

Title: Enrique A. Zaldivar vs. The Honorable Sandiganbayan and Honorable Raul M. Gonzalez (1988)

****Facts:****

Enrique A. Zaldivar, a defendant in several criminal cases pending before the Sandiganbayan for violations of the Anti-Graft and Corrupt Practices Act, challenged the authority of Raul M. Gonzalez, acting as Tanodbayan (Ombudsman), to independently investigate and file criminal cases against public officials claiming it was unconstitutional post the 1987 Constitution. Two petitions were filed by Zaldivar to the Supreme Court: (1) G.R. Nos. 79690-707 challenging the validity of Gonzalez's actions related to previous recommendations for criminal charges, and (2) G.R. No. 80578 challenging additional criminal charges recommended by Gonzalez. The Supreme Court issued Temporary Restraining Orders in both cases, effectively stopping Gonzalez from acting on the cases mentioned. Despite this, Gonzalez initiated Criminal Case No. 12570 against Zaldivar and his co-accused. This led to Zaldivar filing a motion to cite Gonzalez in contempt for disregarding the Court's restraining orders and for making derogatory public statements about the Court and its members, suggesting bias and accusing the Court of being unfair to those who are affluent.

****Issues:****

1. Whether Gonzalez's actions and public statements constituted contempt of court and deserved disciplinary sanctions.
2. Whether Gonzalez usurped the authority of the Ombudsman under the 1987 Constitution by filing criminal cases against Zaldivar.

****Court's Decision:****

The Supreme Court found Gonzalez guilty of contempt for his public statements that disrespected the Court and undermined its authority and integrity. The Court emphasized that while the freedom of speech is protected, it should not be used to impugn the dignity and integrity of the judiciary and its processes. The Court held that Gonzalez's remarks were not only an attack on the members of the Court but on the Judiciary as an institution, hence warranting disciplinary action. Gonzalez was indefinitely suspended from the practice of law until further orders from the Court.

****Doctrine:****

The Court reiterated the doctrine that the freedom of speech, while sacrosanct, is not absolute and must be balanced against the equally important public interest of maintaining

the integrity and orderly functioning of the judiciary. It also highlighted the Supreme Court's inherent power and duty to discipline members of the Bar and officers of the Court to ensure the proper administration of justice.

****Class Notes:****

- The ****right to free speech**** has constitutional limits, especially concerning criticism of the judiciary to ensure the respect and authority of courts are preserved.
- ****Contempt of court**** applies to actions or statements that disrespect, offend, or threaten the court or its officers, undermining the administration of justice.
- The ****Supreme Court**** has the inherent authority to discipline lawyers and officers of the court for actions constituting misconduct or contempt, as part of its duty to maintain the judiciary's integrity.

****Historical Background:****

This case highlights the tensions post-1987 Constitution between the emerging role of the Ombudsman and the traditional powers of the Tanodbayan under the previous constitutional setup. It underscores the adjustments in the legal and constitutional processes in the Philippines during the period of transition and democratization following the EDSA Revolution, emphasizing the importance of respect for judicial authority in the functioning of a democratic society.