Administrative Matter No. 93-2-037 SC

EN BANC

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**IN RE EMIL (EMILIANO) P. JURADO
EX REL: PHILIPPINE LONG DISTANCE TELEPHONE COMPANY
(PLDT), PER ITS FIRST VICE-PRESIDENT, MR. VICENTE R. SAMSON**

D E C I S I O N

NARVASA, C.J.:

Liability for published statements demonstrably false or misleading, and derogatory of the courts and individual judges, is what is involved in the proceeding at bar — than which, upon its facts, there is perhaps no more appropriate setting for an inquiry into the limits of press freedom as it relates to public comment about the courts and their workings within a constitutional order.

1. Basic Postulates

To resolve the issue raised by those facts, application of fairly elementary and self-evident postulates is all that is needed, these being:

> 1) that the utterance or publication by a person of falsehoods or half-truths, or of slanted or distorted versions of facts — or accusations which he made no *bona fide* effort previously to verify, and which he does not or disdains to prove — cannot be justified as a legitimate exercise of the freedom of speech and of the press guaranteed by the Constitution, and cannot be deemed an activity shielded from sanction by that constitutional guaranty;
>
> 2) that such utterance

or publication is also violative of "The Philippine Journalist's Code of Ethics" which *inter alia* commands the journalist to *"scrupulously report and interpret the news, taking care not to suppress essential facts nor to distort the truth by improper omission or emphasis,"* and makes it his duty *"to air the other side and to correct substantive errors promptly;"*[1]

3) that such an utterance or publication, when it is offensive to the dignity and reputation of a Court or of the judge presiding over it, or degrades or tends to place the courts in disrepute and disgrace or otherwise to debase the administration of justice, constitutes contempt of court and is punishable as such after due proceedings; and

4) that prescinding from the obvious proposition that any aggrieved party may file a complaint to declare the utterer or writer in contempt, the initiation of appropriate contempt proceedings against the latter by the court is not only its prerogative but indeed its duty, imposed by the overmastering need to preserve and protect its authority and the integrity, independence and dignity of the nation's judicial system.

2. Antecedents

This proceeding treats of Emiliano P. Jurado, a journalist who writes in a newspaper of general circulation, the "Manila Standard." He describes himself as a columnist, who "incidentally happens to be a lawyer," remarking that while he values his membership in the law profession, "such membership is neither a critical nor indispensable adjunct in the exercise of his occupation as a newspaperman."[2] His column in the *"Manila Standard"* is entitled *"Opinion."*

Jurado had been writing about alleged improprieties and irregularities in the judiciary over several months (from about October, 1992 to March, 1993). Other journalists had also been making reports or comments on the same subject. At the same time, anonymous

communications were being extensively circulated, by hand and through the mail, about alleged venality and corruption in the courts. And all these were being repeatedly and insistently adverted to by certain sectors of society.

In light of these abnormal developments, the Chief Justice took an extraordinary step. He issued Administrative Order No. 11-93 dated January 25, 1993, *"Creating an Ad Hoc Committee to Investigate Reports of Corruption in the Judiciary,"*[3] reading as follows:

> "WHEREAS, the Court's attention has been drawn to the many and persistent rumors and unverified reports respecting corruption in the judiciary, said rumors and reports not only havingbeen mentioned by media and in anonymous communications, but having also been adverted to by certain government officials and civic leaders,
>
> NOW, THEREFORE, by authority of the Court, an *ad hoc* committee is hereby constituted composed of Chief Justice Andres R. Narvasa, as Chairman, and former Justices of the Court, Hon. Lorenzo Relova and Hon. Ameurfina A. Melencio-Herrera, as Members, which shall seek to ascertain the truth respecting said reports and statements, and to this end, forthwith interview at closed-door sessions or otherwise, such persons as may appear to it to have some knowledge of the matter and who may be appealed to share that knowledge with the Court, and otherwise gather such evidence as may be available. The Committee is hereby authorized to use such facilities and personnel of the court as may be necessary or convenient in the fulfillment of its assigned mission, and shall submit its report to the Court within thirty (30) days."

Material to the present inquiry are Jurado's published statements from late 1992 to the middle of February, 1993.

1. In his column of October 21, 1992, he wrote of "(j)udges in a number of regional trial courts in Metro Manila (who) have become so notorious in their dealings with litigants

and lawyers that they are now called the *'Magnificent Seven.'* "He stated that "(i)t has come to a point where lawyers and litigants try their darndest to stay away from these judges. The answer, of course, is obvious."

2. In his February 3, 1993 column, he adverted to another group, also named "Magnificent Seven," which, he said, should be distinguished from the first. He wrote: "When lawyers speak of the 'Magnificent Seven' one has to make sure which group they are referring to. Makati's 'Magnificent Seven' are a bunch of Makati regional trial court judges who fix drug-related cases. The 'Magnificent Seven' in the Supreme Court consists of a group of justices who vote as one."[4]

3. Aside from the "Magnificent Seven," he also wrote about a group which he dubbed the *"Dirty Dozen."* In his column of October 21, 1992 he said that there are "** 12 judges who have acquired such reputation for graft and corruption that they are collectively known as the dirty dozen.' These judges, I am told, are not satisfied with accepting bribes; they actually sell their decisions to the litigants that offer the larger bribe. Each of these judges reportedly has go-betweens who approach the litigants and 'solicit' their bids for what is clearly an auction for the judge's decision."

According to him, the most corrupt judges now are Makati's "Dirty Dozen" judges, supplanting some of those from Pasay, Pasig and Quezon City; corruption in lower Courts had been admitted by an Executive Judge in a Metro Manila Regional Trial Court (column of November 9, 1992); and because the "Dirty Dozen" had given Makati the reputation of having the most corrupt RTC in the country, multi-nationals and financing institutions explicitly stipulate in their agreements that litigation in connection with these contracts may be held anywhere in Metro Manila except in Makati; and lawyers confirm that Makati Judges, including some persons in the sheriffs

office, are the most corrupt, where before, Pasay and Quezon City had that dubious distinction (column of December 1, 1992).

4. In his November 9, 1992 column, he wrote about "a former appellate justice (who) 'holds office at a restaurant near the Court of Appeals building. He is known as the contact man of five CA divisions. Lawyers say that this former jurist really delivers." In his column of January 29, 1993, he adverted to the same unnamed former Justice as being "known for fixing cases for five CA divisions (that is what he tells lawyers and litigants) for a fee. And if the price is right, the lawyer of the litigant paying can even write his own decision using a CA justice as ponente. This ex-justice holds court at the mezzanine of a restaurant owned by the wife of a former Marcos cabinet member and which has become a meeting place for judges, CA justices, practising lawyers, prosecutors and even Supreme Court justices. The former CA justice also has his own Chinese contact. After I exposed this last year, the habitues became scarce. But they are back again, and the ex-justice is still doing brisk business."

5. In his column of March 24, 1993, he made the claim that one can "get a temporary restraining order from a regional trial court in Metro-Manila by paying the judge anywhere between P30,000.00 and P50,000.00."

Other columns of Jurado refer to:

a) a police report from the South Capital Command ** (to the effect) that 8 Makati judges were paid for decisions favoring drug-traffickers and other big-time criminals, naming the judges and giving detailed accounts of the bribery (January 30, 1993);

b) a bank, later identified by him as the Equitable Banking Corporation (Ermita Branch), which had "hosted a lunch at its penthouse mainly for some

justices, judges, prosecutors and law practitioners" (January 12, 1993);[5]

c) the lady secretary of an RTC Judge in Makati who allegedly makes sure, for a fee of P10,000.00 or more, depending on how much money is at stake, that a case is raffled off to a Judge who will be "extremely sympathetic," and can arrange to have the Court issue attachments or injunctions for a service fee of 1% over and above the regular premium of the attachment or injunction bond; a Chinese-Filipino businessman who paid this "miracle worker" P300,000.00 on top of the regular premium on the attachment/injunction bond (October 27, 1992);

d) Executive Judge de la Rosa, who "has unilaterally decided to discard the rule that cases seeking provisional remedies should be raffled off to the judges," thus violating the rule that no case may be assigned in multi-sola courts without a raffle (January 28, 1993);

e) the Secretary of the Judicial and Bar Council (JBC), who had supposedly gotten that body to nominate him to the Court of Appeals; and a son and a nephew of JBC members, who were also nominated to the Court of Appeals, contrary to ethics and *delicadeza* (January 16, 1993; January 29, 1993);

and

f) what he denominates "a major determinant of promotion," i.e., having a relative in the JBC or the Supreme Court, or having a powerful politician as sponsor, citing specifically, the following nominees to the Court of Appeals — Conrado Vasquez, Jr., son and namesake of the Ombudsman and brother of the head of the Presidential Management Staff; Rosalio de la Rosa, "nephew of Justice Relova and cousin of Chief Justice Narvasa;" and the fact that nomination of some worthy individuals was blocked because they "incurred the ire of the powers that be," e.g., Judge Maximiano Asuncion, Quezon City RTC, and Raul Victorino, closely identified with former Senate

President Salonga (January 25, 1993).

3. Events Directly Giving Rise

to the Proceeding at Bar

What may be called the seed of the proceeding at bar was sown by the decision promulgated by this Court on August 27, 1992, in the so-called "controversial case" of *"Philippine Long Distance Telephone Company v. Eastern Telephone Philippines, Inc. (ETPI),"* G.R. No. 94374. In that decision the Court was sharply divided; the vote was 9 to 4, in favor of the petitioner PLDT. Mr. Justice Hugo E. Gutierrez, Jr. wrote the opinion for the majority.[6] A motion for reconsideration of the decision was filed in respondent's behalf on September 16, 1992, which has recently been resolved.

In connection with this case, G.R. No. 94374, the *"Philippine Daily Inquirer"* and one or two other newspapers published, on January 28, 1993, a report of the purported affidavit of a Mr. David Miles Yerkes, an alleged expert in linguistics. This gentleman, it appears, had been commissioned by one of the parties in the case, Eastern Telephone Philippines, Inc. (ETPI), to examine and analyze the decision of Justice Gutierrez in relation to a few of his prior *ponencias* and the writings of one of the lawyers of PLDT, Mr. Eliseo Alampay, to ascertain if the decision had been written, in whole or in part, by the latter. Yerkes proffered the conclusion that the Gutierrez decision "looks, reads and sounds like the writing of the PLDT's counsel."[7]

As might be expected, the Yerkes "revelations" spawned more public discussion and comment about the judiciary and the Supreme Court itself, much of it unfavorable. There were calls for impeachment of the justices, for resignation of judges. There were insistent and more widespread reiterations of denunciations of incompetence and corruption in the judiciary. Another derogatory epithet for judges was coined and quickly gained currency: "Hoodlums in Robes."

It was at about this time and under these circumstances –particularly the furor caused by the Yerkes opinion that the *PLDT* decision was authored by a *PLDT* lawyer — that Jurado wrote in his column on February 8, 1993, an item entitled, "Who will judge the Justices?" referring among other things to " ** (a) report that six justices, their spouses, children and grandchildren (a total of 36 persons) spent a vacation in Hong Kong some time last year – and *that luxurious hotel accommodations and all their other expenses were paid by a public utility firm ** and that the trip ** was arranged by the travel agency patronized by this public utility firm.'"*[8]

This was the event that directly gave rise to the proceeding at bar.

a. Letter and Affidavit of PLDT

For shortly afterwards, on February 10, 1993, Mr. Vicente R. Samson, First Vice President of the PLDT (Philippine Long Distance Telephone Company), addressed a letter to the Chief Justice, submitting his sworn statement in confutation of "the item in the column of Mr. Emil P. Jurado of the Manila Standard on a vacation trip supposedly taken by six Justices with their families last year," and requesting that the Court *"take such action as may be appropriate."* In his affidavit, Samson made the following averments:[9]

" * * * .

While the name of the public utility which supposedly financed the alleged vacation of the Justices in HongKong has not been disclosed in the Jurado column, the publication thereof, taken in relation to the spate of recent newspaper reports alleging that the decision of the Supreme Court, penned by Mr. Justice Hugo E. Gutierrez,

Jr., in the pending case involving the PLDT and Eastern Telecommunications Phils., Inc. was supposedly ghost written by a lawyer of PLDT, gives rise to the innuendo or unfair inference that Emil Jurado is alluding to PLDT in the said column; and, this in fact was the impression or perception of those who talked to me and the other officers of the PLDT after having read the Jurado column;

4. In as much as the PLDT case against Eastern Telecommunications Philippines is still sub-judice, since the motions for reconsideration filed by the losing litigants therein, Eastern Telecommunications Philippines, Inc. and NTC are still pending before the Court, we have tried to refrain from making any public comments on these matters, lest any statement we make be interpreted to be an attempt on our part to unduly influence the final decision of the Supreme Court in the above described case. However in the interest of truth and justice, PLDT is compelled to emphatically and categorically declare that it is not the public utility firm referred to in the Jurado column and that specifically, *it has never paid for any such trip, hotel or other accommodations for any justice of the Supreme Court or his family during their vacation, if any, in Hongkong last year. It is not even aware that any of the justices or their families have made the trip referred to in the Jurado column;*

5. I further state that neither Atty. Emil P. Jurado nor any one in his behalf has ever spoken to me or any other responsible officer of PLDT about the matter quoted in par. 2 hereof;

6. PLDT further *emphatically and categorically denies that it had ever talked to or made arrangements with any travel agency or any person or entity in connection with any such alleged trip of the Justices and their families to Hongkong, much less paid anything therefore to such agencies, fully or in part, in the*

year 1992 as referred to in Par. 2 hereinabove;

7) The travel agencies which PLDT patronizes or retains for the trips, hotels or other accommodations of its officers and employees are:

a. Philway Travel Corporation
M-7 Prince Tower Cond.
Tordesillas
St., Salcedo Village
Makati,
Metro Manila

b. Citi-World Travel Mart Corp.
Suite 3-4 Ramada
Midtown Arcade
M. Adriatico Street
Ermita,
Manila

The records of these travel agencies will bear out the fact that no arrangements were made by them at the instance of PLDT for the trip referred to in the Jurado column.

b. Affidavit of Atty. William Veto

The Samson affidavit was followed by another submitted to the Court by Atty. William Veto, the "in-house counsel of Equitable Banking Corporation since 1958," subscribed and sworn to on February 10, 1993, in relation to another article of Jurado.[10]

Veto deposed that on Tuesday, January 5, 1993 he had "hosted a lunch party at the Officers' Lounge, 7th Floor of the Equitable Banking Corporation Building, Ermita Branch ** upon prior permission ** obtained;" that the "expenses for said party were exclusively from my personal funds and the food was prepared in my house by my wife and served by my house help ,** and four (4) waiters ** hired from the nearby Barrio Fiesta Restaurant;" that among the invited guests "were members of the Supreme Court and Court of Appeals who ** were my friends of forty years since our days in law school;" and that the party was held in the lounge of the bank instead of in "my residence" "unlike in former years ** because my birthday happened to fall on a working day and my friends from the Equitable Banking Corporation ** suggested that I hold it there (at the lounge) for their convenience because my residence is far from down town."

However, this birthday luncheon of Atty. Veto was reported in Jurado's column (in the Manila Standard issues of January 12 and 28, 1993) as having been *"hosted (by the Equitable Bank) at its penthouse mainly for some justices, judges, prosecutors and law practitioners* ** ." And upon this premise, Jurado indulged in the following pontification: "When those in the judiciary fraternize this way, what chances before the courts do other lawyers, who are not *'batang club,'* have against others who belong to the fraternity? In the case of prosecutors and fiscals, what chances do opposing counsels have against those in the fraternity?" (column of January 12, 1993)

c. *Information from Ad Hoc Committee*

At about this time, too, the Court received information from the *Ad Hoc* Committee (created by Administrative Order No. 11-93) to the following effect:

1) that by letter dated February 1, 1993, the Chairman of the *Ad Hoc* Committee extended an invitation
to Atty. Emiliano Jurado to
appear before it at 2 o'clock in the afternoon of February 4, 1993 ** (to) give the committee information that will assist it in its task," i.e., to definitely and accurately determine the facts as regards the published rumors and reports of corruption in the judiciary;

2) that despite receipt of this letter by a responsible individual
at the business address of Jurado, the latter failed
to appear at the time and place indicated; that instead, in his column in the issue of Manila Standard of February 4, 1993, Jurado
stated that he was told he was being summoned by the *Ad Hoc Committee, but "(t)here is really no need to summon me. The committee can go by the many things I have written in my column about corruption in the judiciary. Many of these column items have been borne out by subsequent events."*

3) that another letter was sent by the Chairman to Jurado, dated February 5, 1993, reiterating the Committee's invitation, *viz*.:

"It is regretted that you failed to respond to the invitation
of the *Ad Hoc* Committee to appear at
its session of February 4, 1992. All indications are that you are the person with the most knowledge about corruption in the judiciary and hence, appear to be best positioned to assist the *Ad Hoc*
Committee in its function of obtaining evidence, or leads, on the matter. You have, I believe, expressed more than once the laudable desire that the judiciary rid itself of the incompetents and the misfits in its ranks, and we believe you will want to help the Court do precisely that, by furnishing the Committee with competent evidence, testimonial or otherwise. Clearly, the purging process cannot be accomplished without proof, testimonial or otherwise,

as you must no doubt realize, being yourself a lawyer.

We would like you to know that the *Ad Hoc* Committee created by Administrative Order No. 11-93 is
simply a fact-finding body. Its function is evidence-gathering. Although possessed of the authority to maintain and enforce order in its proceedings, and to compel obedience to its processes, it is not an adjudicative body in the sense that it will pronounce persons guilty or innocent, or impose sanctions, on the basis of such proofs as may be presented to it. That function is reserved to the Supreme Court itself, in which it is lodged by the Constitution and the laws. Thus, at the conclusion of its evidence-gathering mission, the *Ad Hoc* Committee will submit its report
and recommendations to the Court which will then take such action as it deems appropriate.

The *Ad Hoc* Committee has
scheduled hearings on the 11th and 12th of February, 1993. Mr. Justice Hilario G. Davide, Jr. will
preside as Chairman at these hearings since I will be unable to do so in view of earlier commitments. We reiterate our invitation that you come before the Committee, and you may opt to appear either on the 11th or 12th of February, 1993, at 2 o'clock in the afternoon."

4) that notwithstanding receipt of this second letter by a certain
Mr. Gerry Gil of the Manila Standard, Jurado still
failed to appear.

4. *Statement of the Case:*

Resolutions and Pleadings

a. *Resolution of February 16, 1993*

After considering all these circumstances, the Court by
Resolution dated February 16, 1993, ordered:

1) that the matter dealt with in the letter and affidavit of the
PLDT herein mentioned be duly DOCKETED, and hereafter considered and acted upon
as an official Court proceeding for the determination of whether or not the allegations made by Atty. Emil Jurado herein
specified are true;

2) that the Clerk of Court SEND COPIES of the PLDT letter and
affidavit, and of the affidavit of Atty. William Veto to Atty. Emil Jurado, c/o the Manila Standard, Railroad & 21 Streets,
Port Area, Manila; and copies of the same PLDT letter and affidavit, to Philway Travel Corporation, M-7 Prince Tower Cond., Tordesillas St., Salcedo Village, Makati, Metro
Manila; and Citi-World Travel Mart Corp., Suite 3-4
Ramada Midtown Arcade, M. Adriatico Street, Ermita, Manila;

3) that within five (5) days from their receipt of notice of this
resolution and of copies) of the PLDT letter and affidavit, the Philway Travel Corporation and the Citi-World
Travel Mart Corporation each FILE A SWORN STATEMENT affirming or denying the
contents of the PLDT Affidavit; and

4) that within fifteen (15) days from his receipt of notice of this
resolution and of copies of said PLDT letter and affidavit and of the affidavit of Atty. Veto, Atty. Emil Jurado FILE A COMMENT on

said affidavits as well as the allegations made by him in his columns, herein specified, in which he shall make known to the Court the factual or evidentiary bases of said allegations.

b. *Jurado's Comment*

dated
March 1, 1993

As directed, Jurado filed his comment, dated March 1, 1993.

He explained that he had not "snubbed" the invitation of the *Ad Hoc* Committee, it being in fact his desire to cooperate in any investigation on corruption in the judiciary as this was what "his columns have always wanted to provoke." What had happened, according to him, was that the first invitation of the *Ad Hoc* Committee was routed to his desk at the Manila Standard office on the day of the hearing itself, when it was already impossible to cancel previous professional and business appointments; and the second invitation, "if it was ever received" by his office, was never routed to him, and he had yet to see it.[11]
If the impression had been created that he had indeed "snubbed" the *Ad Hoc* Committee, he "sincerely apologizes."

He averred that his columns are self-explanatory and reflect his beliefs, and there was no need to elaborate further on what he had written. He expressed his firm belief that justice can be administered only by a judicial system that is itself just and incorruptible, and the hope that this Court would view his response in this light.

He also made the following specific observations:

1. The affidavit of Antonio Samson of the PLDT dated February 9, 1993 was an assertion of the affiant's belief and opinion and he (Jurado) would not comment on it except to say that while Mr. Samson is entitled to his beliefs and opinions, these "bind only him and the PLDT."

2. Atty. William [Veto's affidavit substantially corroborated what he had written in vital details; hence, further substantiation would be surplusage. In fact, the Supreme Court had confirmed the story in its press statement quoted by him (Jurado) in his January 30, 1993 column. His column about the Veto party constitutes fair comment on the public conduct of public officers.

3. The column about Executive Judge Rosalio de la Rosa merely summarized the position of Judge Teresita Dy-Liaco Flores on the actuations of Judge de la Rosa and called the attention of the Court thereto, Judge Flores' complaint, a copy of which had been sent to the Court Administrator, being one meriting its attention.

4. The "factual and evidentiary basis" of his column of January 30, 1993 was the police report on seven (7) Makati judges authored by Chief Inspector Laciste Jr., of the Narcotics Branch of the RPIU, South CAPCOM, PNP, addressed to Vice-President Joseph E. Estrada, a copy of which he had received in the newsroom of the Manila Standard. The existence of the report had been affirmed by a reporter of the Manila Standard, Jun Burgos, when he appeared at the hearing of the Ad Hoc Committee on January 11, 1993.

5. His observations in his columns of January 6 and 29, 1993 regarding the nominations of relatives in the Judicial and Bar Council echo the public perception, and constitute fair comment

on a matter of great public interest and concern.

6. His columns with respect to the "RTC's Magnificent Seven" (October 20, 1992); the "RTC-Makati's Dirty Dozen" (October 2, 1992, November 9, 1992, and December 1, 1992); the "Magnificent Seven" in the Supreme Court (February 3, 1993);[12] the lady secretary of an RTC Judge (October 27, 1992); and the former Court of Appeals Justice "fixing" cases (January 29, 1993) were all based on information given to him in strict confidence by sources he takes to be highly reliable and credible; and he could not elaborate on the factual and evidentiary basis of the information without endangering his sources.

By necessity and custom and usage, he relies as a journalist not only on first-hand knowledge but also on information from sources he has found by experience to be trustworthy. He cannot compromise these sources. He invokes Republic Act No. 53, as amended by R.A. No. 1477, exempting the publisher, editor or reporter of any publication from revealing the source of published news or information obtained in confidence, and points out that none of the matters subject of his columns has any bearing on the security of the state.

c. *Resolution of March 2. 1993*

Subsequent to the Resolution of February 16, 1993 and before the filing of Jurado's comment above mentioned, the Court received the affidavits of the executive officials of the two travel agencies mentioned in the affidavit of PLDT Executive Vice-President Vicente R. Samson — in relation to the Jurado column of February 8,

1993: that of Mr. Ermin Garcia, Jr., President of the Citi-World Travel Mart Corporation, dated February 22, 1993, and that of Mrs. Marissa de la Paz, General Manager of Philway Travel Corporation, dated February 19, 1993. Both denied ever having made any travel arrangements for any of the Justices of the Supreme Court or their families to Hongkong, clearly and categorically belying the Jurado article.

By Resolution dated March 2, 1993, the Court directed that Jurado be given copies of these two (2) affidavits and that he submit comment thereon, if desired, within ten (10) days from receipt thereof.

d. Jurado's Supplemental Comment

with Request for Clarification

In response, Jurado filed a pleading entitled "Supplemental Comment with Request for Clarification" dated March 15, 1993. In this pleading he alleged that the sworn statements of Mr. Ermin Garcia, Jr. and Mrs. Marissa de la Paz are affirmations of matters of their own personal knowledge; that he (Jurado) had no specific knowledge of "the contents of these, let alone their veracity;" and that the affidavits "bind no one except the affiants and possibly the PLDT." He also sought clarification on two points — as to the capacity in which he is being cited in these administrative proceedings — whether "as full time journalist or as a member of the bar," and why he is being singled out, from all his other colleagues in media who had also written about wrongdoings in the judiciary, and required to comment in a specific administrative matter before the Court sitting *En Banc* — so that he might

"qualify his comment and/or assert his right and privileges **."

e. *Resolution of March 18, 1993*

Through another Resolution, dated March 18, 1993, the Court directed the Clerk of Court to inform Jurado that the Resolutions of February 16 and March 2, 1993 had been addressed to him (according to his own depiction) in his capacity as "a full-time journalist" "who coincidentally happens to be a member of the bar at the same time," and granted him fifteen (15) days from notice "to qualify his comment and/or assert his rights and privileges ** in an appropriate manifestation or pleading."

f. *Jurado's Manifestation*

dated March 31, 1993

Again in response, Jurado filed a "Manifestation" under date of March 31, 1993. He moved for the termination of the proceeding on the following posited premises:

1. The court has no administrative supervision over him as a member of the press or over his work as a journalist.

2. The present administrative matter is not a citation for (a) direct contempt as there is no pending case or proceeding out of which a direct contempt charge against him may arise, or (b) indirect contempt as no formal charge for the same has been laid before the court in accordance with Section 3

(Rule 71) of the Rules of Court.

3. His comments would be more relevant and helpful to the Court if taken together with the other evidence and reports of other journalists gathered before the *Ad Hoc* Committee.
He perceives no reason why his comments should be singled out and taken up in a
separate administrative proceeding.

It is against this background of the material facts and occurrences that the Court will determine Jurado's liability, if any, for the above mentioned statements published by him, as well as "such action as may be appropriate" in the premises, as the PLDT asks.

5. Norms for Proper Exercise

of Press Freedom

a. Constitutional Law Norms

In *Zaldivar v. Gonzalez* (166 SCRA 316 [1988]), the Court underscored the importance both of the constitutional guarantee of free speech and the reality that there are fundamental and equally important public interests which need on occasion to be balanced against and accommodated with one and the other. There, the Court stressed the importance of the public interest in the maintenance of the integrity and orderly functioning of the administration of justice. The Court said:[13]

"The principal defense of respondent Gonzalez is that he was merely exercising his constitutional right of free speech. He also invokes the related doctrines of qualified privileged communications and fair criticism in

the public interest.

Respondent Gonzalez is entitled to the constitutional guarantee of free speech. No one seeks to deny him that right, least of all this Court. What respondent seems unaware of is that freedom of speech and of expression, like all constitutional freedoms, is not absolute and that freedom of expression needs on occasion to be adjusted to and accommodated with the requirements of equally important public interests. One of these fundamental public interests is the maintenance of the integrity and orderly functioning of the administration of justice. There is no antinomy between free expression and the integrity of the system of administering justice. For the protection and maintenance of freedom of expression itself can be secured only within the context of a functioning and orderly system of dispensing justice, within the context, in other words, of viable independent institutions for delivery of justice which are accepted by the general community. As Mr. Justice Frankfurter put it:

'* * * A free press is not to be preferred to an independent judiciary, nor an independent judiciary to a free press. Neither has primacy over the other; both are indispensable to a free society.

The freedom of the press in itself presupposes an independent judiciary through which that freedom may, if necessary, be vindicated. And one of the potent means for assuring judges their independence is a free press.' (Concurring in Pennekamp v. Florida, 328 U.S. 331 at 354-356 [1946]).

Mr. Justice Malcolm of this Court expressed the same thought in the following terms:

'The Organic Act wisely guarantees freedom of speech and press. This constitutional right must be protected in its fullest extent. The Court has heretofore given evidence its tolerant regard for charges under the Libel Law which come dangerously close to its violation. We shall continue in this

chosen path. The liberty of the citizens must be preserved in all of its completeness. But license or abuse of liberty of the press and of the citizens should not be confused with liberty in its true sense. As important as is the maintenance of an unmuzzled press and the free exercise of the rights of the citizens is the maintenance of the independence of the Judiciary. Respect for the Judiciary cannot be had if persons are privileged to scorn a resolution of the court adopted for good purposes, and if such persons are to be permitted by subterranean means to diffuse inaccurate accounts of confidential proceedings to the embarrassment of the parties and the court.' (In Re Severino Lozano and Anastacio Quevedo, 54 Phil. 801 at 807 [1930])."

b. Civil Law Norms

The Civil Code, in its Article 19 lays down the norm for the proper exercise of any right, constitutional or otherwise, viz.:

> "ART. 19. Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith."

The provision is reflective of the universally accepted precept of "abuse of rights," "one of the most dominant principles which must be deemed always implied in any system of law."[14] It parallels too "the supreme norms of justice which the law develops" and which are expressed in three familiar Latin maxims: *honeste vivere, alterum non laedere* and *jus suum quique tribuere* (to live honorably, not to injure others, and to render to every man his due).[15]

Freedom of expression, the right of speech and of the press is, to be sure, among the most zealously protected rights in the Constitution. But every person exercising it is, as the Civil Code stresses, obliged "to act with justice, give everyone his due, and observe honesty and good faith." The constitutional fight of freedom of expression may not be availed of to broadcast lies or half-truths –this would not be "to observe honesty and

good faith;" it may not be used to insult others, destroy their name or reputation or bring them into disrepute. — this would not be "to act with justice" or "give everyone his due."

c. *Philippine Journalist's*

Code
of Ethics

Also relevant to the determination of the propriety of Jurado's acts subject of the inquiry at bar are the norms
laid down in "The Philippine Journalist's Code of Ethics." The Code
was published in the issue of February 11, 1993 of the Manila Standard, for
which Jurado writes, as part of the paper's
"Anniversary Supplement." The first paragraph of the Code,[16]
and its corresponding annotations, read as follows:

> **"1. I**
> **shall scrupulously report and interpret the news, taking care not to suppress**
> **essential facts nor to distort the truth by improper omission or emphasis. I**
> **recognize the duty to air the other side and the duty to correct substantive**
> **errors promptly.**
>
> *1. Scrupulous news gathering and beat coverage is required. Relying exclusively on the telephone or on what fellow reporters say happened at one's beat is irresponsible.*
>
> *2. The ethical journalist does not bend the facts to suit his biases or to please benefactors. He gathers all the facts, forms a hypothesis, verifies*

it and arrives at an honest interpretation of what happened.

3. The duty to air the other side means that the journalist must contact the person or persons against whom accusations are lodged. 'A court proceeding provides for this balance by presenting the prosecution and then the defense. A news story or editorial column, that fails to present the other side is like a court that does not hear the side of the defense.

4. Correcting substantive errors is the mark of mature newspapers like the New York Times*, the* International Herald Tribune*, and some of Manila's papers."*

d. Right to Private Honor and Reputation

In the present proceeding, there is also involved an acknowledged and important interest of individual persons: the right to private reputation. Judges, by becoming such, are commonly and rightly regarded as voluntarily subjecting themselves to norms of conduct which embody more stringent standards of honesty, integrity, and competence than are commonly required from private persons.[17]
Nevertheless, persons who seek or accept appointment to the Judiciary cannot reasonably be regarded as having thereby forfeited any right whatsoever to private honor and reputation. For so to rule will be simply, in the generality of cases, to discourage all save those who feel no need to maintain their self-respect as a human being in society, from becoming judges, with obviously grievous consequences for the quality of our judges and the quality of the justice that they will dispense. Thus, the protection of the right of

individual persons to private reputations is also a matter of public interest and must be reckoned with as a factor in identifying and laying down the norms concerning the exercise of press freedom and free speech.

Clearly, the public interest involved in freedom of speech and the individual interest of judges (and for that matter, all other public officials) in the maintenance of private honor and reputation need to be accommodated one to the other. And the point of adjustment or accommodation between these two legitimate interests is precisely found in the norm which requires those who, invoking freedom of speech, publish statements which are clearly defamatory to identifiable judges or other public officials to exercise *bona fide* care in ascertaining the truth of the statements they publish. The norm does not require that a journalist guarantee the truth of what he says or publishes. But the norm does prohibit the *reckless* disregard of private reputation by publishing or circulating defamatory statements without any *bona fide* effort to ascertain the truth thereof. That this norm represents the generally accepted point of balance or adjustment between the two interests involved is clear from a consideration of both the pertinent civil law norms and the Code of Ethics adopted by the journalism profession in the Philippines.[17a]

6. Analysis of Jurado Columns

a. Re "Public Utility Firm"

Now, Jurado's allegation in his column of February 8, 1993 –"that six justices, their spouses, children and grandchildren (a total of 36 persons) spent a vacation in Hong Kong some time last year — and *that luxurious hotel accommodations and all their other expenses were paid by a public utility firm and that the trip reportedly was arranged by the travel agency patronized by this public utility firm," supra, is* — in the context of the facts

under which it was made –easily and quickly perceived as a transparent accusation that the PLDT had bribed or "rewarded" six (6) justices for their votes in its favor in the case of *"Philippine Long Distance Telephone Company v. Eastern Telephone Philippines, Inc. (ETPI),"* G.R. No. 94374,[18] by not only paying all their expenses — i.e., hotel accommodations and all other expenses for the trip — but also by having one of its own travel agencies arrange for such a trip.

As already stated, that allegation was condemned as a lie, an outright fabrication, by the PLDT itself, through one of its responsible officers, Mr. Vicente Samson, as well as by the heads of the two (2) travel agencies "patronized by it," Ermin Garcia, Jr. and Marissa de la Paz, *supra*.

That categorical denial logically and justly placed on Jurado the burden of proving the truth of his grave accusation, or showing that it had been made through some honest mistake or error committed despite good faith efforts to arrive at the truth, or if unable to do either of these things, to offer to atone for the harm caused.

But the record discloses that Jurado did none of these things. He exerted no effort whatever to contest or qualify in any manner whatever the emphatic declaration of PLDT Vice-President Samson that —

> While the name of the public, utility which supposedly financed the alleged vacation of the Justices in HongKong has not been disclosed in the Jurado column, the publication thereof, taken in relation to the spate of recent newspaper reports alleging that the decision of the Supreme Court, penned by Mr. Justice Hugo E. Gutierrez, Jr., in the pending case involving the PLDT and Eastern Telecommunications Phils., Inc. was supposedly ghost written by a lawyer of PLDT, gives rise to the innuendo or unfair inference that Emil Jurado is alluding to PLDT in the said column; and, this in fact was the impression or perception of those who talked

to me and the other officers of the PLDT after having read the Jurado column."

The record shows that he made no effort whatsoever to impugn, modify, clarify or explain Samson's positive assertion that:

> *" ** (the PLDT) has never paid for any such trip, hotel or other accommodations for any justice of the Supreme Court or his family during their vacation, if any, in Hongkong last year. It is not even aware that any of the justices or their families have made the trip referred to in the Jurado column:*
>
> *** neither Atty. Emil P. Jurado nor any one in his behalf has ever spoken to me or any other responsible officer of PLDT about the matter ** ** ;*
>
> *** PLDT ** ** (never) talked to or made arrangements with any travel agency or any person or entity in connection with any such alleged trip of the Justices and their families to Hongkong, much less paid anything therefor to such agencies, fully or in part, in the year 1992 as referred to in Par. 2 hereinabove;*

What appears from the record is that without first having made an effort to talk to any one from the PLDT or the Supreme Court to ascertain the veracity of his serious accusation, Jurado went ahead and published it.

His explanation for having aired the accusation consists simply of a declaration that Samson's affidavit, as well as the affidavits of the heads of the two travel agencies regularly patronized by it, were just assertions of the affiants' belief and opinion; and that he (Jurado) would not comment on them except to say that while

they are entitled to their beliefs and opinions, these were binding on them only. This is upon its face evasion of duty of the most cavalier kind; sophistry of the most arrant sort. What is made plain is that Jurado is in truth unable to challenge any of the averments in the affidavits of PLDT and its travel agencies, or otherwise substantiate his accusation, and that his is a mere resort to semantics to justify the unjustifiable. What is made plain is that his accusation is false, and possesses not even the saving grace of honest error.

If relying on second-hand sources of information is, as the Journalists' Code states, irresponsible, supra, then indulging in pure speculation or gossip is even more so; and a failure to "present the other side" is equally reprehensible, being what in law amounts to a denial of due process.

b. *Re Equitable Bank Party*

Jurado is also shown by the record to have so slanted his report of the birthday luncheon given by Atty. William Veto (the "in-house counsel of Equitable Banking Corporation since 1958") as to project a completely false depiction of it. His description of that affair (in the Manila Standard issues of January 12 and 28, 1993) as having been hosted by the Equitable Bank *"at its penthouse mainly for some justices, judges, prosecutors and law practitioners* **," carries the sanctimonious postscript already quoted, putting the rhetorical question about how such fraternization affects the chances in court of lawyers outside that charmed circle.

When confronted with Veto's affidavit to the effect that the party was given by him at his (Veto's) own expense, the food having been prepared by his wife in his house, and served by his house help and waiters privately hired by him; that he had invited many persons including friends of long standing, among them justices of the Supreme Court and the Court of Appeals; and that the party had been held in the Officers' Lounge of Equitable Bank, instead of his home, as in years past, to suit the convenience of his

guests because his birthday fell on a working day, Jurado could not, or would not deign to, contradict any of those statements. He merely stated that Veto's affidavit substantially corroborated what he had written in vital details, which is obviously far from correct.

Most importantly, the record does not show that before he published that story, Jurado ever got in touch with Veto or anyone in Equitable Bank, Ermita Branch, to determine the accuracy of what he would later report. If he did, he would quickly have learned that his sources, whoever or whatever they were, were not to be relied upon. If he did not, he was gravely at fault — at the very least for disregarding the Journalist's Code of Ethics — in failing to exert *bona fide* efforts to verify the accuracy of his information.

In either case, his publication of the slanted, therefore misleading and false, report of the affair is censurable. His proffered explanation: that the justices having confirmed their presence at the luncheon, thus corroborating what he had written in vital details and making further substantiation unnecessary, and that his report constituted fair comment on the public conduct of public officers, obviously does not at all explain why a party given by *Atty. Veto* was reported by him as one tendered by *Equitable Bank*.
The only conclusion that may rationally be drawn from these circumstances is that Jurado, unable to advance any plausible reason for the conspicuous divergence between what in fact transpired and what he reported, again resorts to semantics and sophistry to attempt an explanation of the unexplainable. Paraphrasing the Code of Ethics, he failed to scrupulously report and interpret the news; on the contrary, his failure or refusal to verify such essential facts as who really hosted and tendered the luncheon and spent for it, and his playing up of the Bank's supposed role as such host have resulted in an improper suppression of those facts and a gross distortion of the truth about them.

c. *Re Other Items*

Jurado disregarded the truth again, and in the process vilified the Supreme Court, in the item in his column of February 3, 1993 already adverted to,[19] and more fully quoted as follows:

> "When lawyers speak of the 'Magnificent Seven' one has to make sure which group they are referring to. Makati's 'Magnificent Seven' are a bunch of Makati regional trial court judges who fix drug-related cases. *The 'Magnificent Seven' in the Supreme Court consists of a group of justices who vote as one."*

About the last (italicized) statement there is, as in other accusations of Jurado, not a shred of proof; and the volumes of the Supreme Court Reports Annotated (SCRA) in which are reported the decisions of the Supreme Court En Banc for the year 1992 (January to December) and for January 1993, divulge not a single non-unanimous decision or resolution where seven (7) justices voted "as one," nor any group of decisions or resolutions where the recorded votes would even suggest the existence of such a cabal.

This is yet another accusation which Jurado is unable to substantiate otherwise than, as also already pointed out, by invoking unnamed and confidential sources which he claims he considers highly credible and reliable and which would be imperilled by elaborating on the information furnished by them. He would justify reliance on those sources on grounds of necessity, custom and usage and claim the protection of Republic Act No. 53, as amended by Republic Act No. 1477 from forced revelation of confidential- news sources except when demanded by the security of the state.[20]

Surely it cannot be postulated that the law protects a journalist who deliberately prints lies or distorts the truth; or that a newsman may escape liability who publishes derogatory or defamatory allegations against a person or entity, but recognizes no obligation *bona fide* to establish beforehand the factual basis of such

imputations and refuses to submit proof thereof when challenged to do so. It outrages all notions of fair play and due process, and reduces to uselessness all the injunctions of the Journalists' Code of Ethics to allow a newsman, with all the potential of his profession to influence popular belief and shape public opinion, to make shameful and offensive charges destructive of personal or institutional honor and repute, and when called upon to justify the same, cavalierly beg off by claiming that to do so would compromise his sources and demanding acceptance of his word for the reliability of those sources.

Jurado's other writings already detailed here are of the same sort. While it might be tedious to recount what has already been stated about the nature and content of those writings, it is necessary to do so briefly in order not only to stress the gravity of the charges he makes, but also to demonstrate that his response to the call for their substantiation has been one of unvarying intransigence: an advertence to confidential sources with whose reliability he professes satisfaction and whom fuller disclosure would supposedly compromise.

There can be no doubt of the serious and degrading character — not only to the Court of Appeals, but also to the judiciary in general — of his columns of November 9, 1992 and January 29, 1993 concerning an unnamed former justice of the Court of Appeals who had allegedly turned "fixer" for five of the Court's divisions and who, for the right price, could guarantee that a party's lawyer could write his own decision for and in the name of the *ponente*; and of his column of March 24, 1993 to the effect that anywhere from P30,000 to P50,000 could buy a temporary restraining order from a regional trial court in Manila.

The litany of falsehoods, and charges made without *bona fide* effort at verification or substantiation, continues:

> (a) Jurado's column of January 30, 1993 about eight (8) Makati judges who were "handsomely paid" for decisions favoring drug-traffickers and other big-time criminals was based on nothing more than

raw intelligence contained in a confidential police report. It does not appear
that any part of that report has been reliably confirmed.

(b) He has refused to offer any
substantiation, either before the *Ad Hoc*
Committee or in this proceeding, for his report of October 27, 1992 concerning
an unnamed lady secretary of a Makati RTC Judge who,
besides earning at least P10,000 for making sure a case is raffled off to a
"sympathetic" judge, can also arrange the issuance of attachments and
injunctions for a fee of one (1%) percent over and above usual premium for the
attachment or injunction bond, a fee that in one instance amounted to P300,000.

(c) His report (columns of
January 16 and 29, 1993) that the Judicial and Bar Council acted contrary to
ethics and *delicadeza*
in nominating to the Court of Appeals a son and a nephew of its members is
completely untrue. The most cursory review of the records of the Council will
show that since its organization in 1987, there has not been a single instance
of any son or nephew of a member of the Council being nominated to the Court of
Appeals during said member's incumbency; and in this connection, he mistakenly
and carelessly identified RTC Judge *Rosalio* de la Rosa as the nephew of Justice (and then Member
of the Judicial and Bar Council) Lorenzo Relova when
the truth, which he subsequently learned and admitted, was that the person

referred to was Judge *Jqselito*
de la Rosa, the son-in-law, not the nephew, of Justice Relova.
Had he bothered to make any further verification, he would have learned that at
all sessions of the Council where the nomination of Judge Joselito
de la Rosa was considered, Justice Relova not only
declined to take part in the deliberations, but actually left the conference
room; and he would also have learned that Judge *Rosalio* de la Rosa had never been
nominated –indeed, to this date, he has not been nominated — to the Court of
Appeals.

(d) He has recklessly slandered the
Judicial and Bar Council by charging that it has improperly made nominations to
the Court of Appeals on considerations other than of merit or fitness, through
the manipulations of the Council's Secretary, Atty. Daniel Martinez; or because
the nominee happens to be a relative of a member of the Council (e.g., Judge Joselito de la Rosa, initially identified as Judge Rosalio de la Rosa) or of the Supreme Court (he could name
none so situated); or has a powerful political sponsor (referring to RTC Judge Conrado Vasquez, Jr., son and namesake of the Ombudsman).
Acceptance of the truth of these statements is precluded, not only by the
familiar and established presumption of regularity in the performance of
official functions, but also, and even more conclusively by the records of the
Judicial and Bar Council itself, which attest to the qualifications of Atty.
Daniel Martinez, Clerk of Court of the Supreme Court, Judge Joselito

de la Rosa, and Judge Conrado Vasquez, Jr. for membership in the Appellate Tribunal;

(e) Equally false is Jurado's report (column of January 25, 1993) that nomination to the Court of Appeals of some worthy individuals like Quezon City RTC Judge Maximiano Asuncion, and Atty. Raul Victorino (who was closely identified with former Senate President Salonga) had been blocked because they had "incurred the ire of the powers that be," the truth, which could very easily have been verified, being that a pending administrative case against Judge Asuncion had stood in the way of his nomination, and since Mr. Victorino had been sponsored or recommended by then Senate President Salonga himself, the fact that he was not nominated can hardly be attributed to the hostility or opposition of persons in positions of power or influence.

(f) Jurado was similarly unfair, untruthful and unfoundedly judgmental in his reporting about Executive Judge Rosalio de la Rosa of the Manila Regional Trial Court as:

(1) having been nominated to the Court of Appeals by the Judicial and Bar Council chiefly, if not only, by reason of being the nephew of Justice Relova and the cousin of Chief Justice Narvasa, the truth, as already pointed out, being that Judge *Rosalio* de la Rosa had never been thus nominated to the Court of Appeals, the nominee having been Judge *Joselito* de la Rosa, the son-in-law (not nephew) of Justice Relova; and

(2) having discarded the rule that cases seeking provisional remedies should be raffled off to the judges (column of January 28, 1993) and adopted a system of farming out applications for temporary restraining orders, etc., among all the branches of the court; here again, Jurado is shown to nave written without thinking, and made statements without verifying the accuracy of his information or seeking the views of the subject of his pejorative statements; the merest inquiry would have revealed to him that while Circular No. 7 dated September 23, 1974 requires that no case may be assigned in multi-sala courts without raffle (for purposes of disposition on the merits), Administrative Order No. 6, dated June 30, 1975 (Sec. 15, Par. IV),[21] empowers Executive Judges to act on all applications for provisional remedies (attachments, injunctions, or temporary restraining orders, receiverships, etc.), or on interlocutory matters before raffle, in order to "balance the workload among courts and judges, (Sec. 1, par. 2, id.), and exercise such other powers and prerogatives as may in his judgment be necessary or incidental to the performance of his functions as a Court Administrator" (Sec. 7, par. 1, id.) — these provisions being broad enough, not only to authorize unilateral action by the Executive Judge himself on provisional remedies and interlocutory matters even prior to raffle of the main case, but also to delegate

the authority to act thereon to other judges.

Jurado
does not explain why: (1) he made no effort to verify the state of the rules on
the matter; (2) he precipitately assumed that the views of Judge Teresita Dy-Liaco Flores, whose
complaint on the subject he claims he merely summarized, were necessarily
correct and the acts of Judge de la Rosa necessarily wrong or improper; and (3)
he did not try to get Judge de la Rosa's side at all.

Common to all these utterances of Jurado
is the failure to undertake even the most cursory verification of their objective truth; the abdication of the journalist's duty to report and interpret the news with scrupulous fairness; and the breach of the law's injunction that a person act with justice, give everyone his due and observe honesty and good faith both in the exercise of his rights and in the performance of his duties.

7. Jurado's Proffered

Excuses and Defenses

The principle of press freedom is invoked by Jurado
in justification of these published writings. That invocation is obviously unavailing in light of the basic postulates and the established axioms or norms for the proper exercise of press freedom earlier set forth in this opinion.[22]

Jurado next puts in issue this Court's
power to cite him for contempt. The issue is quickly disposed of by adverting to the familiar principle reiterated *inter alia* in *Zaldivar v. Gonzales:*[23]

" ** (T)he Supreme Court has inherent power to punish for

contempt, to control in the furtherance of justice the conduct of ministerial officers of the Court including lawyers and all other persons connected in any manner with a case before the Court (*In re* Kelly, 35 Phil. 944 [1916]; In re Severino Lozano and Anastacio Quevedo, 54 Phil. 801 [1930]; In re Vicente Pelaez, 44 Phil. 567 [1923]; and In re Vicente Sotto, 82 Phil. 595 [1949]). The power to punish for contempt is 'necessary for its own protection against improper interference with the due administration of justice,' '(i)t is not dependent upon the complaint of any of the parties litigant'" (Halili v. Court of Industrial Relations, 136 SCRA 112 [1985]; Andres v. Cabrera, 127 SCRA 802 [1984]; Montalban v. Canonoy, 38 SCRA 1 [1971]; Commissioner of Immigration v. Cloribel, 20 SCRA 1241 [1967]; Herras Teehankee v. Director of Prisons, 76 Phil. 630 [1946])."

Contempt is punishable, even if committed without relation to a pending case. Philippine jurisprudence parallels a respectable array of English decisions holding contumacious scurrilous attacks against the courts calculated to bring them into disrepute, even when made after the trial stage or after the end of the proceedings. The original doctrine laid down in *People vs. Alarcon*[24] — that there is no contempt if there is no pending case — has been abandoned in subsequent rulings of this Court which have since" adopted the Moran dissent therein,[25] *viz.*:

> "Contempt, by reason of publications relating to court and to court proceedings, are of two kinds. A publication which tends to impede, obstruct, embarrass or influence the courts in administering justice in a pending suit or proceeding, constitutes criminal contempt which is summarily punishable by courts. This is the rule announced in the cases relied upon by the majority. A publication which tends to degrade the courts and to destroy public confidence in them or that which tends to bring them in any way into disrepute, constitutes likewise criminal contempt, and is equally punishable by courts. In the language of the majority, what is sought, in the first kind of contempt, to be shielded against the influence of newspaper comments, is the

> all-important duty of the courts to administer justice in the decision of a pending case. In the second kind of contempt, the punitive hand of justice is extended to vindicate the courts from any act or conduct calculated to bring them into disfavor or to destroy public confidence in them. In the first, there is no contempt where there is no action pending, as there is no decision which might in any be influenced by the newspaper publication. In the second, the contempt exists, with or without a pending case, as what is sought to be protected is the court itself and its dignity. (12 Am. Jur: pp. 416-417.) Courts would lose their utility if public confidence in them is destroyed. "

The foregoing disposes of Jurados other contention that the present administrative matter is not a citation for direct contempt, there being no pending case or proceeding out of which a charge of direct contempt against him may arise; this, even without regard to the fact that the statements made by him about sojourn in Hongkong of six Justices of the Supreme Court were clearly in relation to a case involving two (2) public utility companies, then pending in this Court.[26]

His theory that there is no formal charge against him is specious. His published statements about that alleged trip are branded as false in no uncertain terms by the sworn statement and letter of Vice-President Vicente R. Samson of the Philippine Long Distance Telephone Company which:

> (a) "emphatically and categorically" deny that PLDT had made any arrangements with any travel agency, or with the two travel agencies it patronized or retained, or paid anything, on account of such alleged trip;
>
> (b) positively affirm (i) that PLDT was "not even aware that any of the justices or their familes * * (had) made the trip referred to in the Jurado column," and (ii) that neither Atty. Emil P. Jurado nor anyone in his behalf has ever spoken to * * (said Mr. Samson) or any other responsible officer of PLDT about the matter * *;" and

(c) beseech the Court to "take such action (on the matter) as may be appropriate."

As already stated, the Court, in its Resolution of February 16, 1993: (a) ordered the subject of Samson's letter and affidavit docketed as an official Court proceeding to determine the truth of Jurado's allegations about it; and (b) directed also that Jurado be furnished copies of Atty. William Veto's affidavit on the luncheon party hosted by him (which Jurado reported as one given by Equitable Bank) and that Jurado file comment on said affidavits as well as allegations in specified columns of his. Jurado was also furnished copies of the affidavits later submitted by the two travel agencies mentioned in Samson's statement, and was required to comment thereon.

It was thus made clear to him that he was being called to account for his published statements about the matters referred to, and that action would be taken thereon against him as "may be appropriate." That that was in fact how he understood it is evident from his submitted defenses, denying or negativing liability for contempt, direct or indirect. Indeed, as a journalist of no little experience and a lawyer to boot, he cannot credibly claim an inability to understand the nature and import of the present proceedings.

Jurado would also claim that the Court has no administrative supervision over him as a member of the press or over his work as a journalist, and asks why he is being singled out, and, by being required to submit to a separate administrative proceeding" treated differently than his other colleagues in media who were only asked to explain their reports and comments about wrongdoing in the judiciary to the Ad Hoc Committee. The answer is that upon all that has so far been said, the Court may hold anyone to answer for utterances offensive to its dignity, honor or reputation, which tend to put it in disrepute, obstruct the administration of justice, or interfere with the disposition of its business or the performance of its functions in an orderly manner. Jurado has not been singled out. What has happened is that there have been brought before the

Court, formally and in due course, sworn statements branding his reports as lies and thus imposing upon him the alternatives of substantiating those reports or assuming responsibility for their publication.

Jurado would have the Court clarify in
what capacity — whether as a journalist, or as a member of the bar — he has been cited in these proceedings. Thereby he resurrects the issue he once raised in a similar earlier proceeding: that he is being called to account as a lawyer for his statements as a journalist.[27]
This is not the case at all. Upon the doctrines and principles already inquired into and cited, he is open to sanctions as journalist who has misused and abused press freedom to put the judiciary in clear and present danger of disrepute and of public odium and opprobrium, to the detriment and prejudice of the administration of justice. That he is at the same time a member of the bar has nothing to do with the setting in of those sanctions, although it may aggravate liability. At any rate, what was said about the matter in that earlier case is equally cogent here:

> "Respondent expresses perplexity at being called to account for the publications in question in his capacity as a member of the bar, not as a journalist. The distinction is meaningless, since as the matter stands, he has failed to justify his actuations in either capacity, and there is no question, of the Courts authority to call him to task either as a newsman or as a lawyer. What respondent proposes is that in considering his actions, the Court judge them only as those of a member of the press and disregard the fact that he is also a lawyer. But his actions cannot be put into such neat compartments.
> In the natural order of things, a person's acts are determined by, and reflect, the sum total of his knowledge, training and experience. In the case of respondent in particular, the Court will take judicial notice of the frequent appearance in his regular columns of comments and observations utilizing legal language and argument, bearing witness to the fact that in pursuing his craft as a journalist he calls upon his knowledge as a lawyer to help inform and influence his readers and enhance his credibility. Even absent this circumstance, respondent cannot honestly assert that in exercising his profession as a journalist he does not somehow, consciously or unconsciously,

> draw upon his legal knowledge and training. It is thus not realistic, nor perhaps even possible, to come to any fair, informed and intelligent judgment of respondent's actuations by divorcing from consideration the fact that he is a lawyer as well as a newspaperman, even supposing, which is not the case — that he may thereby be found without accountability in this matter.
>
> To repeat, respondent cannot claim absolution even were the Court to lend ear to his plea that his actions be judged solely as those of a newspaperman unburdened by the duties and responsibilities peculiar to the law profession of which he is also a member."

8. The Dissents

The eloquent, well-crafted dissents of Messrs. Justices Puno and Melo that would invoke freedom of the press to purge Jurado s conduct of any taint of contempt must now be briefly addressed.

a. Apparent Misapprehension

of
Antecedents and Issue

Regrettably, there appears to be some misapprehension not only about the antecedents directly leading to the proceedings at bar but also the basic issues involved.

The dissents appear to be of the view, for instance, that it was chiefly Jurado's failure to appear before the *Ad Hoc* Committee in response to two (2) letters of invitation issued to him, that compelled the Court to order the matter to be docketed on February 16, 1993 and to require respondent Jurado to

file his Comment. This is not the case at all. As is made clear in Sub-Heads 3 and 4 of this opinion, *supra*, the direct cause of these proceedings was not Jurado's refusal to appear and give evidence before the *Ad Hoc* Committee. The direct cause was the letters of PLDT and Atty. William Veto, supported by affidavits, denouncing certain of his stories as false,[28] with the former *praying that the Court take such action as may be appropriate.* And it was precisely "the matter dealt with in the letter and affidavit of the PLDT" that this Court ordered to "be duly DOCKETED, and hereafter considered and acted upon as an official Court proceeding," this, by Resolution dated February 16, 1993; the Court also requiring, in the same Resolution, "that the Clerk of Court SEND COPIES of the PLDT letter and affidavit, and of the affidavit of Atty. William Veto to Atty. Emil Jurado ** ," and that Jurado should comment thereon "as well as (on) the allegations made by him in his columns, herein specified" — because of explicit claims, and indications of the falsity or inaccuracy thereof .

There thus also appears to be some misapprehension of the basic issues, at least two of which are framed in this wise: (1) the right of newsmen to refuse subpoenas, summons, or 'invitations' to appear in administrative investigations," and (2) their right "not to reveal confidential sources of information under R.A. No. 53, as amended" — which are not really involved here — in respect of which it is theorized that the majority opinion will have an inhibiting effect on newsmen's confidential sources of information, and thereby abridges the freedom of the press.

(1) No Summons or Subpoena Ever Issued to Jurado

The fact is that no summons or subpoena was ever issued to Jurado by the Ad Hoc Committee; nor was the issuance of any
such or similar processes, or any punitive measures for disobedience thereto, intended or even contemplated. Like most witnesses who gave evidence before the Committee, Jurado was merely *invited* to appear before it to give information in aid of its assigned task of ascertaining the truth concerning persistent rumors and reports about corruption in the judiciary. When he declined to accept the invitations, the *Ad Hoc* Committee took
no action save to inform the Court thereof; and the Court itself also took no action. There is thus absolutely no occasion to ascribe to that investigation and the invitation to appear thereat a "chilling effect" on the by and large "hard-boiled" and self-assured members of the media fraternity. If at all, the patience and forbearance of the Court, despite the indifference of some of its invitees and projected witnesses, appear to have generated an attitude on their part bordering on defiant insolence.

(2) No
Blanket Excuse Under RA 53

From Responding to Subpoena

Even assuming that the facts were as represented in the separate opinion, i.e., that *subpoenae* had in fact been issued to and served on Jurado, his unexplained, failure to obey the same would *prima facie* constitute constructive contempt under Section 3, Rule 71 of the Rules of Court. It should be obvious that a journalist may not refuse to appear at all as required by a *subpoena* on the bare plea that under R.A. No 53, he may not be compelled to disclose the source of his information. For until he knows what questions will be put to him as witness — for which his presence has been compelled — the relevance of R.A. No. 53 cannot be ascertained. His duty is clear. He must obey the *subpoena*. He must appear at the

appointed place, date and hour, ready to answer questions, and he may invoke the protection of the statute only at the appropriate time.

b. *The Actual Issue*

The issue therefore had nothing to do with any failure of Jurado's to obey a subpoena, none ever having been issued to him, and the *Ad Hoc* Committee having foreborne to take any action at all as regards his failure to accept its *invitations*. The issue, as set out in the opening sentence of this opinion, essentially concerns *"(l)iability for published statements demonstrably false or misleading, and derogatory of the courts and individual judges."*

Jurado is not being called to account for declining to identify the sources of his news stories, or for refusing to appear and give testimony before the *Ad Hoc* Committee. He is not being compelled to guarantee the truth of what he publishes, but to exercise honest and reasonable efforts to determine the truth of defamatory statements before publishing them. He is being meted the punishment appropriate to the publication of stories shown to be false and defamatory of the judiciary — stories that he made no effort whatsoever to verify and which, after being denounced as lies, he has refused, or is unable, to substantiate.

c. *RA 53 Confers No Immunity from Liability*

for
False or Defamatory Publications

This opinion neither negates nor seeks to enervate the proposition that a newsman has a right to keep his sources confidential; that he cannot be compelled by the courts to disclose them, as provided by R.A. 53, unless the security of the State demands such revelation. But it does hold that he cannot invoke such right as a shield against liability for printing stories that are untrue and derogatory of the courts, or others. The ruling, in other words, is that when called to account for publications denounced as inaccurate and misleading, the journalist has the option (a) to demonstrate their truthfulness or accuracy even if in the process he disclose his sources, or (b) to refuse, on the ground that to do so would require such disclosure. In the latter event, however, he must be ready to accept the consequences of publishing untruthful or misleading stories the truth and accuracy of which he is unwilling or made no *bona fide* effort to prove; for R.A. 53, as amended, is quite unequivocal that the right of refusal to disclose sources is "without prejudice to ** liability under civil and criminal laws."

RA No. 53 thus confers no immunity from prosecution for libel or for other sanction under law. It does not declare that the publication of any news report or information which was "related in confidence" to the journalist is not actionable; such circumstance (of confidentiality) does not purge the publication of its character as defamatory, if indeed it be such, and actionable on that ground. All it does is give the journalist the right to refuse (or not to be compelled) to reveal the source of any news report published by him which was revealed to him in confidence.

A journalist cannot say, *e.g.:* *a person of whose veracity I have no doubt told me in confidence* that Justices X and Y received a bribe of P1M each for their votes in such and such a case, or that a certain Judge maintains a mistress, and when called to account for such statements, absolve himself by claiming immunity under R.A. 53, or invoking press freedom.

d. *A Word about "Group Libel"*

There is hardly need to belabor the familiar doctrine about group libel and how it has become the familiar resort of unscrupulous newsmen who can malign any number of anonymous members of a common profession, calling or persuasion, thereby putting an entire institution — like the judiciary in this case — in peril of public contumely and mistrust without serious risk of being sued for defamation. The preceding discussions have revealed Jurado's predilection for, if not his normal practice of, refusing to specifically identify or render identifiable the persons he maligns. Thus, he speaks of the "Magnificent Seven," by merely referring to undisclosed regional trial court judges in Makati; the "Magnificent Seven" in the Supreme Court, as some undesignated justices who supposedly vote as one; the "Dirty Dozen," as unidentified trial judges in Makati and three other cities. He adverts to an anonymous group of justices and judges for whom a bank allegedly hosted a party; and six unnamed justices of this Court who reportedly spent a prepaid vacation in Hong Kong with their families. This resort to generalities and ambiguities is an old and familiar but reprehensible expedient of newsmongers to avoid criminal sanctions since the American doctrine of group libel is of restricted application in this jurisdiction. For want of a definitely identified or satisfactorily identifiable victim, there is generally no actionable libel, but such a craven publication inevitably succeeds in putting all the members of the judiciary thus all together referred to under a cloud of suspicion. A veteran journalist and lawyer of long standing that he is, Jurado could not have been unaware of the foregoing realities and consequences.

e. Substantiation of News Report

Not Inconsistent with RA 53

It is argued that compelling a journalist to substantiate the

news report or information confidentially revealed to him would necessarily negate or dilute his right to refuse disclosure of its source. The argument will not stand scrutiny.

A journalist's "source" either exists or is fictitious.
If the latter, plainly, the journalist is entitled to no protection or immunity whatsoever.

If the "source" actually exists, the information
furnished is either capable of independent substantiation, or it is not. If the. first, the journalist's duty is clear: ascertain, if not obtain, the evidence by which the information may be verified before publishing the same; and if thereafter called to account therefor,
present such evidence and in the process afford the party adversely affected thereby opportunity to dispute the information or show it to be false.

If the information is not verifiable, and it is derogatory of any
third party, then it ought not to be published for obvious reasons. It would be unfair to the subject of the report, who would be without means of refuting the imputations against him. And it would afford an unscrupulous journalist a ready device by which to smear third parties without the obligation to substantiate his imputations by merely claiming that the information had been given to him "in confidence".

It is suggested that there is another face to the privileged
character of a journalist's Source of information than merely the protection of the journalist, and that it is intended to protect also the source itself. What clearly is implied is that journalist may not reveal his source without the latter's clearance or consent. This totally overlooks the fact that the object of a derogatory publication has at least an equal right to know the source thereof and, if indeed traduced, to the opportunity of obtaining just satisfaction from the traducer.

9. Need
for Guidelines

Advertences to lofty principle, however eloquent and
enlightening, hardly address the mundane, but immediate and very pertinent,

question of whether a journalist may put in print unverified information derogatory of the courts and judges and yet remain immune from liability for contempt for refusing, when called upon, to demonstrate their truth on the ground of press freedom or by simply claiming that he need not do so since (or if) it would compel him to disclose the identity of his source or sources.

The question, too, is whether or not we are prepared to say that a journalist's obligation to protect his sources of information transcends, and is greater Khan, his duty to the truth; and that, accordingly, he has no obligation whatsoever to verify, or exercise *bona fide* efforts to verify, the information he is given or obtain
the side of the party adversely affected before he publishes the same

True, the pre-eminent role of a free press in keeping freedom alive and democracy in full bloom cannot be overemphasized. But it is debatable if that role is well and truly filled by a press let loose to print what it will, without reasonable restraints designed to assure the truth and accuracy of what is published. The value of information to a free society is in direct proportion to the truth it contains. That value reduces to little or nothing when it is no longer possible for the public to distinguish between truth and falsehood in news reports, and the courts are denied the mechanisms by which to make reasonably sure that only the truth reaches print.

a. No Constitutional Protection for Deliberately

False or Recklessly Inaccurate

Reports

It is worth stressing that false reports about a public official or other person are not shielded from sanction by the cardinal right to free speech enshrined in the Constitution. Even the most liberal view of free speech has never countenanced the publication of falsehoods, specially the persistent and unmitigated dissemination of patent lies. The U.S. Supreme Court,[29] while asserting that "(u)nder the First Amendment there is no such thing as a false idea," and that "(h)owever pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas" (citing a passage from the first Inaugural Address of Thomas Jefferson), nonetheless made the firm pronouncement that "there is no constitutional value in false statements of fact," and "the erroneous statement of fact is not worthy of constitutional protection (although) ** nevertheless inevitable in free debate." "Neither the intentional lie nor the careless error," it said, "materially advances society's interest in 'unhibited, robust, and wide-open' debate on public issues. New York Times Co. v. Sullivan, 376 US, at 270, 11 L Ed 2d 686, 95 ALR2d 1412. They belong to that category of utterances which 'are no essential part of any exposition of ideas, and are of such slight social value as a step to the truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.' Chaplinsky v. new Hampshire, 315 US 568, 572, 86 L Ed 1031, 62 S Ct 766 (1942)."

"The use of calculated falsehood," it was observed in another case,[30] "would put a different cast on the constitutional question. Although honest utterances, even if inaccurate, may further the fruitful exercise of the right of free speech, it does not follow that the lie, knowingly and deliberately published about a public official, should enjoy a like immunity. ** ** (T)he knowingly false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection."

Similarly, in a 1969 case concerning a patently false accusation made against a public employee avowedly in fulfilment of a "legal, moral, or social duty,"[31] this Court, through the late Chief Justice Roberto Concepcion,

ruled that the guaranty of free speech cannot be considered as according protection to the disclosure of lies, gossip or rumor, viz.:

> " ** Defendant's civil duty was to help the Government clean house and weed out dishonest, unfit or disloyal officers and employees thereof, *where there is reasonable ground* to believe that they fall under this category. He had no legal right, much less duty, to *gossip*, or *foster the circulation of rumors,* or jump at conclusions and more so if they are gratuitous or groundless. Otherwise, the freedom of speech, which is guaranteed with a view to strengthening our democratic institutions and promoting the general welfare, would be a convenient excuse to engage in the vituperation of individuals, for the attainment of private, selfish and vindictive ends, thereby hampering the operation of the Government with administrative investigations of charges preferred without any color or appearance of truth and with no other probable effect than the harassment of the officer or employee concerned to the detriment of public service and public order."

b. *No "Chilling Effect"*

The fear expressed, and earlier adverted to, that the principles here affirmed would have a "chilling effect" on media professionals, seems largely unfounded and should be inconsequential to the greater number of journalists in this country who, by and large, out of considerations of truth, accuracy, and fair play, have commendably refrained from ventilating what would otherwise be "sensational" or "high-visibility" stories. In merely seeking to infuse and perpetuate the same attitude and sense of responsibility in all journalists, i.e., that there is a need to check out the truth and correctness of information before publishing it, or that, on the other hand, recklessness and crass sensationalism should be eschewed, this decision, surely, cannot have such "chilling effect," and no apprehension that it would deter the determination of truth or the public exposure of wrong can reasonably be entertained.

The people's right to discover the truth is not advanced by unbridled license in reportage that would find favor only with extremist liberalism. If it has done nothing else, this case has made clear the compelling necessity of the guidelines and parameters elsewhere herein laid down. They are eminently reasonable, and no responsible journalist should have cause to complain of difficulty in their observance.

10. *Afterword*

It seems fitting to close this opinion with the words of Chief Justice Moran, whose pronouncements have already been earlier quoted,[32] and are as germane today as when they were first written more than fifty (50) years ago.[33]

> "It may be said that respect to courts cannot be compelled and that public confidence should be a tribute to judicial worth, virtue and intelligence But compelling respect to courts is one thing and denying the courts the power to vindicate themselves when outraged is another. I know of no principle of law that authorizes with impunity a discontented citizen to unleash, by newspaper publications, the avalanche of his wrath and venom upon courts and judges. If he believes that a judge is corrupt and that justice has somewhere been perverted, law and order require that he follow the processes provided by the Constitution and the statutes by instituting the corresponding proceedings for impeachment or otherwise. * * .
>
> " *****
>
> "It might be suggested that judges .who are unjustly attacked have a remedy in an action for libel. This suggestion has, however, no rational basis in principle. In the first place, the outrage is not directed to the judge as a private individual but to the judge as such or to the court as an organ of the administration of justice. In the second place, public interests will gravely suffer where the judge, as such, will, from time to time, be

> pulled down and disrobed of his judicial authority to face his assailant on equal grounds and prosecute cases in his behalf as a private individual. The same reasons of public policy which exempt a judge from civil liability in the exercise of his judicial functions, most fundamental of which is the policy to confine his time exclusively to the discharge of his public duties, applies here with equal, if not superior, force (Hamilton v. Williams, 26 Ala. 529; Busteed v. Parson, 54 Ala. 403; Ex parte McLeod, 120 Fed. 130; Coons v. State, 191 Ind. 580; 134 N.E. 194). * * ."

Jurado's actuations, in the context in which they were done, demonstrate gross irresponsibility, and indifference to factual accuracy and the injury that he might cause to the name and reputation of those of whom he wrote. They constitute contempt of court, directly tending as they do to degrade or abase the administration of justice and the judges engaged in that function. By doing them, he has placed himself beyond the circle of reputable, decent and responsible journalists who live by their Code or the "Golden Rule" and who strive at all times to maintain the prestige and nobility of their calling.

Clearly unrepentant, exhibiting no remorse for the acts and conduct detailed here, Jurado has maintained a defiant stance. "This is a fight I will not run from," he wrote in his column of March 21, 1993; and again, "I will not run away from a good fight," in his column of March 23, 1993. Such an attitude discourages leniency, and leaves no choice save the application of sanctions appropriate to the offense.

WHEREFORE, the Court declares Atty. Emil (Emiliano) P. Jurado guilty of contempt of court and in accordance with Section 6, Rule 71 of the Rules of Court, hereby sentences him to pay a fine of one thousand pesos (P1,000.00).

IT IS SO ORDERED.

Feliciano, Bidin, Regalado, Davide, Jr., Romero, Bellosillo,

Quiason, Mendoza and *Francisco, JJ.,* concur.

Padilla, J., join Mr. Justice Puno in his dissenting opinion.

Melo and Puno, JJ., see dissenting opinion.

Vitug, J., no part. Respondent was a former partner in a law firm.

Kapunan, J., no part. Respondent is related to me by affinity.

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[1] SEE footnote 16, *infra*

[2] Jurado's Supplemental Comment, March 15, 1993

[3] An additional paragraph was added by a subsequent administrative order (No. 11-93-A, Feb. 1, 1993) to the effect that "(i)n the event that the Chairman or any member of the *Ad Hoc* Committee be unable to take part in its proceedings at any session or hearing thereof, or should inhibit himself or herself therefrom, and to the end that the proceedings before the *Ad Hoc* Committee be not thereby delayed, Associate Justice Hilario G. Davide, Jr., Associate Justice Josue N. Bellosillo, and retired Justice Irene R. Cortes are, by the Court's authority, designated Alternate Members of the Committee, to serve thereon for such time or at such sessions or hearings as the Chief Justice may determine."

[4] SEE footnotes 12 and 19 *infra*

[5] SEE footnote 10, *infra*

[6]
213 SCRA 16

[7]
ETPI counsel, former Solicitor General Estelito Mendoza and former Law Dean Eduardo de los Angeles, have since declared that none of the lawyers or officers of the corporation had ever authorized the release of the Yerkes affidavit. In any event, Mr. Justice Gutierrez has since made public his own affidavit in indignant traverse of the Yerkes document; and two (2) other experts, commissioned by the PLDT, have submitted studies and reports impugning the Yerkes conclusions.

[8]
Italics and underscoring supplied

[9]
Italics supplied

[10]
SEE footnote 5, *supra*

[11]
N.B. However, in his column of Feb. 4, 1993, he had written: "There is really no need (for the *Ad Hoc* Committee) to summon me. The committee can go by the many things I have written in my column about corruption in the judiciary * *."

[12]
SEE footnotes 4, *supra*, and 19, *infra*

[13]
166 SCRA at 353-355; emphasis in the original

[14]
Tolentino, The Civil Code of the Philippines, Commentaries and Jurisprudence, 1983 ed., Vol. 1, p. 71, citing 1 Cammarota 159

[15]
Op. cit., at p. 63, citing Borrell Macia, pp. 87-89

[16]
SEE footnote 1, page 2, *supra*

[17]
E.g., Castillo *v.* Calanog,
Jr., 199 SCRA 75 (1991); Patricia T. Junio *v.* Judge Pedro C. Rivera, Jr., A.M. No.
MTJ-91-565, Aug. 30, 1993; Media *v.* Pamaran, 160 SCRA 457 (1988); Office of the Court Administrator *v.* Gaticales,
208 SCRA 508 (1992); Vistan *v.* Nicolas, 201 SCRA 524 (1991); NISA *v.* Tablang, 199 SCRA 766 (1991)

17a SEE, *e.g.*, Ayer Productions Pty. Ltd *v.* Capulong,
160 SCRA 861 (1988)

[18]
SEE footnote 6, *supra*

[19]
SEE footnotes 4 and 12, *supra*

[20]
SEE p. 10. *supra*

[21]
Said Sec. 15, par IV, supersedes the provision in Circular No. 7 that the
Executive Judge "shall have no authority to act on any incidental or interlcutory matter in any case not yet assigned to any
branch by raffle."

[22]
Subhead "1. *Basic Postulates*."
at pages 1 and 2; and sub-head "5. *Norms*
for Proper Exercise of Press Freedom," at pp. 12 to 15, *supra*

[23]
166 SCRA 316 (1988)

[24]
69 Phil. 265 (1939)

[25]
Id., at p. 273, 274-275; SEE *In re* Brillantes,
42 O.G. No. 1, p. 59 and *In re* Almacen. 31 SCRA 595-596

[26]
The case is, as indicated early in this opinion (Sub-Head No. 3, pp. 5-6), G.
R. No. 94374 *(Philippine Long Distance*

Telephone Company v. National Telecommunications Commission and Eastern Telephone Philippines, Inc. [ETPI]), decided by the Court *En Banc* on August 27, 1992; and the
signed Resolution disposing of the respondents' motion for the reconsideration of said decision of August 27, 1992, was promulgated on February 21 1995.

[27]
Adm. Matter No. 90-5-2373, *In re: Atty. Emiliano P. Jurado, Jr., a.k.a. Emil Jurado,* Extended Resolution, July 12, 1990

[28]
Specially, that concerning an alleged Hongkong
vacation of six (6) unnamed Justices of the Supreme Court and their families which had been paid for by a public utility firm, and arranged by a travel agency patronized by the latter; and that relative to an alleged party of a bank for certain unnamed Justices and judges (SEE Sub-Head 3, a and b)

[29]
In Gertz *v.*
Robert Welch;, 418 U.S. 323, 340

[30]
Garrison *v.* Louisiana, 379 U.S. 64,
75

[31]
Orfanel *v.*
People, 30 SCRA 819, 828-829

[32]
SEE footnote 24, *supra*

[33]
69 Phil. 265, 277, 279