



Republic of the Philippines
Supreme Court
Manila

EN BANC

MARC DOUGLAS IV C. CAGAS,
Petitioner,

G.R. No. 209185

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,*
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, JJ.

- versus -

COMMISSION ON ELECTIONS,
represented by its CHAIRMAN,
ATTY. SIXTO BRILLANTES, JR.,
and the PROVINCIAL ELECTION
OFFICER OF DAVAO DEL SUR,
represented by ATTY. MA. FEBES
BARLAAN,

Promulgated:

Respondents.

FEBRUARY 25, 2014

X -----

RESOLUTION

CARPIO, J.:

On 26 November 2013, we issued a Resolution directing petitioner Marc Douglas IV C. Cagas (Cagas) to explain why he should not be cited in

* On leave.

contempt of court for the letter¹ he sent to Court Administrator Jose Midas Marquez (Court Administrator Marquez).²

Cagas, this time assisted by Atty. Raquel V. Aspiras-Sanchez of Aspiras and Aspiras Law Offices, and without indicating the date of his receipt of our Resolution, posted his Compliance on 9 January 2014.

The contents of Cagas' Compliance are reproduced below:

COMPLIANCE

Petitioner MARC DOUGLAS IV C. CAGAS, by himself and with the assistance of the undersigned counsel by way of special appearance, in compliance with the show-cause order embodied in the Honorable Court's resolution dated November 16, 2013, respectfully states:

1. The aforesaid resolution directs [Cagas] to show cause why he should not be held in contempt of court for innuendoes against the Honorable Court *en banc* contained in a letter he wrote to Atty. Jose Midas Marquez, presently the Court Administrator of the Supreme Court.

2. With all due respect, the letter was a personal communication made by [Cagas] to a friend—thus the use of the words “*pards*” and “*pare*”—and was not meant nor intended to be an official communication to Atty. Marquez in his capacity as Court Administrator of the Honorable Court.

3. Be that as it may, [Cagas] sincerely apologizes to the Court *en banc* and to all its members for the unfortunate language used in the letter, in particular in its first paragraph.

4. With deep regret, [Cagas] admits that the said first paragraph expressed his emotional exasperation at the time the letter was written. [Cagas] got carried away by his passion and desire to improve the

¹ For reference, Cagas' letter to Court Administrator Marquez reads:

Atty. Jose Midas Marquez
SC Building, P. Faura St., Manila

Kamusta ka Pards, the recent SC decision in Cagas vs COMELEC did not surprise me. What struck me was the level of deceitfulness of whoever wrote the decision. It can poison the minds of law students.

Pare may padala ako na DVDs parang awa mo na sa taga Davao del Sur at sa sambayanan, ipapanood mo please sa mga A. Justices para malaman nila ang totoo.

God never sleeps. God rewards the faithful.

Salamat Pards.

(signed)
Marc Cagas

² The envelope containing the letter was addressed to Atty. Jose Midas Marquez, Philippine Supreme Court Spokesperson. Atty. Marquez's official designation is Court Administrator. Atty. Theodore O. Te is Assistant Court Administrator and Chief of the Public Information Office.

lot of his home province and its people, and for this he is truly sorry and takes full responsibility.

5. In mitigation, [Cagas] respectfully submits that he did not mean nor intend the letter to be an affront or a sign of disrespect to the Honorable Court. Far from being that, the letter, in its entirety, actually shows [Cagas'] belief in the fairness of the court and its members. [Cagas] may have expressed himself poorly, but in the second paragraph of the letter, he communicates his continuing faith in the Court's capacity to act on the truth, hence his request for Atty. Marquez to show the DVDs to the justices "*para malaman nila ang totoo.*"

6. Once again, [Cagas] sincerely apologizes for whatever innuendoes against the Court his rather emotional, but personal, letter to Atty. Marquez may have communicated. [Cagas] is truly sorry for that, and begs the leniency and liberality of the Honorable Court. He means the Court and its members no disrespect, and continues to hold them in the highest esteem and regard.

PRAYER

WHEREFORE, it is respectfully prayed that [Cagas'] apologies be accepted and that the foregoing be considered as satisfactory compliance with the Honorable Court's show cause order in its November 26, 2013 resolution.

Petitioner prays for other just and equitable relief.

Respectfully submitted. Pasig City for Manila.

January 9, 2014.

[Signed]

MARC DOUGLAS IV C. CAGAS

By and for himself as Petitioner

Balintawak Street, Digos City

Assisted by:

ASPIRAS & ASPIRAS LAW OFFICES

By Special Appearance

1009 Prestige Tower, Emerald Avenue

Ortigas Center, 1605 Pasig City

[Signed]

RAQUEL V. ASPIRAS-SANCHEZ

ATTORNEY'S ROLL NO. 39281

MCLE NO. IV – 0018383 / April 23, 2013

IBP No. 950691 / 01.06.2014/Pasig City

PTR No. 9844998 / 01.09.2014/ Pasig City

We find Cagas' explanation in his Compliance unsatisfactory. Although he proffers his apologies and regrets to the Court, we find that his explanation is less than candid.

To exculpate himself from liability, Cagas states that his emotional outburst was contained in a personal letter addressed to a friend, who happens to be Court Administrator Marquez. However, Cagas cannot raise the defense of privacy of communication, especially after his admission that he requested Court Administrator Marquez to show the DVDs to the members of this Court. Cagas had to admit this since in his letter to Court Administrator Marquez he actually asked the latter thus: "x x x *ipapanood mo please sa mga A. Justices para malaman nila ang totoo.*" In any event, messages addressed to the members of the Court, regardless of media or even of intermediary, in connection with the performance of their judicial functions become part of the judicial record and are a matter of concern for the entire Court.³

The fact that said letters are not technically considered pleadings, nor the fact that they were submitted after the main petition had been finally resolved does not detract from the gravity of contempt committed. The constitutional right of freedom of speech or right to privacy cannot be used as a shield for contemptuous acts against the Court.⁴

Cagas clearly wanted to exploit his seeming friendly ties with Court Administrator Marquez and have *pards* utilize his official connections. Instead of filing a pleading, Cagas sent a package containing the letter and DVDs to Court Administrator Marquez's office address, with the intent of having the contents of the DVDs viewed by the members of this Court. Cagas impressed upon Court Administrator Marquez their friendship, which is underscored by the use of *pards* and *pare*. Cagas also attempted to sway the members of this Court through the intercession of his friend who, to his imagined convenience, is an official of the Judiciary.

The Court does not countenance this kind of behavior. Indeed, Cagas' exploitation of Court Administrator Marquez's position is deplorable and is a prime example of an attitude that blatantly disregards Court processes. Despite Cagas' claim that his letter to Court Administrator Marquez was merely personal, and not official, communication, his admission that he requested Court Administrator Marquez to show the DVDs to the justices via special *de abot*, is also an admission that he tried to take advantage of Court Administrator Marquez's position to gain access to the members of this Court outside of the regular Court processes. Court Administrator Marquez, meanwhile, had the duty to properly indorse to the appropriate office all communication relating to the Court.⁵

³ See *In the Matter of Proceedings for Disciplinary Action against Atty. Wenceslao Laureta, etc.*, 232 Phil. 353 (1987).

⁴ Id. at 388.

⁵ See Supreme Court Circular No. 30-91, Guidelines on the Functions of the Office of the Court Administrator, 30 September 1991.

III. Matters Attended to by the Court Administrator
B. Public Assistance and Information

We also remind Cagas that this Court's decisions, though assigned to be written by one Justice, are always collegial. This Court was unanimous⁶ in its Decision to dismiss Cagas' Petition for Prohibition for lack of merit. Apart from his emotional exasperation, Cagas offered no further explanation for his statement about the "level of deceitfulness" of the *ponente* and that the decision can "poison the minds of law students." He then points to his "continuing faith in the Court's capacity to act on the truth," hence his admission that he requested Court Administrator Marquez to distribute the DVDs to the members of this Court.

The making of contemptuous statements directed against the Court is an abuse of the right to free speech⁷ and degrades the administration of justice. Hence, the defamatory statements in the letter impaired public confidence in the integrity of the judiciary and not just of the *ponente* alone.

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.

Moreover, it has been held that criticism of courts after a case is finally disposed of, does not constitute contempt and, to this effect, a case may be said to be pending so long as there is still something for the court to do therein. But criticism should be distinguished from insult. A criticism after a case has been disposed of can no longer influence the court, and on that ground it does not constitute contempt. On the other hand, an insult hurled to the court, even after a case is decided, can under no circumstance be justified. Mere criticism or comment on the correctness or wrongness, soundness or unsoundness of the decision of the court in a pending case made in good faith may be tolerated; but to hurl the false charge that the Supreme Court has been committing deliberately so many blunders and injustices would tend necessarily to undermine the confidence of the people in the honesty and integrity of its members, and consequently to lower or degrade the administration of justice, and it constitutes contempt.⁸

The Office of the Court Administrator shall attend to all matters of public assistance and information, requests for expeditious action on pending cases in the lower courts, indorsements from other government agencies and other matters which do not involve administrative or judicial adjudications, including queries on status of cases in the lower courts and on such other matters relative to pertinent circulars, memoranda, or administrative orders of the Supreme Court.

⁶ The voting was 13-0, with Associate Justices Mariano C. Del Castillo and Jose P. Perez on official leave.

⁷ *Roxas v. De Zuzuarregui, Jr.*, 554 Phil. 323 (2007).

⁸ *People v. Godoy*, 312 Phil. 977, 1018-1019 (1995).

We appreciate that Cagas takes “full responsibility” for his “emotional, but personal” message to Court Administrator Marquez.

For his exploitation of Court Administrator Marquez’s position and for his defamatory statements against the Court in general and to the *ponente* in particular in his letter to Court Administrator Marquez, we hold Cagas guilty of indirect contempt of court under Section 3(c) and (d), Rule 71 of the 1997 Rules of Civil Procedure as amended, thus:

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;

X X X X

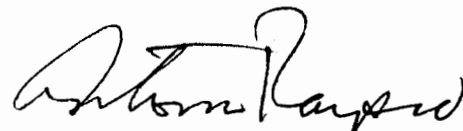
(c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under Section 1 of this Rule;

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

X X X X

WHEREFORE, considering the circumstances of the present case, Marc Douglas IV C. Cagas is declared **GUILTY** of indirect contempt of court. He is fined ₱10,000.00 for each offense, for a total of ₱20,000.00, and warned that a repetition of similar acts will warrant a more severe penalty.

SO ORDERED.

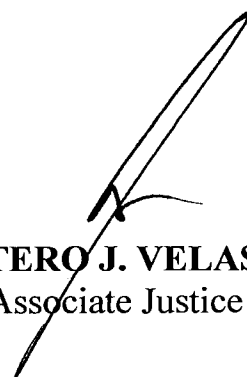


ANTONIO T. CARPIO
Associate Justice


WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice




PRESBITERO J. VELASCO, JR.
Associate Justice

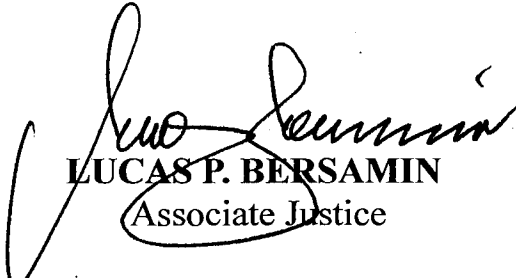


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


(On leave)
ARTURO D. BRION
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



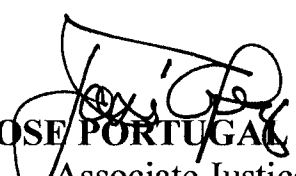
MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice




JOSE PORTUGAL PEREZ
Associate Justice




JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



MARIA LOURDES P. A. SERENO
Chief Justice