

### ### Title

**\*\*Marantan v. Diokno et al.: The Limits of Public Comment in Pending Litigations\*\***

### ### Facts

The case originated from the criminal proceedings against P/Supt. Hansel M. Marantan and his co-accused in the Regional Trial Court (RTC) of Pasig City, where they were charged with homicide relating to an incident on November 7, 2005 (Ortigas incident), which resulted in the deaths of Anton Cu-Unjieng, Francis Xavier Manzano, and Brian Anthony Dulay. The charges were initially filed as murder but were downgraded to homicide by the Office of the Ombudsman. Subsequently, Monique Cu-Unjieng La'O, mother of one of the victims, together with her legal counsel, Atty. Jose Manuel Diokno, and others, filed a petition in the Supreme Court (G.R. No. 199462) seeking to annul the Ombudsman's resolution and reinstate the murder charges.

While this petition was pending, a related incident in Barangay Lumutan, Atimonan, Quezon (Atimonan incident), involving Marantan, garnered negative publicity. La'O, Diokno, and another party held a press conference, which was broadcasted, criticizing the handling of G.R. No. 199462 and prematurely concluded the guilt of Marantan and his co-accused in the Ortigas incident. Marantan filed a petition against the respondents for indirect contempt under Section 3(d), Rule 71 of the Rules of Court, alleging violation of the sub judice rule for making comments that tended to impede, obstruct, or degrade the administration of justice.

### ### Issues

1. Whether the respondents' comments during the press conference were in violation of the sub judice rule, thus constituting indirect contempt.
2. Whether the comments posed a serious and imminent threat to the administration of justice, warranting restriction under the "clear and present danger" rule.

### ### Court's Decision

The Supreme Court dismissed Marantan's petition, holding that the respondents did not violate the sub judice rule. The Court noted that the rule restricts comments on pending judicial proceedings to avoid prejudging issues, influencing the court, or obstructing the administration of justice. However, for a statement to be considered in contempt, it must clearly demonstrate an impediment or threat to justice. The respondents' comments were determined to be expressions of their opinion and a reiteration of their position in the pending G.R. No. 199462, without any evidence of malicious intent or actual obstruction to justice. The Court emphasized that freedom of speech and public comment are protected,

and the power to punish for contempt should be exercised cautiously, only when necessary for justice.

### ### Doctrine

- The **Sub Judice Rule** limits public comments on judicial proceedings to protect the administration of justice from prejudgment, undue influence, or obstruction. Violation of this rule may constitute indirect contempt but requires clear intent to impede or threaten the administration of justice.
- The **“Clear and Present Danger” Rule** states that speech may only be restricted if it poses a serious, imminent threat to the administration of justice, reconciling the balance between freedom of speech and the judiciary’s independence.

### ### Class Notes

- **Sub Judice Rule**: Avoid commenting on ongoing legal proceedings to prevent undue influence or prejudgment.
- **Indirect Contempt**: Actions that indirectly obstruct the administration of justice; criminal intent must be proven.
- **“Clear and Present Danger” Rule**: Restriction on free speech is justified only when the speech presents a serious and immediate threat to the administration of justice.
- **Freedom of Speech**: Regarded highly, even in context of judicial proceedings, unless there’s a tangible threat to the justice system.

### ### Historical Background

This case reflects the tension between the principle of freedom of expression and the need to preserve judicial integrity and impartiality in the context of ongoing legal proceedings. It underscores the judiciary’s careful approach in balancing these interests, emphasizing the importance of intent and the actual impact of speech on legal processes.