

IN THE MATTER OF THE INQUIRY INTO THE 1989 ELECTIONS OF THE INTEGRATED BAR OF THE PHILIPPINES.

Bar Matter No. 491. October 06, 1989

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PER CURIAM:

In the election of the national officers of the Integrated Bar of the Philippines (hereafter "IBP") held on June 3, 1989 at the Philippine International Convention Center (or PICC), the following were elected by the House of Delegates (composed of 120 chapter presidents or their alternates) and proclaimed as officers:

NAME

POSITION

Atty. Violeta Drilon

President

Atty. Bella Tiro

Executive Vice-President

Atty. Salvador Lao

Chairman, House of Delegates

Atty. Renato F. Ronquillo

Secretary, House of Delegates

Atty. Theodoro Quicoy

Treasurer, House of Delegates

Atty. Oscar Badelles

Sergeant-at-Arms, House of Delegates

Atty. Justiniano Cortes

Governor & Vice-President for Northern Luzon

Atty. Ciriaco Atienza

Governor & Vice-President for Central Luzon

Atty. Mario Jalandoni

Governor & Vice-President for Metro Manila

Atty. Jose Aguilar Grapilon

Governor & Vice-President for Southern Luzon

Atty. Teodoro Almine

Governor & Vice-President for Bicolandia

Atty. Porfirio Siyangco

Governor & Vice-President for Eastern Visayas

Atty. Ricardo Teruel

Governor & Vice-President for Western Visayas

Atty. Gladys Tiongco

Governor & Vice-President for Eastern Mindanao

Atty. Simeon Datumanong

Governor & Vice-President for Western Mindanao

The newly-elected officers were set to take their oath of office on July 4, 1989, before the Supreme Court en banc. However, disturbed by the widespread reports received by some members of the Court from lawyers who had witnessed or participated in the proceedings and the adverse comments published in the columns of some newspapers about the intensive electioneering and overspending by the candidates, led by the main protagonists for the office of president of the association, namely, Attorneys Nereo Paculdo, Ramon Nisce, and Violeta C. Drilon, the alleged use of government planes, and the officious intervention of certain public officials to influence the voting, all of which were done in violation of the IBP By-Laws which prohibit such activities, the Supreme Court en banc, exercising its power of supervision over the Integrated Bar, resolved to suspend the oath-taking of the IBP officers-elect and to inquire into the veracity of the reports.

It should be stated at the outset that the election process itself (i.e. the voting and the canvassing of votes on June 3, 1989) which was conducted by the "IBP Comelec," headed by Justice Reynato Puno of the Court of Appeals, was unanimously adjudged by the participants and observers to be above board. For Justice Puno took it upon himself to device safeguards to prevent tampering with, and marking of the ballots.

What the Court viewed with considerable concern was the reported electioneering and extravagance that characterized the campaign conducted by the three candidates for president of the IBP.

I. MEDIA ACCOUNT OF THE ELECTION CAMPAIGN. -

Emil Jurado, in his column "IBP Group Questions Drilon Election" (Manila Standard, Sunday, June 17, 1989), Luis Mauricio, in two successive columns: "The Invertebrated Bar" (Malaya, June 10, 1989) and "The Disintegrating Bar" (Malaya, June 20, 1989), and Teodoro Locsin, Jr. in an article, entitled "Pam-Pam" (The Philippines Free Press, July 8, 1989), and the editorial, entitled "Wrong Forum" of the Daily Globe (June 8, 1989), were unanimously critical of the "vote-buying and pressure tactics" allegedly employed in the campaign by the three principal candidates: Attys. Violeta C. Drilon, Nereo Paculdo and Ramon Nisce who reportedly "poured heart, soul, money and influence to win over the 120 IBP delegates."

Mr. Jurado mentioned the resentment of Atty. Drilon's rivals who felt at a disadvantage because Atty. Drilon allegedly used PNB helicopters to visit far-flung IBP chapters on the pretext of distributing Bigay Puso donations, and she had the added advantage of having regional directors and labor arbiters of the Department of Labor and

Employment (who had been granted leaves of absence by her husband, the Labor Secretary) campaigning for her. Jurado's informants alleged that there was rampant vote-buying by some members of the U.P. Sigma Rho Fraternity (Secretary Drilon's fraternity), as well as by one lawyers of ACCRA (Angara, Concepcion, Cruz, Regala and Abello Law Office) where Mrs. Drilon is employed, and that government positions were promised to others by the office of the Labor Secretary.

Mr. Mauricio in his column wrote about the same matters and, in addition, mentioned "talk of personnel of the Department of Labor, especially conciliators and employers, notably Chinese Filipinos, giving aid and comfort to her (Atty. Drilon's) candidacy," the billeting of out-of-town delegates in plush hotels where they were reportedly "wined and dined continuously, womened, and subjected to endless haggling over the price of their votes x x x" which allegedly "ranged from P15,000 to P20,000, and, on the day of the election, some twelve to twenty votes which were believed crucial, appreciated to P50,000."

In his second column, Mr. Mauricio mentioned "how a top official of the judiciary allegedly involved himself in IBP politics on election day by closeting himself with campaigners as they plotted their election strategy in a room of the PICC (the Philippine International Convention Center where the convention/election were held) during a recess x x x."

Mr. Locsin in his column and editorial substantially reechoed Mauricio's reports with some embellishments.

II. THE COURT'S DECISION TO INVESTIGATE. -

Responding to the critical reports, the Court, in its en banc resolution dated June 15, 1989, directed the outgoing and in-coming members of the IBP Board of Governors, the principal officers and Chairman of the House of Delegates to appear before it on Tuesday, June 20, 1989, at 2:00 o'clock p.m., and there to inform the Court on the veracity of the aforementioned reports and to recommend, for the consideration of the Courts, appropriate approaches to the problem of confirming and strengthening adherence to the fundamental principles of the IBP.

In that resolution the Court "call[ed] to mind that a basic postulate of the Integrated Bar of the Philippines (IBP), heavily stressed at the time of its organization and commencement of existence, is that the IBP shall be non-political in character and that there shall be no lobbying nor campaigning in the choice of members of the Board of Governors and of the House of Delegates, and of the IBP officers, national, or regional, or chapter. The fundamental assumption was that officers, delegates and governors would be chosen on the basis of professional merit and willingness and ability to serve."

The resolution went on to say that the "Court is deeply disturbed to note that in connection with the election of members of the Board of Governors and of the House of Delegates, there is a widespread belief, based on reports carried by media and transmitted as well by word of mouth, that there was extensive and intensive campaigning by candidates for IBP positions as well as expenditure of considerable sums of money by candidates, including vote-buying, direct or indirect."

The venerable retired Supreme Court Justice and IBP President Emeritus, Jose B.L. Reyes attended the dialogue, upon invitation of the Court, to give counsel and advice. The meeting between the Court en banc on the one hand, and the outgoing and in-coming IBP officers on the other, was an informal one.

Thereafter, the Court resolved to conduct a formal inquiry to determine whether the prohibited acts and activities enumerated in the IBP By-Laws were committed before and during the 1989 elections of IBP's national officers.

The Court en banc formed a committee and designated Senior Associate Justice Andres R. Narvasa, as Chairman, and Associate Justices Teodoro R. Padilla, Emilio A. Gancayco, Abraham F. Sarmiento, and Carolina C.

Griño-Aquino, as members, to conduct the inquiry. The Clerk of Court, Atty. Daniel Martinez, acted as the committee's Recording Secretary.

A total of forty-nine (49) witnesses appeared and testified in response to subpoenas issued by the Court to shed light on the conduct of the elections. The managers of three five-star hotels -- the Philippine Plaza, the Hyatt, and the Holiday Inn where the three protagonists (Drilon, Nisce, and Paculdo) allegedly set up their respective headquarters and where they billeted their supporters -- were summoned. The officers of the Philippine National Bank and the Air Transport Office were called to enlighten the Court on the charge that an IBP presidential candidate and the members of her slate used PNB planes to ferry them to distant places in their campaign to win the votes of delegates. The Philippine Airlines officials were called to testify on the charge that some candidates gave free air fares to delegates to the convention. Officials of the Labor Department were also called to enable the Court to ascertain the truth of the reports that labor officials openly campaigned or worked for the election of Atty. Drilon.

The newspaper columnists, Messrs. Luis Mauricio, Jesus Bigornia, and Emil Jurado were subpoenaed to determine the nature of their sources of information relative to the IBP elections. Their stories were based, they said, on letters, phone calls and personal interviews with persons who claimed to have knowledge of the facts, but whom they, invoking the Press Freedom Law, refused to identify.

The Committee has since submitted its Report after receiving, and analyzing and assessing evidence given by such persons as were perceived to have direct and personal knowledge of the relevant facts; and the Court, after deliberating thereon, has Resolved to accept and adopt the same.

III. PROHIBITED ACTS AND PRACTICES UNDER IBP BY-LAWS. -

Article I, Section 4 of the IBP By-Laws emphasizes the "strictly non-political" character of the Integrated Bar of the Philippines, thus:

"SEC. 4. Non-political Bar. - The Integrated Bar is strictly non--political, and every activity tending to impair this basic feature is strictly prohibited and shall be penalized accordingly. No lawyer holding an elective, judicial, quasi-judicial, or prosecutor office in the Government or any political subdivision or instrumentality thereof shall be eligible for election or appointment to any position in the Integrated Bar or any Chapter thereof. A Delegate, Governor, officer or employee of the Integrated Bar, or an officer or employee of any Chapter thereof shall be considered ipso facto resigned from his position as of the moment he files his certificate of candidacy for any elective public office or accepts appointment to any judicial, quasi-judicial, or prosecutory office in the Government or any political subdivision or instrumentality thereof."

Section 14 of the same By-laws enumerates the prohibited acts relative to IBP elections:

"SEC. 14. Prohibited acts and practices relative to elections. - The following acts and practices relative to election are prohibited, whether committed by a candidate for any elective office in the Integrated Bar or by any other member, directly or indirectly, in any form or manner, by himself or through another person.

- (a) Distribution, except on election day, of election campaign material;
- (b) Distribution, on election day, of election campaign material other than a statement of the biodata of a candidate on not more than one page of a legal-size sheet of paper; or causing distribution of such statement to be done by persons other than those authorized by the officer presiding at the elections;
- (c) Campaigning for or against any candidate, while holding an elective, judicial, quasi-judicial, or prosecutory office in the Government or any political subdivision, agency or instrumentality thereof;

(d) Formation of tickets, single slates, or combinations of candidates, as well as the advertisement thereof;

(e) For the purpose of inducing or influencing a member to withhold his vote, or to vote for or against a candidate. (1) payment of the dues or other indebtedness of any member; (2) giving of food, drink, entertainment, transportation or any article of value, or any similar consideration to any person; or (3) making a promise or causing an expenditure to be made, offered or promised to any person."

Section 12(d) of the By-Laws prescribes sanctions for violations of the above rules:

"(d) Any violation of the rules governing elections or commission of any of the prohibited acts and practices defined in Section 14 (Prohibited Acts and Practices relative to elections) of the by-laws of the Integrated Bar shall be a ground for the disqualification of a candidate or his removal from office if elected, without prejudice to the imposition of sanctions upon any erring member pursuant to the By-laws of the Integrated Bar."

At the formal investigation which was conducted by the investigating committee, the following violations were established:

(1) Prohibited campaigning and solicitation of votes by the candidates for president, executive vice-president, the officers of the House of Delegates and Board of Governors.

The three candidates for IBP president - Drilon, Nisce and Paculdo - began travelling around the country to solicit the votes of delegates as early as April 1989. Upon the invitation of IBP President, Leon Garcia, Jr. (t.s.n., July 13, 1989, p. 4), they attended the Bench and Bar dialogues held in Cotabato in April 1989 (t.s.n., June 29, 1989, p. 123), in Tagaytay City, Pampanga, and in Baguio City (during the conference of chapter presidents of Northern Luzon (t.s.n., July 3, 1989, p. 113; t.s.n., July 10, p. 41; t.s.n., July 13, p. 47) where they announced their candidacies and met the chapter presidents.

Atty. Nisce admitted that he went around the country seeking the help of IBP chapter officers, soliciting their votes, and securing their written endorsements. He personally hand-carried nomination forms and requested the chapter presidents and delegates to fill up and sign the forms to formalize their commitment to his nomination for IBP President. He started campaigning and distributing the nomination forms in March 1989 after the chapter elections which determined the membership of the House of Delegates composed of the 120 chapter presidents (t.s.n., June 29, 1989, pp. 82-86). He obtained forty (40) commitments. He submitted photocopies of his nomination forms which read:

"Nomination Form

I Join in Nominating

RAMON M. NISCE

as

National President of the

Integrated Bar of the Philippines

Chapter Signature"

Among those who signed the nomination forms were: Onofre P. Tejada, Candido P. Balbin, Jr., Conizado V. Posadas, Quirico L. Quirico, Ernesto S. Salun-at, Gloria C. Agunos, Oscar B. Bernardo, Feliciano F. Wycoco, Amor L. Ibarra, Jose M. Atienza, Jose N. Contreras, Romeo T. Mendoza, Leo C. Medialdea, Jr., Paulino G.

Clarín, Julius Z. Neri, Roem J. Arbolado, Democrito M. Perez, Abelardo Fermin, Diosdado B. Villarin, Jr., Daniel C. Macaraeg, Confesor R. Sansano, Dionisio E. Bala, Jr. Ernesto A. Amores, Romeo V. Pefianco, Augurio C. Pamintuan, Atlee T. Viray, Ceferino C. Cabanas, Jose S. Bubán, Diosdado Z. Reloj, Jr., Cesar C. Viola, Oscar C. Fernandez, Ricardo B. Teruel, Rodrigo R. Flores, Sixto Marella, Jr., Arsenio C. Villalon, Renato F. Ronquillo, Antonio G. Nalapol, Romualdo A. Din, Jr., Jose P. Icaonapo, Jr., and Manuel S. Pecson.

Atty. Nisce admitted that he reserved rooms at the Hyatt Hotel based on the commitments he had obtained (t.s.n., June 29, 1989, pp. 82-85). Unfortunately, despite those formal commitments, he obtained only 14 votes in the election (t.s.n., June 29, 1989, p. 86). The reason, he said, is that some of those who had committed their votes to him were "manipulated, intimidated, pressured, or remunerated" (t.s.n., June 29, 1989, pp., 86-95; Exhibit "M-4-Nisce", t.s.n., July 4, 1989, pp. 100-104).

(2) Use of PNB plane in the campaign. -

The records of the Philippine National Bank (Exhibit C-1-Crudo and Exhibit C-2-Crudo) show that Secretary Fulgencio S. Factoran, Jr. of the Department of Environment & Natural Resources (DENR) borrowed a plane from the Philippine National Bank for his Bicol CORD (Cabinet Officers for Regional Development) Assistant, Undersecretary Antonio Tria. The plane manifest (Exh. C-2-Crudo) listed Atty. Violeta Drilon, Arturo Tusi (Tiu), Assistant Secretary for Environment and Natural Resources (DENR) Tony Tria, Atty. Gladys Tiongco, and Amy Wong. Except for Tony Tria, the rest of the passengers were IBP candidates.

Atty. Drilon admitted that she "hitched" a ride on a PNB plane. She said that she was informed by Atty. Tiu about the availability of a PNB plane (t.s.n., July 3, 1989, pp. 116-118).

Atty. Tiu, who ran for the position of IBP executive vice-president in the Drilon ticket, testified that sometime in May 1989 he failed to obtain booking from the Philippine Airlines for the projected trip of his group to Bicol. He went to the DENR allegedly to follow up some papers for a client. While at the DENR, he learned that Assistant Secretary Tria was going on an official business in Bicol for Secretary Fulgencio Factoran and that he would be taking a PNB plane. As Assistant Secretary Tria is his fraternity brother, he asked if he, together with Drilon group, could hitch a ride on the plane to Bicol. His request was granted. Their purpose in going to Bicol was to assess their chances in the IBP elections. The Drilon company talked with the IBP chapter presidents in Daet, Naga, and Legaspi, and asked for their support (t.s.n., July 10, 1989, pp. 5-49).

Assistant Secretary Antonio S. Tria confirmed the use of a PNB plane by Atty. Drilon and her group. He recalled that on May 23, 1989, DENR Secretary Factoran instructed him to go to Bicol to monitor certain regional development projects there and to survey the effect of the typhoon that hit the region in the middle of May. On the same day, Atty. Tiu, a fraternity brother (meaning that Tiu belongs to the Sigma Rho fraternity) went to the DENR office and requested the Secretary (Factoran) if he (Tiu) could be allowed to hitch a ride on the plane. Assistant Secretary Tria, together with the Drilon group which included Attorneys Drilon, Grapilon, Amy Wong, Gladys Tiongco, and Tiu, took off at the Domestic Airport bound for Naga, Daet and Legaspi. In Legaspi the Drilon groups had lunch with Atty. Vicente Real, Jr., an IBP chapter president (t.s.n., July 10, 1989, pp. 54-69).

(3) Formation of tickets and single slates. –

The three candidates, Paculdo, Nisce and Drilon, admitted having formed their own slates for the election of IBP national officers on June 3, 1989.

Atty. Paculdo's slate consisted of: himself for President; Bella D. Tiro, for Executive Vice-President; and for Governors: Justiniano P. Cortez (Northern Luzon), Oscar C. Fernandez (Central Luzon), Mario C.V. Jalandoni (Greater Manila), Petronilo A. de la Cruz (Southern Luzon), Teodorico C. Almine, Jr. (Bicolandia), Ricardo B.

Teruel (Western Visayas), Porfirio P. Siyangco (Eastern Visayas), Jesus S. Anonat (Western Mindanao), Guerrero A. Adaza, Jr. (Eastern Mindanao) (Exhibit M-Nisce).

The Drilon ticket consisted of: Violeta C. Drilon for President, Arturo Tiu for Executive Vice President, Salvador Lao for Chairman of the House of Delegates, and, for Governors: Basil Rupisan (Northern Luzon), Acong Atienza (Central Luzon), Amy Wong (Metro Manila), Jose Grapilon (Southern Tagalog), Teodoro Almine (Bicolandia), Baldomero Estenzo (Eastern Visayas), Joelito Barrera (Western Visayas), Gladys Tiongco (Eastern Mindanao), Simeon Datumanong (Western Mindanao) (Exhibit' M -1 Nisce).

Atty. Ramon N. Nisce's line-up listed himself and Confessor B, Sansano, Benjamin B. Bernardino, Antonio L. Nalapo, Renato F. Ronquillo, Gloria C. Agunos, Mario Valderrama, Candido P. Balbin, Jr., Oscar C. Fernandez, Cesar G. Viola, Leo C. Medialdea, Jr., Vicente P. Tordilla, Jr., Jose S. Buban, Joel A. Llosa, Jesus T. Albacite, and Oscar V. Badelles.

(4) Giving free transportation to out-of-town delegates and alternates.

Atty. Niece admitted having bought plane tickets for some delegates to the convention. He mentioned Oscar Badelles to whom he gave four round-trip tickets (worth about P10,000) from Iligan City to Manila and back. Badelles was a voting delegate. Niece, however, failed to get a written commitment from him because Atty. Medialdea assured him (Nisce) "sigurado na 'yan, h'wag mo nang papirmahin."

Badelles won as sergeant-at-arms, not in Nisce's ticket, but in that of Drilon.

Badelles admitted that Nisce sent him three airplane tickets, but he (Badelles) said that he did not use them, because if he did, he would be committed to Nisce, and he (Badelles) did not want to be committed (t.s.n., July 4, 1989, pp. 77-79, 95-96).

Nisce also sent a plane ticket to Atty. Atilano, who was his candidate, and another ticket to Mrs. Linda Lim of Zamboanga.

Records of the Philippine Airlines showed that Atty. Nisce paid for the plane tickets of Vicente Real, Jr. (Exh. D-1-Calica), Romeo Fortes (Exh. D-1-Calica), Cesar Batica (Exh. D-2-Calica), Jose Buban of Leyte (Exh. D-2-Calica), Delsanto Resuello (Exh. D-3-Calica), and Ceferino Cabanas (Exh. D-3-Calica).

In spite of his efforts and expense, only one of Nisce's candidates won: Renato Ronquillo of Manila 4, as Secretary of the House of Delegates (t.s.n. July 3, p. 161).

(5) Giving free hotel accommodations, food, drinks, entertainment to delegates.

(a) ATTY. NEREO PACULDO -

Atty. Paculdo alleged that he booked 24 regular rooms and three suites at the Holiday Inn, which served as his headquarters. The 24 rooms were to be occupied by his staff (mostly ladies) and the IBP delegates. The three suites were to be occupied by himself, the officers of the Capitol Bar Association, and Atty. Mario Jalandoni. He paid P150,000 for the hotel bills of his delegates at the Holiday Inn, where a room cost P990 per day with breakfast.

Those listed as guests of Atty. Paculdo at the Holiday Inn were: Ernesto C. Perez, Tolomeo Ligutan, Judge Alfonso Combong, Ricardo Caliwag, Antonio Bisnar, Benedicto Balajadia, Jesus Castro, Restituto Villanueva, Serapio Cribbe, Juanito Subia, Teodorico J. Almine, Rudy Gumban, Roem Arbolado, Ricardo Teruel, Shirley Moises, Ramon Roco, Alberto Trinidad, Teodoro Quicoy, Manito Lucero, Fred Cledera, Vicente Tordilla, Julian Ocampo, Francisco, Felizmenio, Marvel Clavecilla, Amador Capiral, Eufonio Maristela, Porfirio Siyangco,

William Llanes, Jr., Marciano Neri, Guerrero Adaza, Diosdado Peralta, Luis C. Formilleza, Jr., Deniocrito Perez, Bruno Flores, Dennis Rendon, Judge Ceferino Chan, Mario Jalandoni, Kenneth Siruelo, Bella Tiro, Antonio Santos, Tiburcio Edano, James Tan, Cesilo A. Adaza, Francisco Roxas, Angelita Gacutan, Jesse Pimentel, Judge Jaime Hamoy, Jesus Anonat, Carlos Egay, Judge Carlito Eisma, Judge Jesus Carbon, Joven Zach, and Benjamin Padon.

Noel de Guzman, Holiday Inn's credit manager, testified that Atty. Paculdo booked 52 (not 24) rooms, including the presidential suite, which was used as the Secretariat. The group bookings were made by Atty. Gloria Paculdo, the wife of Nereo Paculdo (t.s.n. June 28, 1989, pp. 63-68). The total sum of P227,114.89 was paid to Holiday Inn for the use of the rooms.

(b) ATTY. VIOLETA C. DRILON

The delegates and supporters of Atty. Drilon were billeted at the Philippine Plaza Hotel where her campaign manager, Atty. Renato Callanta, booked 40 rooms, 5 of which were suites. According to Ms. Villanueva, Philippine Plaza banquet and conventions manager, the contract that Atty. Callanta signed with the Philippine Plaza was made in the name of the "IBP c/o Atty. Callanta."

Mrs. Lourdes Juco, a sales manager of the Philippine Plaza, recalled that it was Mr. Mariano Benedicto who first came to book rooms for the IBP delegates. She suggested that he obtain a group (or discounted) rate. He gave her the name of Atty. Callanta who would make the arrangements with her. Mr. Benedicto turned out to be the Assistant Secretary of the Department of Labor and Employment (DOLE).

The total sum of P316,411.53 was paid by Atty. Callanta for the rooms, food, and beverages consumed by the Drilon group, with an unpaid balance of P302,197.30. Per Attorney Daniel Martinez's last telephone conversation with Ms. Villanueva, Atty. Callanta still has an outstanding account of P232,782.65 at Philippine Plaza.

Atty. Callanta admitted that he signed the contract for 40 rooms at the Philippine Plaza. He made a down payment of P123,000. His "working sheet" showed that the following persons contributed for that down payment:

- (a) Nilo Peña (Quasha Law Office) - P25,000
 - (b) Antonio Carpio - 20,000
 - (c) Toto Ferrer (Carpio Law Office) - 10,000
 - (d) Jay Castro - 10,000
 - (e) Danny Deen - 20,000
 - (f) Angangco Tan (Angara Law Office) - 10,000
 - (g) Alfonso Reyno - 20,000
 - (h) Cosme Rossel - 15,300
- (t.s.n. July 4, 1989, pp. 3-4).

Atty. Callanta explained that the above listed persons have been contributing money every time the IBP embarks on a project. This time, they contributed so that their partners or associates could attend the legal aid seminar and the IBP convention too.

Atty. Drilon alleged that she did not know that Atty. Callanta had billeted her delegates at the Philippine Plaza. She allegedly did not also know in whose name the room she occupied was registered. But she did ask for a room

where she could rest during the convention. She admitted, however, that she paid for her hotel room and meals to Atty. Callanta, through Atty. Loanzon (t.s.n. July 3, 1989).

The following were listed as having occupied the rooms reserved by Atty. Callanta at the Philippine Plaza: Violeta Drilon Victoria A. Verciles, Victoria C. Loanzon, Leopoldo A. Consulto, Ador Lao, Victoria Borra, Aimee Wong, Callanta, Peña, Tiu, Gallardo, Acong, Atienza, D. Bernardo, Amores, Silao, Caingal, Manuel Yuson, Simeon Datumanong, Manuel Pecson, Sixto Marella, Joselito Barrera, Radon, Macalalag, Oscar Badelles, Antonio Acyatan, Ildefonso C. Puerto, Nestor Atienza, Gil Batula, Array Corot, Dimakuta Corot, Romeo Fortez, Irving Petilla, Teodoro Palma, Gil Palma, Danilo Deen, Delsanto, Resuello, Araneta, Vicente Real, Sylvio Casuncad, Espina, Guerrero, Julius Neri, Linda Lim, Ben Lim, C. Batica, Luis Formilleza, Felix Macalag, Mariano Benedicto II, Atilano, Araneta, Renato Callanta.

Atty. Nilo Peña admitted that the Quasha Law Office of which he is a senior partner, gave P25,000 to Callanta for rooms at the Philippine Plaza so that some members of his law firm could campaign for the Drilon group (t.s.n. July 5, 1989, pp. 76-78) during the legal aid seminar and the IBP convention. Most of the members of his law firm are fraternity brothers of Secretary Drilon (meaning, members of the Sigma Rho Fraternity). He admitted being sympathetic to the candidacy of Atty. Drilon and the members of her slate, two of whom, -- Jose Grapilon and Simeon Datumanong -- are Sigma Rhoans. They consider Atty. Drilon as a "sigma rho sister," her husband being a sigma rhoan.

Atty. Antonio Carpio, also a Sigma Rhoan, reserved a room for the members of his own firm who attended the legal aid seminar and the convention. He made the reservation through Atty. Callanta to whom he paid P20,000 (t.s.n. July 6, 1989, pp. 30-34).

Atty. Carpio assisted Atty. Drilon in her campaign during the convention, by soliciting the votes of delegates he knew, like Atty. Albacite, his former teacher (but the latter was already committed to Nisce), and Atty. Romy Fortes, a classmate of his in the U.P. College of Law (t.s.n. July 6, 1989, pp. 22, 29, 39).

(c) ATTY. RAMON NISCE.

Atty. Nisce, through his brother-in-law, Ricardo Paras, entered into a contract with the Hyatt Hotel for a total of 29 rooms plus one (1) seventh-floor room. He made a downpayment of P20,000 (t.s.n. June 28, 1989, p. 58) on April 20, 1989, and P37,632.45 on May 10, or a total of P57,632.45.

Ms. Cecile Flores, Ms. Milagros Ocampo, and Mr. Ramon Jacinto, the sales department manager, credit manager, and reservation manager, respectively of the Hyatt, testified that Atty. Nisce's bill amounted to P216,127.74 (t.s.n. June 28, 1989, pp. 57-58; Exhibits E-Flores, F-Jacinto, G-Ocampo).

As earlier mentioned, Atty. Nisce admitted that he reserved rooms for those who committed themselves to his candidacy.

The hotel guests of Atty. Nisce were: Gloria Agunos, Dennis Habanel, B. Batula, John E. Asuncion, Reynaldo Cortes, Lourdes Santos, Elmer Datuin, Romualdo Din, Antonio Nalapo, Israel Damasco, Candido Balbin, Serrano Balot, Ibarra, Joel Llosa, Eltanal, Ruperto, Asuncion, Q. Pilotin, Reymundo P. Guzman, Zoilo Aguinaldo, Clarin, R. Ronquillo, Dominador Carillo, Filomeno Balinas, Ernesto Sabulan, Yusop Pangadapun, A. Viray, Icampo, Abelardo Fermin, C. Quiaoit, Augurio Pamintuan, Daniel Macaraeg, Onofre Tejada.

(6) Campaigning by labor officials for Atty. Violeta Drilon.

In violation of the prohibition against "campaigning for or against a candidate while holding an elective, judicial, quasi-judicial, or prosecutory office in the Government" (Sec. 14[c], Art. I, IBP By-Laws). Mariano E. Benedicto

II, Assistant Secretary, Department of Labor and Employment, testified that he took a leave of absence from his office to attend the IBP convention. He stayed at the Philippine Plaza with the Drilon group admittedly to give "some moral assistance" to Atty. Violeta Drilon. He did so because he is a member of the Sigma Rho Fraternity. When asked about the significance of Sigma Rho, Secretary Benedicto explained: "More than the husband of Mrs. Drilon being my boss, the significance there is that the husband is my brother in the Sigma Rho."

He cheered up Mrs. Drilon when her spirits were low. He talked to her immediate circle which included Art Tiu, Tony Carpio, Nilo Peña, Amy Wong, Atty. Grapilon, Victor Lazatin and Boy Reyno. They assessed the progress of the campaign, and measured the strengths and weaknesses of the other groups. The group had sessions as early as the later part of May.

Room 114, the suite listed in the name of Assistant Secretary Benedicto totaled up a bill of P23,110 during the 2-day IBP convention/election. A total of 113 phone calls (amounting to P1,356) were recorded as emanating from his room.

Opposite Room 114, was Room 112, also a suite, listed in the names of Mrs. Drilon, Gladys Tiongco (candidate for Governor, Eastern Mindanao) and Amy Wong (candidate for Governor, Metro Manila). These two rooms served as the "action center" or "war room" where campaign strategies were discussed before and during the convention. It was in these rooms where the supporters of the Drilon group, like Attys. Carpio, Callanta, Benedicto, the Quasha and the ACCRA lawyers met to plot their moves.

(7) Paying the dues or other indebtedness of any member (Sec. 14[e], IBP By-Laws).

Atty. Teresita C. Sison, IBP Treasurer, testified that she has heard of candidates paying the IBP dues of lawyers who promised to vote for or support them, but she has no way of ascertaining whether it was a candidate who paid the delinquent dues of another, because the receipts are issued in the name of the member for whom payment is made (t.s.n. June 28, 1989, pp. 24-28).

She has noticed, though, that there is an upsurge of payments in March, April, May during any election year. This year, the collections increased by P100,000 over that of last year (a non-election year) -- from P1,413,425 to P1,524,875 (t.s.n. June 28, 1989, p. 25).

(8) Distribution of materials other than bio-data of not more than one page of legal size sheet of paper (Sec. 14[a], IBP By-Laws).

On the convention floor on the day of the election, Atty. Paculdo caused to be distributed his bio-data and copies of a leaflet entitled "My Quest," as well as, the lists of his slate. Attys. Drilon and Nisce similarly distributed their tickets and bio-data.

The campaign materials of Atty. Paculdo cost from P15,000 to P20,000. They were printed by his own printing shop.

(9) Causing distribution of such statement to be done by persons other than those authorized by the officer presiding at the election (Sec. 14[b], IBP By-Laws).

Atty. Paculdo employed uniformed girls to distribute his campaign materials on the convention floor. Atty. Carpio noted that there were more campaign materials distributed at the convention site this year than in previous years. The election was more heated and expensive (t.s.n. July 6, 1989, p. 39).

Atty. Benjamin Bernardino, the incumbent President of the IBP Rizal Chapter, and a candidate for chairman of the House of Delegates on Nisce's ticket, testified that campaign material was distributed during the convention by girls and by lawyers. He saw members of the ACCRA law firm campaigning for Atty. Drilon (t.s.n. July 3,

1989, pp. 142-145).

(10) Inducing or influencing a member to withhold his vote, or to vote for or against a candidate (Sec. 14[e], IBP By-Laws).

Atty. Bernardino disclosed that his cousin, Atty. Romeo Capulong, urged him to withdraw his candidacy for chairman of the House of Delegates and to run as vice-chairman in Violy Drilon's slate, but he declined (t.s.n. July 3, 1989, pp. 137, 149).

Atty. Gloria Agunos, personnel director of the Hyatt Terraces Hotel in Baguio and president of the Baguio-Benguet IBP Chapter, recalled that in the third week of May 1989, after the Tripartite meet of the Department of Labor & Employment at the Green Valley Country Club in Baguio City, she met Atty. Drilon, together with two labor officers of Region 1; attys. Filomeno Balbin and Atty. Mansala. Atty. Drilon solicited her (Atty. Agunos') vote and invited her to stay at the Philippine Plaza where a room would be available for her. Atty. Paculdo also tried to enlist her support during the chapter presidents' meeting to choose their nominee for governor for the Northern Luzon region (t.s.n. July 13, 1989, pp. 43-54).

Atty. Nisce testified that a Manila Chapter 4 delegate, Marcial Magsino, who had earlier committed his vote to Nisce changed his mind when he was offered a judgeship (This statement, however, is admittedly hearsay). When Nisce confronted Magsino about the alleged offer, the latter denied that there was such an offer. Nisce's informant was Antonio G. Nalapo, an IBP candidate who also withdrew.

Another Nisce candidate, Cesar Viola, withdrew from the race and refused to be nominated (t.s.n. June 29, 1989, p. 104).

Vicente P. Tordilla who was Niece's candidate for Governor became Paculdo's candidate instead (t.s.n. June 29, 1989, p. 104).

Nisce recalled that during the Bench and Bar Dialogue in Cotabato City, Court Administrator Tiro went around saying, "I am not campaigning, but my wife is a candidate."

Nisce said that the presidents of several IBP chapters informed him that labor officials were campaigning for Mrs. Drilon (t.s.n. June 29, 1989, pp. 109-110). He mentioned Ciony de la Cerna, who allegedly campaigned in La Union (t.s.n. June 29, 1989, p. 111).

Atty. Joel A. Llosa, Nisce's supporter and candidate for governor of the Western Visayas, expressed his disappointment over the IBP elections because some delegates flip-flopped from one camp to another. He testified that when he arrived at the Manila Domestic Airport he was met by an assistant regional director of the DOLE who offered to bring him to the Philippine Plaza, but he declined the offer. During the legal aid seminar, Atty. Drilon invited him to transfer to the Philippine Plaza where a room had been reserved for him. He declined the invitation (t.s.n. July 4, 1989, pp. 102-106).

Atty. Llosa said that while he was still in Dumaguete City, he already knew that the three candidates had their headquarters in separate hotels: Paculdo, at the Holiday Inn; Drilon, at the Philippine Plaza; and Nisce, at the Hyatt. He knew about this because a week before the elections, representatives of Atty. Drilon went to Dumaguete City to campaign. He mentioned Atty. Rodil Montebon of the ACCRA Law Office, accompanied by Atty. Julve, the Assistant Regional Director of the Department of Labor in Dumaguete City. These two, he said, offered to give him two PAL tickets and accommodations at the Philippine Plaza (t.s.n. July 4, 1989, pp. 101-104). But he declined the offer because he was already committed to Atty. Nisce.

Atty. Llosa also revealed that before he left for Manila on May 31, 1989, a businessman, Henry Dy, approached

him to convince him to vote for Atty. Paculdo. But Llosa told Dy that he was already committed to Nisce.

He did not receive any plane tickets from Atty. Niece because he and his two companions (Atty. Eltanal and Atty. Ruperto) had earlier bought their own tickets for Manila (t.s.n. July 4, 1989, p. 101).

SUMMARY OF CAMPAIGN EXPENSES INCURRED BY THE CANDIDATES

Atty. Paculdo admitted having spent some P250,000 during his three weeks of campaigning. Of this amount, the Capitol Bar Association (of which he was the chapter president) contributed about P150,000. The Capitol Bar Association is a voluntary bar association composed of Quezon City lawyers.

He spent about P100,000 to defray the expenses of his trips to the provinces (Bicol provinces, Pampanga, Abra, Mountain Province and Bulacan) (t.s.n. June 29, 1989, pp. 9-14).

Atty. Nisce's hotel bills at the Hyatt amounted to P216,127.74. This does not include the expenses for his campaign which began several months before the June 3rd election, and his purchases of airplane tickets for some delegates.

The records of the Philippine Plaza Hotel, headquarters of Atty. Drilon's camp, showed that her campaign rang up over P600,000 in hotel bills. Atty. Callanta paid P316,411.53 for the rooms, food, and beverage consumed by Atty. Drilon's supporters, but still left an unpaid bill of P302,197.30 at convention's end.

FINDINGS. -

From all the foregoing, it is evident that the manner in which the principal candidates for the national positions in the Integrated Bar conducted their campaign preparatory to the elections on June 3, 1989, violated Section 14 of the IBP By-Laws and made a travesty of the idea of a "strictly non-political" Integrated Bar enshrined in Section 4 of the By-Laws.

The setting up of campaign headquarters by the three principal candidates (Drilon, Nisce and Paculdo) in five-star hotels: The Philippine Plaza, the Holiday Inn and The Hyatt -- the better for them to corral and entertain the delegates billeted therein; the island-hopping to solicit the votes of the chapter presidents who comprise the 120-member House of Delegates that elects the national officers and regional governors; the formation of tickets, slates, or line-ups of candidates for the other elective positions aligned with, or supporting, either Drilon, Paculdo or Nisce; the procurement of written commitments and the distribution of nomination forms to be filled up by the delegates; the reservation of rooms for delegates in three big hotels, at the expense of the presidential candidates; the use of a PNB plane by Drilon and some members of her ticket to enable them to "assess their chances" among the chapter presidents in the Bicol provinces; the printing and distribution of tickets and bio-data of the candidates which in the case of Paculdo admittedly cost him some P15,000 to P20,000; the employment of uniformed girls (by Paculdo) and lawyers (by Drilon) to distribute their campaign materials on the convention floor on the day of the election; the giving of assistance by the Undersecretary of Labor to Mrs. Drilon and her group; the use of labor arbiters to meet delegates at the airport and escort them to the Philippine Plaza Hotel; the giving of pre-paid plane tickets and hotel accommodations to delegates (and some families who accompanied them) in exchange for their support; the pirating of some candidates by inducing them to "hop" or "flip-flop" from one ticket to another for some rumored consideration; all these practices made a political circus of the proceedings and tainted the whole election process.

The candidates and many of the participants in that election not only violated the By-Laws of the IBP but also the ethics of the legal profession which imposes on all lawyers, as a corollary of their obligation to obey and uphold the constitution and the laws, the duty to "promote respect for law and legal processes" and to abstain from

"activities aimed at defiance of the law or at lessening confidence in the legal system" (Rule 1.02, Canon 1, Code of Professional Responsibility). Respect for law is gravely eroded when lawyers themselves, who are supposed to be minions of the law, engage in unlawful practices and cavalierly brush aside the very rules that the IBP formulated for their observance.

The unseemly ardor with which the candidates pursued the presidency of the association detracted from the dignity of the legal profession. The spectacle of lawyers bribing or being bribed to vote one way or another, certainly did not uphold the honor of the profession nor elevate it in the public's esteem.

The Court notes with grave concern what appear to be the evasions, denials and outright prevarications that tainted the statements of the witnesses, including some of the candidates, during the initial hearing conducted by it before its fact-finding committee was created. The subsequent investigation conducted by this Committee has revealed that those parties had been less than candid with the Court and seem to have conspired among themselves to deceive it or at least withhold vital information from it to conceal the irregularities committed during the campaign.

CONCLUSIONS. -

It has been mentioned with no little insistence that the provision in the 1987 Constitution (Sec. 8, Art. VIII) providing for a Judicial and Bar Council composed of sevens (7) members among whom is "a representative of the Integrated Bar," tasked to participate in the selection of nominees for appointment to vacant positions in the judiciary, may be the reason why the position of IBP president has attracted so much interest among the lawyers. The much coveted "power" erroneously perceived to be inherent in that office might have caused the corruption of the IBP elections. To impress upon the participants in that electoral exercise the seriousness of the misconduct which attended it and the stern disapproval with which it is viewed by this Court, and to restore the non-political character of the IBP and reduce, if not entirely eliminate, expensive electioneering for the top positions in the organization which, as the recently concluded elections revealed, spawned unethical practices which seriously diminished the stature of the IBP as an association of the practitioners of a noble and honored profession, the Court hereby ORDERS:

1. The IBP elections held on June 3, 1989 should be as they are hereby annulled.
2. The provisions of the IBP By-Laws for the direct election by the House of Delegates (approved by this Court in its resolution of July 9, 1985 in Bar Matter No. 287) of the following national officers:
 - (a) the officers of the House of Delegates;
 - (b) the IBP president; and
 - (c) the executive vice-president.

be repealed, this Court being empowered to amend, modify or repeal the By-laws of the IBP under Section 77, Art. XI of said By-Laws.

3. The former system of having the IBP President and Executive Vice-President elected by the Board of Governors (composed of the governors of the nine [9] IBP regions) from among themselves (as provided in Sec. 47, Art. VII, Original IBP By-Laws) should be restored. The right of automatic succession by the Executive Vice-President to the presidency upon the expiration of their two-year term (which was abolished by this Court's resolution dated July 9, 1985 in Bar Matter No. 287) should be as it is hereby restored.
4. At the end of the President's two-year term, the Executive Vice-President shall automatically succeed to the

office of president. The incoming board of governors shall then elect an Executive Vice-President from among themselves. The position of Executive Vice-President shall be rotated among the nine (9) IBP regions. One who has served as president may not run for election as Executive Vice-President in a succeeding election until after the rotation of the presidency among the nine (9) regions shall have been completed; whereupon, the rotation shall begin anew.

5. Section 47 of Article VII is hereby amended to read as follows:

"Section 47. National Officers. - The Integrated Bar of the Philippines shall have a President and Executive Vice-President to be chosen by the Board of Governors from among nine (9) regional governors, as much as practicable, on a rotation basis. The governors shall be ex officio Vice-President for their respective regions. There shall also be a Secretary and Treasurer of the Board of Governors to be appointed by the President with the consent of the Board."

6. Section 33(b), Art. V, IBP By-laws, is hereby amended as follows:

"(b) The President and Executive Vice President of the IBP shall be the Chairman and Vice-Chairman, respectively, of the House of Delegates. The Secretary, Treasurer, and Sergeant-at-Arms shall be appointed by the President with the consent of the House of Delegates."

7. Section 33(g) of Article V providing for the positions of Chairman, Vice-Chairman, Secretary-Treasurer and Sergeant-at-Arms of the House of Delegates is hereby repealed.

8. Section 37, Article VI is hereby amended to read as follows:

"Section 37. Composition of the Board. - The Integrated Bar of the Philippines shall be governed by a Board of Governors consisting of nine (9) Governors from the nine (9) regions as delineated in Section 3 of the Integration Rule, on the representation basis of one (1) Governor for each region to be elected by the members of the House of Delegates from that region only. The position of Governor should be rotated among the different Chapters in the region."

9. Section 39, Article V is hereby amended as follows:

"Section 39. Nomination and election of the Governors. - At least one (1) month before the national convention the delegates from each region shall elect the governor for their region, the choice of which shall as much as possible be rotated among the chapters in the region."

10. Section 33(a), Article V hereby is amended by adding the following provision as part of the first paragraph:

"No convention of the House of Delegates nor of the general membership shall be held prior to any election in an election year."

11. Section 39, (a), (b), (1), (2), (3), (4), (5), (6), and (7) of Article VI should be as they are hereby deleted.

All other provisions of the By-laws including its amendment by the Resolution en banc of this Court of July 9, 1985 (Bar Matter No. 287) that are inconsistent herewith are hereby repealed or modified.

12. Special elections for the Board of Governors shall be held in the nine (9) IBP regions within three (3) months after the promulgation of the Court's resolution in this case. Within thirty (30) days thereafter, the Board of Governors shall meet at the IBP Central Office in Manila to elect from among themselves the IBP national president and executive vice-president. In these special elections, the candidates in the election of the national officers held on June 3, 1989, particularly identified in Sub-Head 3 of this Resolution entitled "Formation of Tickets and Single Slates," as well as those identified in this Resolution as connected with any of the irregularities attendant upon that election, are ineligible and may not present themselves as candidate for any position.

13. Pending such special elections, a caretaker board shall be appointed by the Court to administer the affairs of the IBP.

The Court makes clear that the dispositions here made are without prejudice to its adoption in due time of such further and other measures as are warranted in the premises.

SO ORDERED.

Narvasa, Melencio-Herrera, Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, and Regalado, JJ., concur.

Fernan, C.J., and Medialdea, JJ., no part.

Gutierrez, Jr., J., on leave.

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