

IN RE: SOCIAL MEDIA POSTS OF EDGAR S. DIZON,*B.M. No. 4734, July 15, 2026*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b-m-no-4734/>**PER CURIAM:**

The 2023 Bar Examinations has the distinction of holding the examinations, releasing the results of the examinations, and conducting the oath-taking ceremonies all within the same year. The preparations for the 2023 Bar Examinations were frenzied, technical, precise, and measured in all respects. As expected, the bar operations went smoothly as planned. However, towards its tail end, the preparations were spoiled.

A post originating from the Facebook accounts of Bar Law for Dummies and Tsidkenu Dizon surfaced on September 21, 2023, claiming, among others, "that the 2023 Bar Examinations shall be sorted, checked, and corrected by means of artificial intelligence (AI)."[1] Immediately, the "posts [went] viral on social media and caused further panic and anxiety to the examinees, who were then in the middle of their final preparations." [2]

Unwittingly, the social media post disrupted the bar operations as the Office of the 2023 Bar Chair had to track down its origin and authorship as well as assess its impact on the bar examinations and its stakeholders, in particular, the bar examinees. The Office of the 2023 Bar Chair thus scrambled to plug in measures to avoid any misconception and mollify the anxious and jittery bar takers.

The Office of the 2023 Bar Chair immediately issued this Advisory:[3]

Subject: Recent Social Media Publications in: 1. Bar Law for Dummies Training Program Facebook Group;
and

2. Tsidkenu Dizon Facebook Account

It has come to the attention of the Court that certain information has begun circulating on social media, origins of which were traced from a Facebook group page called Bar Law for Dummies Training Program and from one Tsidkenu Dizon Facebook account. The posts claim that the 2023 Bar Examinations shall be sorted, checked, and corrected by means of artificial intelligence.

The Office of the 2023 Bar Chair condemns these social media publications as false, baseless, irresponsible, defamatory, contumacious, detestable, and formulated with apparent intent to erode the integrity of the digitalized Bar Examinations. I reiterate that what has been stated in Bar Bulletin No. 1, Series of 2023: all stakeholders are exhorted to rely exclusively on the Court's official communication channels.

The 2023 Bar Examinations shall be checked by four (4) examiners per subject, all of whom are established experts in their respective fields, and who are by no means created or powered by artificial intelligence.

The initial probe commenced by the Office of the 2023 Bar Chair has unveiled the identity of the administrator of both Facebook accounts. The Court is currently undertaking proper measures against the said individual, particularly, the prompt engagement of the National Bureau of Investigation in the conduct of criminal investigation of the nefarious activities and questionable circumstances surrounding this personality.[4] (Emphasis in the original)

Eventually, the subject Facebook accounts' administrator was unveiled to be a certain Edgar S. Dizon (Dizon).

Contrary to Dizon's claim, the Advisory did not have a "chilling effect"[5] because instead of taking down the subject posts, Dizon even sought the attention of the media for an interview. Worse, during the interview, he threatened the Court with a suit and demanded a public apology that must be given within 24 hours from the airing of his interview.[6]

Dizon also sent several e-mails to the Judiciary Public Assistance Section with requests that the same be forwarded to the Office of the 2023 Bar Chair. In his e-mails, Dizon claimed that he was devastated by the Advisory which had a chilling effect on him; denied spreading any misinformation; insisted that he did not state that the AI will do the correcting of the examinations; claimed that the Advisory destroyed his life because "[h]indi man lang nakuha ang side ko bago nailagay sa Advisory yung pangalan ko;"[7] and finally, Dizon prayed for the Court to issue a "statement to rectify yung nasa Advisory, and [to have] a picture [taken] with [the 2023 Bar Chair] dahil idol ko po kayo." [8]

In a Resolution[9] dated October 24, 2023, and upon the recommendation and endorsement of the Office of the Bar Confidant, the Court required Dizon to "show cause, within five working days from notice ... why he should not be cited for indirect contempt pursuant to Sections 3(c), (d), and (e), Rule 71, Rules of Court, for his blatant disruption of and undue interference in the 2023 Bar Examinations." [10]

In his Explanation,[11] Dizon admits that he is the Facebook account holder of Bar Law for Dummies Training Program and Tsidkenu Dizon. He graduated from Arellano School of Law in 2016 and passed the Bar Examinations the same year. However, he failed to take the oath because of pending murder cases. He claimed to have authored several review materials and online practical exercises which he uses as part of the Bar Law for Dummies Training Program, particularly for law graduates who had flunked the bar examinations more than three times.

The subject post of Dizon reads in part:

Bar Law for Dummies Training Program

ALWAYS START WITH YES or NO

Yan ang unang hahanapin ng AI Checking to sort out the correct answers.[12]

Dizon insists that he used the word "TO HELP"[13] and vehemently denies saying that the AI will do the sorting, checking, or correction.[14]

He also disclaims the allegation that he dabbles in the practice of law. In fact, he always tells his mentees to call him Teacher Edgar and to never address him as Attorney.[15] As a master's degree holder in Education, he is only applying the art of teaching by identifying the educational needs of his mentees and helping them achieve their goal of passing the Bar. His coaching activity can never be considered as a practice of law as he applies no legal knowledge or procedure.

The issue that confronts the Court is whether Dizon should be held liable for indirect contempt.

We rule in the affirmative.

Rule 71, Section 3 of the Rules of Court provides:

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

....

(c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;

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

(e) Assuming to be an attorney or an officer of a court, and acting as such without authority;

....

But nothing in this section shall be so construed as to prevent the court from issuing process to bring the respondent into court, or from holding him in custody pending such proceedings.

The conduct of the bar examinations is crucial to the legal profession. In re: Parazo[16] holds that:

Under constitutional provision, Article VIII, section 13, Constitution of the Philippines, the Supreme Court takes charge of the admission of members to the Philippine Bar... The Supreme Court and the Philippine Bar have always tried to maintain a high standard for the legal profession, both in academic preparation and legal training, as well as in honesty and fair dealing... Consequently, any charge or insinuation of anomaly in the conduct of Bar Examinations, of necessity is imbued with wide and general interest and national importance.[17]

Clearly, Dizon unlawfully interfered in the conduct of the 2023 Bar Examinations, a court-sanctioned activity, by peddling false information and causing alarm and panic among the examinees. His irresponsible and baseless post that the AI will do the sorting and checking undermined the integrity not only of the bar examinations but likewise of the "Supreme Court itself which has the overall supervision and control over the examinations." [18]

As a bar passer himself, Dizon should know that a committee of bar examiners appointed by the Court oversees the conduct of the examinations. "The committee of bar examiners shall be composed of a justice of the Supreme Court, who shall act as chairperson, and such number of members of the bar of the Philippines in good standing, as may be determined by the bar chairperson." [19] They are all warm bodies; and contrary to Dizon's post, they are not powered or guided by artificial intelligence.

The Court is not persuaded by Dizon's contention that he used the word "TO HELP" [20] in his post and that he did not mention at all that the AI will do the sorting, checking or correction. [21]

For easy reference, We reproduce below the pertinent portions of Dizon's post:

Bar Law for Dummies Training Program

ALWAYS START WITH YES or NO

Yan ang unang hahanapin ng AI Checking to sort out the correct answers. [22]

This is *res ipsa loquitur*. Dizon clearly and categorically mentioned that the AI will do the checking and sorting of the examinees' answers.

Dizon expressed surprise that the matter regarding his posts has spiraled to this level. To the Court, this only shows that Dizon was totally oblivious of the consequences and gravity of his irresponsible acts. He should have been aware that the examinees were all weary and stressed, that any news about the bar examinations, whether small or big, will definitely be received with alarm and apprehension. He is likewise unaware that his irresponsible acts would gravely and directly impact on the integrity of the bar examinations, which the Court strives to maintain and uphold.

To stress, there is no question that the viral posts disrupted the bar operations. Instead of focusing their attention and energy on the fundamentals and practical details of the bar operations, the Office of the 2023 Bar Chair had to expend its limited time and lean staff into checking the origin of the post, coordinating with the National Bureau of Investigation and other agencies, coming out with an Advisory to quell the panic of the examinees, and responding to numerous calls and queries. On the part of the examinees, instead of focusing on their review, they spent time awaiting news about the matter of the AI checking. Plainly, Dizon impeded and degraded the administration of justice.

By his own admission, Dizon passed the 2016 Bar Examinations but could not take the oath because of pending murder cases. As a non-lawyer, Dizon is not authorized to engage in the practice of law. However, records show that Dizon dipped his hands into an area reserved exclusively for lawyers.

"Practice of law means any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience." [23] Dizon's claims that his Bar Law for Dummies Training Program is not styled as a bar review school or center and that his coaching is only centered on the process or style of answering the questions, or in presenting a clear and logical answer, are untenable.

Dizon's mentees enrolled in his Bar Law for Dummies Training Program precisely because they wanted to pass the bar. Providing coaching lessons to bar flunkers/reviewees definitely requires the application of legal knowledge. In fact, in the Explanation he submitted before the Court, he admitted using legal knowledge in his coaching classes. In paragraph 6 (b) of his Explanation, Dizon stated:

b.

As a teacher, I don't give legal opinion on actual cases. I only discuss the answers in the past bar questions as part of my coaching job. [24] (Emphasis supplied)

Discussing past bar examination answers definitely requires an application of legal knowledge. Interestingly, Dizon himself admitted "na hindi [niya] inaksaya ang [kanyang] knowledge of law and skills in coaching and teaching." [25]

Moreover, Dizon admitted writing several bar materials for his Bar Law for Dummies Training Program such as:

- BLD Persons and Family Relations
- BLD Property
- BLD Succession
- BLD Obligations and Contracts
- BLD Special Contracts
- Topical Bar Questions and Answers in Political Law
- Topical Bar Questions and Answers in Labor Law
- Topical Bar Questions and Answers in Civil Law
- Topical Bar Questions and Answers in Taxation Law
- Topical Bar Questions and Answers in Commercial Law
- Topical Bar Questions and Answers in Criminal Law
- Topical Bar Questions and Answers in Remedial Law

- Topical Bar Questions and Answers in Legal Ethics
- Summation Pre-Week Notes in Political Law
- Summation Pre-Week Notes in Labor Law
- Summation Pre-Week Notes in Civil Law
- Summation Pre-Week Notes in Taxation Law
- Summation Pre-Week Notes in Commercial Law
- Summation Pre-Week Notes in Criminal Law
- Summation Pre-Week Notes in Remedial Law
- Summation Pre-Week Notes in Legal Ethics
- Special Lecture in Civil Procedure
- Video Coaching on Affirmative Defenses in Remedial Law[26]

The preparation of all these materials required the application of legal knowledge. Thus, there can be no conclusion other than that Dizon illegally engaged in the practice of law. Thus, for engaging in the unauthorized practice of law, Dizon is similarly guilty of indirect contempt.

It has not escaped the Court's attention that Dizon did not express any remorse in disrupting and degrading the 2023 Bar Examinations. On the contrary, he manifested excessive audacity as to even demand an apology from the Court within 24 hours from the airing of his interview and even threatened the Court with a suit. He also did not take down his posts despite being aware that they caused unnecessary panic among the examinees. Worse, he even demanded from the Court the issuance of a statement rectifying the Advisory and for him to have a picture taken with the 2023 Bar Chair. The Court finds all these unpalatable.

Time and again, the Court, when confronted with actions and statements that tend to promote distrust and undermine public confidence in the Judiciary, has not hesitated to wield its inherent power to cite persons in contempt. In so doing, the Court preserves the Judiciary's honor and dignity and the trust and confidence of the public which is critical for the stability of democratic government.

. . . .

At this juncture, the Court underscores the importance of maintaining the people's trust in the Judiciary, particularly, the Court. If the public loses their confidence in the Court, which is the last bulwark to which the Filipino people may repair to obtain relief for their grievances or protection of their rights when these are trampled upon, and believe that they cannot expect justice from the Court, they might be driven to take the law into their hands, and disorder and perhaps chaos might be the result.

This is not to say that the courts are sacrosanct and thus should be shielded from any form of criticism. In *People v. Godoy*, the Court explained that fair criticism of a court's rulings or decisions is not improper. So long as critics confine their criticisms to facts and base them on the decisions of the court, they commit no contempt no matter how severe the criticism may be; but when they pass beyond that line and charge that judicial conduct was influenced by improper, corrupt, or selfish motives, or that such conduct was affected by political prejudice or interest, the tendency is to create distrust and destroy the confidence of the people in their courts.[27] (Emphasis in the original, citations omitted)

Rule 71, Section 7 provides that indirect contempt may be punished by a fine not exceeding PHP 30,000.00 or

imprisonment not exceeding six months, or both, if committed against a Regional Trial Court or a court of equivalent or higher rank. The Court thus finds the imposition of a PHP 30,000.00 fine on Dizon appropriate under the circumstances.

Jurisprudence is settled that the Court is the gatekeeper to the bar. The practice of law is a privilege and not a vested right. Thus, only those applicants who complied with all the academic and character requirements are allowed to join the legal fraternity. The Court has the sole discretion to assess the fitness of the applicants and to impose preventive measures, as warranted, to prevent those who are unqualified from becoming members of the bar.

Section 2, 3[rd] paragraph of A.M. No. 24-10-05-SC or the 2025 Proposed Amendments to Rule 138 of the Rules of Court (Proposed Amendments), provides:

In the Supreme Court's assessment and sole discretion, considering the gravity of the claim or offense charged, any prior cases filed against the applicant, and similar reasons, the Supreme Court may defer the oath-taking of the concerned applicant, or impose any other preventive measures, as warranted. (Emphasis supplied)

This exact provision appeared in Section 17 of the Proposed Amendments. Specifically, other preventive measures may include delisting from the list of passers, as provided in Section 17, 4[th] paragraph, to wit:

In any case, any false or inaccurate information, concealment or failure to disclose, or misrepresentation on the part of an applicant shall be a ground for either the denial of the application, disqualification from taking the examinations, or delisting from the list of passers, depending on the stage of discovery, and without prejudice to other disciplinary sanctions that the Supreme Court may impose. (Emphasis supplied)

To recall, Dizon passed the 2016 Bar Examinations but could not take the oath because of pending murder cases. Dizon's irresponsible spreading of false information which directly compromised the integrity of the 2023 Bar Examinations warrants his delisting from the list of bar passers.

FOR THESE REASONS, Edgar S. Dizon is found GUILTY of indirect contempt and is directed to PAY a FINE of PHP 30,000.00. The Office of the Bar Confidant is DIRECTED to DELIST Edgar S. Dizon from the list of bar passers and to make a report thereon to the Court within five days from notice. Dizon is WARNED from further engaging in the unauthorized practice of law.

SO ORDERED."

Gesmundo, C.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, Dimaampao, Marquez, Kho, Jr., Singh, and Villanueva, JJ., concur.

Leonen, SAJ., see separate concurring opinion.

Lopez,[*] J., on leave.

[*] On leave.

[1] Bar Matter No. 4734, Report and Recommendation, p. 1.

[2] Id.

[3] Supreme Court of the Philippines, Advisory, September 23, 2023, available at <https://sc.judiciary.gov.ph/wp-content/uploads/2023/09/Advisory-re-Recent-Social-Media-Publications.pdf> (last

accessed on April 22, 2026).

[4] Id.

[5] January 24, 2024 Letter of Atty. Eduardo M. Arriba, p. 1.

[6] Bar Matter No. 4734, Report and Recommendation, p. 2.

[7] January 24, 2024 Letter of Atty. Eduardo M. Arriba, p. 2.

[8] Id.at 3.

[9] Bar Matter No. 4734, Notice, October 24, 2023, p. 1.

[10] Id.

[11] Edgar S. Dizon's Explanation dated March 14, 2024, pp. 1-41.

[12] Id.at 6.

[13] Id.at 8.

[14] Id.

[15] Id.at 11.

[16] 82 Phil. 230 (1948) [Per J. Montemayor, En Banc].

[17] Id.at 241-243.

[18] Id.at 244.

[19] A.M. No. 24-10-05-SC, section 12.

[20] Edgar S. Dizon's Explanation dated March 14, 2024, p. 8.

[21] Id.

[22] Id.at 6.

[23] Cayetano v. Monsod, 278 Phil. 235, 243 (1991) [Per J. Paras, En Banc].

[24] Edgar S. Dizon's Explanation dated March 14, 2024, p. 11.

[25] Id.at 39.

[26] Id.at 2.

[27] Post of Atty. Erwin Erfe on Social Media Accusing the Court of Judicial Tyranny, 951 Phil. 663, 665-666 (2024) [Per J. Singh, En Banc].

SEPARATE CONCURRING OPINION

LEONEN, SAJ:

I concur in finding Edgar S. Dizon (Dizon) guilty of indirect contempt for his online post falsely claiming that the 2023 Bar Examinations would be "sorted, checked, and corrected by means of artificial intelligence (AI)."[1] His statement, cloaked as an insider tip, not only caused panic and anxiety among bar takers, but also undermined public confidence in the integrity of the Bar Examinations, and—by extension—this Court.

However, I write separately to explain my vote and to emphasize that while the power to punish for contempt is essential to preserve this Court's authority, it must be exercised narrowly and conscientiously so that it can coexist with the freedom of expression that sustains deliberative democracy. Further, our understanding of freedom of speech should evolve to look beyond the mere meaning of the words used and instead consider speech as an act performed with intention, arising from a particular context, and producing a real effect.

Contempt punishes acts which defy the court's authority, justice, or dignity, bringing it into disrepute, interfering with its administration of justice, or prejudicing litigants and witnesses.[2] Unlike direct contempt, which is committed in the presence of or near a court,[3] indirect contempt is done outside a sitting court and contemplates acts which are beyond the personal knowledge of a judge.[4] Rule 71, Section 3 of the Rules of Court outlines the grounds for indirect contempt:

SECTION 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;

(a)

Misbehavior of an officer of a court in the performance of his official duties or in his official transactions;

(b)

Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;

(c)

Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under Section 1 of this Rule;

(d)

Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of

justice;

(e)

Assuming to be an attorney or an officer of a court, and acting as such without authority;

(f)

Failure to obey a subpoena duly served;

(g)

The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him.

The power of contempt is essential to maintain the people's trust in the courts, without which the judiciary cannot function.

[T]he importance of maintaining the people's trust in the Judiciary, particularly, the Court. If the public loses their confidence in the Court, which is the last bulwark to which the Filipino people may repair to obtain relief for their grievances or protection of their rights when these are trampled upon, and believe that they cannot expect justice from the Court, they might be driven to take the law into their hands, and disorder and perhaps chaos might be the result.[5]

However, while statements that undermine the court's integrity may be deemed contemptuous, care must be taken to distinguish such statements from legitimate criticisms. Otherwise, this may infringe on the freedom of speech, of expression, and of the press, which is given preferential status in our Constitution. Article III, Section IV of the Constitution reads:

SECTION 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

The Constitution protects the open exchange of ideas because discourse sharpens the discernment of the people, on the premise that exposure to different ideas allows them to "consider, test, and develop their own conclusions." [6] Thus, protection extends not only to speech we agree with, but even to dissenting views, questions, and challenges to our beliefs.[7]

In the same vein, constructive criticism of the courts must be protected, for it serves an essential role in exposing issues that warrant public attention and institutional reform. Open discussion, scrutiny, and informed debate regarding judicial actions enable citizens to remain aware of matters that bear significant consequences for public rights and governance. Reasoned commentary, including reasoned disagreements, is vital components to foster accountability and the continued development of the law and the judiciary itself.[8]

Yet, not all speech is protected by the Constitution. Speech that presents a clear and present danger or that reasonably results in imminent and serious danger is not within the ambit of protected speech.[9] Similarly, speech that, by its very nature, incites danger to peace and order may also be restricted.[10] To address these, the clear and present danger test and the dangerous tendency test have evolved in jurisprudence as standards for determining the validity of restrictions on speech.

The clear and present danger test as well as the dangerous tendency test have historically been used in sedition and public security cases. However, in *Cabansag v. Fernandez*, [11] these tests were first applied to evaluate the validity of the court's exercise of its contempt power vis-à-vis freedom of expression, recognizing that "the freedom of the press in itself presupposes an independent judiciary through which that freedom may, if necessary,

be vindicated. And one of the potent means of assuring judges their independence is a free press." [12]

In ruling that Apolonia Cabansag's utterances were legitimate grievances and therefore protected speech, this Court, in Cabansag, delineated the boundaries of protected speech using the guidelines under each test.

Two theoretical formulas had been devised in the determination of conflicting rights of similar import in an attempt to draw the proper constitutional boundary between freedom of expression and independence of the judiciary. These are the "clear and present danger" rule and the "dangerous tendency" rule. The first as interpreted in a number of cases, means that the evil consequence of the comment or utterance must be "extremely serious and the degree of imminence extremely high" before the utterance can be punished. The danger to be guarded against is the "substantive evil" sought to be prevented. And this evil is primarily the "disorderly and unfair administration of justice." This test establishes a definite rule in constitutional law. It provides the criterion as to what words maybe published. Under this rule, the advocacy of ideas cannot constitutionally be abridged unless there is a clear and present danger that such advocacy will harm the administration of justice.

....

The "dangerous tendency" rule, on the other hand, has been adopted in cases where extreme difficulty is confronted determining where the freedom of expression ends and the right of courts to protect their independence begins. There must be a remedy to borderline cases and the basic principle of this rule lies in that the freedom of speech and of the press, as well as the right to petition for redress of grievance, while guaranteed by the constitution, are not absolute. They are subject to restrictions and limitations, one of them being the protection of the courts against contempt.[13] (Citations omitted)

In this case, Dizon's statements presented a clear and present danger not only to the judiciary but also to the public. His posts were deliberate falsehoods communicated to bar takers who were inclined to trust online information concerning official processes during a time when they were most susceptible to believing "tips" on how to pass.

The resulting danger was also concrete and imminent—the loss of faith in the fairness of the Bar Examinations and the paranoia among bar takers who feared that their answers would not be graded fairly. Dizon's posts caused widespread confusion among bar takers, who flooded the Court's hotlines with queries. It also impeded the administration of the examinations as the Court had to allocate its already limited time and resources to assuage the fears of bar examinees and clarify the situation.

Worse, instead of showing remorse, Dizon remained defiant when he was called to explain, even asking this Court to apologize to him instead. This shows that Dizon intended to spread misinformation and even believed his actions were justified.

Apart from the clear and present danger test, this Court has also applied the incitement test, derived from *Brandenburg v. Ohio*, [14] in evaluating free speech cases. Under the incitement test, speech can be restricted if it is "(1) directed to inciting or producing imminent lawless action; and (2) likely to incite or produce such action." [15]

In *Re: Statements Made by Lorraine Marie T. Badoy Allegedly Threatening Judge Marlo A. Magdoza-Malagar*, [16] this Court used the incitement test to hold that Lorraine Badoy's utterances in her social media posts attacking Judge Magdoza-Malagar, which were likely to incite lawless violence, were not protected speech. In holding Badoy guilty of contempt, this Court also recognized the danger of social media due to its pervasive reach.

An incitement to commit lawless violent action and is likely to cause such violent action causing death or

injury is not covered by the constitutional privilege of protected speech. As shown by past experiences here and abroad, when such incitement to cause lawless violent action is done through social media by its influencers, the imminence is high that it will actually be committed by those so provoked.

Thus, respondent's posts must not be treated lightly. Her statements, though unsubstantiated, have the power to spark a deluge of assaults against the Judiciary and its members. Owing to her status as an online personality with more than 166,000 Facebook followers, respondent should have observed the high standard expected of her.

Respondent's assertion that she was merely exercising her freedom of expression cannot exculpate her from liability. "Liberty of speech must not be confused with abuse of such liberty." As earlier discussed, the ferocity with which she responded to the trial court's ruling can in no way be considered as a legitimate exercise of her constitutional right.

Respondent's statements were beyond objective criticism of the decision, but were explicit declarations that the court was personally motivated to rule in favor of the winning party,[229] that the court of law was weaponized to inflict harm on the public,[230] and that the decision was written by private citizens connected with the CPP-NPA-NDF.[231] Her clear threats against Judge Magdoza-Malagar and other members of the Judiciary leave no doubt that she was imbued with bad faith in making her post. In so doing, respondent jeopardized the Judiciary by sowing distrust and impairing the public's confidence in the honesty, integrity, and impartiality of those donning judicial robes. She was not merely advancing her advocacy when she made those incendiary statements on social media; she effectively made a call to action against Judge Magdoza-Malagar and the entire Judiciary. This, we cannot allow.[17]

Through the incitement test, this Court recognized that the restriction of speech cannot rest on content alone. Rather, such restriction must be made only after careful consideration of the intent, context, and probable effect of the speech. These are key factors. This finds support in the nature of law itself, which is but the embodiment of collective thought expressed through language: a specialized tongue by which society creates and maintains order, translating ordinary parlance into a species with its own lexicon and structure.[18]

While law is a language mainly spoken by the legal community, including legal authorities, it binds everyone. Laws are composed texts—words laden with normative pronouncements. However, laws also perform various communicative actions having the "capacity to enact, to execute an action, such as prohibition, permission, obligations and so forth. They not only describe the state of affairs but also have the ability to change the mentioned state."

In his influential work, J. L. Austin introduced the concept of speech, or the use of language, as an act. Austin identified two categories of speech acts, namely constative and performative utterances. Constative speech describes things or statements which can be verified as either true or false. On the other hand, performative speech does not only state something, but in "uttering of the sentence is, or is a part of, the doing of an action[.]"

Performative utterances do not merely describe an action but the act of speaking, their effect or result is achieved due to "specific conventions linking the words to institutional or institutionalized procedures." An example of a performative utterance is stating "I do" in a marriage ceremony where the couple take each other as spouses. However, there are requirements before an utterance can be considered to have the desired effect, which Austin refers to as felicity conditions:

(A.1)

There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and further,

(A.2)

the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.

(B.1)

The procedure must be executed by all participants both correctly and

(B.2)

completely.

(T.1)

Where, as often, the procedure is designed for use by persons having certain thoughts or feelings, or for the inauguration of certain consequential conduct on the part of any participant, then a person participating in and so invoking the procedure must in fact have those thoughts or feelings, and the participants must intend so to conduct themselves, and further

(T.1)

must actually so conduct themselves subsequently.

While Austin has an expanded discussion on the effects when any of these felicity conditions are present, suffice it to say that an utterance will have the intended effect given the appropriate context and execution of the act. The mental element, or intent of the speaker, is also a relevant consideration on whether the intended effect will be achieved.

Austin also discusses the three components of speech or utterances: (i) locutionary acts; (ii) illocutionary acts; and (iii) perlocutionary acts.

Locutionary acts pertain to the act of making an utterance that has meaning and is understandable. Simply put, it is the statement that is uttered. Illocutionary acts refer to what is intended by the speaker in their utterance, or what they perform by speaking. It is how they wish to be understood by their audience. It is using language for a purpose. In an illocutionary act, the context behind what is spoken matters. Perlocutionary acts are what produces an effect on the audience.

We first distinguished a group of things we do in saying something, which together we summed up by saying we perform a locutionary act, which is roughly equivalent to uttering a certain sentence with a certain sense and reference, which again is roughly equivalent to 'meaning' in the traditional sense. Second, we said that we also perform illocutionary acts such as informing, ordering, warning, undertaking, &c., i.e. utterances which have a certain (conventional) force. Thirdly, we may also perform perlocutionary acts: what we bring about or achieve by saying something, such as convincing, persuading, deterring, and even, say, surprising or misleading. Here we have three, if not more, different senses or dimensions of the 'use of a sentence' or of 'the use of language' (and, of course, there are others also). All these three kinds of 'actions' are, simply of course as actions, subject to the usual troubles and reservations about attempt as distinct from achievement, being intentional as distinct from being unintentional, and the like.

To illustrate, if the locutionary act is saying "Fire!" in a theater, the illocutionary act may be that the speaker is intending for the people in the theater to evacuate. The perlocutionary act causes the people in the theater to be afraid and evacuate.[19] (Citations omitted)

Viewed through this framework, the inquiry in contempt proceedings extends beyond the literal meaning of the

words used. It likewise encompasses the speaker's intent, the context in which the words were uttered, and the effects they were intended or likely to produce upon the administration of justice. In this sense, speech is not merely descriptive. It may itself constitute conduct that impairs public confidence in the Judiciary or interferes with the orderly administration of justice.

Thus, our understanding of freedom of speech should evolve to account for these components, shifting the discourse from viewing language as a mere representation of reality to recognizing its binding effects in establishing obligations and performing socially significant acts. Determining whether speech is protected can no longer rest on semantics alone. Speech must be seen as an act performed with intention, situated in context, and producing an effect.[20]

Applying these principles, Dizon's Facebook post cannot be excused as an innocent exercise of free expression.

His claim that the Bar Examinations would be checked and sorted by AI was not an isolated observation or a mere expression of opinion. It was calculated to alarm the examinees and generate engagement. Its significance lies not merely in what it said, but in what it was intended to accomplish and the consequences it predictably produced. The context in which the statement was made—posted publicly without basis, at a time when examinees were most anxious—reveals both the intent behind it and its foreseeable consequences: panic, loss of confidence in the examination process, and unrest among the examinees.

That Dizon sensationalized the Bar Examinations to attract engagement and grow his following while using the gravity of this Court's processes as a springboard for attention only underscores the deliberateness of his act.

Speech undertaken with the intention to mislead, situated in a context calculated to maximize alarm, and producing the effect of undermining public confidence in this Court's processes is not the kind of expression the Constitution protects. Accordingly, Dizon's speech, viewed as an act rather than a mere utterance, is not protected speech, and this Court's exercise of its contempt power against him is justified.

Thus, I vote to find Dizon guilty of indirect contempt.

However, in imposing a sanction, this Court must affirm the principle that our democracy is sustained not by fear of punishment but by commitment to truth. The penalty should educate, not merely deter. It should reaffirm that freedom entails responsibility, particularly in the digital sphere where information, once uttered, acquires its own force.

[1] Ponencia, pp. 1-2.

[2] *Regalado v. Go*, 543 Phil. 578, 590 (2007) [Per J. Chico-Nazario, Third Division].

[3] RULES OF COURT, Rule 71, sec. 1.

[4] *ABS-CBN v. Ampatuan*, 941 Phil. 182, 197 (2023) [Per SAJ. Leonen, En Banc].

[5] *Re: Post of Atty. Erwin Erfe on Social Media Accusing the Court of Judicial Tyranny*, 951 Phil. 663, 665-666 (2024) [Per J. Singh, En Banc].

[6] *The Diocese of Bacolod v. COMELEC*, 751 Phil. 301, 362 (2015) [Per J. Leonen, En Banc].

[7] *Chavez v. Gonzales*, 569 Phil 155, 198 (2008) [Per CJ. Puno, En Banc].

[8] *In re Allegations Contained in the Columns of Mr. Amado P. Macasaet Published in Malaya* dated September 18, 19, 20, and 21, 2007, 583 Phil. 391, 436 (2008) [Per J. Reyes, En Banc].

[9] J. Brandeis and J. Holmes, Concurring in *Whitney v. California*, 274 U.S. 357, 376 (1927) [United States of America]. See also *Schenck v. United States*, 249 U.S. 47, 51 (1919) [United States of America].

[10] *Evangelista v. Earnshaw*, 57 Phil. 255 (1932) [Per J. Ostrand, En Banc].

[11] 102 Phil 152 (1957) [Per J. Bautista Angelo, First Division].

[12] *Id.* at 161.

[13] *Id.* at 161-163.

[14] 395 U.S. 444 (1969).

[15] *Re: Statements Made by Lorraine Marie T. Badoy Allegedly Threatening Judge Marlo A. Magdoza-Malagar*, 946 Phil. 1, 46 (2023) [Per SAJ. Leonen, En Banc].

[16] 946 Phil. 1 (2023) [Per SAJ. Leonen, En Banc].

[17] *Id.* at 64-65.

[18] *Tolentino v. Heydarian*, G.R. Nos. E-01747 and E-01747, April 8, 2026 [Per SAJ. Leonen, En Banc].

[19] *Id.* at 41-44. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[20] *Id.* at 44. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

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