

**ERLINDA I. BILDNER AND MAXIMO K. ILUSORIO, PETITIONERS, VS.
ERLINDA K. ILUSORIO, RAMON K. ILUSORIO, MARIETTA K.
ILUSORIO, SHEREEN K. ILUSORIO, CECILIA A. BISUÑA, AND ATTY.
MANUE...**

G.R. No. 157384. June 05, 2009

Ponente: VELASCO JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-157384/>

VELASCO JR., J.:

In this petition filed directly with the Court in accordance with Rule 71, Section 5 of the Rules of Court, Erlinda I. Bildner and Maximo K. Ilusorio pray that respondents, one of them their mother and three their siblings, be cited for indirect contempt for alleged contemptuous remarks and acts directed against the Court, particularly the then members of its First Division. By motion dated June 5, 2003, petitioners pray that the same petition be treated as a formal complaint for disbarment or disciplinary action against respondent Atty. Manuel R. Singson for alleged gross misconduct, among other offenses.

The Undisputed Facts

Indirect Contempt

The resulting alleged contemptuous statements and actions date back to proceedings before the Court, specifically in G.R. Nos. 139789 and 139808 that were appeals from the decision of the Court of Appeals (CA) in CA-G.R. SP No. 51689, denying the petition for habeas corpus filed by respondent Erlinda K. Ilusorio to have custody of her husband, Potenciano Ilusorio. The appealed decision found Potenciano to be of sound mind and not unlawfully restrained of his liberty. The CA, however, granted Erlinda Ilusorio visitation rights, an accommodation which the Court nullified in its Decision of May 12, 2000 in G.R. Nos. 139789 and 139808.[1]

This May 12, 2000 ruling spawned several incidents. First, Erlinda Ilusorio moved for its reconsideration, reiterating her basic plea for a writ of habeas corpus and that daughters petitioner Bildner and Sylvia Ilusorio be directed to desist from preventing her "from seeing Potenciano." Erlinda Ilusorio followed this motion with a Motion to Set Case for Preliminary Conference, requesting that she and Potenciano "be [allowed to be] by themselves together in front of the Honorable Court." [2] She reiterated this request in an Urgent Manifestation and Motion dated August 25, 2000.

By Resolution of September 20, 2000, the Court set the case for preliminary conference on October 11, 2000 but without requiring the mandatory presence of the parties.[3] In another resolution dated January 31, 2001, the Court denied Erlinda Ilusorio's manifestation and motion in which she prayed that Potenciano be produced before, and be medically examined by a team of medical experts appointed by, the Court.[4] Erlinda Ilusorio sought reconsideration of the January 31, 2001 resolution.

On March 27, 2001, the Court denied with finality Erlinda Ilusorio's motion for reconsideration of the January 31, 2001 resolution.[5] Undaunted, she filed an Urgent Manifestation and Motion for Clarification of the Court's

January 31, 2001 resolution. On May 30, 2001, the Court merely noted the urgent manifestation and motion for clarification.[6]

By Resolution of July 19, 2001,[7] the Court denied Erlinda Ilusorio's motion for reconsideration of the Decision dated May 12, 2000. Thereafter, in another resolution dated July 24, 2002, we resolved to expunge from the records her repetitive motions, with the caveat that no further pleadings shall be entertained.[8]

Barely over a month after, Erlinda Ilusorio, this time represented by Dela Cruz Albano & Associates, sought leave to file an urgent motion for reconsideration of the July 24, 2002 resolution.

In relation to the above habeas corpus case, Erlinda Ilusorio addressed two letters to then Chief Justice Hilario G. Davide, Jr. dated February 26, 2001 and April 16, 2001, respectively. In the first, she sought assistance vis-à-vis her wish to see Potenciano.[9] In the second, she chafed at what she considered the Court's bent to adhere to forms and procedure and, at the same time, urged the Court to personally see Potenciano.[10]

Another letter of September 5, 2001 to Chief Justice Davide drew attention to the Court's decision in G.R. No. 148985 entitled Ramon K. Ilusorio v. Baguio Country Club, in which Erlinda Ilusorio tagged the decision as "appalling," "unilaterally brazen," and "unprecedented in the annals of the Supreme Court decision-making process." In her words, the decision denied and dismissed the petition of her son, Ramon Ilusorio, through a "four-page resolution by unilaterally arguing and citing the arguments made by the respondents" in the case at the courts a quo, "without even giving the same respondents the proper hearing or requiring a comment or a reply." In the same letter, she made reference to the Court giving "special treatment to particular litigants." [11]

To petitioners, Erlinda Ilusorio's filing of redundant motions and pleadings, along with her act of writing the aforementioned letters, constitutes contemptuous disrespect and disobedience or defiance of lawful orders of the Court.

On top of the foregoing circumstances, petitioners would also have respondents cited for contempt in view of the publication of *On the Edge of Heaven*, a book carrying Erlinda Ilusorio's name as author and which contained her commentaries on the aforesaid habeas corpus case. In this book, published by PI-EKI Foundation[12] whose board of directors is composed of respondents Ramon, Marietta K. Ilusorio, Shereen K. Ilusorio, and Cecilia A. Bisuña, the following excerpts from the Postscript section captioned *Where is Justice?* appear:

I pursued my case in the Supreme Court at Division I. There I was heard by Justice Pardo, Davide, Puno, Kapunan, and Santiago.

Just the same - this highest court of the land did not heed to my desperate pleas. Conveniently, they omitted the state of my husband's true desires; dismissed the importance of my husband's presence in the court; ignored the ultimate need to check for themselves the true state of Nanoy's health; and after PI's recent death in June 28, 2001, easily dismissed my case as "moot and academic." My husband was referred to as another "subject." (*On the Edge of Heaven*, p. 180)[13]

In the same book, Erlinda Ilusorio denounced Justice Bernardo P. Pardo, now retired, the ponente of the habeas corpus case, the other members of the then First Division of the Court, and the Court as a whole:

Where is justice?

Sadly, the Court of Appeals and, moreso, the Supreme Court broke-up my family. Doesn't our Constitution, our Civil Code and our Family Code protect the sanctity of marriage and the family?

Was justice for sale? Was justice sold? Nasaan ang katarungan?

x x x x

August 29, 2001

To the Supreme Court of the Philippines, Division One, Justice Bernardo Pardo, Ponente on Case No. x x x

x x x x

You simply quoted an obiter dictum of the Court of Appeals. There was no ruling on his mental condition as this was not at issue at the habeas corpus. How could you have made a ruling based on an obiter? All the doctor's reports submitted were totally disregarded. In reality it was his frailty, not his mental competence that I raised. During the last five years, he became increasingly frail, almost blind and could barely talk. He was not able to read nor write for almost twenty years. x x x Our separation, three years ago, cruel and inhuman that it was, was made more painful by your ruling that I may not even visit him.

x x x x

On May 30, 2001, you ruled that your decision noted without action the questions of my lawyers, in effect brushing aside the Motion for Clarification without any answers whatsoever. Why?

x x x x

If your decision becomes res judicata haven't you just provided a most convenient venue to separate spouses from each other--based on individual rights--particularly when one spouse is ailing and prone to manipulation and needs the other spouse the most? Why did you wait for more than one year and after my husband's death to deny my motion for reconsideration? Is it because it is easier to do so now that it is academic? Does your conscience bother you at all?

x x x x

I close by asking you: how can the highest court of our land be a party to the break up of my family and, disregarding the Family Code, not let me take care of my husband, permit my husband to die without even heeding my desperate pleas, if not for justice, at least your concern for a human being?

x x x x

Looking back, I cannot fail to see that--if our courts can render this kind of justice to one like myself because I have lesser means, and lesser connections than my well-married daughters, what kind of justice is given to those less privileged? To the poor, with no means--what have they? I cry for them...[14] (Emphasis ours.)

Disbarment Complaint

The disbarment case against respondent Atty. Singson stemmed from his alleged attempt, as counsel of Ramon in Civil Case No. 4537-R, to exert influence on presiding Regional Trial Court Judge Antonio Reyes to rule in Ramon's favor. To complainant-petitioners, the bid to influence, which allegedly came in the form of a bribe offer, may be deduced from the following exchanges during the May 31, 2000 hearing on Ramon's motion for Judge Reyes to inhibit himself from hearing Civil Case No. 4537-R:

COURT: Do you have something to add to your motion?

ATTY. JOSE: The purpose of this representation basically, your honor state the facts are already established as a basis for tendency or a perception correctly or incorrectly that there is already a possibility of partiality.

COURT: Who is your partner?

ATTY. JOSE: The counsel for the plaintiff is Law Office of Singson and Associates and I am the associate of said Law Office, your honor.

COURT: And you are aware that Atty. Manuel R. Singson is your boss?

x x x x

ATTY. JOSE: Yes, your honor?

COURT: Has he been telling you the truth in this case?

ATTY. JOSE: Well, your honor my appearance here for the purpose of having this motion duly heard.

COURT: That is why I'm asking you the question, has he been telling you the truth regarding this case?

ATTY. JOSE: Well, your honor in fact the actual counsel here is Atty. Gepty and I have been...

COURT: Are you aware of the fact that Atty. Singson has been calling my residence in Baguio City for about 20 to 50 times already?

ATTY. JOSE: I have no knowledge already.

COURT: Are you aware that he has offered Atty. Oscar Sevilla his classmate at Ateneo Law School P500,000.00 to give it to me for the purpose of ruling in favor of your client[?]

ATTY. JOSE: I have no knowledge your honor.

COURT: Ask him that tell him to face the mirror and ask him if he is telling the truth alright? I will summon the records of PLDT. The audacity of telling me to inhibit myself here. It has been him who has been trying to influence me.

x x x x

COURT: Tell him to look at his face in the mirror, tell me if he is honest or not.[15]

And to support their disbarment charge against Atty. Singson on the grounds of attempted bribery and serious misconduct, complainant-petitioners submitted an affidavit executed on December 23, 2004 by Judge Reyes in which he pertinently alleged:

2) That one of the cases I tried, heard and decided was Civil Case No. 4537-R entitled "Ramon K. Ilusorio v. Baguio Country Club" for the "Declaration of Nullity of Limitations and/or Injunction x x x";

3) That the very minute that the case was assigned by raffle to the undersigned, Atty. Manuel Singson counsel of plaintiff Ramon K. Ilusorio in the aforementioned case, started working on his channels to the undersigned to secure a favorable decision for his client;

4) That Atty. Singson's foremost link to the undersigned was Atty. Oscar Sevilla, my family friend and who incidentally was a classmate of Atty. Singson;

5) That Atty. Sevilla, being a close family friend, immediately intimated to undersigned that Atty. Singson wanted a favorable decision and that there was a not so vague offer of a bribe from him (Atty. Singson);

6) That I rejected every bit of illegal insinuations and told Atty. Sevilla to assure Atty. Singson that I am duty bound to decide every case on the merits no matter who the litigants are;

7) That even before the start of the hearing of the case, Atty. Singson himself relentlessly worked on undersigned by visiting him about three times in his office. And not being satisfied with those visits, he (Atty. Singson) made more than a dozen calls to undersigned's Manila and Baguio residences, and worked on Atty. Sevilla x x x by calling the latter's cell phone even when we were playing golf in Manila. These phone calls were even admitted by Atty. Singson in a Manifestation he filed in court citing several ridiculous, unbelievable

and untruthful reasons for his phone calls;

8) That when Ramon K. Ilusorio's plea for injunctive relief was submitted for resolution, Atty. Singson became more unrelenting in throwing his professional ethics out of the window and breached his lawyer's oath by personally calling many more times, some of which were even made late evenings, just trying to convince undersigned to grant the injunctive relief his client Ramon K. Ilusorio desperately needed in the case;

9) That because of his inability to influence undersigned x x x, Atty. Singson filed a motion to inhibit alleging that facts have been established of undersigned's partiality for his client's adversary, the defendant Baguio Country Club;

10) That at the hearing on the motion to inhibit x x x I declared in open court and in public the dishonest and unprofessional conduct of Atty. Singson in trying to influence a judge to favor his client, no matter how unmeritorious his prayer for injunction was. In open court, undersigned scored Atty. Singson's audacity of asking an inhibition when it has always been him and him alone who wanted and tried to influence the undersigned.

11) That on January 12, 2000, undersigned issued an Order in Civil Case No. 4537-R x x x denying Atty. Singson's client's prayer for the issuance of a writ of preliminary injunction x x x;

12) That the undersigned's ruling against Atty. Singson's client in the case was elevated to the [CA] in G.R. No. 59353 where x x x Atty. Singson never raised the issue of undersigned's denial to inhibit;

13) That still unsatisfied with the [CA's] adverse ruling against his client, Atty. Singson went on to the Supreme Court in G.R. No. 148985 questioning the [CA's] affirmation of undersigned's decision. The Supreme Court x x x dismissed the appeal of Ramon K. Ilusorio and sustained undersigned's decision.[16] (Emphasis ours.)

Complainant-petitioners also submitted Atty. Oscar Sevilla's affidavit to support the attempted bribery charge against Atty. Singson. In its pertinent part, Atty. Sevilla's affidavit reads:

That sometime in late October of 1999 x x x, I received a call from Atty. Singson x x x and in the course of our conversation, I learned that Ramon K. Ilusorio is his client who has a civil case raffled to Judge Reyes;

That during said conversation, I mentioned to Atty. Singson that Judge Reyes is a family friend and x x x is a man of integrity;

That in the months that followed, Atty. Singson made a call or two to my cellphone requesting if I could mention to Judge Reyes that he (Atty. Singson) is my classmate at the Ateneo and also a good friend;

That I remember having mentioned this to Judge Reyes who told me that he always decides on the merits of all cases x x x and to tell Atty. Singson that he need not worry if he had a meritorious case.[17]

In view of the foregoing considerations, petitioners prayed that respondents be adjudged guilty of criminal contempt of court and punished in accordance with Sec. 7, Rule 71 of the Rules of Court. The censure of respondents was also sought for using extrajudicial ways of influencing pending cases in court. Lastly, petitioners asked for the disbarment or discipline of Atty. Singson for attempted bribery and gross misconduct.

By separate resolutions, the Court directed respondents to submit their comment on the contempt aspect of the petition and Atty. Singson to submit his comment on petitioners' motion to consider the same petition as a formal complaint for disbarment or other disciplinary action.

Respondents' Comments

Respondents admitted the fact of filing by Erlinda Ilusorio of the various manifestations and motions mentioned

in the basic petition for contempt, her authorship of *On the Edge of Heaven*, and her having written personal letters to then Chief Justice Davide. They contended, however, that the motions and manifestations, couched in a very respectful language,[18] can hardly be considered contemptuous, interposed as they were in the exercise of the litigant's right to avail herself of all legal remedies under the Rules of Court. Erlinda Ilusorio's acts, so respondents claimed, were "all made in good faith," motivated by the desire to secure "custody x x x of her husband, [and] to provide [him] adequate medical care x x x and to prevent him from being an unwitting pawn to illegally dissipate the properties of the conjugal properties of the spouses."

As to Erlinda Ilusorio's letters to Chief Justice Davide and the members of the Court, respondents stated that these letters, far from being contemptuous, "tend to improve the administration of justice and encourage the courts to decide cases purely on the merits."

And in traversal of the allegation that *On the Edge of Heaven* contains actionable matters, respondents claimed, inter alia, that the comments Erlinda Ilusorio made in the book were no more than reasonable reactions from a layperson aggrieved by what she considers an unjust Court decision and who "felt she had to write a book that would rectify the erroneous findings of the Court and put forth the truth about the so-called Ilusorio family feud." [19] What is more, respondents said, sisters Marietta and Shereen as well as Cecilia had no hand in the contents of the book and its publication, as Erlinda Ilusorio, as Chairperson and President of PI-EKI Foundation, is authorized to perform acts on behalf of the foundation.

With regard to the bribery allegations against Atty. Singson, respondents invited attention to the Manifestation in Civil Case No. 4537-R to dispute the accusation of Judge Reyes. The refutations, as reproduced in the respondents' Memorandum, run as follows:

- (a) While it is true that Singson called Judge Reyes numerous times the nature and purpose of said calls were proper and above board. The reason why the phone calls were numerous is because oftentimes, Judge Reyes was not in the places where the calls were made.
- (b) The phone calls were made either to request for a postponement of a hearing of the case or to inquire about the status of the incident on the issuance of the temporary restraining order applied for in the case.
- (c) It was Judge Reyes himself who furnished the telephone numbers in his office and his residence in Baguio City. Apparently, Judge Reyes did not find the telephone calls improper as he answered most of them, and that he never reported or complained about the said calls to the appropriate judicial authorities or to the Integrated Bar of the Philippines if he had found the actuations of Singson in violation of the provisions of the Code of Professional Responsibility.
- (d) As to the alleged bribery attempt, there is absolutely no truth to the same. If it is true that there was such an offer, there is no reason why Singson could not have made the offer himself, since he personally knows Judge Reyes. The allegations of Judge Reyes [are] purely hearsay and imaginary. If the bribery attempt had indeed happened, why did Judge Reyes not report the matter to the Supreme Court or to the IBP or even better, cite Atty. Sevilla and/or Singson in contempt of court, or file a criminal case of attempted bribery against them, or discipline them by himself in accordance with the provisions of Rule 138 and 139 of the Revised Rules of Court? The fact that Judge Reyes did not do any of the foregoing clearly shows the falsity of his claims.[20]

Respondents added that the bribery charge was based on a hearsay account, since the alleged offer to Judge Reyes emanated from Atty. Sevilla.

The Issues

WHETHER OR NOT RESPONDENTS ARE GUILTY OF INDIRECT CONTEMPT OF COURT

WHETHER OR NOT ATTY. SINGSON SHOULD BE ADMINISTRATIVELY DISCIPLINED OR
DISBARRED FROM THE PRACTICE OF LAW FOR ALLEGED GROSS MISCONDUCT IN
ATTEMPTING TO BRIBE JUDGE ANTONIO REYES

The Court's Ruling

Indirect Contempt

The Court's dignity and authority would always be prey to attack were it to treat with abject indifference and look with complacent eyes on serious breaches of ethics and denigrating utterances directed against it. To preserve their authority and efficiency, safeguard the public confidence in them, and keep inviolate their dignity, courts of justice should not yield to the assaults of disrespect^[21] and must, when necessary, wield their inherent power to punish for contempt, a power necessary for their own protection against improper interference with the due administration of justice.^[22]

Contempt, whether direct or indirect, may be civil or criminal, depending on the nature and effect of the contemptuous act.^[23] Civil contempt is the failure to do something ordered by the court for the benefit of the opposing party. Criminal contempt, on the other hand, is conduct directed against the dignity and authority of the court or a judge acting judicially; it is an act obstructing the administration of justice which tends to bring the court into disrepute or disrespect.^[24] On the basis of the foregoing principles, it can be safely concluded that under Sec. 3(d) of Rule 71 on contempt, "any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice" constitutes criminal contempt. This is what petitioners obviously would have respondents cited for.

The contempt power, however plenary it may seem, must be exercised judiciously and sparingly with utmost self-restraint with the end in view of utilizing it for correction and preservation of the dignity of the court, not for retaliation or vindication.^[25] To be sure, courts and judges, as institutions, are neither sacrosanct nor immune to public criticisms of their conduct.^[26] And well-recognized is the right of citizens to criticize in a fair and respectful manner and through legitimate channels the acts of courts or judges,^[27] who in turn ought to be patient and tolerate as much as possible everything which appears as hasty and unguarded expression of passion or momentary outbreak of disappointment at the outcome of a case. Even snide remarks, as *People v. Godoy* teaches, do not necessarily partake the nature of contumacious utterance actionable under Rule 71 of the Rules of Court.^[28]

But as we have emphasized time and time again, "[i]t is the cardinal condition of all such criticism that it shall be bona fide, and shall not spill over the walls of decency and propriety. A wide chasm exists between fair criticism, on one hand, and abuse and slander of courts and the judges thereof, on the other."^[29] Obstructing, by means of opprobrious words, spoken or written, the administration of justice by the courts will subject the abuser to punishment for contempt of court. And regardless of whether or not the case of reference has been terminated is of little moment. One may be cited for contempt of court even after the case has ended where such punitive action is necessary to protect the court and to vindicate it from acts or conduct calculated to degrade, ridicule, or bring it into disfavor and thereby erode public confidence in that court.^[30]

In the case at bar, the various motions and manifestations filed by Erlinda Ilusorio neither contained offensively disrespectful language nor tended to besmirch the dignity of the Court. In fact, the Court, mindful of the need to clear its docket of what really is an unfortunate family squabble, considered and ruled on each of her motions and manifestations. For the nonce, the Court accords Erlinda Ilusorio the benefit of the doubt and is inclined to think that her numerous pleadings that reiterate the same issues were bona fide attempts to resuscitate and salvage what she might have sanguinely believed to be a meritorious case involving her marital rights. This is not to say, however, that the Court views with unqualified approval the obnoxious practice of filing pleadings after pleadings

that only substantially reiterate the same issues that had already been passed upon and found to be unmeritorious. The Court, as a matter of sound practice, will not allow its precious time and resources to be eaten unnecessarily.[31] Accordingly, Erlinda Ilusorio and/or counsel is put on notice against trying the Court's patience and abusing its forbearance by continuing with their taxing ways.

Erlinda Ilusorio's personal letters to then Chief Justice Davide were not contumacious in character. Neither do we find them actionable, as a sleigh but sub-rosa attempt to influence the letter-addressee, under the contempt provisions of the Rules of Court. As we articulated in *In Re: Wenceslao Laureta*, letters addressed to individual members of the Court, in connection with the performance of their judicial functions, become part of the judicial record and are a matter of concern for the entire Court.[32] Although decisions of the Court are not based on personal letters and pleas to individual justices, we nonetheless discourage litigants from pursuing such unnecessary extra-legal methods to secure relief. There are adequate remedies for the purpose under the Rules of Court.

Unlike the contents of the pleadings and letters in question, EKI's statements in *On the Edge of Heaven*, however, pose a different threat to the Court's repute. For reference, the following are the defining portions of what she wrote:

- (1) "The Supreme Court broke up my family."
- (2) "Was justice for sale? Was justice sold? Nasaan ang katarungan?"
- (3) "If your decision becomes *res judicata* haven't you just provided a most convenient venue to separate spouses from each other x x x?"
- (4) "Why did you wait for more than one year and after my husband's death to deny my motion for reconsideration? Is it because it is easier to do so now that it is academic? Does your conscience bother you at all?"
- (5) "How can the highest court of our land be a party to the break up of my family and, disregarding the Family Code x x x?"
- (6) "[I]f our courts can render this kind of justice to one like myself because I have lesser means, and lesser connections than my well-married daughters, what kind of justice is given to those less privileged?"

Taken together, the foregoing statements and their reasonably deducible implications went beyond the permissible bounds of fair criticism. Erlinda Ilusorio minced no words in directly attacking the Court for its alleged complicity in the break up of the Ilusorio family, sharply insinuating that the Court intentionally delayed the resolution of her motion for reconsideration, disregarded the Family Code, and unduly favored wealthy litigants. But the worst cut is her suggestion about the Court selling its decisions. She posed the query, "Nasaan ang katarungan? (Where is justice?)," implying that this Court failed to dispense justice in her case. While most of her statements were in the form of questions instead of categorical assertions, the effect is still the same: they constitute a stinging affront to the honor and dignity of the Court and tend to undermine the confidence of the public in the integrity of the highest tribunal of the land.

Erlinda Ilusorio explains that she is a layperson uninitiated in legal matters, an aggrieved widow who just wants to be relieved of pain caused by the injustice of the decision of this Court. She "felt she had to write a book that would rectify the erroneous findings of the Court x x x." [33] Obviously she had achieved her goal of self-expression but to the detriment of the orderly administration of justice. To be sure, she could have had adequately expressed her disagreement with the Court's disposition in the habeas corpus case without taking the low road, without being insulting, without casting a cloud of suspicion on the reputation of the Court. In some

detail, the Court, in *People v. Godoy*, set forth what is permissible and when one is considered to have overstepped bounds:

Generally, criticism of a court's rulings or decisions is not improper, and may not be restricted after a case has been finally disposed of and has ceased to be pending. 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.

But criticism should be distinguished from insult. A criticism after a case has been disposed of can no longer influence the court, and on that ground it does not constitute contempt. On the other hand, an insult hurled to the court, even after a case is decided, can under no circumstance be justified. Mere criticism or comment on the correctness or wrongness, soundness or unsoundness of the decision of the court in a pending case made in good faith may be tolerated; but to hurl the false charge that the Supreme Court has been committing deliberately so many blunders and injustices would tend necessarily to undermine the confidence of the people in the honesty and integrity of its members, and consequently to lower or degrade the administration of justice, and it constitutes contempt.[34]

A becoming respect for the courts should always be the norm. Litigants, no matter how aggrieved or dissatisfied they may be of court's decision, do not have the unbridled freedom in expressing their frustration or grievance in any manner they want. Crossing the permissible line of fair comment and legitimate criticism of the bench and its actuations shall constitute contempt which may be visited with sanctions from the Court as a measure of protecting and preserving its dignity and honor.

We explained in *Wicker v. Arcangel*:

x x x [T]he power to punish for contempt is to be exercised on the preservative and not on the vindictive principle. Only occasionally should it be invoked to preserve that respect without which the administration of justice will fail. The contempt power ought not to be utilized for the purpose of merely satisfying an inclination to strike back at a party for showing less than full respect for the dignity of the court.[35]

As to the other members of the Board of Directors of the PI-EKI Foundation, the publisher of *On the Edge of Heaven*, we find no merit in the charge of indirect contempt against them. True, except for Atty. Singson, respondents Ramon, Marietta and Shereen Ilusorio, and Cecilia appear to be officers of PI-EKI Foundation. There is no compelling reason, however, to pierce, as petitioners urge, the veil of corporate fiction in order to hold these officers liable, especially in light of Erlinda Ilusorio's assertion of being authorized, as Chairperson and President of the said foundation, to perform acts on behalf of the foundation without prior board approval. Indirect contempt is a deliberate act to bring the court or judge into disrepute. In this case, proof of the participation of the board of directors and officers to willfully malign the Court is utterly wanting. In this regard, there is authority indicating that no one can be amenable to criminal contempt unless the evidence makes it abundantly clear that one intended to commit it.[36] It cannot plausibly be assumed that the said officers shared Erlinda Ilusorio's ill regard towards the judiciary from the mere fact that the PI-EKI Foundation published the book.

Disbarment

As to the complaint for disbarment, there is a well-grounded reason to believe that Atty. Singson indeed attempted to influence Judge Reyes decide a case in favor of Atty. Singson's client. The interplay of the following documentary evidence, earlier cited, provides the reason: (1) the transcript of the stenographic notes of the May 31, 2000 hearing in the sala of Judge Reyes in Civil Case 4537-R when the judge made it of record about the attempt to bribe; (2) the affidavit of Judge Reyes dated December 23, 2004 narrating in some detail how and thru

whom the attempt to bribe adverted to was made; and (3) the affidavit of Atty. Sevilla who admitted having been approached by Atty. Singson to intercede for his case pending with Judge Reyes. Significantly, Atty. Singson admitted having made phone calls to Judge Reyes, either in his residence or office in Baguio City during the period material. He offers the lame excuse, however, that he was merely following up the status of a temporary restraining order applied for and sometimes asking for the resetting of hearings.

The Court finds the explanation proffered as puerile as it is preposterous. Matters touching on case status could and should be done through the court staff, and resetting is usually accomplished thru proper written motion or in open court. And going by Judge Reyes' affidavit, the incriminating calls were sometimes made late in the evening and sometimes in the most unusual hours, such as while Judge Reyes was playing golf with Atty. Sevilla. Atty. Sevilla lent corroborative support to Judge Reyes' statements, particularly about the fact that Atty. Singson wanted Judge Reyes apprised that they, Singson and Sevilla, were law school classmates.

The highly immoral implication of a lawyer approaching a judge--or a judge evincing a willingness--to discuss, in private, a matter related to a case pending in that judge's sala cannot be over-emphasized. The fact that Atty. Singson did talk on different occasions to Judge Reyes, initially through a mutual friend, Atty. Sevilla, leads us to conclude that Atty. Singson was indeed trying to influence the judge to rule in his client's favor. This conduct is not acceptable in the legal profession. Canon 13 of the Code of Professional Responsibility enjoins it:

Canon 13. A lawyer shall rely upon the merits of his cause and refrain from any impropriety which tends to influence or gives the appearance of influencing the court.

At this juncture, the Court takes particular stock of the ensuing statement Judge Reyes made in his affidavit: "x x x Atty. Sevilla, being a close family friend, immediately intimated to [me] that Atty. Singson wanted a favorable decision and that there was a not so vague an offer of a bribe from him (Atty. Singson)." Judge Reyes reiterated the bribe attempt during the hearing on May 31, 2000, and made reference to the figure PhP 500,000, the amount Atty. Singson offered through Atty. Sevilla. As may be expected, Atty. Singson dismissed Judge Reyes' account as hearsay and questioned the non-filing of any complaint for attempted bribery or disciplinary action by Judge Reyes at or near the time it was said to have been committed.

First, we must stress the difficulty of proving bribery. The transaction is always done in secret and often only between the two parties concerned. Indeed, there is no concrete evidence in the records regarding the commission by Atty. Singson of attempted bribery. Even Atty. Sevilla did not mention any related matter in his affidavit. Nevertheless, Judge Reyes' disclosures in his affidavit and in open court deserve some weight. The possibility of an attempted bribery is not far from reality considering Atty. Singson's persistent phone calls, one of which he made while Judge Reyes was with Atty. Sevilla. Judge Reyes' declaration may have been an "emotional outburst" as described by Atty. Singson, but the spontaneity of an outburst only gives it more weight.

While the alleged attempted bribery may perhaps not be supported by evidence other than Judge Reyes' statements, there is nevertheless enough proof to hold Atty. Singson liable for unethical behavior of attempting to influence a judge, itself a transgression of considerable gravity. However, heeding the injunction against decreeing disbarment where a lesser sanction would suffice to accomplish the desired end, a suspension for one year from the practice of law appears appropriate.

WHEREFORE, Erlinda K. Ilusorio is adjudged GUILTY of INDIRECT CONTEMPT and is ordered to pay a fine of ten thousand pesos (PhP 10,000). Atty. Manuel R. Singson is SUSPENDED for ONE (1) YEAR from the practice of law, effective upon his receipt of this Decision. Costs against respondents.

Let all the courts, through the Office of the Court Administrator, as well as the Integrated Bar of the Philippines and the Office of the Bar Confidant be notified of this Decision and be it duly recorded in the personal file of

respondent Manuel R. Singson.

SO ORDERED.

Quisumbing, (Chairperson), Ynares-Santiago,[*] Leonardo-De Castro,**] and Brion, JJ., concur.

[*] Additional member as per Special Order No. 645 dated May 15, 2009.

**]Additional member as per Special Order No. 635 dated May 7, 2009.

[1] 332 SCRA 169. Entitled Erlinda K. Ilusorio v. Erlinda I. Bildner, Sylvia K. Ilusorio, John Does and Jane Does; and Potenciano Ilusorio, Ma. Erlinda I. Bildner, and Sylvia K. Ilusorio v. Hon. Court of Appeals and Erlinda K. Ilusorio, respectively.

[2] Rollo, pp. 63-66.

[3] Id. at 71-72.

[4] Id. at 73.

[5] Id. at 75-76.

[6] Id. at 83-84.

[7] Ilusorio v. Ilusorio-Bildner, G.R. Nos. 139789 & 139808, July 19, 2001, 361 SCRA 427.

[8] Rollo, p. 93.

[9] Id. at 74.

[10] Id. at 82.

[11] Id. at 104-105.

[12] Formerly House of St. Joseph Foundation, Inc.

[13] Rollo, p. 100.

[14] Id. at 101-103.

[15] Id. at 107-111.

[16] Id. at 319-320.

[17] Id. at 168.

[18] Id. at 333-360.

[19] Id. at 344-345.

[20] Id. at 353-354.

[21] Mercado v. Security Bank Corporation, G.R. No. 160445, February 16, 2006, 482 SCRA 501, 504; citing Salcedo v. Hernandez, 61 Phil. 724 (1935).

[22] In the Matter of the Allegations Contained in the Columns of Mr. Amado P. Macasaet Published in Malaya Dated September 18, 19, 20 and 21, 2007, A.M. No. 07-09-13-SC, August 8, 2008, 561 SCRA 395, 446; citing

Halili v. Court of Industrial Relations, No. L-24864, April 30, 1985, 136 SCRA 112.

[23] Montenegro v. Montenegro, G.R. No. 156829, June 8, 2004, 431 SCRA 415, 424.

[24] Id. at 425.

[25] In the Matter to Declare in Contempt of Court Hon. Simeon A. Datumanong, Secretary of DPWH, G.R. No. 150274, August 4, 2006, 497 SCRA 626, 631.

[26] In re Almacen, No. L-27654, February 18, 1970, 31 SCRA 562, 582; citing State v. Calhoon, 102 So. 2d 604, 608.

[27] Id. at 578-579.

[28] G.R. Nos. 115908-09, March 29, 1995, 243 SCRA 64, 75.

[29] In re Almacen, supra note 26, at 580.

[30] Id. at 596.

[31] Dequina v. Ramirez, A.M. No. MTJ-06-1657, September 27, 2006, 503 SCRA 367, 371.

[32] No. L-68635, March 12, 1987, 148 SCRA 382, 402-403.

[33] Rollo, pp. 344-345.

[34] Supra note 28, at 94.

[35] G.R. No. 112869, January 29, 1996, 252 SCRA 444, 452.

[36] Godoy, supra note 28, at 77.

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.