

ROSAURO PARAGAS, PETITIONER, VS. FERNANDO A. CRUZ, JUDGE OF THE COURT OF FIRST INSTANCE OF CALOOCAN CITY, THE CITY FISCAL OF CALOOCAN CITY AND ELPO (EL POR VENIR RUBBER PRODUCTS...

G.R. No. L-24438. July 30, 1965

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

In asking for reconsideration of this Court's dismissal of his petition for certiorari in the above-entitled case, Atty. Jeremias T. Sebastian, acting as counsel de parte for petitioner Rosauro Paragas, stated the following in his written motion, filed on May 22, 1965:

"The petitioner respectfully prays for a reconsideration of the resolution of this Honorable Court dated April 20, 1965 on the ground that it constitutes a violation of Section 14 of Rule 112 of the Rules of Court promulgated by this very Hon. Supreme Court, and on the further ground that it is likewise a violation of the most important right in the Bill of Rights of the Constitution of the Philippines, a culpable violation which is a ground for impeachment.

* * * * *

The rule of law in a democracy should always be upheld and protected by all means, because the rule of law creates and preserves peace and order and gives satisfaction and contentment to all concerned. But when the laws and the rules are violated, the victims resort, sometimes, to armed force and to the ways of the cavemen! We do not want Verzosa and Reyes repeated again and again, killed in the premises of the Supreme Court and in those of the City Hall of Manila. Educated people should keep their temper under control at all time; But justice should be done to all concerned to perpetuate the very life of Democracy on the face of the earth."

Considering the foregoing expressions to be derogatory to its dignity, this Court, by Resolution of June 2, 1965, after quoting said statements, required Atty. Sebastian to show cause why administrative action should not be taken against him.

On June 18, 1965, counsel filed an "explanatory memorandum" stating:

"When we said that the said violation is a ground for impeachment, the undersigned did not say that he would file impeachment proceedings against the Justices who supported the resolution. We said only what we said. The task of impeaching the highest Justices in this country is obviously not the task for a common man, like the undersigned; it is a herculean task which only exceptional men, like Floor Leader Jose Laurel Jr., can do. In addition to this, we do not have the time, the means and the strength for this purpose.

"The assertion that "But when the laws and the rules are violated, the victims resort sometimes, to armed force and to the ways of the cavemen! We do not want Verzosa and Reyes repealed again and again, killed in the premises of the Supreme Court and in those of the City Hall of Manila, is only a statement of fact and of our wish. We learn from observation that when the laws and the rules are violated, the victims, sometimes, resort

to armed force and to the ways of the cavemen, as shown in the case of Luis M. Taruc and in the case of Jesus Lava, both of whom went to the mountains when they were not allowed to take their seats in the House of Representatives and, according to the newspapers, one was charged with murder and was found guilty. It was only recently that Jesus Lava surrendered to the authorities. We had this said recollection when we wrote the underlined passage mentioned in this paragraph. While, writing that BRIEF MOTION FOR RECONSIDERATION, the thought of Verzos'a and Reyes flashed across the mind of the undersigned as the shooting of those two government employees must have resulted from some kind of dissatisfaction with their actuations while in office. We stated or the undersigned stated that we are against the repetition of these abominable acts that surely disturbed the peace and order of the community. Shall the undersigned be punished by this Honorable Supreme Court only for telling the truth for telling what happened before in this country? Our statement is clear and unmistakable, because we stated "We do not want Verzosa and Reyes repeated * * *". The intention of the under signed is likewise clear and unmistakable; he is against the repetition of this acts of subversion and hate!"

We find the explanation submitted to be unsatisfactory. The expressions contained in the motion for reconsideration, previously quoted, are plainly contemptuous and disrespectful, and the reference to the recent killing of two employees is but a covert threat upon the members of the Court.

That such threats and disrespectful language contained in a pleading filed in Court are constitutive of direct contempt has been repeatedly decided (*Salcedo vs. Hernandez*, 61 Phil. 724; *People vs. Varturanza*, 52 Off. Gaz., 769; *Medina vs. Rivera*, 66 Phil. 151; *De Joya vs. Court of First Instance of Rizal*, 99 Phil., 907; *Sison vs. Sandejas*, L-9270, April 29, 1959; *Lualhati vs. Albert*, 57 Phil. 86). What makes the present case more deplorable is that the guilty party is a member of the bar; for, as remarked in *People vs. Carillo*, 77 Phil. 580—

"Counsel should conduct himself towards judges who try his cases with their courtesy that all have a right to expect. As an officer of the Court, it is his sworn and moral duty to help build and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice."

"It is right and plausible that an attorney in defending the cause and rights of his client should do so with all the fervor and energy of which he is capable, but it is not, and never will be so for him to exercise said right by resorting to intimidation or proceeding without the propriety and respect which the dignity of the courts require." (*Salcedo vs. Hernandez*, (In re Francisco), 61 Phil. 729).

Counsel's disavowal of any offensive intent is of no avail, for it is a well-known and established rule that defamatory words are to be taken in the ordinary meaning attached to them by impartial observers.

"A mere disclaimer of any intentional disrespect by appellant is no ground for exoneration. His intent must be determined by a fair interpretation of the languages by him employed. He can not escape responsibility by claiming that his words did not mean what any reader must have understood them as meaning" (*In re Franco*, 67 Phil. 313).

Wherefore, Atty. Jeremias T. Sebastian is hereby found guilty of direct contempt, and sentenced to pay a fine of P200.00 within ten days from notice hereof, or, in case of default to suffer imprisonment not exceeding ten (10) days. And he is warned that a subsequent repetition of the offense will be more drastically dealt with.

Bengzon, C. J., Bautista Angelo, Concepcion, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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