

****Title:**** Re: Letter of the UP Law Faculty Entitled “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”

****Facts:****

The case arises from allegations of plagiarism against Justice Mariano C. Del Castillo in his ponencia for the case of *Vinuya v. Executive Secretary*. The allegations were made by Atty. Harry L. Roque, Jr. and Atty. Romel R. Bagares, who represented Filipino comfort women seeking reparation from the Japanese government for abuses during World War II. Specific passages in Justice Del Castillo’s decision were alleged to have been lifted from various sources without proper attribution. The UP College of Law Faculty, led by Dean Marvic M.V.F. Leonen, published a statement calling for Justice Del Castillo’s resignation over alleged plagiarism, treating the allegation as established fact. This publication prompted the Supreme Court to issue a show cause order to the UP Law Faculty members, demanding an explanation for their actions, which the Court deemed as undermining its integrity and an act of contempt.

****Issues:****

1. Whether the publication by the UP Law Faculty members constitutes contempt of court for undermining the dignity and authority of the Supreme Court.
2. Whether the action taken by the UP Law Faculty members violated Canons 10, 11, and 13 and Rules 1.02 and 11.05 of the Code of Professional Responsibility.

****Court’s Decision:****

The Supreme Court’s resolution focused on the faculty’s conduct in the context of ongoing legal processes, emphasizing the need for the legal profession to respect the judiciary’s processes and its role in administering justice. The Court made a distinction between constructive criticism and actions perceived to undermine judicial authority. The educators were directed to show cause why they should not be disciplined for violations of the Code of Professional Responsibility, particularly emphasizing respect for court processes and the judiciary’s integrity. The resolution did not specifically address the factual basis of the plagiarism allegations themselves but focused on the procedural and ethical implications of the faculty’s public statement.

****Doctrine:****

The Court reiterated the principle that freedom of expression must be balanced against the responsibilities attached to the legal profession, especially the duty to uphold the dignity

and authority of the judiciary. It underscored that criticisms of the judiciary should not cross into actions that undermine public confidence in the justice system.

****Class Notes:****

- ****Contempt of Court:**** Actions that demean, disrespect, or undermine the authority of the court may constitute contempt.
- ****Code of Professional Responsibility:**** Lawyers are expected to observe conduct that promotes respect for the law and legal processes (Canon 10), maintain respect towards the courts and judicial officers (Canon 11), and avoid influencing the court in any improper manner (Canon 13).
- ****Balancing Free Speech and Professional Responsibility:**** While lawyers have the right to free speech, this right is balanced by their professional duty to uphold the judiciary's integrity and the administration of justice.

****Historical Background:****

This case reflects the tension between academic freedom and the legal profession's responsibilities in the Philippines. It arose in a context of heightened sensitivity to the judiciary's credibility, following allegations of plagiarism against a Supreme Court justice. The case underscores the evolving nature of legal ethics in response to contemporary challenges, including how legal practitioners and academics engage with and critique the judiciary.