

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

****Facts:****

Isabelita C. Vinuya and around 70 other elderly women from the Malaya Lolos Organization filed a special civil action of certiorari in the Supreme Court (G.R. No. 162230) against public officials, alleging the Philippine Executive Department's refusal to support their claims against Japan for wartime sexual abuses amounted to a breach of duty. In dismissing their action in April 2010, Justice Mariano C. del Castillo, writing for the Court, emphasized executive prerogative and the absence of a binding international legal obligation to pursue the claims.

Subsequently, the petitioners filed a motion for reconsideration and later alleged in a supplemental motion that Justice Del Castillo committed plagiarism in the decision. They cited instances of unattributed copying from three foreign sources, claiming these were misrepresented to support the judgment.

Justice Del Castillo, after accusations received significant public attention, circulated a letter asserting that any omission was unintentional and due to accidental deletion during the drafting and revision process. The charges were referred by the Supreme Court en banc to its Committee on Ethics and Ethical Standards, which conducted an investigation.

During the investigation, it was revealed that the researcher assisting Justice Del Castillo inadvertently deleted the attributions due to the complexity of the drafting process. Petitioners, however, countered that intent was irrelevant under the judicial standards for plagiarism and that deliberate or not, the work still constituted plagiarism.

****Issues:****

1. Did Justice Mariano C. del Castillo commit plagiarism in preparing the Vinuya decision by using content from identified authors without proper attribution?
2. Did Justice Del Castillo twist the works of the cited authors to fit the Court's reasoning in a manner inconsistent with their original meanings?

****Court's Decision:****

1. ****Plagiarism Allegations****: The Supreme Court found that due to the complex and iterative process of drafting the decision, inadvertent deletion of attributions occurred. The Court noted that attribution was present in early drafts shown to the investigating committee, substantiating the claim of unintentional error. Furthermore, usage of the cited

works for legal background rather than as independent viewpoints diminished the characterization of the alleged omitted attributions as plagiarism.

2. **Twisting of Cited Works**: The Court concluded that none of the cited works were twisted to misrepresent the authors' intentions. The lifted material was used to provide background rather than assert specific interpretations or conclusions inconsistent with the source material's intended meaning.

The Court dismissed charges against Justice Del Castillo, finding neither intent nor gross misconduct in the failure to attribute, viewing it as an editorial oversight rather than intellectual theft.

Doctrine:

This case established alternative considerations in instances of draft errors, particularly when no intent to deceive is substantiated. It recognized that inadvertent errors in complex legal drafting should not automatically be categorized as plagiarism absent deliberate misappropriation or misrepresentation. The Court emphasized the need for care in attributions, but recognized limitations in existing software and human error.

Class Notes:

- **Plagiarism in Law**: A comprehensive definition involves the intentional misappropriation of another's work without attribution. Judicial work requires accurate referencing due to the reliance on stare decisis and precedent.
- **Intent in Misconduct**: In determining misconduct like plagiarism, intent may be relevant, distinguishing between deliberate and accidental omissions, especially in legal research and drafting.
- **Attribution Standards**: Accurately quoting and attributing sources is paramount in sustaining intellectual honesty and upholding judicial standards.

Historical Background:

The charges arose within the context of a high-stakes and historically significant legal dispute concerning the treatment of wartime atrocities and subsequent reparations, highlighting the ethical responsibilities of judiciary members in producing intellectually honest opinions. The case reflects broader issues of international human rights, historical justice, and the evolving norms of legal practices regarding proper attribution and academic integrity in judicial writing.