

Title: In the Matter of the Charges of Plagiarism, Etc., Against Associate Justice Mariano C. Del Castillo

Facts:

This case started with accusations against Associate Justice Mariano C. Del Castillo of the Philippine Supreme Court related to his authorship of the decision in G.R. No. 162230 (Vinuya v. Romulo). Petitioners Isabelita C. Vinuya et al., members of the Malaya Lolas Organization, charged Justice Del Castillo with plagiarism, twisting of cited materials, and gross neglect.

The case went through the following procedural steps:

1. Petitioners filed a motion for reconsideration of the Court's decision in *Vinuya v. Romulo*, alleging plagiarism.
2. The Supreme Court dismissed the motion, finding no evidence of malicious intent.
3. Petitioners filed a supplemental motion for reconsideration, asserting that the Court had effectively legalized plagiarism.
4. The Supreme Court referred the supplemental motion to the Ethics Committee for investigation.
5. The Ethics Committee recommended the denial of the supplemental motion.
6. The Supreme Court adopted the Ethics Committee's findings and recommendations, denying the supplemental motion.
7. Petitioners filed another motion for reconsideration, which the Court again denied.

Issues:

The primary legal issue was whether Justice Del Castillo committed plagiarism, and if so, whether it constituted a violation severe enough to warrant disciplinary action. The case also raised questions surrounding the standards for judicial writing and citation, the role of malicious intent in determining plagiarism, and the jurisdiction of the Supreme Court to discipline its own members.

Court's Decision:

In a *per curiam* resolution, the Court unanimously denied the petitioners' motion for reconsideration, reiterating its previous position that plagiarism requires a showing of malicious intent. The Court maintained that there was no deliberate intention on the part of Justice Del Castillo to steal and pass off another's ideas or expressions as his own. The Court distinguished judicial writing from academic writing, emphasizing that the doctrines

of stare decisis and legal precedent guide judicial decisions rather than original scholarship. The Court also clarified that its decision did not sanction or condone plagiarism but upheld the specific context and standards for judicial decisions.

Doctrine:

The decision established the doctrine that in the context of judicial writing, plagiarism necessitates malicious intent. Unlike academia, where attribution is strictly enforced, judicial decisions draw from the collective body of legal knowledge, much of which is in the public domain, and emphasize fairness and correctness over originality. This doctrine also supports the idea that administrative liability for plagiarism in judicial decisions requires the presence of fraud, dishonesty, or malice.

Class Notes:

- Plagiarism in judicial decisions requires malicious intent or deliberate action.
- The judiciary is governed by the principle of stare decisis, not originality.
- Jurisdiction over administrative cases involving Supreme Court justices lies within the Court itself, provided that the alleged offenses do not qualify as impeachable offenses.

Historical Background:

The case underlies the tension between the standards of academic integrity and the practical realities of judicial decision-making. It also touches on the balance between judicial independence and accountability within the framework of Philippine constitutional law.