

RE: REQUEST FOR COPY OF 2008 STATEMENT OF ASSETS, LIABILITIES AND NETWORTH [SALN] AND PERSONAL DATA SHEET OR CURRICULUM VITAE OF THE JUSTICES OF THE SUPREME COURT AND OFFICERS A...

A.M. No. 09-8-6-SC. June 13, 2012

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-09-8-6/>

MENDOZA, J.:

In a letter,[1] dated July 30, 2009, Rowena C. Paraan, Research Director of the Philippine Center for Investigative Journalism (PCIJ), sought copies of the Statement of Assets, Liabilities and Networth (SALN) of the Justices of this Court for the year 2008. She also requested for copies of the Personal Data Sheet (PDS) or the Curriculum Vitae (CV) of the Justices of this Court for the purpose of updating their database of information on government officials.

In her Letter,[2] dated August 13, 2009, Karol M. Ilagan, a researcher- writer also of the PCIJ, likewise sought for copies of the SALN and PDS of the Justices of the Court of Appeals (CA), for the same above-stated purpose.

The two requests were ordered consolidated by the Court on August 18, 2009.[3] On the same day, the Court resolved to create a special committee (Committee) to review the policy on requests for SALN and PDS and other similar documents, and to recommend appropriate action on such requests.[4]

On November 23, 2009, the Committee, chaired by then Associate Justice Minita V. Chico-Nazario submitted its Memorandum[5] dated November 18, 2009 and its Resolution[6] dated November 16, 2009, recommending the creation of Committee on Public Disclosure that would, in essence, take over the functions of the Office of the Court Administrator (OCA) with respect to requests for copies of, or access to, SALN, and other personal documents of members of the Judiciary.

Meanwhile, several requests for copies of the SALN and other personal documents of the Justices of this Court, the CA and the Sandiganbayan (SB) were filed. In particular, these requests include the:

(1) SUBPOENA DUCES TECUM,[7] dated September 10, 2009, issued by Atty. E. H. Amat, Acting Director, General Investigation Bureau-B of the Office of the Ombudsman, directing the Office of Administrative Services, Supreme Court to submit two (2) copies of the SALN of Associate Justice Roland B. Jurado of the Sandiganbayan for the years 1997-2008, his latest PDS, his Oath of Office, appointment papers, and service records.

(2) LETTER,[8] dated April 21, 2010, of the Philippine Public Transparency Reporting Project, asking permission to be able to access and copy the SALN of officials and employees of the lower courts.

(3) LETTER,[9] filed on August 24, 2011, by Marvin Lim, seeking copies of the SALN of Chief Justice Renato C. Corona, Associate Justices Antonio T. Carpio, Presbitero J. Velasco, Jr., Teresita Leonardo-De Castro, Arturo D. Brion, Diosdado M. Peralta, Lucas P. Bersamin, Mariano C. Del Castillo, Roberto A. Abad,

Martin S. Villarama, Jr., Jose Portugal Perez, Jose C. Mendoza, and Maria Lourdes P.A. Sereno.

(4) LETTER,[10] dated August 26, 2011, of Rawnna Crisostomo, Reporter, GMA News and Public Affairs also requesting for copies of the SALN of Chief Justice Renato C. Corona, Associate Justices Antonio T. Carpio, Presbitero J. Velasco, Jr., Teresita Leonardo-De Castro, Arturo D. Brion, Diosdado M. Peralta, Lucas P. Bersamin, Mariano C. Del Castillo, Roberto A. Abad, Martin S. Villarama, Jr., Jose Portugal Perez, Jose C. Mendoza, and Maria Lourdes P.A. Sereno, for purposes of producing a story on transparency and governance, and updating their database.

(5) LETTER,[11] dated October 11, 2011, of Bala S. Tamayo, requesting for a copy of the 2010 SALN of any Justice of the Supreme Court as well as a copy of the Judiciary Development Fund, for purposes of her securing a huge percentage in final examination in Constitutional Law I at the San Beda College Alabang School of Law and for her study on the state of the Philippine Judiciary, particularly the manner, nature and disposition of the resources under the JDF and how these have evolved through the years.

(6) LETTERS, all dated December 19, 2011, of Harvey S. Keh, Lead Convenor of Kaya Natin! Movement for Good Governance and Ethical Leadership, addressed to Chief Justice Renato C. Corona,[12] Associate Justices Presbitero J. Velasco, Jr.,[13] Teresita Leonardo-De Castro,[14] Arturo D. Brion,[15] Diosdado M. Peralta,[16] Mariano C. Del Castillo,[17] Jose Portugal Perez,[18] and Maria Lourdes P.A. Sereno,[19] requesting for copies of their SALN and seeking permission to post the same on their website for the general public.

(7) LETTER,[20] dated December 21, 2011, of Glenda M. Gloria, Executive Director, Newsbreak, seeking copies of the SALN of the Supreme Court Justices covering various years, for the purpose of the stories they intend to put on their website regarding the Supreme Court and the Judiciary.

(8) LETTERS, all dated January 3, 2012, of Phillipe Manalang of Unlimited Productions, Inc., addressed to Associate Justices Presbitero J. Velasco, Jr.,[21] Teresita Leonardo-De Castro,[22] Mariano C. Del Castillo[23] and Jose Portugal Perez,[24] and Atty. Enriqueta Esguerra-Vidal, Clerk of Court, Supreme Court[25] requesting for copies of the SALN of the Supreme Court Justices for the years 2010 and 2011.

(9) LETTER,[26] dated December 19, 2011, of Malou Mangahas, Executive Director, PCIJ, requesting for copies of the SALN, PDS or CVs of the Justices of the Supreme Court from the year they were appointed to the present.

(10) SUBPOENA AD TESTIFICANDUM ET DUCES TECUM,[27] issued on January 17, 2012, by the Senate, sitting as an Impeachment Court, in connection with Impeachment Case No. 002-2011 against Chief Justice Renato C. Corona, requiring the Clerk of Court, among others, to bring with her the SALN of Chief Justice Renato C. Corona for the years 2002 to 2011.

(11) LETTER,[28] dated January 16, 2012, of Nilo “Ka Nilo” H. Baculo, Sr., requesting copies of the SALN of the Supreme Court Justices for the years 2008 to 2011, for his use as a media practitioner.

(12) LETTER,[29] dated January 25, 2012, of Roxanne Escaro-Alegre of GMA News, requesting for copies of the SALN of the Supreme Court Justices for the network’s story on the political dynamics and process of decision- making in the Supreme Court.

(13) LETTER,[30] dated January 27, 2012, of David Jude Sta. Ana, Head, News Operations, News 5, requesting for copies of the 2010-2011 SALN of the Supreme Court Justices for use as reference materials for stories that will be aired in the newscasts of their television network.

(14) LETTER,[31] dated January 31, 2012, of Michael G. Aguinaldo, Deputy Executive Secretary for Legal Affairs, Malacañang, addressed to Atty. Enriqueta Esguerra-Vidal, Clerk of Court, Supreme Court, seeking her comments and recommendation on House Bill No. 5694,[32] to aid in their determination of whether the

measure should be certified as urgent.

(15) Undated LETTER[33] of Benise P. Balaoing, Intern of Rappler.com, a news website, seeking copies of the 2010 SALN of the Justices of the Court and the CA for the purpose of completing its database in preparation for its coverage of the 2013 elections.

(16) LETTER,[34] dated April 27, 2012, of Maria A. Ressa, Chief Executive Officer and Executive Officer and Executive Editor of Rappler, Inc., requesting for copies of the current SALN of all the Justices of the Supreme Court, the Court of Appeals and the Sandiganbayan also for the purpose of completing its database in preparation for its coverage of the 2013 elections.

(17) LETTER,[35] dated May 2, 2012, of Mary Ann A. Señir, Junior Researcher, News Research Section, GMA News and Public Affairs, requesting for copies of the SALN of Chief Justice Renato C. Corona and the Associate Justices of the Supreme Court for the calendar year 2011 for the network's use in their public affairs programs.

(18) LETTER,[36] dated May 4, 2012, of Edward Gabud, Sr., Desk Editor of Solar Network, Inc., requesting for copies of the 2011 SALN of all the Justices of the Supreme Court.

(19) LETTER,[37] dated May 30, 2012, of Gerry Lirio, Senior News Editor, TV5 requesting for copies of the SALN of the Justices of the Court for the last three (3) years for the purpose of a special report it would produce as a result of the impeachment and subsequent conviction of Chief Justice Renato C. Corona.

(20) LETTER,[38] dated May 31, 2012, of Atty. Joselito P. Fangon, Assistant Ombudsman, Field Investigation Office, Office of the Ombudsman, requesting for 1] certified copies of the SALN of former Chief Justice Renato C. Corona for the years 2002-2011, as well as 2] a certificate of his yearly compensation, allowances, and bonuses, also for the years 2002-2011.

(21) LETTER,[39] dated June 8, 2012, of Thea Marie S. Pias, requesting a copy of the SALN of any present Supreme Court Justice, for the purpose of completing her grade in Legal Philosophy at the San Beda College of Law.

Pursuant to Section 6, Article VIII of the 1987 Constitution,[40] the Court, upon recommendation of the OCA, issued its Resolution[41] dated October 13, 2009, denying the subpoena duces tecum for the SALNs and personal documents of Justice Roland B. Jurado of the SB. The resolution also directed the Ombudsman to forward to the Court any complaint and/or derogatory report against Justice Roland B. Jurado, in consonance with the doctrine laid down in *Caibobes v. Ombudsman*. [42] Upon compliance by the Ombudsman, the Court, in its Resolution[43] dated February 2, 2010, docketed this matter as a regular administrative complaint.[44]

Also, considering the development in Impeachment Case No. 002-2011 against Chief Justice Renato C. Corona, the Court, on January 24, 2012, resolved to consider moot the Subpoena Ad Testificandum Et Duces Tecum issued by the Senate impeachment court.[45]

In resolving the remaining pending incidents, the Court, on January 17, 2012 required the CA, the SB, the CTA, the Philippine Judges Association, the Metropolitan and City Judges Association of the Philippines, the Philippine Trial Judges League, and the Philippine Women Judges Association (PWJA), to file their respective comments.

In essence, it is the consensus of the Justices of the above-mentioned courts and the various judges associations that while the Constitution holds dear the right of the people to have access to matters of concern, the Constitution also holds sacred the independence of the Judiciary. Thus, although no direct opposition to the disclosure of SALN and other personal documents is being expressed, it is the uniform position of the said magistrates and the various judges' associations that the disclosure must be made in accord with the guidelines set by the Court and under such circumstances that would not undermine the independence of the Judiciary.

After a review of the matters at hand, it is apparent that the matter raised for consideration of the Court is not a novel one. As early as 1989, the Court had the opportunity to rule on the matter of SALN disclosure in *Re: Request of Jose M. Alejandrino*,^[46] where the Court denied the request of Atty. Alejandrino for the SALNs of the Justices of the Court due to a “plainly discernible” improper motive. Aggrieved by an adverse decision of the Court, he accused the Justices of patent partiality and alluded that they enjoyed an early Christmas as a result of the decision promulgated by the Court. Atty. Alejandrino even singled out the Justices who took part in the decision and conspicuously excluded the others who, for one reason or another, abstained from voting therein. While the Court expressed its willingness to have the Clerk of Court furnish copies of the SALN of any of its members, it however, noted that requests for SALNs must be made under circumstances that must not endanger, diminish or destroy the independence, and objectivity of the members of the Judiciary in the performance of their judicial functions, or expose them to revenge for adverse decisions, kidnapping, extortion, blackmail or other untoward incidents. Thus, in order to give meaning to the constitutional right of the people to have access to information on matters of public concern, the Court laid down the guidelines to be observed for requests made. Thus:

1. All requests for copies of statements of assets and liabilities of any Justice or Judge shall be filed with the Clerk of Court of the Supreme Court or with the Court Administrator, as the case may be (Section 8 [A][2], R.A. 6713), and shall state the purpose of the request.
2. The independence of the Judiciary is constitutionally as important as the right to information which is subject to the limitations provided by law. Under specific circumstances, the need for fair and just adjudication of litigations may require a court to be wary of deceptive requests for information which shall otherwise be freely available. Where the request is directly or indirectly traced to a litigant, lawyer, or interested party in a case pending before the court, or where the court is reasonably certain that a disputed matter will come before it under circumstances from which it may, also reasonably, be assumed that the request is not made in good faith and for a legitimate purpose, but to fish for information and, with the implicit threat of its disclosure, to influence a decision or to warn the court of the unpleasant consequences of an adverse judgment, the request may be denied.
3. Where a decision has just been rendered by a court against the person making the request and the request for information appears to be a “fishing expedition” intended to harass or get back at the Judge, the request may be denied.
4. In the few areas where there is extortion by rebel elements or where the nature of their work exposes Judges to assaults against their personal safety, the request shall not only be denied but should be immediately reported to the military.
5. The reason for the denial shall be given in all cases.

In the 1992 case of *Re: Request for Certified True Copies of the Sworn Statements of Assets, Liabilities and Networth*,^[47] the request was denied because the Court found that the purpose of the request was to fish for information against certain members of the Judiciary. In the same case, the Court resolved to authorize the Court Administrator to act on all requests for copies of SALN, as well as other papers on file with the 201 Personnel Records of lower court judges and personnel, provided that there was a court subpoena duly signed by the Presiding Judge in a pending criminal case against a judge or personnel of the Judiciary. The Court added that for requests made by the Office of the Ombudsman, the same must be personally signed by the Ombudsman himself. Essentially, the Court resolved that, in all instances, requests must conform to the guidelines set in the *Alejandrino* case and that the documents or papers requested for must be relevant and material to the case being tried by the court or under investigation by the Ombudsman.

In 1993, the Court, in Request for Certified True Copies of the Sworn Statements of Assets, Liabilities and Net Worth of former Judge Luis D. Dictado,[48] ruled that the OCA may extend its granted authority to retired members of the Judiciary.

With respect to investigations conducted by the Office of the Ombudsman in a criminal case against a judge, the Court, in *Maceda v. Vasquez*,[49] upheld its constitutional duty to exercise supervision over all inferior courts and ruled that an investigation by the Office of the Ombudsman without prior referral of the criminal case to the Court was an encroachment of a constitutional duty that ran afoul to the doctrine of separation of powers. This pronouncement was further amplified in the abovementioned case of *Caiobes*. Thus:

x x x Under Section 6, Article VIII of the Constitution, it is the Supreme Court which is vested with exclusive administrative supervision over all courts and its personnel. Prescinding from this premise, the Ombudsman cannot determine for itself and by itself whether a criminal complaint against a judge, or court employee, involves an administrative matter. The Ombudsman is duty bound to have all cases against judges and court personnel filed before it, referred to the Supreme Court for determination as to whether an administrative aspect is involved therein. This rule should hold true regardless of whether an administrative case based on the act subject of the complaint before the Ombudsman is already pending with the Court. For, aside from the fact that the Ombudsman would not know of this matter unless he is informed of it, he should give due respect for and recognition of the administrative authority of the Court, because in determining whether an administrative matter is involved, the Court passes upon not only administrative liabilities but also administrative concerns, as is clearly conveyed in the case of *Maceda v. Vasquez* (221 SCRA 464[1993]).

The Ombudsman cannot dictate to, and bind the Court, to its findings that the case before it does or does not have administrative implications. To do so is to deprive the Court of the exercise of its administrative prerogatives and to arrogate unto itself a power not constitutionally sanctioned. This is a dangerous policy which impinges, as it does, on judicial independence.

Maceda is emphatic that by virtue of its constitutional power of administrative supervision over all courts and court personnel, from the Presiding Justice of the Court of Appeals down to the lowest municipal trial court clerk, it is only the Supreme Court that can oversee the judges' and court personnel's compliance with all laws, and take the proper administrative action against them if they commit any violation thereof. No other branch of government may intrude into this power, without running afoul of the doctrine of separation of powers.

Corollary to the above pronouncements, Section 7, Article III of the Constitution is relevant in the issue of public disclosure of SALN and other documents of public officials, viz:

Sec. 7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Emphasizing the import and meaning of the foregoing constitutional provision, the Court, in the landmark case of *Valmonte v. Belmonte, Jr.*,[50] elucidated on the import of the right to information in this wise:

The cornerstone of this republican system of government is delegation of power by the people to the State. In this system, governmental agencies and institutions operate within the limits of the authority conferred by the people. Denied access to information on the inner workings of government, the citizenry can become prey to the whims and caprices of those to whom the power had been delegated. The postulate of public office is a public trust, institutionalized in the Constitution to protect the people from abuse of governmental power, would certainly be mere empty words if access to such information of public concern is denied x x x.

x x x The right to information goes hand-in-hand with the constitutional policies of full public disclosure and honesty in the public service. It is meant to enhance the widening role of the citizenry in governmental decision-making as well as in checking abuse in government. (Emphases supplied)

In *Baldoza v. Dimaano*,^[51] the importance of the said right was pragmatically explicated:

The incorporation of this right in the Constitution is a recognition of the fundamental role of free exchange of information in a democracy. There can be no realistic perception by the public of the nation's problems, nor a meaningful democratic decision-making if they are denied access to information of general interest. Information is needed to enable the members of society to cope with the exigencies of the times. As has been aptly observed: "Maintaining the flow of such information depends on protection for both its acquisition and its dissemination since, if either process is interrupted, the flow inevitably ceases." However, restrictions on access to certain records may be imposed by law.

Thus, while "public concern" like "public interest" eludes exact definition and has been said to embrace a broad spectrum of subjects which the public may want to know, either because such matters directly affect their lives, or simply because such matters naturally arouse the interest of an ordinary citizen,^[52] the Constitution itself, under Section 17, Article XI, has classified the information disclosed in the SALN as a matter of public concern and interest. In other words, a "duty to disclose" sprang from the "right to know." Both of constitutional origin, the former is a command while the latter is a permission. Hence, the duty on the part of members of the government to disclose their SALNs to the public in the manner provided by law:

Section 17. A public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities, and net worth. In the case of the President, the Vice-President, the Members of the Cabinet, the Congress, the Supreme Court, the Constitutional Commissions and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law. [Emphasis supplied]

This Constitutional duty is echoed and particularized in a statutory creation of Congress: Republic Act No. 6713, also known as "Code of Conduct and Ethical Standards for Public Officials and Employees":^[53]

Section 8. Statements and Disclosure. - Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) Statements of Assets and Liabilities and Financial Disclosure. - All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

- (a) real property, its improvements, acquisition costs, assessed value and current fair market value;
- (b) personal property and acquisition cost;
- (c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
- (d) liabilities, and;
- (e) all business interests and financial connections.

The documents must be filed:

- (a) within thirty (30) days after assumption of office;

- (b) on or before April 30, of every year thereafter; and
- (c) within thirty (30) days after separation from the service.

All public officials and employees required under this section to file the aforesaid documents shall also execute, within thirty (30) days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.

Husband and wife who are both public officials or employees may file the required statements jointly or separately.

The Statements of Assets, Liabilities and Net Worth and the Disclosure of Business Interests and Financial Connections shall be filed by:

- (1) Constitutional and national elective officials, with the national office of the Ombudsman;
- (2) Senators and Congressmen, with the Secretaries of the Senate and the House of Representatives, respectively; Justices, with the Clerk of Court of the Supreme Court; Judges, with the Court Administrator; and all national executive officials with the Office of the President.
- (3) Regional and local officials and employees, with the Deputy Ombudsman in their respective regions;
- (4) Officers of the armed forces from the rank of colonel or naval captain, with the Office of the President, and those below said ranks, with the Deputy Ombudsman in their respective regions; and
- (5) All other public officials and employees, defined in Republic Act No. 3019, as amended, with the Civil Service Commission.

(B) Identification and disclosure of relatives. - It shall be the duty of every public official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Government in the form, manner and frequency prescribed by the Civil Service Commission. (Emphasis supplied)

Like all constitutional guarantees, however, the right to information, with its companion right of access to official records, is not absolute. While providing guaranty for that right, the Constitution also provides that the people's right to know is limited to "matters of public concern" and is further subject to such limitations as may be provided by law.

Jurisprudence^[54] has provided the following limitations to that right: (1) national security matters and intelligence information; (2) trade secrets and banking transactions; (3) criminal matters; and (4) other confidential information such as confidential or classified information officially known to public officers and employees by reason of their office and not made available to the public as well as diplomatic correspondence, closed door Cabinet meetings and executive sessions of either house of Congress, and the internal deliberations of the Supreme Court.

This could only mean that while no prohibition could stand against access to official records, such as the SALN, the same is undoubtedly subject to regulation.

In this regard, Section 8 (c) and (d) of R.A. No. 6713 provides for the limitation and prohibition on the regulated access to SALNs of government officials and employees, viz:

- (C) Accessibility of documents. - (1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours.

(2) Such statements shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law.

(3) Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.

(4) Any statement filed under this Act shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.

(D) Prohibited acts. - It shall be unlawful for any person to obtain or use any statement filed under this Act for:

(a) any purpose contrary to morals or public policy; or

(b) any commercial purpose other than by news and communications media for dissemination to the general public.

Moreover, the following provisions in the Implementing Rules and Regulations of R.A. No. 6713 provide:

Rule IV

Transparency of Transactions and Access to Information

x x x x

Section 3. Every department, office or agency shall provide official information, records or documents to any requesting public, except if:

(a) such information, record or document must be kept secret in the interest of national defense or security or the conduct of foreign affairs;

(b) such disclosure would put the life and safety of an individual in imminent danger;

(c) the information, record or document sought falls within the concepts of established privilege or recognized exceptions as may be provided by law or settled policy or jurisprudence;

(d) such information, record or document compromises drafts or decisions, orders, rulings, policy, decisions, memoranda, etc;

(e) it would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(f) it would disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, or (iv) unjustifiably disclose investigative techniques and procedures; or

(g) it would disclose information the premature disclosure of which would (i) in the case of a department, office or agency which agency regulates currencies, securities, commodities, of financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities or significantly endanger the stability of any financial institution, or (ii) in the case of any department, office or agency be likely or significantly to frustrate implementation of a proposed official action, except that subparagraph (f) (ii) shall not apply in any instance where the department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such

disclosure on its own initiative prior to taking final official action on such proposal.

x x x x

Rule VI

Duties of Public Officials and Employees

Section 6. All public documents must be made accessible to, and readily available for inspection by, the public during working hours, except those provided in Section 3, Rule IV.

The power to regulate the access by the public to these documents stems from the inherent power of the Court, as custodian of these personal documents, to control its very office to the end that damage to, or loss of, the records may be avoided; that undue interference with the duties of the custodian of the books and documents and other employees may be prevented; and that the right of other persons entitled to make inspection may be insured.[55]

In this connection, Section 11 of the same law provides for the penalties in case there should be a misuse of the SALN and the information contained therein, viz:

Section 11. Penalties. - (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.

(c) Private individuals who participate in conspiracy as co- principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

(d) The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (d) of this Act. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply.

Considering the foregoing legal precepts vis-à-vis the various requests made, the Court finds no cogent reason to deny the public access to the SALN, PDS and CV of the Justices of the Court and other magistrates of the Judiciary subject, of course, to the limitations and prohibitions provided in R.A. No. 6713, its implementing rules and regulations, and in the guidelines set forth in the decretal portion.

The Court notes the valid concerns of the other magistrates regarding the possible illicit motives of some individuals in their requests for access to such personal information and their publication. However, custodians of public documents must not concern themselves with the motives, reasons and objects of the persons seeking access to the records. The moral or material injury which their misuse might inflict on others is the requestor's responsibility and lookout. Any publication is made subject to the consequences of the law.[56] While public officers in the custody or control of public records have the discretion to regulate the manner in which records may be inspected, examined or copied by interested persons, such discretion does not carry with it the authority to prohibit access, inspection, examination, or copying of the records.[57] After all, public office is a public trust.

Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.[58]

WHEREFORE, the Court resolves to GRANT the requests contained in the (1) Letter, dated July 30, 2009, of Rowena C. Paraan; (2) Letter, dated August 13, 2009, of Karol M. Ilagan; (3) Letter, dated April 21, 2010, of the Philippine Public Transparency Reporting Project; (4) Letter, filed on August 24, 2011, by Marvin Lim; (5) Letter, dated August 26, 2011, of Rawnna Crisostomo; (6) Letter, dated October 11, 2011, of Bala S. Tamayo; (7) Letters, all dated December 19, 2011, of Harvey S. Keh; (8) Letter, dated December 21, 2011, of Glenda M. Gloria; (9) Letters, all dated January 3, 2012, of Phillipe Manalang; (10) Letter, dated December 19, 2011, of Malou Mangahas; (11) Letter, dated January 16, 2012, of Nilo “Ka Nilo” H. Baculo; (12) Letter, dated January 25, 2012, of Roxanne Escaro-Alegre; (13) Letter, dated January 27, 2012, of David Jude Sta. Ana; (14) Letter, dated January 31, 2012, of Michael G. Aguinaldo; (15) undated Letter of Benise P. Balaoing; (16) Letter, dated April 27, 2012, of Maria A. Ressa; (17) Letter, dated May 2, 2012, of Mary Ann A. Señir; (18) Letter, dated May 4, 2012, of Edward Gabud, Sr., Desk Editor of Solar Network, Inc.; (19) Letter, dated May 30, 2012, of Gerry Lirio, Senior News Editor, TV5; (20) Letter, dated May 31, 2002, of Atty. Joselito P. Fangon of the Office of the Ombudsman; and (21) Letter, dated June 7, 2012, of Thea Marie S. Pias, insofar as copies of the 2011 SALN, PDS, and CV of the Justices of the Supreme Court, the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals; Judges of lower courts; and other members of the Judiciary, are concerned, subject to the limitations and prohibitions provided in R.A. No. 6713, its implementing rules and regulations, and the following guidelines:

- All requests shall be filed with the Office of the Clerk of Court of the Supreme Court, the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals; for the lower courts, with the Office of the Court Administrator; and for attached agencies, with their respective heads of offices.
- Requests shall cover only copies of the latest SALN, PDS and CV of the members, officials and employees of the Judiciary, and may cover only previous records if so specifically requested and considered as justified, as determined by the officials mentioned in par. 1 above, under the terms of these guidelines and the Implementing Rules and Regulations of R.A. No. 6713.
- In the case of requests for copies of SALN of the Justices of the Supreme Court, the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals, the authority to disclose shall be made by the Court En Banc.
- Every request shall explain the requesting party’s specific purpose and their individual interests sought to be served; shall state the commitment that the request shall only be for the stated purpose; and shall be submitted in a duly accomplished request form secured from the SC website. The use of the information secured shall only be for the stated purpose.
- In the case of requesting individuals other than members of the media, their interests should go beyond pure or mere curiosity.
- In the case of the members of the media, the request shall additionally be supported by proof under oath of their media affiliation and by a similar certification of the accreditation of their respective organizations as legitimate media practitioners.
- The requesting party, whether as individuals or as members of the media, must have no derogatory record of having misused any requested information previously furnished to them.

The requesting parties shall complete their requests in accordance with these guidelines. The custodians of these documents[59] (the respective Clerks of Court of the Supreme Court, Court of Appeals, Sandiganbayan, and Court of Tax Appeals for the Justices; and the Court Administrator for the Judges of various trial courts) shall preliminarily determine if the requests are not covered by the limitations and prohibitions provided in R.A. No.

6713 and its implementing rules and regulations, and in accordance with the aforecited guidelines. Thereafter, the Clerk of Court shall refer the matter pertaining to Justices to the Court En Banc for final determination.

SO ORDERED.

Carpio, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Sereno, Reyes, and Perlas-Bernabe, JJ., concur.
Velasco, Jr., J., on official leave.

[1] Rollo (A.M. No. 09-8-6-SC), p. 2.

[2] Rollo (A.M. No. 09-8-7-CA), p. 1.

[3] Rollo (A.M. No. 09-8-7-CA), p. 2; rollo (A.M. No. 09-8-6-SC), p. 15.

[4] Rollo (A.M. No. 09-8-6-SC), p. 11.

[5] Id. at 73-75.

[6] Id. at 76-85.

[7] Id. at 21.

[8] Id. at 105-106.

[9] Id. at 115-116.

[10] Id. at 117-118.

[11] Id. at 123.

[12] Id. at 128.

[13] Id. at 132.

[14] Id. at 149.

[15] Id. at 141.

[16] Id. at 140.

[17] Id. at 130.

[18] Id. at 139.

[19] Id. at 159.

[20] Id. at 133.

[21] Id. at 172.

[22] Id. at 151.

[23] Id. at 146.

[24] Id. at 147.

[25] Id. at 152.

[26] Id. at 175-178.

[27] Id. at 188.

[28] Id. at 209-219.

[29] Id. at 222-223.

[30] Id. at 225.

[31] Id. at 238.

[32] Entitled “An Act Providing for the Centralization of Filing of Statement of Assets, Liabilities, and Net Worth (SALN) of Public Officials and its Mandatory Disclosure to Promote Transparency and Accountability in Public Service, Amending for the Purpose Section 8 (A) of Republic Act No. 6713 otherwise known as “The Code of Conduct and Ethical Standards For Public Officials and Employees.”

[33] Rollo (A.M. No. 09-8-6-SC), p. 318.

[34] Id. at 340.

[35] Id. at 342.

[36] Id. at 343.

[37] Id. at 328.

[38] Id. at 329.

[39] Id. at 333.

[40] Section 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

[41] Rollo (A.M. No. 09-8-6-SC), p. 24.

[42] 413 Phil. 717 (2001).

[43] Rollo (A.M. No. 09-8-6-SC), p. 97.

[44] Docketed as A.M. OCA IPI No. 10-21-SB-J.

[45] Rollo (A.M. No. 09-8-6-SC), pp. 272-273.

[46] Resolution dated May 2, 1989.

[47] A.M. No. 92-9-851-RTC, September 22, 1992.

[48] A.M. No. 92-9-851-RTC, November 11, 1993.

[49] G.R. No. 102781, April 22, 1993, 221 SCRA 464, 466-467.

[50] 252 Phil. 264, 271-272 (1989).

[51] 163 Phil. 15, 20-21 (1976).

[52] *Legaspi v. Civil Service Commission*, 234 Phil. 521 (1987).

[53] Entitled “An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office Being A Public Trust, Granting Incentives and Rewards

For Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties For Violations Thereof and For Other Purposes.”

[54] Chavez v. PCGG, 360 Phil. 133, 160-162 (1998).

[55] Subido v. Ozaeta, 80 Phil. 383, 387 (1948).

[56] Id. at 388.

[57] Hilado v. Judge Amor A. Reyes, 496 Phil. 55 (2005), citing Lantaco, Sr. v. Llamas, 195 Phil. 325, 334 (1981).

[58] Sec. 1 Article XI, 1987 Constitution of the Republic of the Philippines.

[59] Section 1, Rule VII, Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.