

EN BANC

[G.R. No. 209185, February 25, 2014]

MARC DOUGLAS IV C. CAGAS, PETITIONER, VS. 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, RESPONDENTS.

R E S O L U T I O N

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 contempt of court for the letter^[1] 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 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
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[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]

We also remind Cagas that this Court's decisions, though assigned to be written by one Justice, are always collegial. This Court was unanimous^[6] 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 speech^[7] 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