

CLETO P. EVANGELISTA, PETITIONER, VS. HON. GABINO R. SEPULVEDA, PRESIDING JUDGE, COURT OF AGRARIAN RELATIONS, TWELFTH REGIONAL DISTRICT, ORMOC CITY, RESPONDENT.

G.R. No. L-33744. April 28, 1983

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Cleto P. Evangelista, the petitioner, was one of the defendants in CAR Case No. 1110 which was decided by respondent judge Gabino R. Sepulveda on August 22, 1969, against the defendants. Petitioner Evangelista as counsel for himself and his co-defendants appealed the decision to the Court of Appeals where it was docketed as C.A.-G.R. No. 44226-R.

In his appeal brief, Evangelista made the following statements with reference to the appealed decision:

"THIS BLUNDER of the TRIAL COURT, AT ONCE SHOCKING AND UNPARDONABLE, BETRAYS BOTTOMLESS IGNORANCE OF LEGAL FUNDAMENTALS AND IS A BLACK REFLECTION ON THE COMPETENCE OF ITS INCUMBENT. IT COULD BE A GROUND FOR PROSECUTION AND ADMINISTRATIVE ACTION.

"This shocking, colossal blunder deserves condemnation no end and cries for immediate relief in order to avoid repetitions of miscarriages of justice."

Alas, the strong language was unavailing for the appellate court dismissed the appeal on April 29, 1971.

Someone must have squealed on Atty. Evangelista; that someone must have told Judge Sepulveda about the language used by the attorney in his brief which caused the judicial temper to soar and as a result of which on May 21, 1971, Evangelista was "ordered to . . . show cause why he should not be punished for contempt, within five (5) days from service of copy hereof."

Evangelista moved to quash on the ground that even if his statements were contumacious, the contempt was against the Court of Appeals and not against the Court of Agrarian Relations which had long lost control of CAR Case No. 1110. In other words, he argued that Judge Sepulveda had no jurisdiction over the statements, allegations and averments made in the brief filed with the Court of Appeals.

The motion to quash was denied. In the meantime, Atty. Evangelista was arrested and he had to post a P500.00 bond to effect his release.

Judge Sepulveda was poised to try the case for indirect contempt on July 13, 1971, but Atty. Evangelista filed the instant petition on July 8, 1971, where he prays that the respondent judge be ordered to dismiss the proceedings for indirect contempt for the same reason adduced in his motion to quash.

The petitioner has a point. The language used in his brief may have been personally offensive to Judge Sepulveda but it is not necessarily contumacious. While We do not encourage but in fact deplore the use of strong language

in judicial proceedings, We do recognize that sometimes lawyers get carried away and forget themselves especially when, as in this case, they act as their own counsel. Moreover, even if the language be regarded as contumacious the contempt, as correctly pointed out, was against the Court of Appeals and not against the court presided by Judge Sepulveda. It was not for Judge Sepulveda to act for the Court of Appeals. And if he had felt insulted (public officers should be tolerant of criticism and should not be onion-skinned), he should have sought redress by other means. It was not seemly for him to be judge of his own cause.

WHEREFORE, the petition is granted, and the case for indirect contempt against the petitioner is hereby ordered dismissed. No costs.

SO ORDERED.

Makasiar (Chairman), Aquino, Guerrero and Escolin, JJ., concur.

Concepcion Jr., J., took no part.

De Castro, J., I reserve my vote.

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