

HAYDEE HERRAS TEEHANKEE VS. DIRECTOR OF PRISONS ET AL. IN RE ANTONIO QUIRINO, RESPONDENT.

G.R. No. L-278 [1]. May 04, 1946

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PER CURIAM:

For the first time, this body is called upon to sit in proceedings for contempt committed against it by a judge of a lower court. The situation is novel, but the governing principles are not uncertain, parallel incidents having happened before in other jurisdictions under the American flag.

There is no dispute as to the facts:

On February 16, 1946, by a six-to-five resolution, we directed that, upon filing a bond of fifty-thousand pesos, Haydee Herras Teehankee, a political detainee, be forth-with released from official custody. The resolution upset a previous order of the fifth division of the People's Court denying her petition for bail under Act No. 682. Three days later, Judge Antonio Quirino, a member of said division, speaking in the presence of newspaper reporters and publication, criticized this Supreme Court for allegedly committing its biggest blunder" because it "robbed" the People's Court of its "inherent power" to decide cases for bail. Mincing no words, he said: "The Supreme Court has no intellectual leadership. What it has is mere sentimental leadership. " In the heat of the denunciation he added that the case had been decided against him "by quantitative voting, not qualitative," even branding some of the members of this Court as "intellectually dishonest." His words were accordingly published in several local dailies.

It was unusual for a judge, so to talk publicly to defend his decision that had been reversed by a higher Tribunal. It was unheard of that an inferior judge should so warmly uphold his views in a case. Local judges had heretofore regarded reversals as mere differences of opinion, involving no personal considerations. But the respondent, judge of a court of recent creation, hated the beaten path. He sought to blaze a new trail. He knew—so he asserted— that, as a private citizen, he had the privilege to criticize this Court's pronouncements, in the exercise of his constitutional privilege of free speech.

Unfortunately he spoke too soon. Our resolution specifically announced the intention of the majority to write and promulgate a more extended decision, and the reservation of the dissenting members to deliver a written opinion. The cause had not finally ended, not only because of that reservation, but also because it was still open to a motion for reconsideration. And it is a known principle in these parts that "newspaper publications tending to impede, obstruct, embarrass, or influence the courts in administering justice in a pending suit or proceeding, constitute criminal contempt which is summarily punishable." (In re Abistado, 57 Phil., 668; In re Torres, 55 Phil., 799.)

Now, realizing that little respect is due to a court that will hesitate to check or discipline any of its attorneys or officers who are so devoid of professional ethics and ordinary courtesy as to misrepresent and vilify it * * without any cause or semblance of reason (Re Breen, 17 L. R. A- [N. S.], 572, 580), we required respondent to answer why he should not be punished for such contemptuous behavior. For it is settled that "When it conies * * * to the knowledge of the presiding justice of a court that (contemptuous) articles are published in a newspaper *' * * the

court of its own motion can (and should) institute proceedings for contempt. Such a power in the court is necessary for its own protection against an improper interference with the due administration of justice, and it is not dependent upon the complaint of any of the parties litigant *' * *'" (Telegram Newspaper Co. vs. Commonwealth, 172 Mass., 294; 44 L. R. A., 159.) Chief Justice Taft concurring Craig vs. Hecht (68 Law., ed., 293, 300). And it is now unquestioned that the court itself is competent to deal with, and pass upon, such direspectfull conduct. (17 C. J. S., pp. 66 and 79.)

Appearing in his own behalf, Judge Quirino argued in exculpation, that, at the time he made the caustic remarks, the Teehankee litigation was no longer pending, because said detainee was already at liberty, under bail. The fact remains, however, that this court had not written its full-dress decision and the dissenting opinion, as it had announced. And Teehankee's liberty was subject always to any adverse conclusion which this court might arrive at, in a motion for reconsideration, if any. It may be explained at this juncture, that the release of said detainee, pending the promulgation of an extended opinion, was ordered in the exercise of this court's power to make such orders as may be necessary to expedite proceedings in special civil actions, and to render judgment for such relief prayed for as the petitioner is entitled to * * * as justice requires. The Court had not yet exhausted its power over the litigation. There was something yet to be done in the premises, and the publication of the criticism, aside from its strongly intemperate language, tended to embarrass this Court in the performance of its functions. To be specific: At the time of adopting the resolution, the Majority members made up their minds to announce in the extended decision that, as a general rule, in cases of abuse of discretion in the matter of bail, our judgment should be to return the case to the People's Court with a direction for the granting of bail; but in this particular case, in view of the long process Which the petitioner ha to undergo, the majority thought it conformable to equity and justice that she should be bailed immediately. After the criticism had been launched, it became a bit embarrassing for said majority members to expound that view in the full-dress opinion, because the public might suspect they had receded somewhat from their stand, falsely represented as "robbing" the People's Court of its power to grant bail Again, the minority members proposed to question our authority directly to grant bail. After Judge Quirino, without waiting for their dissent, had publicly raised the same doubt, said minority felt uneasy to appear as taking the cue from him. And so of other phases of the issue.

It is this harmful obstruction and hindrance that the judiciary strives to avoid, under penalty of contempt. As this Supreme Court once stated, it must "insist on being permitted to proceed to the disposition of its business in an orderly manner, free from outside interference obstructive of its functions and tending to embarrass the administration of justice." (In re Torres, supra.) For, as explained in another decision, "The publication of a criticism of a party or of the court to a pending cause, respecting the same, has always been considered as misbehavior, tending to obstruct the administration of justice and subjects such persons to contempt proceedings. Parties have a constitutional right to have their causes tried fairly in court, by an impartial tribunal, uninfluenced by publications or public clamor. Every citizen has a profound personal interest in the enforcement of the fundamental right to have justice administered by the courts, under the protection and forms of law, free from outside coercion or interference. (Copper vs. People, 13 Colo., 373.)" (In re Kelly, 35 Phil-944, 951.)

"* * * any act, conduct, or directing agency pertaining to pending proceedings 'intended to play on human frailty, and to deflect and deter the court from the performance of its duty, and drive it into a compromise with its own unfettered judgment, by placing it, through the medium of knowingly false assertion, in a wrong position before a public which has little opportunity to investigate the facts and ascertain the truth,' regardless of results, 'clearly constitutes "an obstruction to the administration of justice," ' and is contemptuous and within the inherent power of the court to punish. United States Craig (D. C), 266 Fed., 230; Michaelson vs. United States, 266 U.S., 42, 65; 69 Law. ed., 162, 167; 35 A. L. R., 451; 45 Sup. Ct. Rep., 186 Ind., 396; 114 N. E., 866; Dale vs. State, 198 Ind., 110; 49 A.L. R., 647; 150 N. E., 781."

Under the authorities, it is clear that the Teehankee case was still pending at the time of the vexatious comments. As summarized in 17 C. J. S., p. 44, "A cause remains pending so long as there is still something for the court to do therein, the doing of which may be embarrassed, impeded, or obstructed by the complained of publication."

It is no defense to say, as Judge Quirino said, that he thought the matter had ended. Ignorance of the law is no excuse. "A man's fate often depends, * * *, on that he will estimate rightly. If his judgment is wrong, not only may he incur a fine or a short imprisonment, he may even incur the penalty of death." (Nash vs. United States, 229 U. S., 373; Williams vs. North Carolina, 325 U. S., 226.) This same remark applies to his belief that the resolution was void. It was not void, and in taking his stand he incurred the risk.

Neither is it a defense that the blast had been provoked by certain allegedly offensive paragraphs or phrases contained in the dissenting opinion of a member of this court in a previous case, already terminated, *Herras Teehankee vs. Rovira* (75 Phil., 634) ; because everybody knows and respondent ought to know, that the dissenter's views are Peculiarly his own, not binding on this Court.

The respondent also claimed at the oral argument that he had no intention in any way to commit contempt. The plea is not made under oath, respondent having declined to testify before the investigator designated by this Court, thereby evading a cross-examination on that particular point. Anyway, whether or not an act constitutes contempt depends on its nature and not in the presence of actual intent. (17 C. J. S., p. 10.) Although the absence of such intent may-be considered in mitigation of the offense. (17 C. J. g P-44.)

In this connection, the Court must refuse to delve into the question of validity or correctness of the assailed resolution. We did so in the extended decision soon to be promulgated. The proper place for any further discussion would be in a motion for reconsideration, if any, of such decision.

In view of the foregoing considerations, we reach the unanimous conclusion that the respondent judge committed contempt.

Justice Johnson, speaking for the Court in *In re Kelly* (35 Phil., 944), dismissing the contention that this Court had no power to punish for contempt because the statutes contained no provisions expressly authorizing it, proved that the power to punish for contempt is inherent in all courts, and sentenced the culprit to be imprisoned for a period of six months and to pay a fine of P1,000.

In other contempt cases arising from obnoxious publications, a fine was imposed: (*In re Lozano and Quevedo*, 54 Phil., 801; *In re Abistado*, supra; and *In re Torres*, supra.)

Once in Nevada, a district judge, after reversal of his decision by the State Supreme Court, publicly asserted the higher court had made a statement of facts not supported by the record and had reprehensibly reversed the law accepted for forty years. The Supreme Court of Nevada, after hearing, suspended him from the practice of law, until further orders, and "unless within twenty days from the filing of the opinion" he gives satisfaction, "a further order will be entered disbaring him" forever. (*Re Breen*, supra; see also *Re Fite*, 11 Ga. App., 665; 76 S. E., 397; 49 A. L. R., 663.)

On the other hand, this court has adopted the health principle that in these matters we must be tolerant, the object being correction, not retaliation. (*In re Torres*, supra.) Representatives of the Philippine Bar Association and of the Lawyer's Guild, appearing as amici curiae, pleaded for a liberal attitude, assuring us the publication had not in the least affected the court's prestige and standing, albeit manifesting anxious concern over individual freedom of speech and of the press. There should be no apprehension in that regard because this court believes—

"That the constitutional guaranty of freedom of speech and press must be protected in its fullest extent, but license or abuse of liberty of the press and of the citizen should not be confused with liberty in its true sense;

that as important as is the maintenance of an unmuzzled press and the free exercise of the rights of the citizen is the maintenance of the independence of the judiciary;" (In re Abistado, supra)

Respondent himself, at the oral argument, made efforts 'to show he meant no offense. In view of the circumstances and the fact that respondent is a recent appointee to the judiciary, it is the sense of all the members in consultation assembled, that the ends of justice will be met if Judge Antonio Quirino is given a reprimand, with the warning that a repetition of the offense will be drastically dealt with.

Wherefore, he is hereby reprimanded.

Moran, C. J., Ozaeta, Paras, Jaranilla Feria, De Joya, Pablo, Perfecto, Hilado, Bengzon, and Briones, JJ.

Respondent reprimanded.

[1] See July 18, 1946, p. 756, post.

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