

IN RE: PUBLISHED ALLEGED THREATS AGAINST MEMBERS OF THE COURT IN THE PLUNDER LAW CASE HURLED BY ATTY. LEONARD DE VERA

A.M. No. 01-12-03-SC. July 29, 2002

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

On December 11, 2001, the court En Banc issued the following Resolution directing respondent Atty. Leonard De Vera to explain why he should not be cited for indirect contempt of court for uttering some allegedly contemptuous statements in relation to the case involving the constitutionality of the Plunder Law (Republic Act No. 7080)[1] which was then pending resolution:

Quoted hereunder are newspaper articles with contemptuous statements attributed to Atty. Leonard De Vera concerning the Plunder Law case while the same was still pending before the Court. The statements are italicized for ready identification:

PHILIPPINE DAILY INQUIRER

Tuesday, November 6, 2001

Erap camp blamed for oust-Badoy maneuvers

Plunder Law

De Vera asked the Supreme Court to dispel rumors that it would vote in favor of a petition filed by Estrada's lawyers to declare the plunder law unconstitutional for its supposed vagueness.

De Vera said he and his group were "greatly disturbed" by the rumors from Supreme Court insiders.

Reports said that Supreme Court justices were tied 6-6 over the constitutionality of the Plunder Law, with two other justices still undecided and uttered most likely to inhibit, said Plunder Watch, a coalition formed by civil society and militant groups to monitor the prosecution of Estrada.

"We are afraid that the Estrada camp's effort to coerce, bribe, or influence the justices ---considering that it has a P500 million slush fund from the aborted power grab that May-will most likely result in pro-Estrada decision declaring the Plunder Law either unconstitutional or vague, " the group said.

PHILIPPINE DAILY INQUIRER

Monday, November 19, 2001

SC under pressure from Erap pals, foes

x x x

"people are getting dangerously passionate...emotionally charged." Said lawyer Leonard de Vera of the Equal Justice for All Movement and a leading member of the Estrada Resign movement.

He voiced his concern that a decision by the high tribunal rendering the plunder law unconstitutional would trigger mass actions, probably more massive than those that led to People Power II.

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De Vera warned of a crisis far worse than the “jueteng” scandal that led to People Power II if the rumor turned out to be true.

“People wouldn’t just swallow any Supreme Court decision that is basically wrong. Sovereignty must prevail.”

WHEREFORE, the court resolved to direct Atty. Leonard De Vera to explain within a non-extendible period of ten (10) days from notice why he should not be punished for contempt of court.

SO ORDERED.[2]

In his Answer, respondent admitted the report in the November 6, 2002 issue of the Inquirer that he “suggested that the Court must take steps to dispel once and for all these ugly rumors and reports” that “the Court would vote in favor of or against the validity of the Plunder Law” to protect the credibility of the Court.[3] He explained therein:

(4) In short, the integrity of the Court, including the names of the Honorable Members who were being unfairly dragged and maliciously rumored to be in favor or against one side of the issue, was being viciously attacked. To remain silent at this time when the Honorable Court was under siege by what appeared to be an organized effort to influence the court in their decision would and could lend credence to these reports coming from anonymous sources.[4]

Respondent admitted further to “having appealed to the Supreme Court to dispel rumors that it would vote in favor of a petition by [former President Joseph] Estrada’s lawyers to declare the plunder [law] unconstitutional for its supposed vagueness” because he and his group were “greatly disturbed” by such rumors.[5]

Anent the November 19, 2001 report in the Inquirer quoting respondent as having said that the people were “getting dangerously passionate...emotionally charged,” pending the court’s resolution on the petition filed by former President Estrada assailing the validity of the Plunder Law, respondent claimed that such statement was “factually accurate.”[6] He also argued that he was merely exercising his constitutionally guaranteed right to freedom of speech when he said that a decision by the Court declaring the Plunder Law unconstitutional “would trigger mass actions, probably more massive than those that led to People Power II.”[7]

Furthermore, respondent justified his statement and said that “the people wouldn’t just swallow any Supreme Court decision that is basically wrong” as an expression of his opinion and as “historically correct,” citing the ouster of former President Ferdinand E. Marcos through people power in 1986, and the resignation of former President Estrada from office as a result of pressure from the people who gathered at EDSA to demand the impeachment process be stopped for being a farce, and that Estrada step down because he no longer had the mandate of the Filipino people.[8]

While he admitted to having uttered the aforecited statements, respondent denied having made the same to degrade the Court, to destroy public confidence in it and to bring it into disrepute.[9]

After a careful consideration of respondent’s arguments, the Court finds his explanation unsatisfactory and hereby finds him guilty of indirect contempt of court for uttering statements aimed at influencing and threatening the Court in deciding in favor of the constitutionality of the Plunder Law.

The judiciary, as the branch of government tasked to administer justice, to settle justiciable controversies or

disputes involving enforceable and demandable rights, and to afford redress of wrongs for the violation of said rights[10] must be allowed to decide cases independently, free of outside influence or pressure. An independent judiciary is essential to the maintenance of democracy, as well as of peace and order in society. Further, maintaining the dignity of courts and enforcing the duty of citizens to respect them are necessary adjuncts to the administration of justice.[11]

Thus, Rule 71, Section 3 (d) of the Revised Rules of Court authorizes the courts to hold liable for criminal contempt a person guilty of conduct that is directed against the dignity or authority of the court, or of an act obstructing the administration of justice which tends to bring the court into disrepute or disrespect.[12]

Respondent cannot justify his contemptuous statements--asking the Court to dispel rumors that it would declare the Plunder Law unconstitutional, and stating that a decision declaring it as such was basically wrong and would not be accepted by the people—as utterances protected by his right to freedom of speech.

Indeed, freedom of speech includes the right to know and discuss judicial proceedings, but such right does not cover statements aimed at undermining the Court's integrity and authority, and interfering with the administration of justice. Freedom of speech is not absolute, and must occasionally be balanced with the requirements of equally important public interests, such as the maintenance of the integrity of the courts and orderly functioning of the administration of justice.[13]

Thus, the making of contemptuous statements directed against the Court is not an exercise of free speech; rather, it is an abuse of such right. Unwarranted attacks on the dignity of the courts cannot be disguised as free speech, for the exercise of said right cannot be used to impair the independence and efficiency of courts or public respect therefor and confidence therein.[14] It is a traditional conviction of civilized society everywhere that courts should be immune from every extraneous influence as they resolve the issues presented before them.[15] The court has previously held that--

xxx As important as the maintenance of an unmuzzled press and the free exercise of the right of the citizen, is the maintenance of the independence of the judiciary. xxx This Court must be permitted to proceed with the disposition of its business in an orderly manner free from outside interference obstructive of its constitutional functions. This right will be insisted upon as vital to an impartial court, and, as a last resort, as an individual exercises the right of self-defense, it will act to preserve its existence as an unprejudiced tribunal.[16]

In *People vs. Godoy*,[17] this Court explained that while a citizen may comment upon the proceedings and decisions of the court and discuss their correctness, and even express his opinions on the fitness or unfitness of the judges for their stations, and the fidelity with which they perform the important public trusts reposed in them, he has no right to attempt to degrade the court, destroy public confidence in it, and encourage the people to disregard and set naught its orders, judgments and decrees. Such publications are said to be an abuse of the liberty of speech and of the press, for they tend to destroy the very foundation of good order and well-being in society by obstructing the course of justice.[18]

Clearly, respondent's utterances pressuring the Court to rule in favor of the constitutionality of the Plunder Law or risk another series of mass actions by the public cannot be construed as falling within the ambit of constitutionally-protected speech, because such statements are not fair criticisms of any decision of the Court, but obviously are threats made against it to force the Court to decide the issue in a particular manner, or risk earning the ire of the public. Such statements show disrespect not only for the Court but also for the judicial system as a whole, tend to promote distrust and undermine public confidence in the judiciary, by creating the impression that the Court cannot be trusted to resolve cases impartially and violate the right of the parties to have their case tried fairly by an independent tribunal, uninfluenced by public clamor and other extraneous influences.[19]

It is respondent's duty as an officer of the court, to uphold the dignity and authority of the courts and to promote confidence in the fair administration of justice[20] and in the Supreme Court as the last bulwark of justice and democracy. Respondent's utterances as quoted above, while the case of Estrada vs. Sandiganbayan was pending consideration by this Court, belies his protestation of good faith but were clearly made to mobilize public opinion and bring pressure on the Court.

WHEREFORE, Atty. Leonard De Vera is found GUILTY of indirect contempt of court and is hereby FINED in the amount of Twenty Thousand Pesos (P20,000.00) to be paid within ten (10) days from receipt of this Decision.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.

[1] G.R. No. 148560 (Joseph Ejercito Estrada vs. Sandiganbayan [3rd Division] and People of the Philippines).

[2] SC En Banc Resolution dated December 11, 2002.,

[3] Answer, p. 2.

[4] Id., at 2-3.

[5] Id., at 3.

[6] Id., at 5.

[7]i at 6-7.

[8] Id., at 7-8.

[9] Id., at 10.

[10]See Lopez vs. Roxas, 17 SCRA 756, 761 (1966).

[11] Weston vs. Commonwealth, 77 SE 2d 405, 409 (1953).

[12] People vs. Godoy, 243 SCRA 64, 77 (1995).

[13] Zaldivar vs. Gonzalez, 166 SCRA 316, 354 (1988).

[14] Id., at 95.

[15] Nestle Philippines, Inc. vs. Sanchez, 154 SCRA 542, 547 (1987), citing In re Stolen, 216 NW 127.

[16] In re: Sotto, 82 Phil 595, 602-603 (1949).

[17] Supra.

[18] Supra, at 95, citing State vs. Morril, 16 Ark 384.

[19] See Nestle Philippines vs. Sanchez, supra.

[20] In re Sotto, supra, at 602.

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