

**SOUTHERN BROADCASTING NETWORK, REPRESENTED BY ITS
PRESIDENT AND GENERAL MANAGER, CARMEN B. PACQUING,
PETITIONER, VS. DAVAO LIGHT AND POWER CO., INC. AND JOSE L.
SIAN, RESIDENT M...**

G.R. No. L-41355. July 25, 1980

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a petition to cite Mrs. Carmen B. Pacquing, as petitioner's representative, for contempt of court.

Private respondents' petition for contempt stemmed from a letter written by said Carmen B. Pacquing, dated February 28, 1976, and addressed to President Ferdinand E. Marcos asking the President to intervene in her case so that her motion for reconsideration of the resolution of this Court dated January 26, 1976 denying for lack of merit her petition for review on certiorari, may favorably be granted.

Pertinent portion of Mrs. Pacquing's letter (pp. 106-108, rec.) reads:

"His Excellency
President Ferdinand E. Marcos
Malacañang, Manila

Thru: The Honorable
Secretary Jose Abad Santos
Department of Justice
Manila

Re: Supreme Court-G.R. No. L-41355
Southern Broadcasting Network,
et al. vs. Court of Appeals, et al.

"Your Excellency:

Please intervene on my behalf by virtue of the powers vested upon you by the constitution as Commander-in-Chief of the Armed Forces of the Philippines and pursuant to the Presidential Proclamation No. 1081 dated September 21, 1972 to the Chief Justice, Supreme Court of the Philippines, Manila, to grant my motion for reconsideration of the resolution of the Supreme Court dated January 26, 1976 denying my petition for review on certiorari xxx.

xx xx xx xx

"xxx I hope you can see your way clear to extend to me the 'The Scale of Justice that is balance,' which under the New Society is sincerely advocating to review my case and to extend to me my request for reconsideration.

xx xx xx xx

Respectfully yours,

(SGD.) [Mrs.] CARMEN B. PACQUING"

The principal issue raised before Us is whether by writing her letter dated February 28, 1976 to the President of the Philippines, the herein petitioner's representative, Mrs. Carmen B. Pacquing, has committed an improper conduct tending to bring the authority and the administration of justice by this Court into disrespect or disregard.

The Court, in its resolution dated April 2, 1976, required the petitioner's representative to comment on said petition. On May 8, 1976, petitioner's representative filed her comment. In her said comment, she stated, among others, that there is nothing in her letter that directly or indirectly degrades the administration of justice; and that "layman as she is, she was simply moved by the desire to protect the interest of the petitioner in the case and in doing so, she manifested her misgivings as an ordinary layman about the denial of the petition." She went on to say that "since the advent of martial law in the Philippines, almost everybody from all walks of life, wrote letters to the President for intervention in their behalf for various reasons." She further said that her letter merely pleads for intervention from the President because she "believes that said petition is very meritorious if due course was extended and the case reviewed" (pp. 150, 151 & 153, rec.).

Subsequently, in a resolution dated May 27, 1976, this Court referred private respondents' petition to cite Mrs. Carmen B. Pacquing in contempt of court to Atty. Vitalico A. Umali, Jr. for investigation and report. On September 20, 1976, he submitted his report. Pertinent portion of this report reads:

"Undeniably, when the petitioner's representative wrote and sent her said letter, she knew about the pendency of the petitioner's motion for reconsideration of the resolution of the Honorable Court of January 26, 1976 denying for lack of merit its petition for certiorari. This she admitted, and as stated by her counsel, upon his receipt of the January 26th resolution of denial, he informed her that he was going to file a motion for reconsideration thereof to which she agreed. Thereafter, she was even shown the final draft of the motion for reconsideration and after it was actually filed, he informed her about it.

"When asked what she meant by requesting the President to 'intervene,' the witness explained that she was appealing to him to help her with the case which she considered as her 'problem', stating that what precipitated her to write the letter was the instruction which the President himself personally gave to her when together with the other broadcast media managers she went to see him. The President, according to her, even asked her in Ilocano whether she had any problem and answering him also in Ilocano, she curtly replied that she had one, without mentioning what it was. Allegedly, she was then told by the President to write to him about her 'problem.'

"Although as earlier stated Mrs. Pacquing had knowledge of the pendency of the motion for reconsideration, she nevertheless wrote and sent her letter to the President with the purpose of appealing for his help 'only for the review of the case' which she herself judged to be very meritorious.

"It is noteworthy that despite her being a holder of the degree of Bachelor of Laws as declared by her, the petitioner's representative herein was ignorant that under the theory of separation of powers the Honorable Tribunal is not subordinate to and may not be directed by the President on what its decision should be in any case before it.

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"In her attempt to quash the contempt charge filed by the respondents against her, the petitioner's representative alleges that her letter was an appeal to the President 'only for the review' of the case which she herself judged to be 'meritorious.' She contends that she acted in good faith in writing the letter which was merely an expression of her 'misgiving' on the denial of the petition for certiorari, and that the intervention of

the President will not be effective anyway inasmuch as the case will be decided by the Honorable Court regardless of his intervention.

"The said allegations of the herein petitioner's representative apart from its lack of merit shows the incongruity of her position. In the first place, as a holder of the degree of Bachelor of Laws, she should know that a judicial proceedings, such as the present case, is strictly a function which should be left entirely to the courts until its final termination without out-side interference or intervention. Clearly unacceptable also therefore is her view that the case is meri-torious and that she was only asking the President for a review thereof, otherwise its adoption would allow her as a party litigant to arrogate unto herself the authority and jurisdiction which appertains exclusively to the courts. Secondly, her claim of having acted in good faith in writing the letter is betrayed by her statement that her said letter was merely an expression of her 'misgiving' on the denial of the petition for certiorari, because the connotation of 'misgiving' showed her lack of confidence and trust in the administration of justice by the Honorable Court. And thirdly, if as argued by her the intervention of the President will be ineffective, because the Honorable Court will decide the case regardless of his intervention, then she should know that writing the letter was an exercise in futility.

"In the letter in question, in an obtrusive language she also stated in part --

'Viewed from the above reasons, I hope you can see your way clear to extend to us the "The Scale of Justice that is balance," which under the New Society is sincerely advocating to review my case and to extend to me my request for reconsideration.'

She gave an illogical explanation that her said statement did not mean that the Honorable Court had maintained an unbalanced scale of justice when it denied the petition for certiorari. But even a cursory reading thereof would strongly imply -- as undoubtedly it would lead one to interpret it to mean -- that in resolving against the petition the Honorable Court did not maintain its equilibrium, hence was unfair in its judgment. She not only tended to malign and discredit the Honorable Court by such language, but she also showed a supercilious attitude towards it.

"As correctly pointed out by the respondents, Mrs. Carmen B. Pacquing previously committed a reprehensible conduct when she directly intervened in the judicial proceedings in the Court of Appeals by signing and filing in behalf of the petitioner's lawyer on record a motion for reconsideration of the decision of the said Court denying the petition for the issuance of a writ of preliminary injunction filed by the petitioner against the same respondents in this case. It is certainly erroneous for her to contend that she had personal interest in the case and that if she were to go to Davao where petitioner's counsel resides she will not be able to catch up with the time for the filing of the motion. Aside from the fact that the petitioner was duly represented by its lawyer on record, she is not entitled to prac-tice law since she had not been duly admitted as a member of the bar, having flunked in the required examination given in 1949.

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"In the imposition of the punishment, it may be considered that, as earlier pointed out, the herein petitioner's representative had directly intervened in a previous judicial proceedings involving the case at bar in the Court of Appeals by signing and filing a motion for reconsideration of the decision of the said court, despite the fact that petitioner was duly represented by its lawyer on record and notwithstanding her incapacity to practice law; and that she had apparently a predisposition to follow the contu-macious attitude of her husband, Mr. Isabelo L. Pacquing, whom the Court a quo declared in contempt of court for having written a letter-complaint to the President charging the said court with injustice and partiality in its denial of the petition for the issuance of a writ of preliminary injunction filed by the petitioner against the same respondents also in this case" (pp. 199--209, rec.).

WE find the foregoing report of the investigator to be well-taken. It does appear clear that petitioner's representative acted in bad faith in writing her letter of February 28, 1976 knowing fully well that petitioner's motion for reconsideration of the resolution dated January 26, 1976 was still pending with this Court. (Undoubtedly, Mrs. Pacquing's letter asking the President to "intervene" in her case so that her motion for reconsideration of the resolution of this Court denying for lack of merit her petition for review on certiorari may be granted, constitutes an improper conduct tending to degrade and/or obstruct the orderly administration of justice. By writing said letter, herein petitioner's representative showed disrespect to as well as disregard of the authority of this Court as the final arbiter of all cases appealed to it. Moreover, in asking the President to extend to her "The Scale of Justice that is balance," petitioner's representative in effect impugns the integrity and independence of the Supreme Court and insinuates that this Court cannot extend to her a judgment in accordance with justice, which is entirely as presumptuous as it is baseless.

WE cannot accord credence to her pretension that "there is nothing in her letter which indicates any deliberate design on her part to cast reflection on the integrity of this Court or to degrade the administration of justice" as the records clearly show her contumacious attitude towards this Court. As a law graduate, petitioner's representative ought to know that the Judiciary is an independent and a co-equal branch of the government and not subordinate to or may not be directed by the President as to what its decision should be in a given case.

The incongruity of Mrs. Pacquing's stand is even made more apparent with her claim that in writing her letter, she was only asking the intervention of the President in her case which she "sincerely believe(s)" as "very meritorious" (p. 106, rec.) and that "even if the President intervenes in the case, any such intervention is ineffective because the Honorable Supreme Court will render its verdict or decide the case regardless of the President's intervention" (p. 152, rec.). WE hold that such actuation of herein petitioner's representative only bespeaks more of her contumacious attempt to trifle with the orderly administration of justice because if she knew that this Court will ultimately decide the case "regardless of the President's intervention," then she should have desisted from writing to the President.

In the light of the foregoing, there is no doubt that Mrs. Pacquing committed an "improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice" (Section 3, par. [d], Rule 71, Rules of Court) and impair the respect due to the courts of justice in general, and the Supreme Court, in particular.

"x x Acts which bring the court into disrepute or disrespect or which offend its dignity, affront its majesty, or challenge its authority constitute contempt of court. x x" (12 Am. Jur. 395; *People vs. de Luna*, Nos. L-10236-48, Jan. 31, 1958; 54 O.G. 6422).

WHEREFORE, WE FIND MRS. CARMEN B. PACQUING, AS PETITIONER'S REPRESENTATIVE, GUILTY OF CONTEMPT OF COURT AND HEREBY IMPOSE UPON HER A SEVERE REPRIMAND WITH A WARNING THAT A REPETITION OF THE SAME OR ANALOGOUS ACT WILL BE DEALT WITH GREATER SEVERITY.

SO ORDERED.

Teehankee, (Chairman), Fernandez, De Castro, and Melencio-Herrera, JJ., concur.
Guerrero, J., on leave.

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