



**Republic of the Philippines  
Supreme Court  
Manila**

**THIRD DIVISION**

**HON. AMIFAITH S. FIDER-  
REYES, THE PRESIDING JUDGE  
OF REGIONAL TRIAL COURT,  
CITY OF SAN FERNANDO,  
PAMPANGA, BRANCH 42,**  
Petitioner,

**G.R. No. 238709**

Present:

LEONEN, J.,  
*Chairperson,*  
CARANDANG,  
ZALAMEDA,  
ROSARIO, and  
DIMAAMPAO, JJ.

- versus -

**EVERGLORY METAL TRADING  
CORPORATION,**  
Respondent.

Promulgated:

October 6, 2021

*MisDPCBant*

X-----X

**DECISION**

**CARANDANG, J.:**

This Court resolves a Petition for Review on *Certiorari*<sup>1</sup> seeks to annul and set aside the Decision<sup>2</sup> dated August 23, 2017 and the Resolution<sup>3</sup> dated April 12, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 138756 finding petitioner Hon. Amifaith S. Fider-Reyes (petitioner), Presiding Judge of the Regional Trial Court (RTC) of the City of San Fernando, Pampanga, Branch 42, guilty of Indirect Contempt of Court and imposing a fine on her.

<sup>1</sup> *Rollo*, pp. 50-96.

<sup>2</sup> Penned by Associate Justice Maria Filomena D. Singh, with the concurrence of Associate Justices Ramon R. Garcia and Edwin D. Sorongon; *id.* at 10-28.

<sup>3</sup> *Id.* at 44-48.

### Facts of the Case

This indirect contempt case arose from a complaint for infringement of patent and damages filed on August 16, 2013 by Colorsteel Systems Corporation (Colorsteel) and its president, Jose Rey S. Batomalaque (Batomalaque), against herein respondent Everglory Metal Trading Corporation (Everglory), docketed as IPR Civil Case No. 005, entitled *Colorsteel Systems, Corp., et al. v. Everglory Metal Trading, Corp.*, and was raffled to the *sala* of petitioner.<sup>4</sup>

The factual background of this case showed that Batomalaque is the registered owner of three patents for specific designs of a tile roofing panel. Everglory then came up with the “Verona tile” which was an exact copy of the products manufactured under Colorsteel's patents without notice and consent of Batomalaque.<sup>5</sup>

Consequently, Colorsteel sent a demand letter to Everglory to cease and desist from manufacturing and selling said tile roofing panels. However, the demand went unheeded which prompted Colorsteel to file a complaint for patent infringement with application for preliminary injunction. Thereafter, the following sequence of events transpired.<sup>6</sup>

Everglory filed two motions for extension to file its responsive pleading, citing that the “complex issues of facts, laws, implementing rules, and jurisprudence, which requires an extensive and in-depth research, analysis, and technical investigation before an answer or a responsive pleading can be prepared”<sup>7</sup> to justify the prayer for extension.<sup>8</sup>

On October 8, 2013, Everglory filed an Answer with Ground for the Outright Dismissal of the Complaint and with Compulsory Counterclaim in the infringement case, maintaining that said industrial designs do not qualify as novel or original creation.<sup>9</sup>

On October 25, 2013, or during the scheduled hearing for the initial presentation of evidence of Everglory against the application for preliminary injunction, petitioner rendered in open court the expunction from the records of the case all the motions and previous pleadings filed by Everglory and declaring the hearing on the application for preliminary injunction terminated and the principal case for infringement of patent submitted for decision.<sup>10</sup> Respondent filed a Motion for Reconsideration (On Verbal Order Expunging Pleadings Filed by Defendant) with Motion to Apply Regular

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<sup>4</sup> Id. at 11.

<sup>5</sup> Id. at 450-451.

<sup>6</sup> Id. at 451-452.

<sup>7</sup> Id. at 187.

<sup>8</sup> Id.

<sup>9</sup> Id. at 630-652.

<sup>10</sup> Id. at 435-436.

Civil Procedure under the Rules of Court.<sup>11</sup> Everglory sought reconsideration but the same was denied in a Resolution dated December 4, 2013.<sup>12</sup>

Aggrieved, on February 11, 2014, Everglory filed a Petition for *Certiorari* with prayer for the issuance of a Temporary Restraining Order (TRO) and/or Preliminary Injunction before the CA docketed as CA-G.R. SP No. 133942, assailing the Order dated October 25, 2013 and the Resolution dated December 4, 2013 of the RTC.<sup>13</sup>

On April 22, 2014, the CA issued a 60-day TRO and enjoined petitioner to conduct further proceedings in the infringement case pending decision in CA-G.R. SP No. 133942. The TRO expired on June 22, 2014.<sup>14</sup>

Before the TRO expired on June 22, 2014, the CA rendered a Decision<sup>15</sup> on June 25, 2014 in CA-G.R. SP No. 133942, granting Everglory's petition and finding grave abuse of discretion on the part of petitioner in the issuance of the Resolutions dated October 25, 2013 and December 4, 2013.<sup>16</sup> The dispositive portion reads:

WHEREFORE, the instant petition is GRANTED. The Order dated October 25, 2013 and Resolution dated December 04, 2013, issued by public respondent RTC, insofar as they order, among others, to expunge from the records of the case the Motion for Extension of Time to File Answer dated September 12, 2013, Motion for Extension of Time to File Answer or Responsive Pleading dated September 28, 2013, and Answer with Ground for the Outright Dismissal of the Complaint and with Compulsory Counterclaim dated October 8, 2013, and to submit the case for decisions are REVERSED and SET ASIDE.

Public Respondent RTC is DIRECTED to set the case for hearing for the presentation of petitioner's evidence, and thereafter, to decide the case on the merits with dispatch, in accordance with the regular civil procedure under the Rules of Court.

SO ORDERED.<sup>17</sup>

Colorsteel and Batomalaque filed their Motion for Reconsideration before the CA but it was denied in its Resolution dated November 20, 2014. Thereafter, Colorsteel and Batomalaque filed a Petition for Review on *Certiorari* with this Court docketed as G.R. No. 215921, but the same was denied in the Court's Resolution dated March 16, 2015. On September 2,

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<sup>11</sup> Id. at 437.

<sup>12</sup> Id. at 437-438.

<sup>13</sup> Id. at 12.

<sup>14</sup> Id.

<sup>15</sup> Penned by Associate Justice Hakim S. Abdulwahid, with the concurrence of Associate Justices Romeo F. Barza and Zenaida T. Galapate-Laguillas; id. at 186-197.

<sup>16</sup> Id. at 192-197.

<sup>17</sup> Id. at 196-197.

2015, the Court's Resolution was declared final and Entry of Judgment was directed to be made.<sup>18</sup>

Meanwhile, petitioner continued with the proceedings in the infringement case and called the case for hearing. On November 19, 2014, petitioner issued an Order stating that with the expiration of the TRO and the absence of any further restraining order, the pending incidents will be deemed submitted: (a) the Application for Preliminary Injunction from the Plaintiffs; and (b) the main IPR Civil Case No. 005.<sup>19</sup>

On December 3, 2014, petitioner rendered a Decision regarding the merits of the infringement case in favor of Colorsteel and Batomalaque.<sup>20</sup>

Aggrieved, Everglory filed a Petition for Review under Rule 43 of the Rules of Court before the CA, docketed as CA GR. SP No. 138582.<sup>21</sup>

Meanwhile, on December 15, 2014, Everglory filed a Petition for *Certiorari* before the CA docketed as CA-G.R. SP No. 138410, which sought to nullify the Resolutions dated April 21, 2014 and October 1, 2014 of the RTC, which denied Everglory's Motion for Voluntary Inhibition of petitioner on the ground that she showed manifest bias or prejudice against Everglory.<sup>22</sup>

Subsequently, in its Resolution dated April 29, 2015, the CA consolidated CA-G.R. SP No. 138410 and CA-GR. SP No. 138582.<sup>23</sup>

On September 10, 2015,<sup>24</sup> the CA ruled in favor of Everglory, and ruled as follows: (a) the petition in CA-G.R. SP No. 138410 is granted, and the Resolutions dated April 21, 2014 and October 1, 2014 are declared null and void; (b) the petition in CA-G.R. SP No. 138582 is granted, and the Resolution dated December 3, 2014 is declared null and void; and (c) IPR Case No. 005 is remanded to the RTC of San Fernando, Pampanga for re-affle to another branch and for further proceedings.<sup>25</sup>

Colorsteel and Batomalaque filed a motion for reconsideration but it was denied in the Resolution<sup>26</sup> dated February 2, 2016 of the CA.

### The Indirect Contempt Case

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<sup>18</sup> Id. at 13.

<sup>19</sup> Id.

<sup>20</sup> Id. at 17.

<sup>21</sup> Id. at 111.

<sup>22</sup> Id.

<sup>23</sup> Id. at 217-218.

<sup>24</sup> Penned by Associate Justice Agnes Reyes-Carpio, with the concurrence of Associate Justices Andres B. Reyes (former Member of this Court) and Marlene Gonzales-Sison; id. at 449-470.

<sup>25</sup> Id. at 469-470.

<sup>26</sup> Id. at 471-474.

The aforementioned events prompted Everglory to file a Petition for Indirect Contempt of Court against petitioner on January 15, 2015, before the CA docketed as CA-G.R. SP No. 133942. In its petition, respondent alleged that petitioner defied the Decision dated June 25, 2014 of the CA in CA-G.R. SP No. 133942, when she continued with the summary proceedings in the infringement case after the expiration of the 60-day TRO.<sup>27</sup>

For her defense, petitioner argued that: (a) she faithfully performed her duties; (b) there was no legal obstacle to continue with the summary proceeding; (c) and the Decision dated June 25, 2014 had not yet attained finality; hence, there was no judgment to defy.<sup>28</sup>

On August 23, 2017,<sup>29</sup> the CA found petitioner guilty of indirect contempt of court and imposed a fine on her for continuing with the proceedings in the infringement case despite being fully aware that in doing so she will be acting in direct contravention of the Decision dated June 25, 2014 of the CA.<sup>30</sup> The CA held that even in the absence of an injunctive writ, petitioner should have suspended the proceedings in the infringement case as a matter of judicial courtesy.

Petitioner filed a Motion for Reconsideration, but it was denied in the Resolution dated April 12, 2018 of the CA.<sup>31</sup>

Undaunted, petitioner elevated the matter to this Court.

Petitioner argues that the CA acted without jurisdiction: (1) when it took cognizance of the contempt case against a lower court judge; and (2) when it found her guilty of indirect contempt of court and imposed a fine on her despite a clear showing that she acted in good faith and did not willfully defy any final and executory decision of the CA.<sup>32</sup>

In its Comment/Opposition,<sup>33</sup> respondent argues that: (1) the Decision dated June 25, 2014 is immediately executory, having been issued in a certiorari case; (2) the CA has the inherent power to cite petitioner in indirect contempt of court; and (3) petitioner is guilty of indirect contempt of court because she willfully defied the Decision dated June 25, 2014.

### Issue

The sole issue of this petition is whether the appellate court can cite petitioner in indirect contempt of court.

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<sup>27</sup> Id. at 16.  
<sup>28</sup> Id. at 16-18.  
<sup>29</sup> Supra note 2.  
<sup>30</sup> *Rollo*, p. 24.  
<sup>31</sup> Id. at 44-48.  
<sup>32</sup> Id. at 72-73.  
<sup>33</sup> Id. at 478-578.



### Ruling of the Court

The Court finds merit in the petition.

In finding petitioner guilty of indirect contempt of court and imposing a fine on her, the CA ratiocinated that:

Judge Fider-Reyes' claim that she proceeded with the hearing of the case in the absence of any further restraining order from the Court is unacceptable considering that it is very clear from the subject Decision issued on June 25, 2014, that she was to set the case for hearing for the presentation of petitioner's evidence. The Court, also found in the said Decision, stated that there was grave abuse of discretion on her part in expunging the Answer filed by herein petitioner. With the said pronouncements of the Court and the previous temporary restraining order issued, it behooved respondent Judge Fider-Reyes to act with not only judicial circumspection but in full obeisance to the mandate of the higher court.

x x x x

It is admitted that Section 7, Rule 65 of the Rules of Court provides the general rule that the mere pendency of special civil action for *certiorari* commenced in relation to a case pending before a lower court or court of origin does not stay the proceedings therein in the absence of a writ of preliminary injunction or temporary restraining order.

There are, however, instances where even if there is no writ of preliminary injunction or temporary restraining order issued by a higher court, it would be proper for a lower court or court of origin to suspend its proceedings on the precept of judicial courtesy.

x x x x

Here, there was more reason for Judge Fider-Reyes to refrain from ruling on IPR Civil Case No. 005 on the merits without first complying with the Court's Former Special Sixth Division's directive to give EVERGLORY a chance to present its evidence, since said Decision was rendered on June 25, 2014 and Judge Fider-Reyes received her copy on July 9, 2014. Despite this, Judge Fider-Reyes issued her November 19, 2014 Order and December 3, 2014 Resolution.

The intent to defy this Court's authority is undeniable. Judge Fider-Reyes' patent disrespect for this



Court's decisions and processes is highly contumacious and cannot be countenanced.<sup>34</sup>

Contrary to the CA's findings, the Court failed to consider the acts of petitioner as submission to the CA's authority. From the records, it was very clear that petitioner immediately held in abeyance the proceedings in the infringement case upon receipt of the CA's TRO in the *certiorari* case. Petitioner suspended the hearing on Everglory's motion for reconsideration in the infringement case during the effectivity of the TRO.<sup>35</sup>

Thereafter, petitioner proceeded with the summary proceedings in the infringement case because the Decision dated June 25, 2014 had yet to attain finality (in view of Colorsteel and Bartolomaque's other *certiorari* case in the CA) and the CA did not issue any injunctive writ against her in the *certiorari* case. Accordingly, petitioner rendered judgment in the infringement case on December 3, 2014 since there was no legal obstacle for her to do so.<sup>36</sup>

The Decision<sup>37</sup> dated June 25, 2014 of the CA, which found petitioner guilty of grave abuse of discretion in the issuance of the Resolutions dated October 25, 2013 and December 4, 2013, became final and executory only on January 25, 2016, or a little over a year after petitioner rendered judgment in the infringement case.<sup>38</sup> After learning that the Decision dated June 25, 2014 had attained finality, petitioner reversed all the legal effects of the respondent's having been declared in default in the infringement case. In fact, the infringement case subsequently proceeded with respondent being accorded full opportunity to actively participate therein.<sup>39</sup>

Subsequently, petitioner issued the Order *Ad Cautelam*<sup>40</sup> dated March 2, 2016, showing her willingness to comply with any final and executory judgment of the CA. Then, the infringement case was re-raffled to another judge, thus petitioner was deprived of the opportunity to comply with the final and executory judgment of the CA.<sup>41</sup>

Besides, there was no legal obstacle for petitioner to continue with the proceedings of the infringement case despite the pendency of the *certiorari* case. The Decision dated June 25, 2014, being a judgment in a *certiorari* case, is not immediately executory. In *Republic of the Philippines v. Sandiganbayan*,<sup>42</sup> the Court held that:

The earlier quoted Section 7 of Rule 65 provides the general rule that the mere pendency of a special civil action

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<sup>34</sup> Id. at 21-22.

<sup>35</sup> Id. at 59.

<sup>36</sup> Id. at 61-62.

<sup>37</sup> Penned by Associate Justice Hakim S. Abdulwahid; id. at 186-197.

<sup>38</sup> Id. at 196-197

<sup>39</sup> Id. at 64.

<sup>40</sup> Id. at 407-411.

<sup>41</sup> Id. at 71.

<sup>42</sup> 525 Phil. 804 (2006).

for Certiorari commenced in relation to a case pending before a lower court or court of origin does not stay the proceedings therein in the absence of a writ of preliminary injunction or temporary restraining order.<sup>43</sup>

From the foregoing, the Court finds that petitioner acted in accordance with her legal duty to proceed with the summary proceedings in the infringement case, in due deference and regard to the existing judgments, orders and issuances of the CA, and without any iota of malice or bad faith to defy them.

Neither can petitioner's actions be considered violative of the principle of judicial courtesy. Under the principle of judicial courtesy, lower courts are called to suspend proceedings before it, even without the existence of an injunctive writ, until a final determination has been made by a higher court if there is a strong probability that the issues or proceedings before the latter would be rendered moot or moribund because of the continuation of the proceedings in the lower court.<sup>44</sup> A case is deemed moot "when it presents no actual controversy or where the issues have ceased to exist."<sup>45</sup> Going forward in the conduct of summary proceedings in the infringement case would not have mooted the certiorari case before the CA.

### *The power of contempt*

The power to punish for contempt is inherent in all courts and is essential to the preservation of order in judicial proceedings and to the enforcement of judgments, orders, mandates of the court, and to the due administration of justice.<sup>46</sup> It safeguards the respect due to the courts and, consequently, ensures the stability of the judicial institution.<sup>47</sup>

The exercise of the power to punish for contempt has a dual function, primarily, to punish the party for disrespecting the court or its orders, and, secondarily, to compel the party to do an act or duty which it refuses to perform. Due to this two-fold aspect of contempt, the punishment for contempt is classified into two: civil contempt and criminal contempt. 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. 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.

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

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<sup>43</sup> Id. at 807.

<sup>44</sup> *Eternal Gardens Memorial Park Corporation v. Court of Appeals*, 247 Phil. 387 (1988); *Trajano v. Uniwide Sales Warehouse Club*, 736 Phil. 264 (2014).

<sup>45</sup> Black's Law Dictionary, 6<sup>th</sup> Edition, 1008.

<sup>46</sup> *Regalado v. Go*, 543 Phil. 578 (2007).

<sup>47</sup> *Oca v. Custodio*, 814 Phil. 641 (2017).

punishment, and civil when the purpose is primarily compensatory or remedial.<sup>48</sup>

In our jurisdiction, there are two kinds of contempt punishable by law, namely direct contempt and indirect contempt. Direct contempt is committed in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, and includes disrespect toward the court, offensive personalities toward others, or refusal to be sworn or answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so. On the other hand, indirect contempt or constructive contempt is that which is committed out of the presence of the court.<sup>49</sup> A person guilty of disobedience of or resistance to a lawful order of a court or commits any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice may be punished for indirect contempt.

**Petitioner cannot be held guilty of indirect contempt of court.**

In this case, Everglory accuses petitioner of committing indirect contempt for disregarding the CA's decision and continuing with the summary proceedings in the infringement case after the expiration of the 60-day TRO.

There is no question that disobedience or resistance to a lawful writ, process, order or judgment of a court or injunction granted by a court or judge constitutes indirect contempt punishable under Section 3, paragraph (b),<sup>50</sup> Rule 71 of the Rules of Court. What is put in issue here is the validity of the proceedings that found petitioner liable for such misconduct.

It is very clear that the very purpose of filing this petition for indirect contempt against petitioner, as a judge handling the infringement case, is to punish her for the alleged defiance of the CA's decision. However, this petition for indirect contempt is not the proper action to determine the legality of petitioner's action.

**The Supreme Court has the exclusive power to discipline judges of lower courts.**

As mandated by the Constitution under Section 11<sup>51</sup> Article VIII of the 1987 Constitution, the Court exercises the exclusive power and authority

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<sup>48</sup> *Remman Enterprises, Inc. v. Court of Appeals*, 335 Phil. 1150 (1997).

<sup>49</sup> *In Re: Adoracion Angeles*, 567 Phil. 189 (2008).

<sup>50</sup> (b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including, the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto.

<sup>51</sup> Section 11, Article VII provides that: "The members of the Supreme Court and judges of the lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court *en banc* shall have the

to discipline justices of appellate courts and judges of lower courts. Similarly, Rule 4, Section 3(a)<sup>52</sup> of the Internal Rules of the Supreme Court<sup>53</sup> provides that the administrative functions of this court include disciplinary and administrative matters involving justices, judges, and court personnel.

The exclusive power of the Court to discipline judges of lower courts is reiterated in A.M. No. 18-01-05-SC, which prescribes new rules of procedure for punishing judicial misconduct. Its whereas clauses explain that:

WHEREAS, under Section 6, Article VIII of the 1987 Constitution, the Supreme Court has administrative supervision over all courts and the personnel thereof;

WHEREAS, under Section 11, Article VIII of the 1987 Constitution, the Supreme Court *en banc* has the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

WHEREAS, Section 5(5), Article VIII of the 1987 Constitution vests upon the Supreme Court the power to promulgate rules concerning the pleading, practice, and procedure in all courts[.]

In lodging the power to discipline judges of lower courts exclusively with the Court, it curtailed in the same breath the inherent power of the CA to punish for contempt. The CA have no authority to discipline judges or even the court personnel of lower courts. At most, the CA can only recommend to the Court the necessary disciplinary action.

When this Court acts on complaints against judges or any personnel under its supervision, it acts as personnel administrator, imposing discipline and not as a court judging justiciable controversies. In this case the issue to be resolved is whether petitioner should be held liable for indirect contempt for her failure to obey the lawful order of the appellate court. Clearly, what is involved is not this Court's power to review, revise, reverse, modify, or affirm on appeal or *certiorari* final judgments and orders of lower courts in cases involving only questions of law. The present case involves the exercise of this Court's exclusive power to discipline judges.

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power to discipline judges of lower courts, or order their dismissal by vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.”

<sup>52</sup>

RULE 4

THE EXERCISE OF ADMINISTRATIVE FUNCTION

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Section 3. *Administrative functions of the Court.* – The administrative functions of the Court en banc consist of , but are not limited to, the following:

(a) the discipline of justices, judges and court personnel, whether by en banc or by Division, subject to matters assignable to the Divisions, disciplinary matters involving justices, judges and court personnel[.]

<sup>53</sup>

A.M. No. 10-4-20-SC.

Evidently, the CA overstepped the bounds of its authority when it took cognizance of the case and thereafter imposed a fine of ₱10,000.00 against petitioner.

Everglory should have filed an administrative case before this Court in order to determine whether petitioner disobeyed the lawful order of the appellate court.

This issue with respect to proper remedies against a member of the Bench should properly be addressed since conflicting and erroneous remedies are sometimes resorted to by aggrieved tribunals or parties.

There is no precedent jurisprudence on a litigant filing an indirect contempt case against a judge for allegedly not implementing the orders of an appellate court, *moreso*, at the instance of a litigant.

Instead of availing the proper legal remedies such as appeal and petitions for *certiorari*, as the case may be, the filing of indirect contempt cases against judges would open the floodgates to litigants to challenge errors of law and the exercise of discretion by judges. This will unduly delay the administration of justice because judges will then have to devote time and effort to defend themselves against these frivolous suits. The presumption of good faith in the performance of one's official duties will no longer be recognized.

Again, We reiterate that not every error implies ignorance of the law, for if committed in good faith, it does not warrant administrative sanctions.<sup>54</sup> A judge's failure to correctly interpret the law or to properly appreciate the evidence presented does not necessarily incur administrative liability, for to hold them administratively accountable for every erroneous ruling or decision they render, assuming that they erred, will be nothing short of harassment and will make their position doubly unbearable. The judicial office will then be rendered untenable, because no one called upon to try the facts or to interpret the law in the process of administering justice can be infallible in his judgment.<sup>55</sup>

Assuming, there was bad faith on the part of any judge in disobeying an order of an appellate court, there is still the judicial remedy of *certiorari*, or appeal, or a disciplinary proceeding which exclusively belongs only to this Court.

A contempt proceeding for misbehavior in court is designed to vindicate the authority of the court; on the other hand, the object of a disciplinary proceeding is to deal with the fitness of the court's officer to continue in that office, to preserve and protect the court and the public from

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<sup>54</sup> *Baculi, v. Belen*, 695 Phil. 598 (2012).

<sup>55</sup> *Re: Ongjoco*, 680 Phil. 467 (2012).

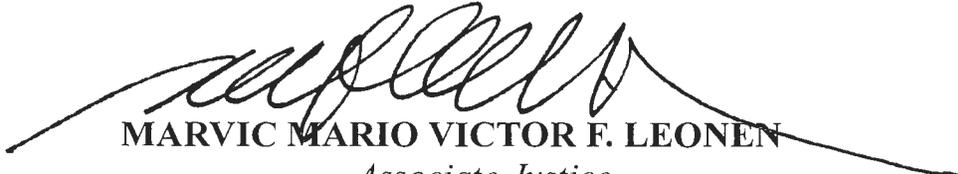
the official ministrations of persons unfit or unworthy to hold such office. The principal purpose of the exercise of the power to cite for contempt is to safeguard the functions of the court and should thus be used sparingly on a preservative and not, on the vindictive principle. The principal purpose of the exercise of disciplinary authority by the Supreme Court is to assure respect for orders of such court by attorneys who, as much as judges, are responsible for the orderly administration of justice.

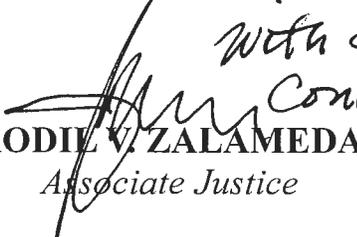
**WHEREFORE**, the petition is **GRANTED**. The Decision dated August 23, 2017 and the Resolution dated April 12, 2018 of the Court of Appeals in C.A.-G.R. SP No. 138756 are **SET ASIDE**. The complaint for indirect contempt against petitioner Judge Amifait S. Fider-Reyes is hereby **DISMISSED**.

**SO ORDERED.**

  
**ROSMARIE D. CARANDANG**  
*Associate Justice*

**WE CONCUR:**

  
**MARVIC MARIO VICTOR F. LEONEN**  
*Associate Justice*

*with separate  
concurring opinion*  
  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

**ATTESTATION**

I attest 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.

  
**MARVIC MARIO VICTOR F. LEONEN**  
*Associate Justice*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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.



**ALEXANDER G. GESMUNDO**  
*Chief Justice*