PHILIP SIGFRID A. FORTUN, PETITIONER, VS. PRIMA JESUSA B. QUINSAYAS, MA. GEMMA OQUENDO, DENNIS AYON, NENITA OQUENDO, ESMAEL MANGUDADATU, JOSE PAVIA, MELINDA QUINTOS DE JESUS, RE...

G.R. No. 194578. February 13, 2013

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for Contempt filed by Atty. Philip Sigfrid A. Fortun (petitioner) against Atty. Prima Jesusa B. Quinsayas (Atty. Quinsayas), Ma. Gemma Oquendo (Gemma), Dennis Ayon (Ayon), Nenita Oquendo (Nenita), Esmael Mangudadatu (Mangudadatu), Jose Pavia (Pavia), Melinda Quintos De Jesus (De Jesus), Reynaldo Hulog (Hulog), Redmond Batario (Batario), Malou Mangahas (Mangahas), and Danilo Gozo (Gozo). Atty. Quinsayas and the other respondents, who are not from the media, are referred to in this case as Atty. Quinsayas, et al. Petitioner also named as respondents GMA Network, Inc. (GMA Network) through its news editors Raffy Jimenez and Victor Sollorano, Sophia Dedace (Dedace), ABS-CBN Corporation (ABS-CBN) through the Head of its News Group Maria Ressa (Ressa), Cecilia Victoria Oreña-Drilon (Drilon), Philippine Daily Inquirer, Inc. (PDI) represented by its Editor-in-Chief Letty Jimenez Magsanoc, Tetch Torres (Torres), Philippine Star (PhilStar) represented by its Editor-in-Chief Isaac Belmonte, and Edu Punay (Punay). Respondents Atty. Quinsayas, et al. and respondent media groups and personalities are collectively referred to in this case as respondents.

The Antecedent Facts

On 23 November 2009, a convoy of seven vehicles carrying the relatives of then Maguindanao vice-mayor Esmael “Toto” Mangudadatu, as well as lawyers and journalists, was on their way to the Commission on Elections office in Shariff Aguak to file Mangudadatu’s Certificate of Candidacy[1] when they were accosted by a group of about 100 armed men at a checkpoint in Sitio Malating, Ampatuan town, some four to ten kilometers from their destination.[2] The group was taken hostage and brought to a hilly and sparsely-populated part of Sitio Magating, Barangay Salman, Ampatuan, Maguindanao.[3] The gruesome aftermath of the hostage-taking was later discovered and shocked the world. The hostages were systematically killed by shooting them at close range with automatic weapons, and their bodies and vehicles were dumped in mass graves and covered with the use of a backhoe.[4] These gruesome killings became known as the Maguindanao Massacre. A total of 57 victims were killed, 30 of them journalists. Subsequently, criminal cases for Murder were filed and raffled to the Regional Trial Court of Quezon City, Branch 221, and docketed as Criminal Cases No. Q-09-162148-172, Q-09-162216-31, Q-10-162652, and Q-10-163766. Petitioner is the counsel for Datu Andal Ampatuan, Jr. (Ampatuan, Jr.), the principal accused in the murder cases.

In November 2010, Atty. Quinsayas, et al. filed a disbarment complaint against petitioner before this Court,

docketed as Bar Matter No. A.C. 8827. The disbarment case is still pending.

Petitioner alleged that on 22 November 2010, GMA News TV internet website posted an article, written by Dedace, entitled "Mangudadatu, others seek disbarment of Ampatuan lawyer," a portion of which reads:

> On Monday, Maguindanao Governor Esmael "Toto" Mangudadatu and four others filed a 33 page complaint against lawyer Sigrid Fortun whom they accused of "engaging in every conceivable chichancery or artifice to unduly delay the proceedings by using and abusing legal remedies available."[5]

On even date, Inquirer.net, the website of PDI, also published an article, written by Torres, which according to petitioner also stated details of the disbarment case, as follows:

> "Respondent Atty. Fortun had astutely embarked in an untiring quest to obstruct, impede and degrade the administration of justice by filing countless causes of action, all in the hope of burying the principal issue of his client's participation or guilt in the murder of 57 people that ill-fated day of November 23, 2009," the petitioners said.[6]

Petitioner further alleged that on 23 November 2010, PhilStar published an article, written by Punay, which gave details of the disbarment allegations, thus:

> "Attorney Fortun used and abused legal remedies available and allowed under under the rules, muddled the issues and diverted the attention away from the main subject matter of the cases, read the complaint.
>
> ***** ***** *****
>
> "Respondent Attorney Fortun's act of misleading the prosecution and trial court is a dishonest/deceitful conduct violative of Code of Professional Responsibility," read the complaint.
>
> "In so doing, he diminished the public confidence in the law and the legal profession, rendering him unfit to be called a member of the Bar."[7]

Further, petitioner alleged that on 23 November 2010, Channel 23 aired on national television a program entitled "ANC Presents: Crying for Justice: the Maguindanao Massacre." Drilon, the program's host, asked questions and allowed Atty. Quinsayas to discuss the disbarment case against petitioner, including its principal points. Petitioner was allegedly singled out and identified in the program as the lead counsel of the Ampatuan family.

Petitioner alleged that Atty. Quinsayas, et al. actively disseminated the details of the disbarment complaint against him in violation of Rule 139-B of the Rules of Court on the confidential nature of disbarment proceedings. Petitioner further alleged that respondent media groups and personalities conspired with Atty. Quinsayas, et al. by publishing the confidential materials on their respective media platforms. Petitioner pointed out that Drilon discussed the disbarment complaint with Atty. Quinsayas in a television program viewed nationwide.

Petitioner alleged that the public circulation of the disbarment complaint against him exposed this Court and its investigators to outside influence and public interference. Petitioner alleged that opinion writers wrote about and commented on the disbarment complaint which opened his professional and personal reputation to attack. He alleged that the purpose of respondents in publishing the disbarment complaint was to malign his personal and professional reputation, considering the following: (1) the bases of the charges were not new but were based on incidents that supposedly took place in January 2010; (2) it was timed to coincide with the anniversary of the Maguindanao Massacre to fuel hatred, contempt and scorn for Ampatuan, Jr. and his counsel and violated the accused's right to presumption of innocence and due process; (3) it was published following articles written about petitioner's advocacy for the rights of an accused and negated the impact of these articles on the public; and (4) respondents knew that the charges were baseless as petitioner always opted for speedy trial and protection of the accused's rights at trial. Petitioner further alleged that in announcing their "causes of action" in the disbarment

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case, respondents were only seeking the approval and sympathy of the public against him and Ampatuan, Jr.

In its Comment, GMA Network alleged that it has no newspaper or any publication where it could have printed the article. It alleged that it did not broadcast the disbarment complaint on its television station. GMA Network alleged that the publication had already been done and completed when Atty. Quinsayas distributed copies of the disbarment complaint and thus, the members of the media who reported the news and the media groups that published it on their website, including GMA Network, did not violate the confidentiality rule. GMA Network further alleged that Dedace, a field reporter for the judiciary, acted in good faith and without malice when she forwarded the news to the news desk. GMA News also acted in good faith in posting the news on its website. GMA Network denied that it conspired with the other respondents in publishing the news. GMA Network alleged that it posted the disbarment complaint, without any unfair, critical, and untruthful comment, and only after it was "published" by Atty. Quinsayas, et al. who furnished copies of the disbarment complaint to the media reporters. GMA Network alleged that it had no intention to malign petitioner's personal and professional reputation in posting the news about the disbarment complaint on its website.

In her Comment, Dedace clarified that she is a field news reporter of GMA Network and not a writer of the GMA News TV website. Her beat includes the Supreme Court, the Court of Appeals, and the Department of Justice. Dedace alleged that on 22 November 2010, she received an advice from fellow field reporter Mark Merueñas that the lawyer of Mangudadatu would be filing a disbarment case against petitioner. She waited at the Supreme Court. At around 5:00 p.m., Atty. Quinsayas arrived. Atty. Quinsayas gave copies of the petition to news reporters and Dedace received one. Dedace prepared and sent her news story to GMA Network where it went to the editor. Dedace alleged that she did not breach the rule on confidentiality of disbarment proceedings against lawyers when she reported the filing of the disbarment complaint against petitioner. She alleged that she acted in good faith and without malice in forwarding her news story to the news desk and that she had no intention to, and could not, influence or interfere in the proceedings of the disbarment case. She further alleged that she honestly believed that the filing of the disbarment complaint against petitioner was newsworthy and should be reported as news.

PDI alleged in its Comment that it shares content with the Inquirer.net website through a syndication but the latter has its own editors and publish materials that are not found on the broadsheet. It alleged that Philippine Daily Inquirer, Inc. and Inquirer Interactive, Inc. are two different corporations, with separate legal personalities, and one may not be held responsible for the acts of the other.

Torres[8] alleged in her Comment that on 17 November 2010, a private prosecutor told her and several other reporters that a disbarment case would be filed against petitioner. The disbarment case was actually filed on 22 November 2010 when Torres received a copy of the complaint. Since the lead of the story came from a lawyer, Torres did not consider that writing a story about the filing of the disbarment complaint might amount to contempt of court. Torres alleged that the writing of the story was an independent act and she did not conspire with any of the other respondents. Torres maintained that she acted in good faith in writing the news report because the Maguindanao Massacre was a matter of public concern and the allegations in the disbarment complaint were in connection with petitioner's handling of the case. Torres further asserted that petitioner is a public figure and the public has a legitimate interest in his doings, affairs and character.

In her Comment, Ressa alleged that she was the former head of ABS-CBN's News and Current Affairs Group and the former Managing Director of ANC. However, she was on terminal leave beginning 30 October 2010 in advance to the expiration of her contract on 3 January 2011. Ressa alleged that she had no participation in the production and showing of the broadcast on 23 November 2010. Ressa adopts the answer of her co-respondents ABS-CBN and Drilon insofar as it was applicable to her case.

ABS-CBN and Drilon filed a joint Comment. ABS-CBN alleged that ABS-CBN News Channel, commonly known as ANC, is maintained and operated by Sarimanok Network News (SNN) and not by ABS-CBN. SNN, which produced the program "ANC Presents: Crying for Justice: the Maguindanao Massacre," is a subsidiary of ABS-CBN but it has its own juridical personality although SNN and ABS-CBN have interlocking directors. ABS-CBN and Drilon alleged that the presentation and hosting of the program were not malicious as there was no criminal intent to violate the confidentiality rule in disbarment proceedings. They alleged that the program was a commemoration of the Maguindanao Massacre and was not a report solely on the disbarment complaint against petitioner which took only a few minutes of the one-hour program. They alleged that the program was not a publication intended to embarrass petitioner who was not even identified as the respondent in the disbarment complaint. Drilon even cautioned against the revelation of petitioner's name in the program. ABS-CBN and Drilon further alleged that prior to the broadcast of the program on 23 November 2010, the filing of the disbarment complaint against petitioner was already the subject of widespread news and already of public knowledge. They denied petitioner's allegation that they conspired with the other respondents in violating the confidentiality rule in disbarment proceedings. Finally, they alleged that the contempt charge violates their right to equal protection because there were other reports and publications of the disbarment complaint but the publishers were not included in the charge. They also assailed the penalty of imprisonment prayed for by petitioner as too harsh.

In their joint Comment, respondents Mangudadatu, Ayon, Nenita, and Gemma alleged that petitioner failed to prove that they actively participated in disseminating details of the disbarment complaint against him. They alleged that while they were the ones who filed the disbarment complaint against petitioner, it does not follow that they were also the ones who caused the publication of the complaint. They alleged that petitioner did not provide the name of any particular person, dates, days or places to show the alleged confederation in the dissemination of the disbarment complaint.

Respondents De Jesus, Hulog, Batario, and Mangahas, in their capacity as members of the Board of Trustees of the Freedom Fund for Filipino Journalists, Inc. (FFFJ) and Atty. Quinsayas, former counsel for FFFJ, also filed a joint Comment claiming that the alleged posting and publication of the articles were not established as a fact. Respondents alleged that petitioner did not submit certified true copies of the articles and he only offered to submit a digital video disk (DVD) copy of the televised program where Atty. Quinsayas was allegedly interviewed by Drilon. Respondents alleged that, assuming the articles were published, petitioner failed to support his allegations that they actively disseminated the details of the disbarment complaint.

In their joint Comment, PhilStar and Punay alleged that on 22 November 2010, Atty. Quinsayas, et al. went to this Court to file the disbarment complaint but they were not able to file it on that day.[9] Atty. Quinsayas, et al. were able to file the disbarment complaint the following day, or on 23 November 2010. PhilStar and Punay alleged that their news article, which was about the plan to file a disbarment complaint against petitioner, was published on 23 November 2010. It came out before the disbarment complaint was actually filed. They alleged that the news article on the disbarment complaint is a qualified privileged communication. They alleged that the article was a true, fair, and accurate report on the disbarment complaint. The article was straightforward, truthful, and accurate, without any comments from the author. They alleged that Punay reported the plan of Mangudadatu, et al. to file the disbarment complaint against petitioner as it involved public interest and he perceived it to be a newsworthy subject. They further alleged that assuming the news article is not a privileged communication, it is covered by the protection of the freedom of expression, speech, and of the press under the Constitution. They also alleged that the case is a criminal contempt proceeding and intent to commit contempt of court must be shown by proof beyond reasonable doubt. They further alleged that they did not commit any contemptible act. They maintained that the news article did not impede, interfere with, or embarrass the administration of justice. They further claimed that it

is improbable, if not impossible, for the article to influence the outcome of the case or sway this Court in making its decision. The article also did not violate petitioner's right to privacy because petitioner is a public figure and the public has a legitimate interest in his doings, affairs, and character.

Pavia died during the pendency of this case[10] and was no longer included in the Comment filed for the FFFJ Trustees. Gozo resigned as member of the FFFJ Trustees and was no longer represented by the FFFJ counsel in filing its comment.[11] Gozo did not file a separate comment.

The Issue

The only issue in this case is whether respondents violated the confidentiality rule in disbarment proceedings, warranting a finding of guilt for indirect contempt of court.

The Ruling of this Court

First, the contempt charge filed by petitioner is in the nature of a criminal contempt. In People v. Godoy,[12] this Court made a distinction between criminal and civil contempt. The Court declared:

> A criminal contempt is conduct that is 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. On the other hand, civil contempt consists in failing to do something ordered to be done by a court in a civil action for the benefit of the opposing party therein and is, therefore, an offense against the party in whose behalf the violated order is made.
>
> A criminal contempt, being directed against the dignity and authority of the court, is an offense against organized society and, in addition, is also held to be an offense against public justice which raises an issue between the public and the accused, and the proceedings to punish it are punitive. On the other hand, the proceedings to punish a civil contempt are remedial and for the purpose of the preservation of the right of private persons. It has been held that civil contempt is neither a felony nor a misdemeanor, but a power of the court.
>
> It has further been stated that intent is a necessary element in criminal contempt, and that no one can be punished for a criminal contempt unless the evidence makes it clear that he intended to commit it. On the contrary, there is authority indicating that since the purpose of civil contempt proceedings is remedial, the defendant's intent in committing the contempt is immaterial. Hence, good faith or the absence of intent to violate the court's order is not a defense in civil contempt.[13]

The records of this case showed that the filing of the disbarment complaint against petitioner had been published and was the subject of a televised broadcast by respondent media groups and personalities.

We shall discuss the defenses and arguments raised by respondents.

GMA Network, Inc.

GMA Network's defense is that it has no newspaper or any publication where the article could be printed; it did not broadcast the disbarment complaint in its television station; and that the publication was already completed when Atty. Quinsayas distributed copies of the disbarment complaint to the media.

GMA Network did not deny that it posted the details of the disbarment complaint on its website. It merely said that it has no publication where the article could be printed and that the news was not televised. Online posting, however, is already publication considering that it was done on GMA Network's online news website.

Philippine Daily Inquirer, Inc.

PDI averred that it only shares its contents with Inquirer.net through a syndication. PDI attached a photocopy of

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the syndication page stating that "[d]ue to syndication agreements between PDI and Inquirer.net, some articles published in PDI may not appear in Inquirer.net."[14]

A visit to the website describes Inquirer.net as "the official news website of the Philippine Daily Inquirer, the Philippines' most widely circulated broadsheet, and a member of the Inquirer Group of Companies."[15] PDI was not able to fully establish that it has a separate personality from Inquirer.net.

ABS-CBN Corporation

ABS-CBN alleged that SNN is its subsidiary and although they have interlocking directors, SNN has its own juridical personality separate from its parent company. ABS-CBN alleged that SNN controls the line-up of shows of ANC.

We agree with ABS-CBN on this issue. We have ruled that a subsidiary has an independent and separate juridical personality distinct from that of its parent company and that any suit against the the latter does not bind the former and vice-versa.[16] A corporation is an artificial being invested by law with a personality separate and distinct from that of other corporations to which it may be connected.[17] Hence, SNN, not ABS-CBN, should have been made respondent in this case.

Maria Ressa

Respondent Ressa alleged that she was on terminal leave when the program about the Maguindanao Massacre was aired on ANC and that she had no hand in its production. Ressa's defense was supported by a certification from the Human Resource Account Head of ABS-CBN, stating that Ressa went on terminal leave beginning 30 October 2010.[18] This was not disputed by petitioner.

Sophia Dedace, Tetch Torres, Cecilia Victoria Oreña-Drilon,
and Edu Punay

Basically, the defense of respondents Dedace, Torres, Drilon, and Punay was that the disbarment complaint was published without any comment, in good faith and without malice; that petitioner is a public figure; that the Maguindanao Massacre is a matter of public interest; and that there was no conspiracy on their part in publishing the disbarment complaint. They also argued that the news reports were part of privileged communication.

In Drilon's case, she further alleged that the television program was a commemoration of the Maguindanao Massacre and not solely about the filing of the disbarment case against petitioner. Even as the disbarment complaint was briefly discussed in her program, petitioner's name was not mentioned at all in the program.

Violation of Confidentiality Rule by Respondent Media Groups
and Personalities

Section 18, Rule 139-B of the Rules of Court provides:

> Section 18. Confidentiality. - Proceedings against attorneys shall be private and confidential. However, the final order of the Supreme Court shall be published like its decisions in other cases.

The Court explained the purpose of the rule, as follows:

> x x x. The purpose of the rule is not only to enable this Court to make its investigations free from any extraneous influence or interference, but also to protect the personal and professional reputation of attorneys and judges from the baseless charges of disgruntled, vindictive, and irresponsible clients and litigants; it is also to deter the press from publishing administrative cases or portions thereto without authority. We have ruled that malicious and unauthorized publication or verbatim reproduction of administrative complaints against

> lawyers in newspapers by editors and/or reporters may be actionable. Such premature publication constitutes a contempt of court, punishable by either a fine or imprisonment or both at the discretion of the Court. x x x[19]

In People v. Castelo,[20] the Court ruled that contempt is akin to libel and that the principle of privileged communication may be invoked in a contempt proceeding. The Court ruled:

> While the present case involves an incident of contempt the same is akin to a case of libel for both constitute limitations upon freedom of the press or freedom of expression guaranteed by our Constitution. So what is considered a privilege in one may likewise be considered in the other. The same safeguard should be extended to one whether anchored in freedom of the press or freedom of expression. Therefore, this principle regarding privileged communications can also be invoked in favor of appellant.[21]

The Court recognizes that "publications which are privileged for reasons of public policy are protected by the constitutional guaranty of freedom of speech."[22] As a general rule, disbarment proceedings are confidential in nature until their final resolution and the final decision of this Court. In this case, however, the filing of a disbarment complaint against petitioner is itself a matter of public concern considering that it arose from the Maguindanao Massacre case. The interest of the public is not on petitioner himself but primarily on his involvement and participation as defense counsel in the Maguindanao Massacre case. Indeed, the allegations in the disbarment complaint relate to petitioners supposed actions involving the Maguindanao Massacre case.

The Maguindanao Massacre is a very high-profile case. Of the 57 victims of the massacre, 30 were journalists. It is understandable that any matter related to the Maguindanao Massacre is considered a matter of public interest and that the personalities involved, including petitioner, are considered as public figure. The Court explained it, thus:

> But even assuming a person would not qualify as a public figure, it would not necessarily follow that he could not validly be the subject of a public comment. For he could; for instance, if and when he would be involved in a public issue. If a matter is a subject of public or general interest, it cannot suddenly become less so merely because a private individual is involved or because in some sense the individual did not voluntarily choose to become involved. The public's primary interest is in the event; the public focus is on the conduct of the participant and the content, effect and significance of the conduct, not the participant's prior anonymity or notoriety.[23] (Boldface in the original)

Since the disbarment complaint is a matter of public interest, legitimate media had a right to publish such fact under freedom of the press. The Court also recognizes that respondent media groups and personalities merely acted on a news lead they received when they reported the filing of the disbarment complaint.

The distribution by Atty. Quinsayas to the media of the disbarment complaint, by itself, is not sufficient to absolve the media from responsibility for violating the confidentiality rule. However, since petitioner is a public figure or has become a public figure because he is representing a matter of public concern, and because the event itself that led to the filing of the disbarment case against petitioner is a matter of public concern, the media has the right to report the filing of the disbarment case as legitimate news. It would have been different if the disbarment case against petitioner was about a private matter as the media would then be bound to respect the confidentiality provision of disbarment proceedings under Section 18, Rule 139-B of the Rules of Court.

Section 18, Rule 139-B of the Rules of Court is not a restriction on the freedom of the press. If there is a legitimate public interest, media is not prohibited from making a fair, true, and accurate news report of a disbarment complaint. In the absence of a legitimate public interest in a disbarment complaint, members of the media must preserve the confidentiality of disbarment proceedings during its pendency. Disciplinary proceedings against lawyers must still remain private and confidential until their final determination.[24] Only the final order

of this Court shall be published like its decisions in other cases.[25]

Petitioner also failed to substantiate his claim that respondent media groups and personalities acted in bad faith and that they conspired with one another in their postings and publications of the filing of a disbarment complaint against him. Respondent media groups and personalities reported the filing of the disbarment complaint without any comments or remarks but merely as it was – a news item. Petitioner failed to prove that respondent media groups and personalities acted with malicious intent. Respondent media groups and personalities made a fair and true news report and appeared to have acted in good faith in publishing and posting the details of the disbarment complaint. In the televised broadcast of the commemoration of the Maguindanao Massacre over ANC, the disbarment case was briefly discussed but petitioner was not named. There was also no proof that respondent media groups and personalities posted and published the news to influence this Court on its action on the disbarment case or to deliberately destroy petitioner's reputation. It should also be remembered that the filing of the disbarment case against petitioner entered the public domain without any act on the part of the media. As we will discuss later, the members of the media were given copies of the disbarment complaint by one of the complainants.

Esmael Mangudadatu, Dennis Ayon,
Nenita and Ma. Gemma Oquendo

Respondents, while admitting that they were some of the complainants in the disbarment complaint against petitioner, alleged that there was no proof that they were the ones who disseminated the disbarment complaint. Indeed, petitioner failed to substantiate his allegation that Mangudadatu, Ayon, Nenita, and Gemma were the ones who caused the publication of the disbarment complaint against him. There was nothing in the records that would show that Mangudadatu, Ayon, Nenita, and Gemma distributed or had a hand in the distribution of the disbarment complaint against petitioner.

Melinda Quintos De Jesus, Reynaldo Hulog,
Redmond Batario, Malou Mangahas, and
Atty. Prima Jesusa B. Quinsayas

Respondents De Jesus, Hulog, Batario, Mangahas, and Atty. Quinsayas alleged that petitioner was not able to establish the posting and publication of the articles about the disbarment complaint, and that assuming the posting and publication had been established, petitioner failed to support his allegation that they actively disseminated the details of the disbarment complaint. They further alleged that they did not cause the publication of the news articles and thus, they did not violate the rule on privacy and confidentiality of disbarment proceedings.

Indeed, petitioner failed to prove that, except for Atty. Quinsayas, the other respondents, namely De Jesus, Hulog, Batario, Mangahas, and even Gozo, who did not file his separate comment, had a hand in the dissemination and publication of the disbarment complaint against him. It would appear that only Atty. Quinsayas was responsible for the distribution of copies of the disbarment complaint. In its Comment, GMA Network stated that the publication "had already been done and completed when copies of the complaint for disbarment were distributed by one of the disbarment complainants, Atty. Prima Quinsayas x x x."[26] Dedace also stated in her Comment that "Atty. Quinsayas gave copies of the disbarment complaint against Atty. Fortun and she received one[.]"[27]

Atty. Quinsayas is bound by Section 18, Rule 139-B of the Rules of Court both as a complainant in the disbarment case against petitioner and as a lawyer. As a lawyer and an officer of the Court, Atty. Quinsayas is familiar with the confidential nature of disbarment proceedings. However, instead of preserving its confidentiality, Atty. Quinsayas disseminated copies of the disbarment complaint against petitioner to members of the media which act constitutes contempt of court. In Relativo v. De Leon,[28] the Court ruled that the premature

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disclosure by publication of the filing and pendency of disbarment proceedings is a violation of the confidentiality rule.[29] In that case, Atty. Relativo, the complainant in a disbarment case, caused the publication in newspapers of statements regarding the filing and pendency of the disbarment proceedings. The Court found him guilty of contempt.

Indirect contempt against a Regional Trial Court or a court of equivalent or higher rank is punishable by a fine not exceeding P30,000 or imprisonment not exceeding six months or both.[30] Atty. Quinsayas acted wrongly in setting aside the confidentiality rule which every lawyer and member of the legal profession should know. Hence, we deem it proper to impose on her a fine of Twenty Thousand Pesos (P20,000).

WHEREFORE, we find Atty. Prima Jesusa B. Quinsayas GUILTY of indirect contempt for distributing copies of the disbarment complaint against Atty. Philip Sigfrid A. Fortun to members of the media and we order her to pay a FINE of Twenty Thousand Pesos (P20,000).

SO ORDERED.

Brion, Del Castillo, Perez, and Perlas-Bernabe, JJ., concur.

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[1] The Ampatuan Massacre: a map and timeline., 25 November 2009. (visited 4 December 2012).

[2] Id.

[3] Id.

[4] Id.

[5] Rollo, pp. 5-6, Contempt Charge.

[6] Id. at 6.

[7] Id. at 6-7.

[8] Ma. Theresa Torres in her Comment. Id. at 209.

[9] From Dedace's Comment, it appeared that Quinsayas, et al. arrived at the Supreme Court at around 5:00 p.m. Id. at 121.

[10] Id. at 235 and 429.

[11] Id. at 467.

[12] 312 Phil. 977 (1995).

[13] Id. at 999.

[14] Rollo, p. 204.

[15] (visited 12 December 2012).

[16] Velarde v. Lopez, Inc., 464 Phil. 525 (2004).

[17] [] See McLeod v. National Labor Relations Commission (1st Div.), 541 Phil. 214 (2007).

[18] Rollo, p. 274.

[19] Saludo, Jr. v. Court of Appeals, 522 Phil. 556, 561 (2006).

[20] 114 Phil. 892 (1962).

[21] Id. at 901.

[22] See Borjal v. CA, 361 Phil. 1 (1999).

[23] See Villanueva v. Philippine Daily Inquirer, Inc., G.R. No. 164437, 15 May 2009, 588 SCRA 1, 13.

[24] Tan v. IBP Commission on Bar Discipline, 532 Phil. 605 (2006).

[25] Section 18, Rule 139-B of the Rules of Court.

[26] Rollo, p. 97. Boldface in the original.

[27] Id. at 121.

[28] 128 Phil. 104 (1967).

[29] Then Section 10, Rule 128 of the Rules of Court.

[30] Section 7, Rule 71 of the 1997 Rules of Civil Procedure.

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