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Unfortunately, Esteva died a few days later and, thus, he notarized the deed not a knowing of her demise. Respondent has expressed remorse for his negligence. Respondent's offense is his first, hence, his plea for mitigation of his liability has merit.

IN VIEW WHEREOF, respondent Atty. Ernesto is found guilty of misconduct. He is ordered *suspended* from his Commission as notary Public for a period of 2 months effective immediately, with warning that any future breach of his duties will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Kapunan, Pardo, and *Ynares-Santiago, JJ.,* concur.

FIRST DIVISION

[A.M. No. MTJ-00-1333. November 15, 2000.]
(A.M. OCA IPI No. 97-297-MTJ.)

LAMBERTO P. VILLAFLOR, *complainant, vs.* **JUDGE ROMANITO A. AMATONG,** *respondent.*

SYNOPSIS

In a complaint for ejectment filed by the Biyaya Corporation against the herein complainant Lamberto P. Villaflor before the Metropolitan Trial Court (MeTC), Branch 53, Kalookan City, presiding Judge Romanito A. Amatong rendered judgment in favor of Biyaya. The decision became final and executory. However, on January 5, 1994, Villaflor filed before the Regional Trial Court (RTC), Branch 131, Kalookan City a civil case praying for annulment of the land title of Biyaya on the ground of fraud, and the annulment of the decision of Judge Amatong for lack of jurisdiction. The RTC enjoined the execution of the decision

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of the MeTC, but on September 22, 1995, the said case was dismissed. Villaflor appealed to the Court of Appeals. On the other hand, Biyaya filed before the MeTC a motion for the issuance of a Writ of Execution and/or Demolition and it was granted on August 13, 1996 by Judge Amatong. On December 27, 1996, the Court of Appeals granted the motion for the issuance of a Temporary Restraining Order (TRO) that was filed by Villaflor. Notwithstanding the said TRO, Judge Amatong issued on January 9, 1997 an order directing the branch sheriff to implement the writ of demolition. The following day, Villaflor's family house was demolished. Consequently, for violating the TRO, Judge Amatong was declared guilty of contempt by the Court of Appeals and he was fined ₱30,000.00. The appellate court also granted the issuance of a writ of preliminary mandatory injunction by ordering Biyaya and Judge Amatong to immediately restore complainant's demolished family house or to return to the latter the amount of ₱400,000.00 as the estimated value of the house as soon as possible, and place him in possession of the subject land. Also in relation thereto, Villaflor filed the instant administrative case against Judge Amatong for grave abuse of discretion, serious misconduct and ignorance of the law. This case was referred to Executive Judge Bayani S. Rivera for investigation, report and recommendation. After hearing, Judge Rivera adopted the factual findings of the Court of Appeals in the contempt case and recommended the suspension of respondent Judge for 10 days without pay as penalty.

The Court ruled that respondent judge ought to know his place in the judicial ladder. Inferior courts must be modest enough to consciously realize the position that they occupy in the interrelation and operation of the integrated judicial system of the nation. Occupying as he does a court much lower in rank than the Court of Appeals, respondent judge owes respect to the latter and should, of necessity, defer to the orders of the higher court. The appellate jurisdiction of a higher court would be rendered meaningless if a lower court may, with impunity, disregard and disobey it. The TRO was explicit in its language. Violating its purpose and language is patently contemptuous and merits a corresponding punishment. The penalty of suspension recommended by Executive Judge Bayani Rivera cannot now be imposed however. Respondent Judge

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retired from the judiciary on March 2, 2000, having reached the compulsory retirement age. The Court Administrator instead recommended a fine of ₱50,000.00. However, in view of the fact that respondent judge had already been held in contempt of court and penalized for the same act, the Court deemed it best that justice be tempered with mercy and the amount of fine reduced to ₱20,000.00.

SYLLABUS

1. **REMEDIAL LAW; PROVISIONAL REMEDIES; TEMPORARY RESTRAINING ORDER ISSUED BY AN APPELLATE COURT; BINDING TO THE LOWER COURT JUDGE WHO WAS ABLE TO RECEIVE A COPY THEREOF.** — Despite the non-inclusion of respondent judge as addressee, a copy of the TRO itself and the Notice of Resolution were actually delivered to and received by the MeTC, Branch 53, Kalookan City on January 7, 1997 at 2:13 P.M. This is clearly indicated at the upper right corner of a copy of the TRO[.] x x x A copy of the TRO and the attached Notice of Resolution were personally delivered to respondent judge's office by complainant Villaflor himself, not by the process server of the Court Appeals. Whether the TRO and Notice of Resolution were officially furnished by the authorized court personnel or by private complainant himself is of no moment. The indisputable fact is that on January 7, 1997, respondent judge received a copy of the TRO specifically enjoining him from "evicting and demolishing the family house of movant pending appeal."

2. **ID.; ID.; ID.; ID.; IF LOWER COURT JUDGE HAD DOUBTS AS TO WHO DEFENDANTS-APPELLEES WERE HE CAN VERIFY IT WITH THE APPELLATE COURT.** — It is observed that the title of the case in the TRO and Notice of Resolution is simply indicated as "*Lamberto Villaflor*, plaintiff-appellant *versus Biyaya Corporation, et. al.*, defendants-appellees." The Court of Appeals, in its early Resolutions, did not as yet indicate the names of all the parties to the case before it. If respondent judge had doubts as to who the defendants-appellees were, this could have been verified with the Court of Appeals. CA-G.R. CV No. 50623 was an appeal from Civil Case No. C-16300 entitled "*Lamberto Villaflor, plaintiff v. Biyaya Corporation, Hon. Judge Romanito A. Amatong, Presiding Judge of MTC,*

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Kalookan City, Branch 53 and Register of Deeds of Kalookan City." This title is expressly indicated in the transmittal letter of the Branch Clerk of Court, RTC, Branch 131 to the Clerk of Court, Court of Appeals which was attached to the entire records of Civil Case No. C-16300. The Rules of Court provides that in all cases appealed to the Court of Appeals, the party appealing the case is called the "appellant" and the adverse party the "appellee" *but the title of the case remains the same as it was below.*

3. ID.; ID.; ID.; EXPRESSLY SPECIFIES THE ACT TO BE RESTRAINED AND OBJECT OF THE RESTRAINT. — The TRO is clearly and specifically directed at "defendants-appellees" including "public respondent judge or any person under him." The defendants-appellees and public respondent judge in CA-G.R. CV No. 50623 were Biyaya Corporation, Judge Amatong and the Register of Deeds of Kalookan City. Judge Fineza of the RTC, Branch 131, Kalookan City was not among the defendants-appellees. If respondent judge still had doubts as to who the defendants-appellees were, the purpose of the TRO could not have been clearer. It expressly specified the *act* to be restrained, *i.e.*, "evicting and demolishing" and the *object* of the restraint, *i.e.*, "the family house" of complainant Villaflor. Clearly, the words of the TRO alone should have placed respondent judge on guard that the intention of the Court of Appeals was to maintain the status quo pending the outcome of the case for annulment of the MeTC judgment and the title of Biyaya Corporation.

4. ID.; ID.; ID.; VIOLATING ITS PURPOSE AND LANGUAGE IS PATENTLY CONTEMPTUOUS AND MERITS A CORRESPONDING PUNISHMENT. — [B]arely two days after receipt of the TRO, respondent judge ordered the sheriff to implement the writ of demolition. The next day, the writ was implemented and complainant's house was totally demolished. Respondent judge's order was done in precipitate haste and in direct defiance of the TRO of the Court of Appeals. x x x Indeed, the TRO was explicit in its language. Violating its purpose and language is patently contemptuous and merits a corresponding punishment. The penalty of suspension recommended by Executive Judge Bayani Rivera cannot now be imposed however. Respondent judge retired from the judiciary on March 2, 2000, having reached the compulsory retirement age. The Court Administrator instead recommended a fine of

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₱50,000.00. However, in view of the fact that respondent judge had already been held in contempt of court and penalized for the same act, we deem it best that justice be tempered with mercy and reduce the amount of fine to ₱20,000.00.

5. ID.; HIERARCHY OF COURTS; JURISDICTION OF A HIGHER COURT WOULD BE RENDERED MEANINGLESS IF A LOWER COURT MAY DISREGARD AND DISOBEY HIGHER COURT'S ISSUED ORDER. — Respondent judge ought to know his place in the judicial ladder. Inferior courts must be modest enough to consciously realize the position that they occupy in the interrelation and operation of the integrated judicial system of the nation. Occupying as he does a court much lower in rank than the Court of Appeals, respondent judge owes respect to the latter and should, of necessity, defer to the orders of the higher court. The appellate jurisdiction of a higher court would be rendered meaningless if a lower court may, with impunity, disregard and disobey it.

6. LEGAL AND JUDICIAL ETHICS; JUDGES; IF HE DOES NOT OBSERVE JUDICIAL NORMS, HE IS TO ALL INTENTS AND PURPOSES JUST AS MUCH A LAW-BREAKER. — At this point, it is well to bear in mind the words of former Chief Justice Enrique M. Fernando in his concurring opinion in *Reliance Procoma, Inc. v. Phil-Asia Tobacco Corporation, viz:* " x x x [T]he settled rule is that an order from the bench issued by a court acting within its jurisdiction is entitled to respect. It may come from a municipal or city court, or one of the next higher rank as that occupied by respondent judge or the Court of Appeals, as did happen here. This Court does not have to be the source. What cannot be ignored is that it would be productive of confusion if the parties could just disregard what has been so ordained. The appropriate procedure always is for the matter as thus decreed by any tribunal to be taken up on appeal. Where as did happen here, the Court of Appeals had spoken, the judge of the court of first instance was bound by what it said. If there is room for disagreement, a reconsideration can be sought, or the matter can be taken up, whenever appropriate, to this Court. In the meanwhile, no evasion, much less defiance, is allowable. It is bad enough if the parties would be minded to do so. It is infinitely worse if the offender, as was the case here, was a judge of the Court of First Instance. *It would make a mockery of the legal order if one like*

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respondent judge, precisely called upon to assure respect for legal processes, would act otherwise. To say that he has been recreant to his trust is to put it mildly. For the contumacious conduct manifested by him has a much more corrosive effect in the public mind. To paraphrase Justice Brandeis, a government of laws demands that public officials observe scrupulously orders emanating from tribunals vested with competence. For the public looks up to them. For good or for ill, what they do sets the example. *Disrespect for the law is contagious. If the judge does not observe judicial norms, he is to all intents and purposes just as much a law-breaker. His conduct breeds contempt for the rule of law. It may ultimately lead to anarchy.* This may be to conjure too extreme an evil. It may be so, but where the observance of judicial decorum is concerned, more specifically the requirement of strict conformity to an order of an appellate tribunal, even the slightest infraction is not to be tolerated. *Obsta principus* should be the rule."

D E C I S I O N

PUNO, *J* :

In an affidavit-complaint dated January 27, 1997, complainant Lamberto P. Villaflor charges respondent Judge Romanito A. Amatong, Metropolitan Trial Court, Branch 53, Kalookan City with grave abuse of discretion, serious misconduct, and ignorance of the law for disregarding the Temporary Restraining Order issued by the Court of Appeals in CA-G.R. CV No. 50623.

The instant complaint stems from the following facts:

On February 1, 1993, Biyaya Corporation, a domestic corporation, instituted against complainant Civil Case No. 20555 entitled "*Biyaya Corporation v. Lamberto P. Villaflor*" for ejectment before the Metropolitan Trial Court (MeTC), Branch 53, Kalookan City, presided by respondent judge. Involved therein were 630 square meters of a large tract of land, known as the Capitol Parkland Subdivision in Novaliches, Kalookan City which Biyaya alleged to be the registered owner of; that these 630 square meters were allegedly entered into by complainant and occupied at the mere tolerance of Biyaya;

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Biyaya made demands to vacate the property in 1992 but complainant refused to do so.

On September 2, 1993, the MeTC rendered a decision in favor of Biyaya, ordering complainant to immediately vacate the subject property. The dispositive portion of the decision reads:

"WHEREFORE, judgment is rendered in favor of the plaintiff and against the defendant as follows:

1. Ordering the defendant to immediately vacate the subject premises and to return the possession thereof to the plaintiff;
2. Ordering the defendant to pay the sum of five hundred pesos (₱500.00) per month computed from plaintiff's last demand up to the time possession is returned to plaintiff;
3. Ordering the defendant to pay the amount of three thousand pesos (₱3,000.00) as attorney's fees and to pay the cost of the suit.

SO ORDERED."[1]

This decision was not appealed, became final and executory, and Biyaya moved for its execution.

On January 5, 1994, complainant filed with the Regional Trial Court (RTC), Branch 131, Kalookan City, presided by Judge Antonio J. Fineza, Civil Case No. C-16300, an original action for "Annulment with Damages and Preliminary Injunction" entitled "*Lamberto Villaflor*, plaintiff *v. Biyaya Corporation, Hon. Judge Romanito A. Amatong, Presiding Judge of MTC, Kalookan City, Branch 53, and the Register of Deeds of Kalookan City*, defendants." Complainant alleged that the Capitol Parkland Subdivision, including his 630 square-meter portion, is part of Lot 902 of the Tala Estate, a friar land belonging to the government; that Biyaya's three titles cover land outside Kalookan City which titles are now under investigation by the

[1] CA-G.R. CV No. 50623, *Rollo* (hereinafter referred to as CA *Rollo*), p. 435.

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Office of the Solicitor General and the Lands Management Bureau. Complainant thus prayed for annulment of the titles of Biyaya Corporation on the ground of fraud, and the annulment of the decision of respondent Judge Amatong in Civil Case No. 20555 for lack of jurisdiction.[2]

On February 22, 1994, the RTC enjoined the execution of the decision of the MTC. On September 22, 1995, the RTC rendered a decision dismissing the complaint, thus:

"WHEREFORE, in view of all the foregoing, judgment is hereby rendered in favor of defendant Biyaya Corporation and against plaintiff Lamberto Villaflor as follows:

1. The instant complaint is dismissed for lack of merit;
2. The writ of preliminary injunction issued in this case is hereby dissolved;
3. The counterclaim of defendant Biyaya Corporation is likewise dismissed.

SO ORDERED."[3]

Complainant moved for reconsideration but this was denied. Complainant appealed the decision of the RTC to the Court of Appeals in CA-G.R. CV No. 50623.

Meanwhile, Biyaya Corporation filed before the MeTC a "Motion for Issuance of a Writ of Execution and/or Demolition." This was opposed by complainant. On August 13, 1996 however, the MeTC ordered the issuance of a writ of demolition.

Complainant forthwith filed with the Court of Appeals an "Urgent *Ex-Parte* Motion for Issuance of a Temporary Restraining Order" to prevent the demolition of his family house on the subject land. In a Resolution dated December 27, 1996, the Court of Appeals, Thirteenth Division,[4] granted the issuance

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[2] CA *Rollo*, pp. 436-442.

[3] *Id.*, p. 449.

[4] Penned by Justice J. D. Rasul and concurred in by Justices H. L. Hofilena and A. G. Tuquero.

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of a Temporary Restraining Order (TRO). That same day the TRO was issued by the Division Clerk of Court.

Notwithstanding the TRO, respondent judge issued on January 9, 1997 an order directing the Branch Sheriff to implement the writ of demolition. The following day, January 10, complainant's family house was demolished.

On January 14, 1997, complainant filed with the Court of Appeals an "Urgent Motion to Cite Defendants-Appellees for Contempt and for Issuance of Mandatory Injunction." Named as respondents in the motion were Judge Amatong, two sheriffs, Atty. Alvin Sarita, counsel for Biyaya Corporation, officers of Biyaya Corporation, a certain Jojo, an alleged son-in-law of Judge Amatong, the SWAT Team of the Philippine National Police Northern District Command, and the Halcon Security Agency. Complainant alleged that the demolition of his family home was made in wanton disregard of the TRO issued by the Court of Appeals. Complainant prayed that the respondents be cited in contempt of court and ordered to immediately restore his family home to its former condition and to pay damages worth ₱5 million and ₱55,000.00 for lost valuables.[5] Attached to the motion were photographs showing the complainant's house before, during and after the demolition.[6]

In the meantime, in December 1996, the Solicitor General, on behalf of the Republic of the Philippines, instituted Civil Case No. Q-96-29810 with the Regional Trial Court, Branch 85, Quezon City for annulment of the titles of Biyaya Corporation[7] over the Tala Estate and reversion of the land to the government.[8]

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[5] CA *Rollo*, pp. 70-76.

[6] Annexes "F" to "F-32" to Villaflor's "Urgent Motion to Cite Defendants-Appellees for Contempt and for Issuance of Mandatory Injunction," CA *Rollo*.

[7] Named as defendants were Biyaya Corporation, the Registers of Deeds of Pasig City, Kalookan City, Quezon City and Manila, and the Administrator of the Land Registration Authority, CA *Rollo*, pp. 94-108.

[8] CA *Rollo*, pp. 107-108.

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On January 22, 1997, the Court of Appeals ordered Biyaya Corporation, thru its counsel, Atty. Alvin Sarita, and respondent Judge Amatong to show cause why they should not be cited in contempt, and to comment on complainant's prayer for the issuance of a writ of mandatory injunction.

Respondent judge and Biyaya Corporation filed their Comment separately. On January 29, 1997, a hearing was conducted where the parties, their respective counsels, and a representative of the Solicitor General appeared before the Court of Appeals and argued their respective claims.

In a Resolution dated February 20, 1997, the Court of Appeals found respondent Judge Amatong, Biyaya Corporation and Atty. Sarita guilty of contempt of court and fined them ₱30,000.00 each. Atty. Sarita was likewise reprimanded without prejudice to further administrative action. The appellate court also granted the issuance of a writ of preliminary mandatory injunction ordering Biyaya Corporation and Judge Amatong to immediately restore complainant's demolished family house or to return to the latter the amount of ₱400,000.00,[9] the estimated value of the house as soon as possible, and place him in possession of the subject land. The court also ordered all armed security guards of Halcon Security Agency, the SWAT men of the Northern Police District, the Sheriff of respondent judge, and a certain Jojo, alleged son-in-law of respondent judge, to stay away from the subject area. To quote:

"WHEREFORE, in light of the foregoing disquisitions, *defendants-appellees Biyaya Corporation and MTC Judge Ramonito Amatong and their counsel, Atty. Alvin Sarita* are hereby adjudged GUILTY OF CONTEMPT OF COURT as they are hereby *fined* to pay the amount of ₱30,000.00 each as per *SC Administrative Circular No. 22-95, amending Section 6, Rule 71 of the Rules of Court,* with a warning that repetition of the same or similar acts will be dealt with more severely.

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[9] The value of the house was declared at ₱400,000.00 not in the dispositive portion of the Resolution but in the body thereof. — CA Resolution, p. 21, CA *Rollo*, p. 343.

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Atty. Alvin Sarita is likewise REPRIMANDED for his contemptuous or improvident act despite receipt of our Restraining Order, without prejudice to any further administrative sanction the injured party may seek in the proper forum.[10]

Accordingly, the prayer for the issuance of a writ of preliminary mandatory injunction in the motion for contempt, considering the existing laws, SC Circulars and pertinent jurisprudence, is hereby GRANTED. Upon the posting by plaintiff-appellant of a bond in the amount of ₱50,000.00 to be approved by this court, let a *writ of preliminary mandatory injunction forthwith issue*, ordering the defendants-appellees *Biyaya Corporation and MTC Judge Romanito Amatong*, to immediately restore the recently demolished family house of plaintiff-appellant Lamberto Villaflor or to return to the injured party the estimated value soonest possible; to place plaintiff-appellant Villaflor in the very land on which the family house was previously erected immediately; and to order as it is hereby ordered that *all armed security guards under Halcon Security Agency, all SWAT men of the Northern Police District under the command of Chief Supt. Florencio Cruz, and the sheriff* of defendant-appellee Amatong, and a certain Jojo, alleged son-in-law of Judge Amatong, acting in their behalf, *to stay far away or outside the very area of the demolished family house* of plaintiff-appellant, to avoid disturbing in any way the peaceful possession of plaintiff-appellant in the said area, until further orders from this court.

SO ORDERED." [11]

Respondent Judge Amatong and Atty. Sarita filed separate motions for reconsideration which were denied on August 27, 1999.[12]

Respondent judge questioned the Court of Appeals Resolution before us in G.R. No. 139890. The petition was denied for late filing in our Resolution of October 13, 1999.[13] Reconsideration

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[10] See *Villaflor v. Sarita*, 308 SCRA 129 [1999].

[11] Resolution, pp. 21-22, CA *Rollo*, pp. 343-344. Italics copied.

[12] CA *Rollo*, pp. 386-388.

[13] *Id.*, p. 417.

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was also denied on November 24, 1999, and judgment entered on December 15, 1999.[14]

On August 11, 2000, respondent judge paid the fine of ₱30,000.00.[15]

Meanwhile, complainant filed the instant case. On November 15, 1999, this Court resolved to refer the administrative complaint to Executive Judge Bayani S. Rivera, RTC, Kalookan City for investigation, report and recommendation. On January 17, 2000, a hearing was conducted by Judge Rivera where the parties and their counsels made several stipulations.[16]

On March 1, 2000, Judge Rivera submitted his report to this Court. Judge Rivera adopted the findings of the Court of Appeals in the contempt case, said findings having already become final and executory, and found respondent judge guilty of grave abuse of authority. Judge Rivera noted, however, that since the Court of Appeals had already imposed a heavy fine on respondent judge and ordered restitution of complainant's house for the same incident, he recommended the penalty of suspension for ten (10) days without pay.[17]

Respondent judge claims before this Court that the order of demolition was issued after finality of the decision in the ejectment case, and since this decision became final and executory, the issuance of a writ of demolition became ministerial; Civil Case No. C-16300 before the RTC was not an appeal from the MeTC decision but an original action which is separate and distinct from the ejectment case; and that when the RTC decision was appealed to the Court of Appeals, the Court of Appeals Resolution granting the TRO and the Notice of Resolution were in fact addressed and directed to Judge Fineza of the RTC and his deputy sheriff, not to him.[18]

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[14] *Id.*, p. 530.

[15] CA Resolution dated September 19, 2000, CA *Rollo*, p. 563.

[16] TSN of January 17, 2000, pp. 23-26, SC *Rollo*.

[17] Report of Judge Rivera, p. 8, SC *Rollo*.

[18] SC *Rollo*, pp. 10-11.

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Examining the records of CA-G.R. CV No. 50623, the parties to whom were personally furnished copies of the Notice of Resolution granting the TRO as well as the TRO itself did not include respondent judge. The Notice of Resolution was sent to counsels of private parties and the "Hon. Presiding Judge, RTC, Branch 131, Kalookan City 1400" and the "City Sheriff, RTC, Branch 131, Kalookan City 1400."[19] Likewise, copies of the TRO itself were sent to counsels of private parties and the "Hon. Presiding Judge, RTC, Branch 131, Kalookan City 1400" and the "Sheriff/Deputy Sheriff, RTC, Branch 131, Kalookan City 1400."[20]

Despite the non-inclusion of respondent judge as addressee, a copy of the TRO itself and the Notice of Resolution were actually delivered to and received by the MeTC, Branch 53, Kalookan City on January 7, 1997 at 2:13 P.M. This is clearly indicated at the upper right corner of a copy of the TRO where it is stamped:

"RECEIVED
MTC, Branch 53, Kalookan City
Date: 07 Jan 1997
Time: 2:13 pm
By: (Signed)"[21]

A copy of the TRO and the attached Notice of Resolution were personally delivered to respondent judge's office by complainant Villaflor himself, not by the process server of the Court Appeals.[22] Whether the TRO and Notice of Resolution were officially furnished by the authorized court personnel or by private complainant himself is of no moment. The indisputable fact is that on January 7, 1997, respondent judge received a

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[19] CA *Rollo*, p. 66.

[20] *Id.*, p. 65.

[21] Annex "B" to Villaflor's "Urgent Motion to Cite Defendants-Appellees for Contempt and for Issuance of Mandatory Injunction," CA *Rollo*, p. 86.

[22] TSN of CA hearing, p. 20, CA *Rollo*, p. 178.

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copy of the TRO specifically enjoining him from "evicting and demolishing the family house of movant pending appeal."

It is observed that the title of the case in the TRO and Notice of Resolution is simply indicated as "*Lamberto Villaflor,* plaintiff-appellant *versus Biyaya Corporation, et. al.*, defendants-appellees." The Court of Appeals, in its early Resolutions, did not as yet indicate the names of all the parties to the case before it. If respondent judge had doubts as to who the defendants-appellees were, this could have been verified with the Court of Appeals. CA-G.R. CV No. 50623 was an appeal from Civil Case No. C-16300 entitled "*Lamberto Villaflor*, plaintiff *v. Biyaya Corporation, Hon. Judge Romanito A. Amatong, Presiding Judge of MTC, Kalookan City, Branch 53 and Register of Deeds of Kalookan City.*" This title is expressly indicated in the transmittal letter of the Branch Clerk of Court, RTC, Branch 131 to the Clerk of Court, Court of Appeals which was attached to the entire records of Civil Case No. C-16300.[23] The Rules of Court provides that in all cases appealed to the Court of Appeals, the party appealing the case is called the "appellant" and the adverse party the "appellee" *but the title of the case remains the same as it was below.*[24]

Furthermore, the Resolution of the Court of Appeals ordering the issuance of the TRO is unmistakably worded as follows:

"Upon URGENT *EX-PARTE* MOTION FOR ISSUANCE OF THE RESTRAINING ORDER" filed by plaintiff-appellant, and in the interest of substantial justice so as to prevent the family home of plaintiff-appellant from being prematurely demolished, the same is hereby granted.

IN VIEW OF THE FOREGOING, *let a restraining order forthwith issue against defendants-appellees including the public respondent*

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[23] Annex "A" to Villaflor's "Urgent Motion to Cite Defendants-Appellees for Contempt and for Issuance of Mandatory Injunction," CA *Rollo*, p. 78.

[24] Rule 46, Section 1, Rules of Court; now Section 1, Rule 44, 1997 Rules of Civil Procedure.

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Judge of Sheriff or any person under him from evicting and demolishing the family house of the movant pending appeal. The defendants-appellees are likewise directed to COMMENT within a period of ten (10) days from notice on why the prayer for the issuance of a writ of preliminary injunction pending appeal should not be granted.

SO ORDERED."[25]

The TRO is clearly and specifically directed at "defendants-appellees" including "public respondent judge or any person under him." The defendants-appellees and public respondent judge in CA-G.R. CV No. 50623 were Biyaya Corporation, Judge Amatong and the Register of Deeds of Kalookan City. Judge Fineza of the RTC, Branch 131, Kalookan City was not among the defendants-appellees. If respondent judge still had doubts as to who the defendants-appellees were, the purpose of the TRO could not have been clearer. It expressly specified the *act* to be restrained, *i.e.*, "evicting and demolishing" and the *object* of the restraint, *i.e.*, "the family house" of complainant Villaflor. Clearly, the words of the TRO alone should have placed respondent judge on guard that the intention of the Court of Appeals was to maintain the status quo pending the outcome of the case for annulment of the MeTC judgment and the title of Biyaya Corporation.[26]

And yet, barely two days after receipt of the TRO, respondent judge ordered the sheriff to implement the writ of demolition. The next day, the writ was implemented and complainant's house was totally demolished. Respondent judge's order was done in precipitate haste and in direct defiance of the TRO of the Court of Appeals.

Respondent judge ought to know his place in the judicial ladder. Inferior courts must be modest enough to consciously realize the position that they occupy in the interrelation and

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[25] CA *Rollo*, pp. 59-60.

[26] See *Villaflor v. Sarita*, 308 SCRA 129, 136 [1999].

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operation of the integrated judicial system of the nation.[27] Occupying as he does a court much lower in rank than the Court of Appeals, respondent judge owes respect to the latter and should, of necessity, defer to the orders of the higher court.[28] The appellate jurisdiction of a higher court would be rendered meaningless if a lower court may, with impunity, disregard and disobey it.[29]

At this point, it is well to bear in mind the words of former Chief Justice Enrique M. Fernando in his concurring opinion in *Reliance Procoma, Inc. v. Phil-Asia Tobacco Corporation, viz:*

"x x x [T]he settled rule is that an order from the bench issued by a court acting within its jurisdiction is entitled to respect. It may come from a municipal or city court, or one of the next higher rank as that occupied by respondent judge or the Court of Appeals, as did happen here. This Court does not have to be the source. What cannot be ignored is that it would be productive of confusion if the parties could just disregard what has been so ordained. The appropriate procedure always is for the matter as thus decreed by any tribunal to be taken up on appeal. Where as did happen here, the Court of Appeals had spoken, the judge of the court of first instance was bound by what it said. If there is room for disagreement, a reconsideration can be sought, or the matter can be taken up, whenever appropriate, to this Court.

In the meanwhile, no evasion, much less defiance, is allowable. It is bad enough if the parties would be minded to do so. It is infinitely worse if the offender, as was the case here, was a judge of the Court of First Instance. *It would make a mockery of the legal order if one like respondent judge, precisely called upon to assure respect for legal processes, would act otherwise.* To say that he has been recreant to his trust is to put it mildly. For the contumacious conduct manifested by him has a much more corrosive effect in the public mind. To

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[27] *Golangco v. Villanueva*, 278 SCRA 414, 422 [1997]; *Luzon Stevedoring Corp. v. Court of Appeals*, 34 SCRA 73, 78-79 [1970]; *People v. Vera*, 65 Phil. 56, 82 [1937].

[28] *Nique v. Zapatos*, 219 SCRA 639, 642 [1993].

[29] *Ibid.*

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paraphrase Justice Brandeis, a government of laws demands that public officials observe scrupulously orders emanating from tribunals vested with competence. For the public looks up to them. For good or for ill, what they do sets the example. *Disrespect for the law is contagious. If the judge does not observe judicial norms, he is to all intents and purposes just as much a law-breaker. His conduct breeds contempt for the rule of law. It may ultimately lead to anarchy.* This may be to conjure too extreme an evil. It may be so, but where the observance of judicial decorum is concerned, more specifically the requirement of strict conformity to an order of an appellate tribunal, even the slightest infraction is not to be tolerated. *Obsta principiis* should be the rule."[30]

Indeed, the TRO was explicit in its language. Violating its purpose and language is patently contemptuous and merits a corresponding punishment.[31] The penalty of suspension recommended by Executive Judge Bayani Rivera cannot now be imposed however. Respondent judge retired from the judiciary on March 2, 2000, having reached the compulsory retirement age. The Court Administrator instead recommended a fine of ₱50,000.00. However, in view of the fact that respondent judge had already been held in contempt of court and penalized for the same act, we deem it best that justice be tempered with mercy and reduce the amount of fine to ₱20,000.00.

IN VIEW WHEREOF, respondent Judge Romanito A. Amatong, Metropolitan Trial Court, Branch 53, Kalookan City is found to have gravely abused his authority and is fined the amount of twenty thousand pesos (₱20,000.00), which amount shall be deducted from the proceeds of his retirement benefits.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Kapunan, Pardo, and *Ynares-Santiago, JJ.*, concur.

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[30] 57 SCRA 370, 379-380 [1974]; also quoted by the Court of Appeals in the Resolution finding respondent judge guilty of contempt in CA-G.R. CV No. 59623.

[31] *Moday v. Court of Appeals*, 243 SCRA 152, 154 [1995].