

**\*\*Title:\*\***

APOLONIO CABANSAG, PLAINTIFF VS. GEMINIANA MARIA FERNANDEZ, ET AL.,  
DEFENDANTS. APOLONIO CABANSAG, ROBERTO V. MERRERA, and RUFINO V.  
MERRERA, RESPONDENTS AND APPELLANTS.

**\*\*Facts:\*\***

- On January 13, 1947, Apolonio Cabansag filed a complaint in the Court of First Instance of Pangasinan to eject Germiniana Maria Fernandez et al. from a piece of land.
- Defendants filed their answer and a motion to dismiss on January 31 and February 2, 1947, respectively. The motion to dismiss was denied.
- The case was set for hearing multiple times but was repeatedly postponed between July 30, 1947, and December 10, 1948.
- Incidents arose concerning claims for damages, issuance of a writ of preliminary injunction, and an alleged contempt due to a violated agreement.
- Judge Villamor ordered the stenographers to transcribe their notes from previous hearings, which were not completed, causing further delays.
- Hearings continued to be postponed until December 9, 1952, when Judge Pasicolan suggested transcription of the stenographic notes, a process that stagnated until August 12, 1954.
- Dissatisfied with the judicial delays, Cabansag wrote a letter to the Presidential Complaints and Action Commission (PCAC) on August 12, 1954, seeking intervention.
- Cabansag's letter expressed grievances against the stenographers and one of the opposing counsels for delaying the resolution of his case.
- The letter was endorsed by the Secretary of Justice and referred to Judge Jesus P. Morfe, who responded by citing legal specifics that did not obligate the stenographers to transcribe without payment.
- Atty. Manuel Fernandez, on behalf of the defendants, then moved to have Cabansag held in contempt for allegedly degrading remarks in the letter.
- Judge Morfe eventually ordered Cabansag to show cause why he should not be held in contempt and included his lawyers in the contempt charge for their knowledge and consent in the writing of the letter.

**\*\*Issues:\*\***

1. Did Cabansag's letter to the PCAC tend to put the lower court into disrepute, degrade, or embarrass it in its administration of justice?
2. Did the letter from Cabansag potentially undermine the judicial independence by prompting PCAC's intervention?

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

- The Supreme Court acknowledged the power of the courts to preserve their integrity and maintain their dignity through contempt powers.
- The Court noted the balance between preserving judicial independence and the right to petition for grievances.
- Upon analysis, the Supreme Court determined that Cabansag's letter did not aim to ridicule or degrade the court but was an appeal for assistance due to frustration over undue delays.
- Cabansag's remarks were found to criticize opposing counsel rather than the court itself and did not pose a substantial threat to judicial administration.
- The Court held that addressing the letter to the PCAC did not necessarily result in a contemptuous act.
- The Court cited the "clear and present danger" and "dangerous tendency" tests, concluding that the letter did not present a sufficiently imminent threat to the administration of justice to justify a contempt finding.
- Consequently, the judgment of the lower court was reversed regarding Cabansag and his lawyers, emphasizing freedoms guaranteed by the Constitution.

**\*\*Doctrine:\*\***

- Constitutional right to petition the government for redress must be balanced with the need to maintain judicial independence.
- The "clear and present danger" rule and the "dangerous tendency" rule are used to determine the boundaries of freedom of expression, particularly concerning contempt.
- Freedom of public comment should weigh heavily against the tendency to influence pending judicial proceedings unless a serious imminent threat is evident.

**\*\*Class Notes:\*\***

- **\*\*Freedom of Expression vs. Judicial Independence\*\***: This case explores the balancing act between these two important principles. Understand the "clear and present danger" rule (Schenck v. U.S.) and the "dangerous tendency" rule (Gitlow v. New York).
- **\*\*Contempt of Court\*\***: The power of courts to punish for contempt to preserve their integrity and independence.
- **\*\*Constitutional Right to Petition\*\***: Citizens have the right to petition the government for redress of grievances (Article III, Section 4 of the Philippine Constitution).
- **\*\*Legal Procedures and Delays\*\***: The procedural history showcases the impact of judicial delays on litigants and how these delays led to an appeal for executive intervention.
- **\*\*Case References\*\***: U.S. cases such as Schenck vs. U.S., Bridges vs. California, and

Pennekamp vs. Florida.

**\*\*Historical Background:\*\***

- The backdrop of this case is post-World War II Philippines under President Ramon Magsaysay, who created the PCAC (Presidential Complaints and Action Commission) to address public grievances against government officials. Cabansag leveraged this new mechanism due to dissatisfaction with prolonged judicial processes, highlighting executive measures to improve public service and accountability in the aftermath of the war.