

LORENZO SHIPPING CORPORATION, OCEANIC CONTAINER LINES, INC., SOLID SHIPPING LINES CORPORATION, SULPICIO LINES, INC., ET AL., PETITIONERS, VS. DISTRIBUTION MANAGEMENT ASSOCIATION...

G.R. No. 155849. August 31, 2011

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The petitioners filed this petition to charge the respondents with indirect contempt of court for including allegedly contemptuous statements in their so-called Sea Transport Update concerning the Court's resolutions dated June 5, 2002 and August 12, 2002 issued in G.R. No. 152914 entitled Distribution Management Association of the Philippines, et al. v. Administrator Oscar Sevilla, Maritime Industry Authority, et al.

Antecedents

On June 4, 2001, the Maritime Industry Authority (MARINA) issued a Letter-Resolution,[1] advising respondent Distribution Management Association of the Philippines (DMAP) that a computation of the required freight rate adjustment by MARINA was no longer required for freight rates officially considered or declared deregulated in accordance with MARINA Memorandum Circular No. 153 (MC 153).

For clarity, MARINA issued MC 153 pursuant to Executive Order No. 213 (EO 213) entitled Deregulating Domestic Shipping Rates promulgated by President Fidel V. Ramos on November 24, 1994.[2]

On July 2, 2001, in order to challenge the constitutionality of EO 213, MC 153, and the Letter-Resolution dated June 4, 2001, DMAP commenced in the Court of Appeals (CA) a special civil action for certiorari and prohibition, with prayer for preliminary mandatory injunction or temporary restraining order (CA-G.R. SP No. 65463). On November 29, 2001,[3] however, the CA dismissed the petition for certiorari and prohibition and upheld the constitutionality of EO 213, MC 153, and the Letter-Resolution dated June 4, 2001.[4] Later, on April 10, 2002, the CA denied DMAP's motion for reconsideration.[5]

DMAP appealed to the Court (G.R. No. 152914), but on June 5, 2002,[6] the Court denied DMAP's petition for review on certiorari "for petitioners' failure to: (a) take the appeal within the reglementary period of fifteen (15) days in accordance with Section 2, Rule 45 in relation to Section 5(a), Rule 56, in view of the foregoing denial of petitioners' motion for extension of time to file the petition; and (b) pay the deposit for sheriff's fee and clerk's commission in the total amount of P202.00 in accordance with Sections 2 and 3, Rule 45 in relation to Section [c], Rule 56 and paragraph 1 of Revised Circular No. 1-88 of this Court."

On August 12, 2002,[7] the Court denied with finality DMAP's motion for reconsideration.

In October 2002, DMAP held a general membership meeting (GMM) on the occasion of which DMAP, acting through its co-respondents Lorenzo Cinco, its President, and Cora Curay, a consultant/adviser to Cinco, publicly

circulated the Sea Transport Update,[8] which is reproduced as follows:

SEA TRANSPORT UPDATE

Oct. 2002 GMM

20% GRI RATE INCREASE ISSUE

1. The Motion for Reconsideration filed with the Supreme Court was denied based on technicalities and not on the legal issue DMAP presented.

Small technical matter which should not be a cause for denial (like the amount of filing fee lacking & failure to indicate date of receipt of court resolution)

> Some technical matters that could cause denial

- Failure to file on time and to file necessary pleadings
- Failure to provide copies to respondents.

> Legal issue DMAP presented

- Public Service Act
- Regulated or Deregulated
- MC 153
- Supreme Court ruling issued in one month only, normal lead time is at least 3 to 6 months.

WHAT TO EXPECT?

1. Liners will pressure members to pay the 20% GRI

WHAT TO DO?

1. As advised by DMAP counsel, use the following arguments:

- DMAP case was denied based on technicalities and not on merits of the case
- Court of Appeals has ruled that computation of reasonableness of freight is not under their jurisdiction but with MARINA
- DSA's argument that DMAP's case prematurely (sic) file (sic) as there is a pending case filed before MARINA.
- Therefore, DSA & DMAP will be going back to MARINA for resolution

2. Meantime, DMAP members enjoined not to pay until resolved by MARINA

3. However, continue collaboration with liners so shipping service may not suffer

NEXT MOVE

Another group (most likely consumers) or any party will file the same case and may be using the same arguments. (emphasis supplied)

Thereupon, the petitioners brought this special civil action for contempt against the respondents, insisting that the publication of the Sea Transport Update constituted indirect contempt of court for patently, unjustly and baselessly insinuating that the petitioners were privy to some illegal act, and, worse, that the publication unfairly debased the Supreme Court by making "scurrilous, malicious, tasteless, and baseless innuendo"[9] to the effect that the Supreme Court had allowed itself to be influenced by the petitioners as to lead the respondents to conclude that the "Supreme Court ruling issued in one month only, normal lead time is at least 3 to 6 months." [10]

They averred that the respondents' purpose, taken in the context of the entire publication, was to "defy the decision, for it was based on technicalities, and the Supreme Court was influenced!"[11]

In their comment dated January 20, 2003,[12] the respondents denied any intention to malign, discredit, or criticize the Court.[13] They explained that their statement that the "Supreme Court ruling issued in one month time only, normal lead time is at least three to six months" [14] was not per se contemptuous, because the normal and appropriate time frame for the resolution of petitions by the Court was either less than a month, if the petition was to be denied on technicality, and more or less from three to six months, if the petition was to be given due course; that what made the petitioners describe the statement as contemptuous was not the real or actual intention of the author but rather the petitioners' false, malicious, scurrilous and tasteless insinuations and interpretation; and that the petitioners, not being themselves present during the GMM, had no basis to assert that the DMAP's presenter, the author of the material, or any of the speakers during the GMM had any evil intention or made any malicious insinuations.[15]

The respondents further stated that the term time frame was layman's parlance to explain to DMAP members that the petition had been dismissed due to a technicality, considering that the appeals process in the case before the Court had taken only a month instead of the expected three to six months;[16] that the term lead time, although not the proper legal term to describe the process that the respondents' petition had undergone in the Court, was common parlance in the business sector in which the respondents belonged; that the discussions during the presentation focused on the legal options of DMAP with respect to the 20% increase, i.e., to go back to MARINA for the resolution of the propriety and reasonableness of the 20% increase;[17] that a lead time was indicated in the presentation material simply to tell DMAP members that the lead time to go back to MARINA had been cut short in view of the denial of the petition for review; and that, on the other hand, had the Court given due course to the petition, the expected time for the Court to resolve the appeal on the merits would have been from three to six months, a normal expectation.[18]

Lastly, the respondents submitted that a serious study and analysis of the decision of the CA, which the Court affirmed, revealed that the decision of the CA centered only on the constitutionality of the assailed executive issuances, and did not include any determination of the reasonableness and propriety of the 20% increase; that, accordingly, the discussion of the recourse with respect to the 20% increase, which was to go back to MARINA for the resolution on the matter, could not be considered as a defiance of the order of the Court because the CA itself decreed that the propriety and reasonableness of the 20% increase should be brought to and resolved by MARINA;[19] and that considering that there was yet no entry of judgment in relation to the denial of the petition at the time of the GMM on October 17, 2002, the respondents were not defying any final order or writ of the Court and thereby commit any act of indirect contempt.[20]

Issue

Did the statements contained in the Sea Transport Update constitute or amount to indirect contempt of court?

Ruling

We dismiss the petition.

I

Contempt of Court: Concept and Classes

Contempt of court has been defined as a willful disregard or disobedience of a public authority. In its broad sense, contempt is a disregard of, or disobedience to, the rules or orders of a legislative or judicial body or an interruption of its proceedings by disorderly behavior or insolent language in its presence or so near thereto as to

disturb its proceedings or to impair the respect due to such a body. In its restricted and more usual sense, contempt comprehends a despising of the authority, justice, or dignity of a court.[21] The phrase contempt of court is generic, embracing within its legal signification a variety of different acts.[22]

The power to punish for contempt is inherent in all courts, [23] and need not be specifically granted by statute. [24] It lies at the core of the administration of a judicial system.[25] Indeed, there ought to be no question that courts have the power by virtue of their very creation to impose silence, respect, and decorum in their presence, submission to their lawful mandates, and to preserve themselves and their officers from the approach and insults of pollution.[26] The power to punish for contempt essentially exists for the preservation of order in judicial proceedings and for the enforcement of judgments, orders, and mandates of the courts, and, consequently, for the due administration of justice. [27] The reason behind the power to punish for contempt is that respect of the courts guarantees the stability of their institution; without such guarantee, the institution of the courts would be resting on a very shaky foundation.[28]

Contempt of court is of two kinds, namely: direct contempt, which is committed in the presence of or so near the judge as to obstruct him in the administration of justice; and constructive or indirect contempt, which consists of willful disobedience of the lawful process or order of the court.[29]

The punishment for the first is generally summary and immediate, and no process or evidence is necessary because the act is committed in *facie curiae*. [30] The inherent power of courts to punish contempt of court committed in the presence of the courts without further proof of facts and without aid of a trial is not open to question, considering that this power is essential to preserve their authority and to prevent the administration of justice from falling into disrepute; such summary conviction and punishment accord with due process of law.[31] There is authority for the view, however, that an act, to constitute direct contempt punishable by summary proceeding, need not be committed in the immediate presence of the court, if it tends to obstruct justice or to interfere with the actions of the court in the courtroom itself.[32] Also, contemptuous acts committed out of the presence of the court, if admitted by the contemnor in open court, may be punished summarily as a direct contempt,[33] although it is advisable to proceed by requiring the person charged to appear and show cause why he should not be punished when the judge is without personal knowledge of the misbehavior and is informed of it only by a confession of the contemnor or by testimony under oath of other persons.[34]

In contrast, the second usually requires proceedings less summary than the first. The proceedings for the punishment of the contumacious act committed outside the personal knowledge of the judge generally need the observance of all the elements of due process of law, that is, notice, written charges, and an opportunity to deny and to defend such charges before guilt is adjudged and sentence imposed.[35]

Plainly, therefore, the word summary with respect to the punishment for contempt refers not to the timing of the action with reference to the offense but to the procedure that dispenses with the formality, delay, and digression that result from the issuance of process, service of complaint and answer, holding hearings, taking evidence, listening to arguments, awaiting briefs, submission of findings, and all that goes with a conventional court trial.[36]

A distinction between in-court contempts, which disrupt court proceedings and for which a hearing and formal presentation of evidence are dispensed with, and out-of-court contempts, which require normal adversary procedures, is drawn for the purpose of prescribing what procedures must attend the exercise of a court's authority to deal with contempt. The distinction does not limit the ability of courts to initiate contempt prosecutions to the summary punishment of in-court contempts that interfere with the judicial process.[37]

The court may proceed upon its own knowledge of the facts without further proof and without issue or trial in any

form to punish a contempt committed directly under its eye or within its view.[38] But there must be adequate facts to support a summary order for contempt in the presence of the court.[39] The exercise of the summary power to imprison for contempt is a delicate one and care is needed to avoid arbitrary or oppressive conclusions.[40] The reason for the extraordinary power to punish criminal contempt in summary proceedings is that the necessities of the administration of justice require such summary dealing with obstructions to it, being a mode of vindicating the majesty of the law, in its active manifestation, against obstruction and outrage.[41]

Proceedings for contempt are *sui generis*, in nature criminal, but may be resorted to in civil as well as criminal actions, and independently of any action.[42] They are of two classes, the criminal or punitive, and the civil or remedial. A criminal contempt consists in conduct that is directed against the authority and dignity of a court or of a judge acting judicially, as in unlawfully assailing or discrediting the authority and dignity of the court or judge, or in doing a duly forbidden act. A civil contempt consists in the failure to do something ordered to be done by a court or judge in a civil case for the benefit of the opposing party therein.[43] It is at times difficult to determine whether the proceedings are civil or criminal. In general, the character of the contempt of whether it is criminal or civil is determined by the nature of the contempt involved, regardless of the cause in which the contempt arose, and by the relief sought or dominant purpose.[44] The proceedings are to be regarded as criminal when the purpose is primarily punishment, and civil when the purpose is primarily compensatory or remedial.[45] Where the dominant purpose is to enforce compliance with an order of a court for the benefit of a party in whose favor the order runs, the contempt is civil; where the dominant purpose is to vindicate the dignity and authority of the court, and to protect the interests of the general public, the contempt is criminal.[46] Indeed, the criminal proceedings vindicate the dignity of the courts, but the civil proceedings protect, preserve, and enforce the rights of private parties and compel obedience to orders, judgments and decrees made to enforce such rights.[47]

Indirect contempt is defined by and punished under Section 3, Rule 71 of the Rules of Court, which provides:

Section 3. Indirect contempt to be punished after charge and hearing. -- After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

- (a) Misbehavior of an officer of a court in the performance of his official duties or in his official transactions;
- (b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;
- (c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;
- (d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;
- (e) Assuming to be an attorney or an officer of a court, and acting as such without authority;
- (f) Failure to obey a subpoena duly served;
- (g) The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him.

But nothing in this section shall be so construed as to prevent the court from issuing process to bring the

respondent into court, or from holding him in custody pending such proceedings. (3a)

Misbehavior means something more than adverse comment or disrespect.[48] There is no question that in contempt the intent goes to the gravamen of the offense.[49] Thus, the good faith, or lack of it, of the alleged contemnor should be considered.[50] Where the act complained of is ambiguous or does not clearly show on its face that it is contempt, and is one which, if the party is acting in good faith, is within his rights, the presence or absence of a contumacious intent is, in some instances, held to be determinative of its character.[51] A person should not be condemned for contempt where he contends for what he believes to be right and in good faith institutes proceedings for the purpose, however erroneous may be his conclusion as to his rights.[52] To constitute contempt, the act must be done willfully and for an illegitimate or improper purpose.[53]

Unfounded accusations or allegations or words tending to embarrass the court or to bring it into disrepute have no place in a pleading. Their employment serves no useful purpose. On the contrary, they constitute direct contempt of court or contempt in facie curiae and, when committed by a lawyer, a violation of the lawyer's oath and a transgression of the Code of Professional Responsibility.

II.

Utterances in Sea Transport Update, Not Contemptuous

The petitioners did not sufficiently show how the respondents' publication of the Sea Transport Update constituted any of the acts punishable as indirect contempt of court under Section 3 of Rule 71, *supra*.

The petitioners' mere allegation, that "said publication unfairly debases the Supreme Court because of the scurrilous, malicious, tasteless, and baseless innuendo therein that the Court allowed itself to be influenced by the petitioners as concocted in the evil minds of the respondents thus leading said respondents to unjustly conclude: Supreme Court ruling issued in one month only, normal lead time is at least 3 to 6 months,"[54] was insufficient, without more, to sustain the charge of indirect contempt.

Nor do we consider contemptuous either the phrase contained in the Sea Transport Update stating: "The Motion for Reconsideration filed with the Supreme Court was denied based on technicalities and not on the legal issue DMAP presented",[55] or the phrase in the Sea Transport Update reading "Supreme Court ruling issued in one month only, normal lead time is at least 3 to 6 months." Contrary to the petitioners' urging that such phrases be considered as "scurrilous, malicious, tasteless and baseless innuendo"[56] and as indicative that "the Court allowed itself to be influenced by the petitioners"[57] or that "the point that respondents wanted to convey was crystal clear: `defy the decision, for it was based on technicalities, and the Supreme Court was influenced!'",[58] we find the phrases as not critical of the Court and how fast the resolutions in G.R. No. 152914 were issued, or as inciting DMAP's members to defy the resolutions. The unmistakable intent behind the phrases was to inform DMAP's members of the developments in the case, and on the taking of the next viable move of going back to MARINA on the issues, as the ruling of the Court of Appeals instructed.

We have long recognized and respected the right of a lawyer, or of any other person, for that matter, to be critical of the courts and their judges as long as the criticism is made in respectful terms and through legitimate channels. We have no cause or reason to depart from such recognition and respect, for the Court has long adhered to the sentiment aptly given expression to in the leading case of *In re: Almacen*: [59]

xxx every citizen has the right to comment upon and criticize the actuations of public officers. This right is not diminished by the fact that the criticism is aimed at a judicial authority, or that it is articulated by a lawyer. Such right is especially recognized where the criticism concerns a concluded litigation, because then the court's actuation are thrown open to public consumption.

xxx

Courts and judges are not sacrosanct. They should and expect critical evaluation of their performance. For like the executive and the legislative branches, the judiciary is rooted in the soil of democratic society, nourished by the periodic appraisal of the citizens whom it is expected to serve.

Well-recognized therefore is the right of a lawyer, both as an officer of the court and as a citizen, to criticize in properly respectful terms and through legitimate channels the acts of courts and judges.xxx

xxx

Hence, as a citizen and as officer of the court, a lawyer is expected not only to exercise the right, but also to consider it his duty to avail of such right. No law may abridge this right. Nor is he "professionally answerable for a scrutiny into the official conduct of the judges, which would not expose him to legal animadversion as a citizen." xxx

x x x

But it is the cardinal condition of all such criticism that it shall be bona fide, and shall not spill over the walls of decency and propriety. A wide chasm exists between fair criticism, on the one hand, and abuse and slander of courts and the judges thereof, on the other. Intemperate and unfair criticism is a gross violation of the duty of respect to courts. It is such a misconduct that subjects a lawyer to disciplinary action. (bold emphasis supplied)[60]

The test for criticizing a judge's decision is, therefore, whether or not the criticism is bona fide or done in good faith, and does not spill over the walls of decency and propriety. Viewed through the prism of the test, the Sea Transport Update was not disrespectful, abusive, or slanderous, and did not spill over the walls of decency and propriety. Thereby, the respondents were not guilty of indirect contempt of court. In this regard, then, we need to remind that the power to punish for contempt of court is exercised on the preservative and not on the vindictive principle, and only occasionally should a court invoke its inherent power in order to retain that respect without which the administration of justice must falter or fail.[61] As judges we ought to exercise our power to punish contempt judiciously and sparingly, with utmost restraint, and with the end in view of utilizing the power for the correction and preservation of the dignity of the Court, not for retaliation or vindictiveness.[62]

WHEREFORE, the petition for indirect contempt is DISMISSED.

Costs of suit to be paid by the petitioners.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, p. 20.

[2] Id., pp. 6-7.

[3] Id., pp. 22-40.

[4] Id., p. 7.

[5] Id., pp. 42-43.

[6] Id., pp. 44-45.

[7] Id., pp. 46-47.

[8] Id., pp. 48-51.

[9] Id., p. 13.

[10] Ibid.

[11] Ibid.

[12] Id., pp. 56-64.

[13] Id., p. 58.

[14] Id.

[15] Id., p. 59.

[16] Id.

[17] Id., pp. 60-61.

[18] Id., p. 61.

[19] Id.

[20] Id., p. 62.

[21] 17 CJS, Contempt, § 1.

[22] Id., § 2.

[23] In Re Kelly, 35 Phil. 944.

[24] In Re Sotto, 82 Phil. 595.

[25] Juidice v. Vail, 430 US 327.

[26] Re Robinson, 19 Wall 505; Re Terry, 128 US 289; Bessette v. M.B. Conkey Co., 194 US 324; Michaelson v. US ex rel. Chicago, St. P.M. & O. R. Co., 266 US 42; .Anderson v. Dunn, 6 Wheat 204.

[27] Perkins v. Director of Prisons, 58 Phil. 271. See Ex parte Hudgings, 249 US 378 (the only purpose of the power to punish for contempt is to secure judicial authority from obstruction in the performance of a duty in the end that means appropriated for the preservation and enforcement of the constitution may be secured); and Re Debs, 158 US 564 (the power of a court to make an order carries with it the equal power to punish for a disobedience of that order, and the inquiry as to the question of disobedience has been, from time immemorial, the special function of the courts).

[28] Cornejo v. Tan, 85 Phil. 772.

[29] Narcida v. Bowen, 22 Phil. 365.

[30] I Bouvier's Law Dictionary, (Rawle's Third Revision) Eighth Edition, p. 651, citing Wasserman v. United States, 161 Fed. 722, 88 C.C.A. 582; Garrigan v. United States, 163 Fed. 16, 89 C.C.A. 494, 23 L.R.A. (N.S.) 1295. In facie curiae literally means in the face of the court, that is, in the presence of the court. There ought to be no question that courts have the power by virtue of their very creation to impose silence, respect, and decorum in their presence, submission to their lawful mandates, and to preserve themselves and their officers from the

approach and insults of pollution (Anderson v. Dunn, 6 Wheat 204).

[31] Fisher v. Pace, 336 US 155. See also Yates v. United States, 355 US 66 (the summary contempt power, although arbitrary in its nature and liable to abuse, is absolutely essential to the protection of the courts in the discharge of their function; without it, judicial tribunals would be at the mercy of the disorderly and violent, who respect neither the laws enacted for the vindication of public and private rights, nor the officers charged with the duty of administering them).

[32] In re Wright's Estate, 133 N.E. 2d 250, 165 Ohio St. 15; Univis Lens Co. v. United Electric, Radio & Machine Workers of America, 89 N.E. 2d 658.

[33] People v. Gholson, 106 N.E. 2d 333; People v. Hagopian, 37 N.E. 2d 782, 408 Ill. 618; People v. Pomeroy, 90 N.E. 2d 102, 405 Ill. 175.

[34] Re Savin, 131 US 267.

[35] Provenzale v. Provenzale, 90 N.E. 2d 115, 339 Ill. App. 345; People ex rel. Andrews v. Hassakis, 129 N.E. 2d 9, 6 Ill. 2d 463; Van Sweringen v. Van Sweringen, 126 A. 2d 334, 22 N.J. 440, 64 A.L.R. 2d 593; Ex parte Niklaus, 13 N.W. 2d 655, 144 Neb. 503; People ex rel. Clarke v. Truesdell, 79 N.Y.S. 2d 413.

[36] Sacher v. United States, N.Y., 72 S. Ct. 451, 343 US 1.

[37] Young v. United States, 481 US 787.

[38] Re Savin, 131 US 267. See also Harris v. United States, 382 US 162 (summary procedure in disposing of charges of contempt committed in the presence of the court is designed to fill the need for immediate penal vindication of the dignity of the court); Johnson v. Mississippi, 403 US 212 (instant action to punish for contempt is proper where the misbehavior occurs in the presence of the judge and is known to him, and where immediate corrective steps are needed to restore order and maintain the dignity and authority of the court).

[39] Fisher v. Pace, 336 US 155.

[40] Bloom v. Illinois, 391 US 194.

[41] Offutt v. United States, 348 US 11.

[42] Besette v. M.B. Conkey Co., 194 US 324.

[43] Perkins v. Director of Prisons, 58 Phil. 271.

[44] Lamb v. Cramer, 285 US 217 (the purpose of the punishment rather than the character of the act punished determines whether the proceeding to punish is for a civil or a criminal contempt); McCrone v. United States, 307 US 61 (a contempt is considered civil when the punishment is wholly remedial, serves only the purpose of the complainant, and is not intended as a deterrent to offenses against the public); Hicks v. Feiock, 485 US 624 (in a proceeding for civil contempt, the punishment is remedial and for the benefit of the complainant, while in a proceeding for criminal contempt, the sentence is punitive and for the vindication of the court's authority; conclusions about the purposes for which relief is imposed are properly drawn from an examination of the character of the relief itself; if the relief provided is a fine, it is remedial when it paid to the complainant or where it can be avoided by performing an affirmative act required by the court's order, but is punitive when it is paid to the court).

[45] 17 CJS, Contempt, §62 (4).

[46] Philadelphia Marine Trade Association v. International Longshoremen's Association, Local Union No. 1291,

140 A.2d 814, 392 Pa. 500.

[47] I Bouvier's Law Dictionary, (Rawle's Third Revision) Eighth Edition, p. 653, citing *Wasserman v. United States*, 161 Fed. 722, 88 C.C.A. 582; *Garrigan v. United States*, 163 Fed. 16, 89 C.C.A. 494, 23 L.R.A. (N.S.) 1295.

[48] *Justice Holmes in Toledo Newspaper Co. v. United States*, 247 US 402, 423.

[49] *In Re People in the Interest of Murley*, 239 P. 2d 706; 124 Colo. 581.

[50] *Hoffmeister v. Tod*, 349 S. W. 2d 5.

[51] *N. L. R. B. v. Whittier Mills Co.*, C. C. A. 5, 123 F. 2d 725; *In Re Cottingham*, 182 P. 2, 66 Colo. 335.

[52] *Bender v. Young*, 252 S.W. 691, 693.

[53] *General Motors Corporation v. United Elec. Radio & Mach. Workers of America*, C.I.O., Local 717, 17 Ohio Supp. 19.

[54] *Rollo*, p. 13.

[55] *Id.*, p. 10.

[56] *Id.*, p. 13.

[57] *Ibid.*

[58] *Ibid.*

[59] G.R. No. L-27654, February 18, 1970, 31 SCRA 562.

[60] *Id.*, pp. 576-580.

[61] *Villavicencio v. Lukban*, 39 Phil. 778.

[62] *Ruiz v. Judge How*, A.M. No. RTJ-03-1805, October 14, 2003, 413 SCRA 333.

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