

Title: In the Matter of the UP Law Faculty Statement on Allegations of Plagiarism in the Supreme Court

Facts:

The case originated from a Statement titled “Restoring Integrity: A Statement by the Faculty of the University of the Philippines College of Law on the Allegations of Plagiarism and Misrepresentation in the Supreme Court,” drafted and signed by 37 law professors from the University of the Philippines (UP) College of Law. The statement was in response to the decision of the Philippine Supreme Court in the case of *Vinuya et al. v. Executive Secretary*, which was criticized for alleged plagiarism and misrepresentation. The UP Law Faculty submitted their Statement to the Supreme Court, through Dean Marvic Leonen, for review and proper disposition, expressing their dissatisfaction with the court’s handling of the *Vinuya* decision and calling for the resignation of the ponente of the case, Associate Justice Mariano del Castillo.

The Supreme Court ordered the 37 law professors to show cause for why they should not be disciplined for violation of specific provisions of the Code of Professional Responsibility relating to respect for the courts and judicial officers, and for legal ethics regarding the creation of falsehood, misrepresentation, and the misuse of court procedures.

The law professors submitted their separate and collective responses, arguing on the grounds of academic freedom, their right to freedom of speech, and explaining their actions were motivated by a desire to uphold judicial integrity. They contended that their Statement was a form of constructive criticism intended to improve the legal system and was not meant to undermine the court’s authority.

Issues:

1. Whether the law professors’ issuance of the UP Law Faculty Statement constitutes a violation of the Code of Professional Responsibility, particularly on the aspects of upholding respect for the courts and legal processes, and observing the standards of honesty and candor.
2. Whether the law professors’ right to freedom of speech and academic freedom exempts them from the observance of the ethical standards set forth by their profession.

Court’s Decision:

The Supreme Court decided that, while the law professors have the right to freedom of speech and academic freedom, these rights are not absolute and must be exercised within

the bounds of respect for judicial processes and the integrity of the court. The issuance of the Statement was found to be procedurally inappropriate as it sought to intervene in a pending case and used language that was deemed excessively critical and demeaning to the court and its members, especially considering the professors were neither parties nor counsels to the case in question. However, in light of their intention to advocate for judicial integrity and considering it was their first offense of this nature, the Court opted to issue a reminder rather than impose disciplinary action, emphasizing the importance of adhering to the ethical standards of the legal profession.

Doctrine:

This case reiterates the doctrine that the rights to freedom of speech and academic freedom, particularly when exercised by members of the Bar and law professors, must be balanced against the ethical duty to respect judicial institutions and processes. Moreover, it underscores that criticism of judicial acts must be done in a manner that does not impinge on the dignity and independence of the courts or the administration of justice.

Class Notes:

- Members of the Bar and law professors, while enjoying academic freedom and freedom of speech, are bound by ethical obligations to uphold respect for the courts and legal processes (Code of Professional Responsibility: Canons 1, 10, 11, 13; Rules 1.02, 10.01, 10.02, 10.03, and 11.05).
- Academic freedom and freedom of speech are not absolute rights and must be balanced with duties as members of the legal profession.
- “In the Matter of the Charges of Plagiarism, etc., Against Associate Justice Mariano C. Del Castillo” and “Vinuya et al. v. Executive Secretary” serve as precedents on issues concerning plagiarism and misrepresentation in the judicial context.

Historical Background:

This case reflects the tension between the judiciary’s need to maintain authority and respect for the proper administration of justice, and the academic community’s role in scrutinizing and promoting integrity within the legal system. It also highlights the evolving conversation around academic freedom, freedom of speech, and the professional responsibilities of legal educators in the Philippines.