

RE: LETTER OF THE UP LAW FACULTY ENTITLED RESTORING INTEGRITY: A STATEMENT BY THE FACULTY OF THE UNIVERSITY OF THE PHILIPPINES COLLEGE OF LAW ON THE ALLEGATIONS OF PLAGIARISM AN...

A.M. No. 10-10-4-SC. June 07, 2011

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-10-10-4/>

LEONARDO-DE CASTRO, J.:

For disposition of the Court are the following:

- (a) the Motion for Reconsideration [1] dated April 1, 2011 filed by respondent University of the Philippines (UP) law professors Tristan A. Catindig and Carina C. Laforteza; and
- (b) the Manifestation [2] dated April 1, 2011 filed by respondents Dean Marvic M.V.F. Leonen and Prof. Theodore O. Te.

In support of their Motion for Reconsideration, Professors Catindig and Laforteza relied on the following grounds:

GROUND

A. THIS PROCEEDING, WHILE OSTENSIBLY DOCKETED AS AN ADMINISTRATIVE MATTER, IS PREMISED ON A FINDING OF INDIRECT CONTEMPT. ACCORDINGLY, WITH ALL DUE RESPECT, THE HONORABLE COURT ERRED IN FINDING THAT THE RESPONDENTS BREACHED THEIR ETHICAL OBLIGATIONS WITHOUT OBSERVANCE OF THE DUE PROCESS SAFEGUARDS GUARANTEED IN AN INDIRECT CONTEMPT PROCEEDING.

B. WITH DUE RESPECT, THE HONORABLE COURT ERRED IN RULING THAT (1) THE PLAGIARISM AND MISREPRESENTATION ISSUES IN THE VINUYA CASE AND IN A.M. NO. 10-7-17-SC HAVE NO RELATION TO THE RESTORING INTEGRITY STATEMENT AND THE SHOW CAUSE RESOLUTION, AND THEREFORE (2) THE RESPONDENTS ARE NOT ENTITLED TO ACCESS AND ADDRESS THE EVIDENCE PRESENTED IN A.M. NO. 10-7-17-SC, TO PRESENT THEIR OWN EVIDENCE IN RESPECT OF THE PLAGIARISM AND MISREPRESENTATION ISSUES, AND TO SUPPORT THEIR RESPONSE TO THE SHOW CAUSE RESOLUTION WITH SUCH EVIDENCE.

C. WITH DUE RESPECT, THE HONORABLE COURT ERRED IN FINDING THAT THE RESPONDENTS ARE IN BREACH OF THEIR ETHICAL OBLIGATIONS FOR HAVING ISSUED THE RESTORING INTEGRITY STATEMENT. [3]

In their Motion for Reconsideration, respondents pray that (a) the Court's Decision dated March 8, 2011 be reconsidered and set aside and the respondents' Compliance dated November 18, 2010 be deemed satisfactory, and (b) the Court expunge the reference in A.M. No. 10-7-17-SC to the respondents (i.e., "joined by some faculty members of the University of the Philippines school of law") effectively finding them guilty of making false

charges against Associate Justice Mariano C. del Castillo (Justice Del Castillo). In the alternative, they pray that they be afforded their full rights to due process and provided the full opportunity to present evidence on the matters subject of the Show Cause Resolution dated October 19, 2010. [4]

Anent the first ground, Professors Catindig and Laforteza insist that, notwithstanding the docketing of this matter as an administrative case, there was purportedly a finding that respondents were guilty of indirect contempt in view of (1) the mention made in the Show Cause Resolution dated October 19, 2010 of *In re Kelly*, [5] a case involving a contempt charge; and (2) the references to respondents' "contumacious language" or "contumacious speech and conduct" and to several authorities which dealt with contempt proceedings in the Decision dated March 8, 2011.

The shallowness of such argument is all too easily revealed. It is true that contumacious speech and conduct directed against the courts done by any person, whether or not a member of the Bar, may be considered as indirect contempt under Rule 71, Section 3 of the Rules of Court, to wit:

Sec. 3. Indirect contempt to be punished after charge and hearing. - After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

x x x x

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice.

A charge of indirect contempt, if proven in due proceedings, carry with it penal sanctions such as imprisonment or a fine or both. [6]

The very same contumacious speech or conduct directed against a court or judicial officer, if committed by a member of the Bar, may likewise subject the offender to disciplinary proceedings under the Code of Professional Responsibility, which prescribes that lawyers observe and promote due respect for the courts. [7] In such disciplinary cases, the sanctions are not penal but administrative such as, disbarment, suspension, reprimand or admonition.

Contrary to Professors Catindig and Laforteza's theory, what established jurisprudence tells us is that the same incident of contumacious speech and/or behavior directed against the Court on the part of a lawyer may be punishable either as contempt or an ethical violation, or both in the discretion of the Court.

In *Salcedo v. Hernandez*, [8] for the same act of filing in court a pleading with intemperate and offensive statements, the concerned lawyer was found guilty of contempt and liable administratively. For this reason, two separate penalties were imposed upon him, a fine (for the contempt charge) and reprimand (for his failure to observe his lawyerly duty to give due respect to the Court).

The full case title [9] of *In re: Atty. Vicente Raul Almacen* [10] and the sanction imposed indubitably show that the proceeding involved therein was disciplinary. Notwithstanding the fact that the Court in *Almacen* adverted to a few principles and authorities involving contempt proceedings aside from jurisprudence on ethical responsibilities of lawyers, Atty. Almacen was only meted out an administrative sanction (indefinite suspension from the practice of law) and no penal sanction was imposed upon him. Indeed, in *Almacen*, the Court explicitly stated that whether or not respondent lawyer could be held liable for contempt for his utterances and actuations was immaterial as the sole issue in his disciplinary case concerns his professional identity, his sworn duty as a lawyer and his fitness as an officer of the Court. [11]

Conversely, In re Vicente Sotto [12] was purely a contempt proceeding. Nonetheless, the Court in that case saw fit to remind Atty. Sotto that:

As a member of the bar and an officer of the courts Atty. Vicente Sotto, like any other, is in duty bound to uphold the dignity and authority of this Court, to which he owes fidelity according to the oath he has taken as such attorney, and not to promote distrust in the administration of justice. Respect to the courts guarantees the stability of other institutions, which without such guaranty would be resting on a very shaky foundation. [13]

Atty. Sotto was expressly found liable only for contempt and accordingly fined the amount of P1,000.00 payable within 15 days from promulgation of judgment. The unmistakable reference to Atty. Sotto's failure to observe his ethical duties as a lawyer did not convert the action against him into a disciplinary proceeding. In fact, part of the disposition of the case was to require Atty. Sotto to show cause, within the same period given for the payment of the fine, why he should not be disbarred for his contemptuous statements against the Court published in a newspaper.

Similar to Salcedo, Zaldivar v. Sandiganbayan [14] involved both contempt and disciplinary proceedings for the lawyer's act of making public statements to the media that were offensive and disrespectful of the Court and its members relating to matters that were sub judice. This was evident in the May 2, 1988 Resolution of the Court which required respondent lawyer to "explain in writing within ten (10) days from notice hereof, why he should not be punished for contempt of court and/or subjected to administrative sanctions." [15] In Zaldivar, however, although the Court found that respondent's act constituted both contempt and gross misconduct as a member of the Bar, he was only administratively sanctioned with an indefinite suspension from the practice of law.

The lesson imparted by the foregoing authorities is that, when the Court initiates contempt proceedings and/or disciplinary proceedings against lawyers for intemperate and discourteous language and behavior directed at the courts, the evil sought to be prevented is the same - the degradation of the courts and the loss of trust in the administration of justice. For this reason, it is not unusual for the Court to cite authorities on bar discipline (involving the duty to give due respect to the courts) in contempt cases against lawyers and vice versa.

Thus, when the Court chooses to institute an administrative case against a respondent lawyer, the mere citation or discussion in the orders or decision in the administrative case of jurisprudence involving contempt proceedings does not transform the action from a disciplinary proceeding to one for contempt. Respondents' contrary position in their motion for reconsideration is bereft of any rational merit. Had this Court opted to cite respondents for contempt of court, which is punishable by imprisonment or fine, this Court would have initiated contempt proceedings in accordance with the Rules of Court. Clearly, the Court did not opt to do so. We cannot see why respondents would stubbornly cling to the notion that they were being cited for indirect contempt under the Show Cause Resolution when there is no basis for such belief other than their own apparent misreading of the same.

With respect to the second ground offered for reconsideration of the Decision dated March 8, 2011, respondents continue to insist on their theory, previously expounded in their Compliance, that the evidence and proceedings in A.M. No. 10-7-17-SC was relevant to their own administrative case and thus, it was necessary for them to be granted access to the evidence and records of that case in order to prove their own defenses in the present case. The Decision already debunked at length the theory that if respondents are able to prove the bases for their "well founded" concerns regarding the plagiarism charge against Justice Del Castillo, then they would be exonerated of the administrative charges against them. It bears repeating here that what respondents have been required to explain was their contumacious, intemperate and irresponsible language and/or conduct in the issuance of the Restoring Integrity Statement, which most certainly cannot be justified by a belief, well-founded or not, that Justice Del Castillo and/or his legal researcher committed plagiarism.

To dispel respondents' misconception once and for all, it should be stressed that this Court did not call the attention of respondents for having an opinion contrary to that of the Court in the plagiarism case against Justice Del Castillo. Notably, even their co-respondent Prof. Raul T. Vasquez stood fast on his opinion regarding the plagiarism issue. Still, he was able to simply relate to this Court how he came to sign the Restoring Integrity Statement and candidly conceded that he may have failed to assess the effect of the language of the Statement. This straightforward and honest explanation was found satisfactory despite the lack of reference to the evidence in A.M. No. 10-7-17-SC or the holding of any formal trial-type evidentiary hearing, which respondents know fully well was not mandatory in administrative proceedings. This circumstance belied respondents' justification for seeking access to the evidence and records of A.M. No. 10-7-17-SC and their assertion that they have in any way been denied their due process rights. For the same reason that A.M. 10-7-17-SC and the present case are independent of each other, a passing mention of respondent law professors in the Resolution dated February 8, 2011 in A.M. 10-7-17-SC is not proof that this Court has found respondents guilty of falsely accusing Justice Del Castillo of plagiarism nor is it any prejudgment of the present case. For if so, no one would be exonerated or none of the compliances would be found satisfactory in this administrative case. Again, the case of Prof. Vasquez confirms that this Court duly considered respondents' submissions in this case before coming to a decision.

To buttress their third ground for reconsideration, respondents mainly contend that the Court erred in taking the "emphatic language" in the Statement in isolation from the other statements evidencing the good intentions of respondents and calling for constructive action. Again, these arguments have been substantially addressed in the Decision dated March 8, 2011 and there is no need to belabor these points here. Suffice it to say that respondents' avowed noble motives have been given due weight and factored in the determination of the action taken with respect to submissions of respondents.

In all, the Court finds that respondent Professors Catindig and Laforteza have offered no substantial arguments to warrant a reconsideration of the Decision dated March 8, 2011 nor to justify the grant of the reliefs prayed for in their motion.

As for the Manifestation dated April 1, 2011, Dean Leonen and Professor Te alleged that "they support the Motion for Reconsideration which was filed by Respondents Professors Tristan Catindig and Caren Laforteza on April 1, 2011." The rest of the assertions therein are mere restatements of arguments previously proffered in respondents' compliances and have been extensively taken up in the Decision dated March 8, 2011.

Since the Manifestation, apart from being an expression of support for Professors Catindig and Laforteza's motion for reconsideration, did not raise any new matter nor pray for any affirmative relief, the Court resolves to merely note the same.

WHEREFORE, premises considered, the Court hereby RESOLVES to (a) DENY the Motion for Reconsideration dated April 1, 2011 filed by respondent Professors Tristan A. Catindig and Carina C. Laforteza; and (b) NOTE the Manifestation dated April 1, 2011 filed by Dean Marvic M.V.F. Leonen and Professor Theodore O. Te.

SO ORDERED.

Corona, C.J., Velasco, Jr., Nachura, Brion, Peralta, Bersamin, Abad, Perez, and Mendoza, JJ., concur.

Carpio, J., I maintain my dissent.

Carpio Morales, J., my dissent remains.

Del Castillo, J., no part.

Villarama, Jr., J., I maintain my separate opinion.

Sereno, J., I maintain my dissent.

[1] Rollo, pp. 622-654.

[2] Id. at 655-668.

[3] Id. at 623-624.

[4] Id. at 646.

[5] 35 Phil. 944 (1916).

[6] Rules of Court, Rule 71, Section 7.

[7] See, for example, Canon 1, Rule 1.02, and Canon 11, Rule 11.03.

[8] 61 Phil. 724 (1935).

[9] In the Matter of Proceedings for Disciplinary Action against Atty. Vicente Raul Almacen in G.R. No. L-27654, Antonio H. Calero v. Virginia Y. Yaptinchay.

[10] G.R. No. L-27654, February 18, 1970, 31 SCRA 562.

[11] Id. at 597.

[12] 82 Phil. 595 (1949).

[13] Id. at 602.

[14] 248 Phil. 542 (1988).

[15] Id. at 551.

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.