ, and later redocketed as A.M. No. RTJ-10-2234, Baculi charged Judge Belen with committing acts similar to those specified in the first complaint but this time in relation to *People of the Philippines v. Jenelyn Estacio*,²⁰ then also pending in RTC, Branch 36 in Calamba City, where Judge Belen is the Presiding Judge. The case was prosecuted by Prosecutor Albert Josep Comilang (Comilang).

¹⁸ Id. at 192.

¹⁹ Id. at 576-579.

²⁰ Criminal Case No. 12654-C.

The subject of the Complaint here relates to similar decisions of Judge Belen dated December 18, 2006 and June 7, 2007, finding Baculi guilty of direct contempt and indirect contempt, respectively. Noticeably, these are the same dates when the Decisions subject of the first Complaint have been issued, albeit referring to different contempt citations.

On February 24, 2005, Judge Belen issued an Order, requiring Comilang to explain why he did not inform the court of the preliminary investigation he earlier set. In time, Comilang filed an explanation with Motion for Reconsideration, followed by a Reiterative Supplemental Motion for Reconsideration, which became the subject of Judge Belen's show-cause order dated May 30, 2005.

Comilang timely filed his Comment/Explanation, where Baculi, along with Regional State Prosecutor Ernesto Mendoza (Mendoza), participated in the form of a "notation." In an Order dated December 12, 2005, Judge Belen directed both Baculi and Mendoza to explain why they should not be cited in contempt of court (indirect contempt proceedings) for their participation in Comilang's Comment/Explanation.

As what happened in the first administrative complaint, Baculi filed several motions and manifestations, including a similar Reiterative Motion on November 16, 2006, resulting in a direct contempt citation on December 18, 2006, the *fallo* of which states:

WHEREFORE, the Court finds respondent Jorge Baculi GUILTY of direct contempt and sentenced him to pay the fine of TWO THOUSAND (P2,000) PESOS and to suffer imprisonment of TWO (2) DAYS.

The bail for the provisional liberty of the respondent is fixed at P5,000.

In response, Baculi filed a Motion for Reconsideration with new/additional Complaints dated January 24, 2007.

In the indirect contempt proceedings, Baculi also filed several motions to postpone/cancel the hearings. On June 7, 2007, Judge Belen issued a Decision finding Baculi guilty of indirect contempt of court due to his failure to file his explanation as required by the Order issued on December 15, 2005, despite the lapse of more than one year. The decretal portion of the Decision reads:

WHEREFORE, this Court finds Respondent Jorge D. Baculi ***GUILTY of contempt of court and sentenced him to pay*** the penalty of TWENTY THOUSAND (P20,000) PESOS and suffer imprisonment of TWO (2) DAYS.

Baculi filed a Notice of Appeal. The court required Baculi to post a supersedeas bond in the amount of PhP 30,000 to stay the execution of the June 7, 2007 judgment, but denied the stay of the execution of the December 18, 2006 Decision, because the reglementary period to file a petition for certiorari or prohibition has already lapsed. Baculi failed to pay the supersedeas bond. Thus, Judge Belen ordered the issuance of a writ of execution and a warrant of arrest against him, and declared the two contempt Decisions as final and executory.

On April 21, 2008, Baculi filed the present administrative complaint, predicated on substantially similar arguments presented in A.M. No. RTJ-09-2179. Judge Belen's Joint Comment dated July 1, 2008 is a virtual substantive repeat of his Comment in the first complaint.

The Issues

The issues presented in these consolidated cases are:

1. Whether the respondent Judge acted beyond his authority, or in a despotic manner, in conducting the contempt proceedings against the complainant; and
2. Whether the respondent Judge committed reprehensible conduct in issuing the Orders and Decisions relating to the contempt proceedings.

The OCA Recommendation

This Court referred the consolidated cases to the OCA for investigation. The OCA, accordingly, rendered its Report,²¹ finding the complaint partially meritorious. The OCA stated the observation that the complaint infringes on the judicial prerogatives of Judge Belen, which may only be questioned through judicial remedies under the Rules of Court, and not by way of an administrative complaint.²² The OCA wrote:

[T]he complainant did not contest the soundness of the assailed Decisions and Orders through the proper judicial channels. An Appeal under Rule 41 or Petition for Certiorari under Rule 65 of the Rules of Court, whichever is applicable under the premises, would have been the appropriate recourse to question the assailed decisions and orders.²³

Nonetheless, the OCA found Judge Belen liable for having “incorporated” the indirect contempt proceeding with the main case, *People vs. Capacete*, when the proper procedure, as laid down in Rule 71, Sec. 4 of the Rules of Court, is for the indirect contempt proceedings to be “docketed, heard, and decided separately,” unless the court orders the consolidation of the main action and the contempt proceedings.

For his failure to follow the elementary rules of procedure, the OCA recommended that Judge Belen be adjudged guilty of gross ignorance of the law, and be fined in the amount of thirty thousand pesos (PhP 30,000), with a stern warning that a similar offense in the future shall merit a more severe penalty.

²¹ *Rollo* (A.M. No. RTJ-09-2179), pp. 581-595.

²² Citing *Tam v. Regencia*, A.M. No. MTJ-05-1604 (Formerly OCA I.P.I. No. 04-1580-MTJ), June 27, 2006, 493 SCRA 26, 36-37.

²³ *Rollo* (A.M. No. RTJ-09-2179), p. 592.

Our Ruling

We partially uphold the findings of the OCA.

Indeed, as the OCA correctly stated, administrative complaints cannot substitute for the lost remedies in the judgments of contempt. The OCA's determination, however, that Judge Belen failed to follow the proper procedure in indirect contempt proceedings is erroneous. We take exception in this finding.

Administrative complaint cannot substitute for lost judicial remedies

The OCA correctly found that these administrative cases cannot be resorted to as substitutes for the remedies not availed of in the contempt proceedings. The complaints, in the main, challenge several Orders issued by Judge Belen in the respective contempt proceedings, and the four contempt Decisions issued on December 18, 2006 and June 7, 2007. But as correctly observed by the OCA, issuances in the exercise of judicial prerogatives may only be questioned through judicial remedies under the Rules of Court and not by way of an administrative inquiry, absent fraud, ill intentions, or corrupt motive.²⁴ The institution of an administrative complaint is not the proper remedy for correcting the action of a judge alleged to have gone beyond the norms of propriety, where a sufficient judicial remedy exists.²⁵

Rule 71, Secs. 2 and 11 of the Rules of Court lay down the proper remedies from a judgment in direct and indirect contempt proceedings, respectively. For direct contempt, the Rules states:

Sec. 2. Remedy therefrom.—The person adjudged in direct contempt by any court may not appeal therefrom, but may avail himself of the remedies

²⁴ *Tam v. Regencia*, supra note 22.

²⁵ *Government Service Insurance System v. Pacquing*, A.M. No. RTJ-04-1831 (Formerly OCA I.P.I. No. 99-796-RTJ), February 2, 2007, 514 SCRA 1, 12.

of certiorari or prohibition. The execution of the judgment shall be suspended pending resolution of such petition, provided such person files a bond fixed by the court which rendered the judgment and conditioned that he will abide by and perform the judgment should the petition be decided against him.

In indirect contempt proceedings, the Rules states:

Sec. 11. Review of judgment or final order; bond for stay.—The judgment or final order of a court in a case of indirect contempt may be appealed to the proper court as in criminal cases. But execution of the judgment or final order shall not be suspended until a bond is filed by the person adjudged in contempt, in an amount fixed by the court from which the appeal is taken, conditioned that if the appeal be decided against him he will abide by and perform the judgment or final order.

The remedies provided for in the above-mentioned Rules are clear enough. The complainant could have filed an appeal under Rule 41 of the Rules of Court on the Decisions in the indirect contempt cases. For the direct contempt citations, a petition for certiorari under Rule 65 was available to him. He failed to avail himself of both remedies. He chose instead to question the proceedings and the judgments in the form of motions and manifestations, and administrative complaints. Due to the failure of the complainant here to avail himself of these remedies, Judge Belen correctly ruled that the assailed judgments have become final and executory. They cannot anymore be reviewed by this Court.

Time and again, We have stressed that disciplinary proceedings and criminal actions brought against a judge in relation to the performance of his or her official functions are neither complementary nor suppletory to the appropriate judicial remedies. They are also not a substitute to such remedies. Any party who may feel aggrieved should resort to these remedies, and exhaust them, instead of resorting to disciplinary proceedings and criminal actions.²⁶

²⁶ *Re: Verified Complaint of Engr. Oscar L. Ongjoco, Chairman of the Board/CEO of FH-Gymn Multi-Purpose and Transport Service Cooperative, against Hon. Juan Q. Enriquez, Jr., Hon. Ramon M. Bato, Jr. and Hon. Florito S. Macalino, Associate Justices, Court of Appeals, A.M. OCA I.P.I. No. 11-184-CA-J, January 31, 2012, 664 SCRA 465, 474-475.*

Even assuming that the Orders are infirm, they have already become final and executory, which even this Court cannot review or disturb. Public policy demands that even at the risk of occasional errors, judgments or orders rendered by a court of competent jurisdiction should become final at some definite time fixed by law and that parties should not be permitted to litigate the same issues over again.²⁷ *Quieta non movere*.

**Complainant failed to prove bad faith, evil motive
or corrupt intention on the part of Judge Belen**

Complainant Baculi tags all the contempt proceedings against him as sham, and were taken, so he claims, as a direct result of a prior incident between him and Judge Belen where he issued a Resolution recommending that Judge Belen be charged for libel. He has belabored this point in his complaint and supplemental complaints, pointing out that the judge has deep-seated hatred for him and is bent on repeatedly citing him in contempt.

Aside from his bare allegations, the complainant, however, has not presented any credible evidence to support his allegations against Judge Belen. The fact that Judge Belen had initiated contempt proceedings against him, and in fact convicted him in such contempt proceedings, does not by itself amount to ill motives on the part of Judge Belen. The initiation of the contempt proceedings stemmed from the acts of the complainant himself. His unsupported claim that the prior libel case he filed against Judge Belen created animosity between them is not sufficient to prove his claim of evil motives on the part of Judge Belen.

As the proponent of these allegations, the complainant should have adduced the necessary evidence to prove the claim of bad faith. This he failed to do. In the absence of any evidence to the contrary, the following presumptions stand: (1) that official duty has been regularly performed,²⁸

²⁷ *Antique Sawmills, Inc. v. Zayco, et al.*, No. L-20051, May 30, 1966, 17 SCRA 316, 321.

²⁸ RULES OF COURT, Rule 131, Sec. 3(m).

and (2) that a judge, acting as such, was acting in the lawful exercise of jurisdiction.²⁹

Judge Belen cannot be administratively liable on the final and executory decision, in the absence of evil or corrupt motives or gross ignorance of the law

A judge cannot be held administratively liable at every turn for every erroneous decision. The error must be gross and deliberate, a product of a perverted judicial mind, or a result of gross ignorance of the law. This is as it should be, for no one tasked to determine the facts in light of the evidence adduced or interpret and apply the law, following prescribed rules, can be infallible.³⁰ All that is expected from a judge is to “follow the rules prescribed to ensure a fair and impartial hearing, assess the different factors that emerge therefrom and bear on the issues presented, and on the basis of the conclusions he finds established, adjudicate the case accordingly.”³¹ As We have held in *Dantes v. Caguioa*:³²

Not every error bespeaks ignorance of the law, for if committed in good faith, it does not warrant administrative sanctions. To hold otherwise would be nothing short of harassment and would make his position double unbearable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in judgment.

As We have already stated, the complainant has failed to adduce evidence in support of his claim of evil or corrupt motives on the part of the judge. That, and the fact that the subject Decisions are already final and executory, lead Us to conclude that no administrative liability can arise on the part of Judge Belen, if the contempt proceedings that he conducted followed the required procedure under Rule 71 of the Rules of Court.

²⁹ Id., Sec. 3(n).

³⁰ *Madredijo v. Loyao, Jr.*, A.M. No. RTJ-98-1424, October 13, 1999, 316 SCRA 544, 567.

³¹ Id. at 567-568; citing *Re: Judge Silverio S. Tayao, RTC Branch 143, Makati*, A.M. No. 93-8-1204-RTC, February 7, 1994, 229 SCRA 723.

³² A.M. No. RTJ-05-1919 (Formerly A.M. OCA I.P.I. No. 02-1634-RTJ), June 27, 2005, 461 SCRA 236, 245.

**Judge Belen followed the proper procedure
in citing complainant in contempt of court**

The OCA Report found that Judge Belen failed to follow the mandatory procedure under Rule 71, because the contempt proceedings were heard and decided under the same docket or case number. We cannot sustain this finding of the OCA. Under the Rules of Court, there are two ways of initiating indirect contempt proceedings: (1) *motu proprio* by the court; or (2) by a verified petition.

*In the Matter of the Contempt Orders against Lt. Gen. Jose M. Calimlim and Atty. Domingo A. Doctor, Jr.*³³ (Calimlim) clarified the procedure prescribed for indirect contempt proceedings. We held in that case:

In contempt proceedings, the prescribed procedure must be followed. Sections 3 and 4, Rule 71 of the Rules of Court provide the procedure to be followed in case of indirect contempt. *First*, there must be an order requiring the respondent to show cause why he should not be cited for contempt. *Second*, the respondent must be given the opportunity to comment on the charge against him. *Third*, there must be a hearing and the court must investigate the charge and consider respondent's answer. *Finally*, only if found guilty will respondent be punished accordingly. (Citations omitted.)

As to the second mode of initiating indirect contempt proceedings, that is, through a verified petition, the rule is already settled in *Regalado v. Go*:

In cases where the court did not initiate the contempt charge, the Rules prescribe that a verified petition which has complied with the requirements of initiatory pleadings as outlined in the heretofore quoted provision of second paragraph, Section 4, Rule 71 of the Rules of Court, must be filed.³⁴

The Rules itself is explicit on this point:

In **all other cases**, charges for indirect contempt shall be commenced by a **verified petition** with supporting particulars and certified true copies of documents or papers involved therein, and upon

³³ G.R. No. 141668, August 20, 2008, 562 SCRA 393, 399.

³⁴ G.R. No. 167988, February 6, 2007, 514 SCRA 616, 631.

full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned. If the contempt charges arose out of or are related to a principal action pending in the court, the petition for contempt shall allege that fact but said **petition shall be docketed, heard and decided separately**, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision.³⁵ (Emphasis added.)

Thus, where there is a verified petition to cite someone in contempt of court, courts have the duty to ensure that all the requirements for filing initiatory pleadings have been complied with. It behooves them too to docket the petition, and to hear and decide it separately from the main case, unless the presiding judge orders the consolidation of the contempt proceedings and the main action.

But in indirect contempt proceedings initiated *motu proprio* by the court, the above rules, as clarified in *Regalado*, do not necessarily apply. *First*, since the court itself *motu proprio* initiates the proceedings, there can be no verified petition to speak of. Instead, the court has the duty to inform the respondent in writing, in accordance with his or her right to due process. This formal charge is done by the court in the form of an Order requiring the respondent to explain why he or she should not be cited in contempt of court.

In *Calimlim*, the Judge issued an Order requiring the petitioners to explain their failure to bring the accused before the RTC for his scheduled arraignment. We held in that case that such Order was not yet sufficient to initiate the contempt proceedings because it did not yet amount to a show-cause order directing the petitioners to explain why they should not be cited in contempt.³⁶ The formal charge has to be specific enough to inform the person, against whom contempt proceedings are being conducted, that he or she must explain to the court; otherwise, he or she will be cited in contempt. The Order must express this in clear and unambiguous language.

³⁵ RULES OF COURT, Rule 71, Sec. 4.

³⁶ *In the Matter of the Contempt Orders against Lt. Gen. Jose M. Calimlim and Atty. Domingo A. Doctor, Jr.*, supra note 33, at 400.

In the case at bar, the Orders issued by Judge Belen are in the nature of a show-cause order. The Orders clearly directed Baculi, as respondent, to explain within 10 days from receipt of the Order why he should not be cited in contempt. These Orders are formal charges sufficient to initiate the respective indirect contempt proceedings.

Second, when the court issues *motu proprio* a show-cause order, the duty of the court (1) to docket and (2) to hear and decide the case separately from the main case does not arise, much less to exercise the discretion to order the consolidation of the cases. There is no petition from any party to be docketed, heard and decided separately from the main case precisely because it is the show-cause order that initiated the proceedings.

What remains in any case, whether the proceedings are initiated by a verified petition or by the court *motu proprio*, is the duty of the court to ensure that the proceedings are conducted respecting the right to due process of the party being cited in contempt. In both modes of initiating indirect contempt proceedings, if the court deems that the answer to the contempt charge is satisfactory, the proceedings end. The court must conduct a hearing, and the court must consider the respondent's answer. Only if found guilty will the respondent be punished accordingly.³⁷

**Complainant was afforded the opportunity
to present his defense, but he failed to do so**

In contempt proceedings, the respondent must be given the right to defend himself or herself and have a day in court—a basic requirement of due process. This is especially so in indirect contempt proceedings, as the court cannot decide them summarily pursuant to the Rules of Court. As We have stated in *Calimlim*, in indirect contempt proceedings, the respondent must be given the opportunity to comment on the charge against him or her,

³⁷ Id. at 399.

and there must be a hearing, and the court must investigate the charge and consider the respondent's answer.

In this case, however, complainant Baculi blatantly refused to answer the charges of indirect contempt initiated against him. Instead, he filed numerous motions and manifestations to postpone or cancel the hearings. In the facts surrounding both A.M. No. RTJ-09-2179 and A.M. No. RTJ-10-2234, Judge Baculi had set a date for the hearings on the indirect contempt proceedings in December 2006, but Baculi filed motions to postpone them. In the respective Orders issued on December 11, 2006, Judge Baculi granted the postponement of the hearings, moving them to February 2007.

Instead of answering the charges however, Baculi filed several motions, reiterating his argument that Judge Belen should be subject to disciplinary proceedings. Not once in his submissions did he controvert the charges against him, opting instead to merely harp on his contention that Judge Belen harbored a personal resentment against him.

It cannot be said that Judge Belen did not afford Baculi the opportunity to be heard on the contempt proceedings. Even as the respective hearings on the two indirect contempt cases set in February 2007 did not push through due to the numerous motions filed by Baculi, Judge Belen still waited for the former to answer the charges against him. No answer ever came, however—only numerous manifestations and motions for postponement.

In all, Judge Belen cannot plausibly be blamed for the fact that the June 7, 2007 Decisions were issued without any answer from Baculi. The fault belongs to Baculi himself, who insisted on resolving the indirect contempt proceedings in the form of an administrative complaint against the judge. Baculi was afforded ample time and opportunity to present his case in court, but he squandered the opportunity.

A final note. In its Decision of June 26, 2012³⁸ in A.M. No. RTJ-10-2216, the Court adjudged Judge Belen guilty of grave abuse of authority and gross ignorance of the law, and accordingly dismissed Judge Belen from service. The case stemmed from his actions also involving *People v. Jenelyn Estacio*. We held that the repeated infractions of Judge Belen warrant the penalty of dismissal from service.

WHEREFORE, the Court **DISMISSES** these two administrative complaints against Judge Medel Arnaldo B. Belen for lack of merit.

SO ORDERED.

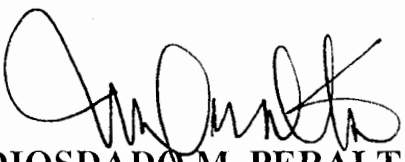


PRESBITERO J. VELASCO, JR.
Associate Justice

WE CONCUR:



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice

³⁸ *State Prosecutors II Josef Albert T. Comilang and Ma. Victoria Suñega-Lagman v. Judge Medel Arnaldo B. Belen.*