

43 Phil. 376

[ . May 16, 1922 ]

**IN RE FELICIANO GOMEZ, ATTORNEY-AT-LAW.**

**D E C I S I O N**

**MALCOLM, J.:**

The Attorney-General has filed an information, with affidavits, in this court, in which it is alleged that Feliciano Gomez is guilty of contempt of court.

It appears that Feliciano Gomez and Juan Cailles were rival candidates at the election in 1919, for the position of provincial governor of Laguna. Gomez was proclaimed elected, Cailles contested the election successfully, first in the Court of First Instance, and later in the Supreme Court. The judgment of the higher tribunal was rendered on December 9, 1921,<sup>1</sup> and became final on December 24, 1921.

On January 19, 1922, at a public meeting held to celebrate the fiesta of the municipality of Lumban, Laguna, Gomez is charged with having said, in effect, that the Supreme Court had decided the election protest in favor of Cailles, because Governor-General Wood, out of friendship for Cailles, had invited the members of the court to Malacaiiang previous to formulating the decision, and there, following a secret conference, had offered them a banquet. These remarks of Gomez were published in La Nation, a newspaper of the city of Manila, on January 25, 1922, and are substantiated by four affidavits.

The position of the members of this court in considering the facts laid before them, with reference to the conduct of Feliciano Gomez, an unsuccessful litigant and an attorney-at-law, is an extremely embarrassing one, because although contempts are impersonal in nature, the charges have personal aspects. After, however, close scrutiny of the case, and after a realization that to punish for contempt of court is a jurisdiction to be exercised with scrupulous care, we have come to the conclusion that the matter should not be dignified by further proceedings.

We doubt very much if any one would think for a moment that members of the Supreme Court of the Philippine Islands would sell their birthright of judicial integrity for a social courtesy and the favor of the Chief Executive. In reality, the Laguna election case was taken up point by point and decided by principles, so that when finished there was not a member of the court who knew what the outcome would be until the vote was tabulated in the decision. We feel also, that litigants and lawyers should not be held to too strict an account for words said in the heat of the moment, because of chagrin at losing cases, and that the big way is for the court to condone even contemptuous language. When Attorney Feliciano Gomez comes to reflect on his conduct, and on his obligations as an officer of the court "to maintain towards it a respectful attitude, not for the sake of the temporary incumbent of the judicial office but for the maintenance of its supreme importance" (Code of Ethics, No. 1), he will realize the impropriety of his action.

The charges of Mr. Gomez, it should be recalled, did not relate to a pending cause. The rule in the more progressive jurisdictions is, that courts, when a case is finished, are subject to the same criticism as other people. Judges may not vindicate a private wrong by a public method. Although the honor and integrity of the court may be assailed, judges, like other persons, are relegated to the courts for redress. As some one has well said, where the liberty of the press and freedom of public comment ends, there tyranny begins. (Patterson vs. Colorado [1907], 205 U. S., 454; 6 R. C. L., pp. 512, *et seq.*)

We conclude, therefore, that while the Attorney-General is to be commended for his zealous interest in the maintenance of the Judiciary, we should not, under the circumstances, permit the law-officer to go forward with the instant proceedings. Accordingly, the papers shall be attached to the personal record of Attorney Feliciano Gomez, without further action. So ordered.

*Araullo, C. J., Avanceña, Villamor, Ostrand, and Romualdez, JJ., concur.*