COMPLAINT OF MR. AURELIO INDENCIA ARRIENDA AGAINST JUSTICES REYNATO S. PUNO, SANTIAGO M. KAPUNAN (RET.), BERNARDO P. PARDO (RET.) AND CONSUELO YNARES-SANTIAGO, SUPREME COURT, JU...

A.M. No. 03-11-30-SC. June 09, 2005

Ponente: CORONA, J.

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CORONA, J.:

This administrative case was spawned by the November 10, 2003 affidavit of complaint filed by complainant Aurelio Indencia Arrienda with the Office of the Court Administrator (OCA). In his complaint, the complainant accused Associate Justices Reynato S. Puno, Santiago M. Kapunan,[1] Bernardo P. Pardo[2] and Consuelo Ynares-Santiago of this Court, Court Administrator Presbitero J. Velasco, Jr., and Associate Justices B.A. Adefuin-de la Cruz[3] and Perlita Tria Tirona of the Court of Appeals (CA), of graft and corruption.[4]

In particular, the complainant charged the respondent justices for "willfully, maliciously and arbitrarily" rendering allegedly unjust decisions in (RTC) Civil Case No. Q-53060, CA-G.R. CV No. 48737 and G.R. No. 137904 which were filed by complainant and his family against the Government Service Insurance System (GSIS) and Crispina de la Cruz. He also charged them with "willfully, maliciously and arbitrarily" suppressing evidence and resorting "to a modus operandi or the so-called '1-2-3' to swindle or defraud" him and his family "by simply issuing 'minute' resolutions based on technicalities without having passed upon the unresolved issues and those other issues that were resolved contrary to laws, rules on evidence, etc."[5]

The complainant outlined the alleged "1-2-3" modus operandi or swindling scheme as follows:

- Then Judge now CA Associate Justice Tirona, as presiding Judge of the Regional Trial Court (RTC) of Quezon City, Branch 102, in her December 2, 1984 decision in Civil Case No. Q-53060 dismissed the complaint for annulment of contract, reconveyance and damages filed by the complainant and his co-plaintiffs against the GSIS and de la Cruz.

- The Eleventh Division of the CA, with then CA Associate Justice now Court Administrator Velasco as ponente, in the October 30, 1988 decision in CA-G.R. CV No. 48737, affirmed the decision of the RTC in toto. Then CA Associate Justice Ynares-Santiago, now a member of this Court, and CA Associate Justice Adefuin-de la Cruz, now retired, concurred in the decision.

- The First Division of this Court, through Justice Puno, denied the petition for review of the complainant and his co-petitioners and affirmed the decision of the CA in the October 19, 2001 decision in G.R. No. 137904 entitled vda. de Urbano v. Government Service Insurance System.[6] The decision was concurred in by the other members of the First Division, namely, Chief Justice Davide as chairman, and Justices Kapunan and Pardo.[7]

The complainant accused the respondent justices of acting on the basis of "personal considerations" when they decided the case against him and his family. He alleged that they acted like the lawyers of GSIS and de la Cruz.

He described the adverse decisions as acts of betrayal of public trust.[8]

The complainant branded the respondent justices as "Crooks in Robes" and "Swindlers in Robes" who "gypped" him and his family of their right to due process. He also labeled them as "corrupt justices.... who were only sowing 'judicial terrorism.'"[9]

Not content with his tirades against the respondent justices, the complainant next trained his guns on Chief Justice Hilario Davide, Jr. He claimed that the Chief Justice "failed to uphold the rule of law and had given license to Justice Puno 'to take whatever action the Division may deem appropriate' to the extent of committing a miscarriage of justice," instead of taking "a direct positive and favorable action" on his letters of appeal. The complainant also criticized the Chief Justice for his "weak leadership as Chief Justice of the Supreme Court."[10]

He further threatened not only the respondent justices but also the entire Court with impeachment for culpable violation of Section 28, Article II, Section 14, Article VIII and Section 1, Article XI of the 1987 Constitution. He warned that if the Court failed to take action on his complaint, he would file an impeachment complaint in Congress.[11]

On May 11, 2004, the complainant filed another complaint, this time against the Chief Justice whom he charged with graft and corruption.[12] He reiterated his previous charges against the other respondent justices. He faulted the Chief Justice for referring all of complainant's eight letters to Justice Puno and the Third Division of this Court "to cover up their corrupt practices."[13] He claimed that the Chief Justice "relinquished his competence, integrity, probity and independence as the highest magistrate of the land" by refusing to take a last look at the merits of complainant's case.[14] Further, he labeled the Chief Justice as the "Chief-Swindler-in-Robe" and "the one who has contributed to the build-up of graft and corruption in the judiciary, in the government service and in our society."[15]

Acting on the complaints, the Court observed in its July 13, 2004 resolution that these complaints were a mere rehash of a similar complaint against Justice Velasco before the Judicial and Bar Council. Justice Velasco was then among those being considered for appointment to this Court. We noted that the complainant's allegations not only lacked merit but also pertained to the respondent justices' performance of their judicial functions. The Court also called complainant's attention to his temerity to accuse the Chief Justice of being part of an alleged "1-2-3 swindling in the courts."

In that same resolution, the Court took pains to explain that the decisions of the trial court, the appellate court and the Supreme Court showed that complainant's predicament was brought about solely by his failure to pay his loan to the GSIS and redeem the property after having been given the opportunity to do so. The respondent justices merely applied the law based on the facts and evidence on record. Thus the imputations of alleged "personal considerations" on the part of the respondent magistrates were completely baseless and unfounded.

Because of his offensive and disrespectful statements, the complainant was ordered to show cause why he should not be punished for contempt for attempting to foist falsehood on the Court and committing grave abuse of court processes.

On January 26, 2005, complainant filed his answer. The complainant denied foisting falsehood on and showing disrespect to the Court. He asserted that he "merely exercised his right to due process of law, of speech, of expression to air his grievances and that of his family and to expose to the Court for redress the injustices inflicted upon them."[16] He maintained that he filed his complaint "to expose the 1-2-3 swindling committed by respondent justices." He then sought an investigation where he could be heard by himself and counsel, and face the justices.

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He criticized the pronouncements in the July 13, 2004 resolution that his complaint was grounded on nothing but false and misleading allegations and that the respondent justices merely applied the law based on facts and evidence on record when they ruled against him. He contended that the foregoing statements were "hasty, sweeping and one-sided."[17] He then proceeded to conclude that, like the assailed decisions of the respondent justices, the resolution had "no factual and legal basis for lack of due process."[18]

The complainant repeated his denunciation of the decision in the vda. de Urbano case which allegedly "smack(ed) of favoritism and partiality" toward the GSIS and de la Cruz.[19] He repeated his litany of accusations against the justices: deliberate and malicious violation of the Court's own rulings; being motivated by "personal considerations" in rendering the decision; acting like unscrupulous lawyers for GSIS and de la Cruz; betrayal of public trust; deliberate intent to defraud, cheat and swindle the complainant and his family; rendering selective justice; arbitrary denial of complainant's motion for clarification with alternative prayer for an en banc resolution, motion for leave to file second motion for reconsideration and omnibus motion by minute resolutions; and, the operation of "1-2-3" modus operandi or swindling in the Supreme Court.[20]

He also reiterated his accusations against the Chief Justice: failure to exercise judicial independence and conniving with Justice Puno in defrauding, cheating and swindling the complainant and his family.[21]

The complainant's vicious and unfounded attacks on the integrity of the courts and the officers thereof should end here and now. Enough is enough.

The Court has consistently rendered justice with neither fear nor favor. Like all other cases decided by us, the disposition in the vda. de Urbano case was arrived at after a careful study and thorough deliberation of the facts and the evidence. Just because a case is resolved against the interests of a party does not mean that it is "unjust."[22]

The power of contempt should be exercised on the preservative, not vindictive principle, and on the corrective, not on the retaliatory idea of punishment.[23] It should be used sparingly, specially against a disgruntled, losing litigant:

> [A] judge will generally and wisely pass unnoticed any mere hasty and unguarded expression of passion, or at least pass it with simply a reproof. It is so that in every case where a judge decides for one party, he decides against another; and oftentimes both parties are beforehand equally confident and sanguine. The disappointment, therefore, is great, and it is not in human nature that there should be other than a bitter feeling, which often reaches to the judge as the cause of the supposed wrong. A judge, therefore, ought to be patient, and tolerate everything which appears as but the momentary outbreak of disappointment. A second thought will generally make a party ashamed of such outbreak, and the dignity of the court will suffer none by passing it in silence.[24]

However, when the disappointment of the losing litigant turns into hatred because he fails to get what he wants and he resorts to detestable language, then the Court has to draw the line.

The words employed by the complainant against the justices were not only obnoxious and insulting; they were downright slanderous. Such gutter language can only come from one who is deeply and self-righteously intolerant not only of our system of laws but also of the opinion of others.

Indeed, complainant's myopic view is that any decision adverse to him is unjust, arbitrary and unlawful. Conversely, a decision is fair and correct only if it conforms with his position. In such a case, then every man will be a law unto himself.

The complainant has every right to think highly of himself and of his own interpretation of the law. That is his

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prerogative. He cannot, however, demand that the Court adopt his view.

> [A litigant or his] counsel in any case may or may not be an abler or more learned lawyer than the judge, and it may tax his patience and temper to submit to rulings which he regards as incorrect, but discipline and self-respect are as necessary to the orderly administration of justice as they are to the effectiveness of an army. The decisions of the judge must be obeyed, because he is the tribunal appointed to decide.
>
> We concede that a [litigant or his] lawyer may think highly of his intellectual endowment. That is his privilege. And he may suffer frustration at what he feels is others' lack of it. That is his misfortune. Some such frame of mind, however, should not be allowed to harden into a belief that he may attack a court's decision in words calculated to jettison the time-honored aphorism that courts are the temples of right.[25] (Citations omitted)

In any event, there was no truth to his allegation that our decision in vda. de Urbano left some issues unresolved and that it disregarded certain significant pieces of evidence. The records of the case show that all pertinent issues raised by the complainant were sufficiently addressed by the RTC, CA and this Court in their respective decisions. In fact, Justice Puno's ponencia in vda. de Urbano considered all matters presented by the complainant and summarized them into "three jugular issues."[26] But even assuming that certain issues were not discussed, the force and effect of the ponencia remained the same. It was not incumbent upon the Court to discuss each and every issue in the pleadings and memoranda of the parties, specially those it did not deem necessary for the full disposition of the case.[27] Neither was the Court bound to consider or accept each and every piece of evidence presented by the parties as some may be immaterial or irrelevant while others, even if admissible, may not be sufficiently credible.

Furthermore, this Court is not a trier of facts. The appreciation of complainant's factual evidence was primarily the function not of this Court but of the RTC before whom the exhibits and testimonies of the witnesses of the contending parties were offered.

The complainant likewise alleges that the disposition of his various motions and pleadings through minute resolutions amounted to a deprivation of due process. The Court is not duty-bound to issue decisions or resolutions signed by the justices all the time. It has ample discretion to formulate ponencias, extended resolutions or even minute resolutions, depending on its evaluation of a case,[28] as long as a legal basis exists. When a minute resolution (signed by the Clerk of Court upon orders of the Court) denies or dismisses a petition or a motion for reconsideration for lack of merit, it is understood that the challenged decision or order, together with all its findings of fact and legal conclusions, are deemed sustained.[29]

The records of the vda. de Urbano case show that the September 11, 2002 resolution of the Court clearly warned that "[n]o further pleadings [were to] be entertained in [that] case." Fully aware of that resolution, the complainant nevertheless still filed a motion for leave to file a second motion for reconsideration dated October 19, 2002, attaching therewith his second motion for reconsideration dated October 15, 2002 which was a prohibited pleading under Section 2 of Rule 52 of the 1997 Rules of Civil Procedure. Both were denied in our December 16, 2002 resolution which reiterated that no further pleadings would be entertained. But complainant filed yet another manifestation dated February 8, 2003 and an omnibus motion dated February 12, 2003. Then again, even after the entry of judgment on April 2, 2003, the complainant sent two more letters to the Chief Justice seeking his assistance to reverse our decision.

The Court's pronouncement in Ortigas and Company Limited Partnership v. Velasco[30] applies squarely here:

> It is clear that [the complainant] was bent on pursuing [his] claims despite the Court's unequivocal declaration that [his] claims were lacking in merit, that the proceedings were terminated, and that no further pleadings, motions or papers should be filed. [His] persistence constitutes disregard, even defiance, of this Court's plain

> orders, and an abuse of the rules of procedure to delay the termination of [this case].
>
> [His] reiteration of [his] rejected arguments cannot obliterate their essential and egregious speciousness; and under no circumstances may [he] or any other litigant or counsel be allowed to engage the Court in interminable squabbling about the correctness of its orders and dispositions.
>
> [The complainant] has had more than [his] day in court. [He] was accorded more than ample opportunity to present the merits of [his] case. [His] every argument was heard and considered. The Court cannot countenance defiance of its authority on repetitious assertions of the meritoriousness of a party's cause, no matter how sincerely or genuinely entertained. There has been a final determination of the issues in these cases and [the complainant] has been repeatedly directed to abide thereby. [His] deliberate violation of the orders of the Court are unjustified and inexcusable. The refusal of [the complainant] to concede defeat, manifested by [his] unceasing attempts to prolong the final disposition of [this] case, obstructs the administration of justice and, therefore, constitutes contempt of court.

The complainant's vituperation against the Chief Justice on account of what he perceived was the latter's refusal "to take a direct positive and favorable action" on his letters of appeal overstepped the limits of proper conduct. It betrayed his lack of understanding of a fundamental principle in our system of laws. Although the Chief Justice is primus inter pares, he cannot legally decide a case on his own because of the Court's nature as a collegial body. Neither can the Chief Justice, by himself, overturn the decision of the Court, whether of a division or the en banc.

There is only one Supreme Court from whose decisions all other courts are required to take their bearings.[31] While most of the Court's work is performed by its three divisions, the Court remains one court — single, unitary, complete and supreme. Flowing from this is the fact that, while individual justices may dissent or only partially concur, when the Court states what the law is, it speaks with only one voice.[32] Any doctrine or principle of law laid down by the Court may be modified or reversed only by the Court en banc.[33]

It is reprehensible for the complainant to threaten the members of the Court with impeachment. To threaten a judge or justice with investigation and prosecution for official acts done by him in the regular exercise of official duty subverts and undermines the independence of the judiciary.[34]

One of the most zealously guarded rights under the Constitution is the freedom of speech and expression. Such right includes the right to criticize the courts and its officers[35] (and, in general, to comment on or even denounce the actuations of public officers). Decisions and official actions of the Court are "public property" and the press and the people have the right to challenge or find fault with them as they see fit. Judicial officers, like other public servants, must answer for their official actions before the chancery of public opinion.[36]

However, any criticism of the Court must possess the quality of judiciousness and must be informed by perspective and infused by philosophy.[37] The cardinal condition is that it is bona fide and does not violate the basic rules of reasonable and legitimate criticism. A wide chasm exists between fair criticism on one hand, and the slander of courts and judges on the other.[38]

The right to criticize, guaranteed by the freedom of speech and of expression under the Constitution, must be exercised responsibly for every right carries with it a corresponding obligation.[39] True freedom is not freedom divorced from responsibility but freedom coupled with responsibility.[40]

Freedom of speech and expression, like other constitutional freedoms, is not absolute. It is subject to the limitations of equally important public interests such as the maintenance of the integrity and orderly functioning of the administration of justice.[41]

Proscribed then are, inter alia, the use of foul language which ridicules the high esteem for the courts, creates or

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promotes distrust in judicial administration, or tends to undermine the confidence of the people in the integrity of the members of this Court and to degrade the administration of justice by this Court; or offensive, abusive and abrasive language; or disrespectful, offensive, manifestly baseless and malicious statements in pleadings or in a letter addressed to the judge; or disparaging, intemperate, and uncalled for remarks.[42]

The loathsome epithets hurled by the complainant against the respondent justices, e.g., "Crooks in Robe," "Swindlers in Robe," "corrupt justices who were only sowing 'judicial terrorism'" as well as his vilification of the Chief Justice whom he called "Chief-Swindler-in-Robe," go beyond the bounds of acceptable behavior.

WHEREFORE, the complaint of Aurelio Indencia Arrienda against Supreme Court Justices Reynato S. Puno, Santiago M. Kapunan (Ret.), Bernardo P. Pardo (Ret.) and Consuelo Ynares-Santiago, Court Administrator Presbitero J. Velasco, Jr., CA Justices Bennie Adefuin-De la Cruz (Ret.) and Perlita Tria-Tirona, is hereby DISMISSED with finality. Furthermore, he is found guilty of contempt of court and a FINE of Twenty Thousand Pesos (P20,000) is hereby imposed on him, payable within ten days from receipt of this resolution under pain of imprisonment. He is hereby warned that any repetition hereof shall be dealt with more severely.

SO ORDERED.

Panganiban, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.
Davide, Jr., C.J., Puno, and Ynares-Santiago, JJ., took no part.

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[1] Retired on August 12, 2002.

[2] Retired on February 11, 2002.

[3] Retired on May 14, 2004.

[4] Affidavit of Complaint dated November 4, 2003.

[5] Id.

[6] 419 Phil. 948 (2001).

[7] Having concurred in the ponencia of then Justice Velasco in the Court of Appeals, Justice Ynares-Santiago did not take part in the deliberations of the case in the Supreme Court.

[8] Supra at note 6.

[9] Id.

[10] Id. At this point, complainant merely criticized but did not file any complaint against the Chief Justice.

[11] Id.

[12] Complaint dated May 8, 2004.

[13] Id., par. 3.

[14] Id., par. 4.

[15] Id., par. 11.

[16] Complainant's answer with prayer reiterating an investigation of the instant complaint dated January 25,

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2005.

[17] Id.

[18] Id.

[19] Id.

[20] Id.

[21] Id.

[22] In the Matter of Contempt Proceedings for Disciplinary Action Against Atty. Wenceslao Laureta, and of Contempt Proceedings Against Eva Maravilla-Ilustre, G.R. No. 68635, 12 March 1987, 148 SCRA 382 citing the minute resolution dated October 28, 1986 of the First Division in the said case.

[23] Leonidas v. Judge Supnet, 446 Phil. 53 (2003).

[24] People v. Godoy, 312 Phil. 977 (1995).

[25] In the Matter of Proceeding for Disciplinary Action Against Atty. Vicente Raul Almacen, G.R. No. L-27654, 18 February 1970, 31 SCRA 562.

[26] In particular, the relevant portion of the decision reads:

> The smorgasbord of issues raised by the petitioner can be reduced to three jugular issues, viz:
>
> I. Do petitioners have a right to repurchase the subject property?
>
> II. Does GSIS have a duty to dispose of the subject property through public bidding?
>
> III. Was GSIS in bad faith in dealing with petitioners?

[27] Frauendorff v. Judge Castro, 193 Phil. 629 (1981).

[28] Supra at note 25.

[29] Tan v. Nitafan, G.R. No. 76965, 11 March 1994, 231 SCRA 129.

[30] 324 Phil. 483 (1996).

[31] Vir-Jen Shipping and Marine Services, Inc. v. National Labor Relations Commission, 210 Phil. 482 (1983); Barrera v. Barrera, 145 Phil. 270 (1970).

[32] Id.

[33] Section 2[3], Article X, 1987 Constitution.

[34] Supra at note 25.

[35] Supra at note 29 citing U.S. v. Bustos, 37 Phil. 731 (1918); In re Gomez, 43 Phil. 376; Austria v. Masaquel, 127 Phil. 677 (1967); Cabansag v. Fernandez, 102 Phil. 152 (1957).

[36] Id. citing State v. Bee Pub. Co., 83 N.W. 204 and State ex rel Atty. Gen. v. Circuit Ct., 72 N. W. 193.

[37] Id. citing Norman Dorsen, Frontiers of Civil Liberties, pp. 60-61; Griswold. "Of Time and Attitudes," 74 Harvard Law Review, 81; Paul A. Freund, The Supreme Court of the United States, (1961) pp. 176-177.

[38] Id.

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[39] Supra at note 28.

[40] Id.

[41] Id. citing Zaldivar v. Gonzales, G.R. No. 79690-707, 7 October 1988, 166 SCRA 316.

[42] Id. (Citations omitted)

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