

**GOVERNOR ENRIQUE T. GARCIA, JR., AURELIO C. ANGELES, JR.,
EMERLINDA S. TALENTO, AND RODOLFO H. DE MESA, PETITIONERS,
VS. LEO RUBEN C. MANRIQUE, RESPONDENT.**

G.R. No. 186592. October 10, 2012

Ponente: REYES, J.

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REYES, J.:

This is a Petition for Indirect Contempt under Rule 71 of the Rules of Court filed against respondent Leo Ruben C. Manrique (Manrique) for allegedly publishing statements which tend to directly impede, obstruct or degrade the administration of justice.

Factual Antecedents

The instant case stemmed from an article in Luzon Tribune, a newspaper of general circulation wherein respondent Manrique is the publisher/editor, which allegedly contained disparaging statements against the Supreme Court.

The petitioners, namely: Governor Enrique T. Garcia, Jr. (Gov. Garcia), Aurelio C. Angeles, Jr. (Angeles), Emerlinda S. Talento (Talentó) and Rodolfo H. De Mesa (De Mesa) alleged that the subject article undermines the people's faith in the Supreme Court due to blunt allusion that they employed bribery in order to obtain relief from the Court, particularly in obtaining a temporary restraining order (TRO) in G.R. No. 185132. The pertinent portions of the article which was entitled, "TRO ng Korte Suprema binayaran ng P20-M?" and published in the January 14 to 20, 2009 issue of the Luzon Tribune, are reproduced as follows:[1]

Bukod sa mga kontrobersiya na bumabalot ngayon sa Korte Suprema dahil sa isyu ng umano'y pagpapataksik kay Chief Justice Renato Puno, hindi maalis sa isip ng ilang Bataño ang pagtatanong kung totoo nga kayang binayaran ng kampo ni Bataan Governor Enrique Garcia, Jr. ang isa o ilang Mahestrado ng Korte upang mag-isyu ng Temporary Restraining Order ang Korte na humarang sa implementasyon ng anim na buwang suspensyon ng Punong Lalawigan.

Marami umano ang nagdududa kung papaano nakakuha ng TRO si Garcia gayung malinaw na ang kaso ay kasalukuyang dinidinig noon ng Court of Appeals. Ito umano ay paglabag sa tinatawag na Forum Shopping.

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Dalawang Division ng Court of Appeals ang tumanggi na dinggin ang petisyon ni Garcia para sa TRO hanggang sa dininig ito ng isang division. Nagpadala ng liham ang Court of Appeals sa mga magkakatangalang partido upang simulang dinggin ang kaso. Nakapagtataka umano kung bakit hindi ito binigyang galang ng Korte Suprema.

Nang inilabas ng Korte ang TRO, malinaw na naihain na ang suspension order kay Garcia ng DILG kaya't opisyal ng epektibo ang suspensyon. Ano pa ba kaya ng na-TRO gayung sinisimulan na ni Garcia ang kanyang suspensyon.

May mga nagsasabing binayaran umano ng hanggang sa [P]20-Milyon ang isang mahestrado ng Korte upang pagbigyan ang kahilingan ni Garcia.

Madiin naman itong itinanggi ni Garcia at nagsabing hindi dapat bahiran ng dumi ang Korte Suprema at dapat igalang ang desisyon nito.

Gayunpaman, marami ang nagtataka at laging nakakakuha ng TRO sa Korte Suprema si Garcia lalu na sa mga mahahalagang kasong kanyang hinaharap.

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Ang kompiyansa ni Garcia umano ay kitang-kita sa mga miting kung saan siya ay nagsasalita na kayang-kaya niyang lusutan ang lahat ng mga kaso niya at maging kung mayroon pang kasunod na mga kaso na isasampa sa kanya.

Kaya naman hindi maalis ng ilan ang magduda na ang taong gipit sa kaso ay maaaring magbayad ng milyung-milyon piso upang upuan ng Korte Suprema ang kaso at manatiling habang buhay ang TRO.

Prior to the publication of the foregoing article, two (2) interrelated petitions were filed before this Court, docketed as G.R. Nos. 185132 and 181311, entitled Governor Enrique T. Garcia, Jr. v. Court of Appeals, et al. and Province of Bataan v. Hon. Remigio M. Escalada, respectively.

In G.R. No. 185132, the Provincial Government of Bataan ordered for the conduct of a tax delinquency sale of all the properties of Sunrise Paper Products Industries, Inc. (Sunrise) situated in Orani, Bataan. When no public bidder participated in the delinquency sale, the provincial government acquired all the properties of Sunrise which consisted of machineries and equipment, including the parcel of land where the factory stood. Subsequently, Sunrise filed a petition for injunction which was docketed as Civil Case No. 8164, to annul the auction sale and prevent the provincial government from consolidating its title over the properties. Two (2) other creditors of Sunrise intervened in the proceedings. The provincial government entered into a compromise agreement with Sunrise and the intervening creditors and thereafter filed a motion to dismiss Civil Case No. 8164. However, the trial court refused to dismiss the case and proceeded to hear the same on the merits. Subsequently, it rendered a Decision dated June 15, 2007, which was thereafter challenged in another petition docketed as G.R. No. 181311.

Meanwhile, former workers of Sunrise, namely: Josechito B. Gonzaga (Gonzaga), Ruel A. Magsino (Magsino) and Alfredo B. Santos (Santos), filed criminal and administrative charges against petitioners Gov. Garcia, Angeles, Talento and De Mesa, among others, before the Office of the Ombudsman, docketed as OMB-L-A-08-0039-A. Subsequently, Deputy Ombudsman Orlando S. Casimiro (Ombudsman Casimiro) issued an Order dated October 28, 2008, preventively suspending the petitioners.

Unyielding, the petitioners filed a petition for certiorari with the Court of Appeals (CA), assailing the Order dated October 28, 2008 of Ombudsman Casimiro, with an urgent prayer for the issuance of a TRO and a writ of preliminary injunction. The CA, however, deferred the resolution of the prayer for the issuance of TRO and instead issued Resolution dated November 14, 2008, requiring Gonzaga, Magsino and Santos to file a comment. Dissatisfied with the action of the CA, the petitioners filed a petition for certiorari, prohibition and mandamus with urgent prayer for the issuance of a TRO and writ of preliminary injunction with this Court, which was docketed as G.R. No. 185132. On November 19, 2008, this Court issued a TRO enjoining the public respondents in OMB-L-A-08-0039-A from implementing the Order dated October 28, 2008 of Ombudsman Casimiro, specifically the order for the petitioners' preventive suspension, until further orders of the Court. The issuance of this TRO is the incident mentioned in Manrique's article.

In his Comment,[2] Manrique alleged that there was nothing malicious or defamatory in his article since he only

stated the facts or circumstances which attended the issuance of the TRO. He likewise denied that he made any degrading remarks against the Supreme Court and claimed that the article simply posed academic questions. If the article ever had a critical undertone, it was directed against the actions of the petitioners, who are public officers, and never against the Supreme Court. At any rate, he asseverated that whatever was stated in his article is protected by the constitutional guaranties of free speech and press.

The subject article falls under the second type of contemptuous publication.

The pivotal issue in this case is whether the contents of Manrique's article would constitute indirect contempt under Section 3(d), Rule 71 of the Rules of Court which reads:

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice[.]

The power to punish for contempt is inherent in all courts as it is indispensable to their right of self-preservation, to the execution of their powers, and to the maintenance of their authority; and consequently to the due administration of justice.[3] It must however be exercised on the preservative not vindictive principle, and on the corrective not retaliatory idea of punishment. The courts must exercise the power to punish for contempt for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons but for the functions that they exercise.[4]

The power to punish for contempt does not, however, render the courts impenetrable to public scrutiny nor does it place them beyond the scope of legitimate criticism. Every citizen has the right to comment upon and criticize the actuations of public officers and such right is not diminished by the fact that the criticism is aimed at judicial authority.[5] It is the cardinal condition of all such criticisms however that it shall be bona fide, and shall not spill 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 to respect courts[6] and therefore warrants the wielding of the power to punish for contempt.

In his erudite dissenting opinion in *People v. Alarcon*,[7] which was impliedly adopted in subsequent cases dealing with contempt,[8] Justice Manuel V. Moran noted the two kinds of publication which are punishable with contempt, to wit:

Contempt, by reason of publications relating to court and to court proceedings, are of two kinds. A publication which tends to impede, obstruct, embarrass or influence the courts in administering justice in a pending suit or proceeding, constitutes criminal contempt which is summarily punishable by courts. This is the rule announced in the cases relied upon by the majority. A publication which tends to degrade the courts and to destroy public confidence in them or that which tends to bring them in any way into disrepute, constitutes likewise criminal contempt, and is equally punishable by courts. In the language of the majority, what is sought, in the first kind of contempt, to be shielded against the influence of newspaper comments, is the all-important duty of the courts to administer justice in the decision of a pending case. In the second kind of contempt, the punitive hand of justice is extended to vindicate the courts from any act or conduct calculated to bring them into disfavor or to destroy public confidence in them. In the first, there is no contempt where there is no action pending, as there is no decision which might in any way be influenced by the newspaper publication. In the second, the contempt exists, with or without a pending case, as what is sought to be protected is the court itself and its dignity. x x x Courts would lose their utility if public confidence in them is destroyed.[9] (Italics ours)

Succinctly, there are two kinds of publications relating to court and to court proceedings which can warrant the exercise of the power to punish for contempt: (1) that which tends to impede, obstruct, embarrass or influence the courts in administering justice in a pending suit or proceeding; and (2) that which tends to degrade the courts and

to destroy public confidence in them or that which tends to bring them in any way into disrepute.

We find the subject article illustrative of the second kind of contemptuous publication for insinuating that this Court's issuance of TRO in G.R. No. 185132 was founded on an illegal cause. The glaring innuendos of illegality in the article is denigrating to the dignity of this Court and the ideals of fairness and justice that it represents. It is demonstrative of disrespect not only for this Court, but also for the judicial system as a whole, tends to promote distrust and undermines public confidence in the judiciary by creating the impression that the Court cannot be trusted to resolve cases impartially.[10]

This Court has always exercised utmost restraint and tolerance against criticisms on its decisions and issuances, bearing in mind that official actions are subject to public opinion as a means of ensuring accountability. Manrique's article, however, has transgressed the ambit of fair criticism and depicted a legitimate action of this Court as a reciprocated accommodation of the petitioners' interest. Contrary to Manrique's claim of objectivity, his article contained nothing but baseless suspicion and aspersion on the integrity of this Court, calculated to incite doubt on the mind of its readers on the legality of the issuance. It did not simply dwell on the propriety of the issuance on the basis of some sound legal criteria nor did it simply blame this Court of an irregularity in the discharge of duties but of committing the crime of bribery. The article insinuated that processes from this Court may be obtained for reasons other than that their issuance is necessary to the administration of justice. Judging from the title alone, "TRO ng Korte Suprema binayaran ng P20M?" the article does not aim for an academic discussion of the propriety of the issuance of the TRO but seeks to sow mistrust in the dispositions of this Court. To suggest that the processes of this Court can be obtained through underhand means or that their issuance is subject to negotiation and that members of this Court are easily swayed by money is a serious affront to the integrity of the highest court of the land. Such imputation smacks of utter disrespect to this Court and such temerity is deserving of contempt.

Manrique claims that he was only being critical of the actions of the petitioners as public officers and that no disrespect was meant to the Court. While he claims good faith, the contents of his article bespeak otherwise. A person's intent, however good it maybe, cannot prevail over the plain import of his speech or writing. It is gathered from what is apparent, not on supposed or veiled objectives.

The truth is we consider public scrutiny of our decisions and official acts as a healthy component of democracy. However, such must not transcend the wall of tolerable criticism and its end must always be to uphold the dignity and integrity of the justice system and not to destroy public confidence in them. In *People v. Godoy*, [11] we stressed:

Generally, criticism of a court's rulings or decisions is not improper, and may not be restricted after a case has been finally disposed of and has ceased to be pending. So long as critics confine their criticisms to facts and base them on the decisions of the court, they commit no contempt no matter how severe the criticism may be; but when they pass beyond that line and charge that judicial conduct was influenced by improper, corrupt, or selfish motives, or that such conduct was affected by political prejudice or interest, the tendency is to create distrust and destroy the confidence of the people in their courts.[12]

There is thus a need to distinguish between adverse criticism of the court's decision after the case has ended and scandalizing the court itself. The latter is not criticism; it is personal and scurrilous abuse of a judge as such, in which case it shall be dealt with as a case for contempt.[13]

A reading of the subject article shows that Manrique was not simply passing judgment on an official act of the Court. He was actually intimating that the petitioners were able to obtain a TRO through illicit means, with the complicity of this Court. As he hurls accusation of corruption against petitioners, he also unfairly smeared the

reputation of this Court by stirring the idea that one or some members of this Court yield to said illegal act. By no means can such an imputation be justified by mere curiosity or suspicion. That he was only mulling on the thought that such an illegal act transpired does not make his insinuation any less contemptuous. Manrique's article no longer partakes of an adverse criticism of an official act but an indecent attempt to malign the petitioners which ultimately brought equal harm to the reputation of this Court.

It bears stressing that the Supreme Court of the Philippines is, under the Constitution, the last bulwark to which the Filipino people may repair to obtain relief for their grievances or protection of their rights when these are trampled upon, and if the people lose their confidence in the honesty and integrity of the members of this Court and believe that they cannot expect justice therefrom, they might be driven to take the law into their own hands, and disorder and perhaps chaos might be the result.[14] Thus, the inflexible demand to adhere to the highest tenets of judicial conduct is imposed upon all members of the judiciary. They are required to keep their private as well as official conduct at all times free from all appearances of impropriety and be beyond reproach.[15]

Malicious publications cannot seek
the protection of the constitutional
guaranties of free speech and press.

Manrique tries to invoke the protection of the constitutional guaranties of free speech and press, albeit unpersuasively, to extricate himself from liability. However, said constitutional protection is not a shield against scurrilous publications, which are heaved against the courts with no apparent reason but to trigger doubt on their integrity based on some imagined possibilities. Contrary to nourishing democracy and strengthening judicial independence, which are the expected products of the guaranties of free speech and press, the irresponsible exercise of these rights wounds democracy and leads to division.

In Alarcon, we emphasized:

It is true that the Constitution guarantees the freedom of speech and of the press. But license or abuse of that freedom should not be confused with freedom in its true sense. Well-ordered liberty demands no less unrelaxing vigilance against abuse of the sacred guaranties of the Constitution than the fullest protection of their legitimate exercise. As important as is the maintenance of a judiciary unhampered in its administration of justice and secure in its continuous enjoyment of public confidence. x x x.[16]

Freedom of speech is not absolute, and must occasionally be balanced with the requirements of equally important public interests, such as the maintenance of the integrity of the courts and orderly functioning of the administration of justice.[17] For the protection and maintenance of freedom of expression itself can be secured only within the context of a functioning and orderly system of dispensing justice, within the context, of viable independent institutions for delivery of justice which are accepted by the general community.[18]

Certainly, the making of contemptuous statements directed against the Court is not an exercise of free speech; rather, it is an abuse of such right. Unwarranted attacks on the dignity of the courts cannot be disguised as free speech, for the exercise of said right cannot be used to impair the independence and efficiency of courts or public respect therefore and confidence therein.[19] Therefore, Manrique's article, lacking in social value and aimed solely at besmirching the reputation of the Court, is undeserving of the protection of the guaranties of free speech and press.

The critical role of the Supreme Court as the court of last resort renders it imperative that it maintains the ideals of neutrality, integrity and independence, the characteristics in which the people's trust and confidence are built, alive and unscathed. Thus, justices and judges alike are constantly reminded to live up to the stringent standards of the profession or else suffer the consequences. In return, the people are expected to respect and abide by the

rulings of this Court and must not be instrumental to its disrepute.

WHEREFORE, in view of the foregoing disquisitions, respondent Leo Ruben C. Manrique is hereby adjudged GUILTY of INDIRECT CONTEMPT and is ordered to pay a fine of Twenty Thousand Pesos (P20,000.00).

SO ORDERED.

Sereno, CJ., (Chairperson), Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

[1] Rollo, p. 23.

[2] Id. at 30-35.

[3] Garcia v. Court of Appeals, 330 Phil. 420, 435 (1996), citing In re Kelly, 35 Phil. 944, 950 (1916); In re Lozano and Quevedo, 54 Phil. 801 (1930); Slade Perkins v. Director of Prisons, 58 Phil. 271 (1933); Commissioner of Immigration v. Hon. Cloribel, 127 Phil. 716 (1967).

[4] Oclarit v. Paderangga, 403 Phil. 146, 153-154 (2001), citing Commissioner of Immigration v. Cloribel, 127 Phil. 716 (1967); Nazareno v. Hon. Barnes, 220 Phil. 451, 463 (1985); Atty. Pacuribut v. Judge Lim, Jr., 341 Phil. 544, 548 (1997); Austria v. Hon. Masaquel, 127 Phil. 677, 690-691 (1967); Angeles v. Gernale, Jr., A.M. No. P-96-1221, June 19, 1997, 274 SCRA 10.

[5] In re Almacen, G.R. No. L-27654, February 18, 1970, 31 SCRA 562, 576, citing United States v. Bustos, 37 Phil. 731 (1918); In re Gomez, 43 Phil. 376 (1922); Salcedo v. Hernandez, 61 Phil. 724 (Malcolm, J., dissenting); Austria v. Hon. Masaquel, id.; Cabansag v. Fernandez, et al., 102 Phil. 152 (1957).

[6] Id. at 580.

[7] 69 Phil. 265 (1939).

[8] People v. Godoy, 312 Phil. 977, 1012 (1995), citing In re Francisco Brillantes, 42 O.G. 59; In re Almacen, supra note 5.

[9] Supra note 7, at 274-275, citing 12 Am. Jur. pp. 416-417.

[10] In Re: Published Alleged Threats against Members of the Court in the Plunder Case Hurlled by Atty. Leonard De Vera, 434 Phil. 503, 510 (2002), citing Nestle Philippines, Inc. v. Hon. Sanchez, 238 Phil. 543 (1987).

[11] Supra note 8.

[12] Id. at 1018-1019, citing 17 C.J.S, Contempt, Sec. 25, p. 64.

[13] Id. at 1018, citing State v. Hildreth, 74 A. 71.

[14] In re Sotto, 82 Phil. 595, 602 (1949).

[15] De la Cruz v. Judge Bersamira, 402 Phil. 671, 680 (2001).

[16] Justice Manuel V. Moran, Dissenting Opinion, People v. Alarcon, supra note 7, at 275-276.

[17] InRe: Published Alleged Threats against Members of the Court in the Plunder Case Hurlled by Atty. Leonard De Vera, supra note 10, at 508, citing Zaldivar v. Gonzales, G.R. No. 79690-707, October 7, 1988, 166 SCRA 316, 354.

[18] Zaldivar v. Gonzales, id..

[19] In Re: Published Alleged Threats against Members of the Court in the Plunder Case Hurlled by Atty. Leonard De Vera, *supra* note 10, at 508.

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