Republic of the Philippines
Supreme Court
Manila

**EN BANC**

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| **RE: SHOW CAUSE ORDER IN THE DECISION DATED MAY 11, 2018 IN G.R. No. 237428 (REPUBLIC OF THE PHILIPPINES, REPRESENTED BY SOLICITOR GENERAL JOSE C. CALIDA v. MARIA LOURDES P. A. SERENO)** | **A.M. No. 18-06-01-SC**<br><br>Present:<br><br>CARPIO, *J.*,<br>VELASCO, JR.,<br>LEONARDO-DE CASTRO,<br>PERALTA,<br>BERSAMIN,<br>DEL CASTILLO,<br>PERLAS-BERNABE,*<br>LEONEN,<br>JARDELEZA,<br>CAGUIOA,<br>MARTIRES,<br>TIJAM,<br>REYES, JR., and<br>GESMUNDO, *JJ.*<br><br>Promulgated:<br><br>July 17, 2018 |

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**DECISION**

**TIJAM, *J.*:**

The instant administrative matter is an offshoot of G.R. No. 237428 entitled *Republic of the Philippines, represented by Solicitor General Jose C. Calida v. Maria Lourdes P. A. Sereno*, hereinafter referred to as the *quo warranto* case or proceedings against Maria Lourdes P. A. Sereno (respondent). A brief statement of the factual and procedural antecedents of the case is, thus, in order.

* On official business.

**Factual and Procedural Antecedents**

On August 30, 2017, an impeachment complaint was lodged before the Committee on Justice of the House of Representatives against respondent for culpable violation of the Constitution, corruption, high crimes, and betrayal of public trust. Having learned of respondent's disqualification as a Chief Justice from the House Committee on Justice's hearings, the Republic of the Philippines (Republic), through the Office of the Solicitor General, filed a petition for *quo warranto* against respondent, basically questioning her eligibility for the Chief Justice position.

The Court observed that since the filing of the impeachment complaint, during the pendency of the *quo warranto* case, and even after the conclusion of the *quo warranto* proceedings, respondent continuously opted to defend herself in public through speaking engagements before students and faculties in different universities, several public forums, interviews on national television, and public rallies. As the Court noted in its decision in the *quo warranto* case, respondent initially refused to participate in the congressional hearings for the impeachment complaint. When the petition for *quo warranto* was filed, respondent likewise continuously refused to recognize this Court's jurisdiction. Instead of participating in the judicial process and answering the charges against her truthfully to assist in the expeditious resolution of the matter, respondent opted to proceed to a nationwide campaign, conducting speeches and accepting interviews, discussing the merits of the case and making comments thereon to vilify the members of the Congress, cast aspersions on the impartiality of the Members of the Court, degrade the faith of the people to the Judiciary, and falsely impute ill motives against the government that it is orchestrating the charges against her. In short, as the Court stated in the said decision, respondent chose to litigate her case before the public and the media instead of the Court.[1]

The Court was disquieted as doubts against the impartiality and dignity of the Court and its Members emerged, and the obfuscation of the issues in the *quo warranto* proceedings resulted from such out-of-court discussions on the merits of the case. Worse, the Court was perturbed by the fact that respondent, not only being a member of the Bar but one who was asserting her eligibility and right to the highest position in the Judiciary, significantly participated in such detestable and blatant disregard of the *sub judice* rule.[2]

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[1] *Republic of the Philippines, represented by Solicitor General Jose C. Calida v. Maria Lourdes P. A. Sereno*, G.R. No. 237428, May 11, 2018.

[2] Id.

Consequently, having great regard of judicial independence and its duty to discipline member of the Bar to maintain the dignity of the profession and the institution, the Court in its decision in the *quo warranto* case, ordered respondent to show cause why she should not be sanctioned for violating the Code of Professional Responsibility (CPR) and the New Code of Judicial Conduct for the Philippine Judiciary (NCJC) for transgressing the *sub judice* rule and for casting aspersions and ill motives to the Members of this Court.[3]

On June 13, 2018, respondent filed her Verified Compliance (To the Show Cause Order dated 11 May 2018) with Respectful Motion for Inhibition (Of Hon. Associate Justices Teresita J. Leonardo-De Castro, Diosdado M. Peralta, Noel G. Tijam, Francis H. Jardeleza, Lucas P. Bersamin, and Samuel R. Martires),[4] arguing that the acts imputed against her in the May 11, 2018 Decision do not amount to conduct unbecoming of a Justice and a lawyer which would warrant her disbarment nor warrant any other disciplinary measure.

**Respondent's Explanations/Arguments**

(1) Respondent contends that she should not be judged on the stringent standards set forth in the CPR and the NCJC, emphasizing that her participation in the *quo warranto* case is not as counsel or a judge but as a party-litigant.[5]

(2) The imputed acts against respondent did not create any serious and imminent threat to the administration of justice to warrant the Court's exercise of its power of contempt in accordance with the "clear and present danger" rule.[6] Respondent avers that she cannot be faulted for the attention that the *quo warranto* case gained from the public considering that it is a controversial case, which involves issues of transcendental importance.[7]

(3) Assuming arguendo that the CPR and the NCJC apply, respondent argues that in addressing the matters of impeachment and *quo warranto* to the public, she was in fact discharging her duty as a Justice and a lawyer to uphold the Constitution and promote respect for the law and legal processes pursuant to the said Codes.[8]

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[3] Id.
[4] *Rollo*, pp. 7-42.
[5] Id. at 8.
[6] Id. at 9-10.
[7] Id. at 28.
[8] Id. at 25.

(4) Assuming arguendo that respondent violated some provisions of the CPR and the NCJC in her public statements, the same does not warrant the exercise of the Court's power to discipline in view of the attendant circumstances, to wit: (a) no less than the Solicitor General repeatedly made personal attacks against her and publicly discussed the merits of the case, hence, she had to respond to such accusations against her; and (b) she was not given her right to due process despite her repeated demand.[9]

## Issue

May respondent be held administratively liable for her actions and public statements as regards the *quo warranto* case against her during its pendency?

## Ruling of the Court

Before delving into the merits, We first resolve respondent's motion for inhibition. As respondent, herself, stated, the grounds for this motion are the same as those discussed in her motion for inhibition in the *quo warranto* case. We find no cogent reason to belabor on this issue and deviate from what has been discussed in the Court's decision in the *quo warranto* case. We reiterate that mere imputation of bias or partiality is not enough ground for inhibition, especially when the charge is without basis.[10]

Hence, this Court resolves to **DENY** the Motion for Inhibition of Justices Teresita J. Leonardo-De Castro, Diosdado M. Peralta, Noel Gimenez Tijam, Francis H. Jardeleza, Lucas P. Bersamin, and Samuel R. Martires.

Proceeding now to the substantive issue of this administrative matter: May respondent be held administratively liable for her actions and public statements as regards the *quo warranto* case against her during its pendency?

We answer in the affirmative.

*First.* This Court cannot subscribe to respondent's position that she was merely a party-litigant in the *quo warranto* case, not a counsel nor a judge, hence, should not be judged on the exacting standards expected of a member of the Bar or of the Court.

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[9] Id. at 29-36.

[10] *Republic of the Philippines, represented by Solicitor General Jose C. Calida v. Maria Lourdes P. A. Sereno*, G.R. No. 237428, June 19, 2018.

Respondent argues that she had no obligation to be an impartial judge where she does not act as one. Also, she cannot be expected to be as circumspect with her words or detached from her emotions as a usual legal counsel as she is directly affected by the outcome of the proceedings. Respondent then remarked that just because she is a lawyer and a judge does not mean that she is less affected by the tribulations of a public trial than an ordinary litigant.

Time and again, this Court has emphasized the high sense of morality, honesty, and fair dealing expected *and* required of members of the Bar. Lawyers must conduct themselves with great propriety, and their behavior must be beyond reproach anywhere and at all times,[11] whether they are dealing with their clients or the public at large.[12] Lawyers may be disciplined for acts committed even in their private capacity for acts which tend to bring reproach on the legal profession or to injure it in the favorable opinion of the public. There can be no distinction as to whether the transgression is committed in lawyers' private lives or in their professional capacity, for a lawyer may not divide his personality as an attorney at one time and a mere citizen at another.[13] As eloquently put by the Court in one case: "Any departure from the path which a lawyer must follow as demanded by the virtues of his profession shall not be tolerated by this Court as the disciplining authority for there is perhaps no profession after that of the sacred ministry in which a high-toned morality is more imperative than that of law."[14]

For the same reasons, judges or Justices are held to a higher standard for they should be the embodiment of competence, integrity, and independence, hence, their conduct should be above reproach.[15]

The Court is, thus, reluctant to accept respondent's position that she should be treated as an ordinary litigant in judging her actions. The fact that respondent was not the judge nor the counsel but a litigant in the subject case does not strip her off of her membership in the Bar, as well as her being a Member and the head of the highest court of the land at that time. Her being a litigant does not mean that she was free to conduct herself in less honorable manner than that expected of a lawyer or a judge.[16]

Consequently, any errant behavior on the part of a lawyer and/or a judge, be it in their public or private activities, which tends to show said lawyer/judge deficient in moral character, honesty, probity or good

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[11] *Mendoza v. Atty. Deciembre*, 599 Phil. 182, 191 (2009).

[12] *Manuel L. Valin and Honorio L. Valin v. Atty. Rolando T. Ruiz*, A.C. No. 10564, November 7, 2017.

[13] *Mendoza v. Atty. Deciembre*, supra at 191-192.

[14] *Radjaie v. Atty. Alovera*, 392 Phil. 1, 17 (2000).

[15] *Barrios v. Atty. Martinez*, 485 Phil. 1, 14 (2004).

[16] Id.

demeanor, is sufficient to warrant suspension or disbarment.[17] Respondent should be reminded:

> Of all classes and professions, the lawyer is most sacredly bound to uphold the laws, as he is their sworn servant; and for him, of all men in the world, to repudiate and override the laws, to trample them under foot and to ignore the very bonds of society, argues recreancy to his position and office and sets a pernicious example to the insubordinate and dangerous elements of the body politic.
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> [T]he practice of law is a privilege burdened with conditions. Adherence to the rigid standards of mental fitness, maintenance of the highest degree of morality and faithful compliance with the rules of the legal profession are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law. The Supreme Court, as guardian of the legal profession, has ultimate disciplinary power over attorneys. **This authority to discipline its members is not only a right but a bounden duty as well x x x. That is why respect and fidelity to the Court is demanded of its members.**[18] (Citations omitted and emphasis ours)

*Second.* Respondent argues that the public statements attributed to her must have created a serious and imminent threat to the administration of justice to warrant punishment.

According to respondent, the public utterances in question did not create such effect of a serious and imminent threat to the administration of justice; did not, in any way, prevent or delay the Court from rendering its judgment; and criticism and public reaction remained within the bounds of proper debate and despite widespread dissent, no violent protest erupted after the decision was promulgated. Further, respondent avers that considering that the *quo warranto* case in itself was already controversial and of transcendental importance, her public statements and actions cannot be blamed for the natural attention that it gained from the public.

Before proceeding to address these arguments, it is necessary, at this juncture, to discuss the concept of the *sub judice* rule for which respondent is being charged of violating in this administrative case.

*Sub judice* is a Latin term which refers to matters under or before a judge or court; or matters under judicial consideration.[19] In essence, the *sub judice* rule restricts comments and disclosures pertaining to pending judicial proceedings. The restriction applies to litigants and witnesses, the public in general, and most especially to members of the Bar and the Bench.[20]

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[17] *Ventura v. Atty. Samson*, 699 Phil. 404, 415 (2012).
[18] *Valencia v. Atty. Antiniw*, 579 Phil. 1, 13 (2008).
[19] Black's Law Dictionary.
[20] Separate Opinion of Justice Arturo Brion in *Lejano v. People*, 652 Phil. 512, 652 (2010).

Historically, the *sub judice* rule is used by foreign courts to insulate members of the jury from being influenced by prejudicial publicity.[21] It was aimed to prevent comment and debate from exerting any influence on juries and prejudicing the positions of parties and witnesses in court proceedings.[22] Relatedly, in 2010, the late Senator Miriam Defensor-Santiago, in filing Senate Bill No. 1852, also known as the Judicial Right to Know Act, explained that *sub judice* is a foreign legal concept, which originated and is applicable to countries who have adopted a trial by jury system. She emphasized the difference between a jury system and the Philippine court system, implying the inapplicability of the concept in our jurisdiction.

Acknowledging the fact that *sub judice* is a foreign concept, Justice Arturo Brion noted in a Separate Opinion that in our jurisdiction, the Rules of Court does not contain a specific provision imposing the *sub judice* rule.[23] He, however, opined that "the fact that the jury system is not adopted in this jurisdiction is not an argument against our observance of the *sub judice* rule; justices and judges are no different from members of the jury, they are not immune from the pervasive effects of media."[24] In fact, *sub judice* rule finds support in the provision on indirect contempt under Section 3, Rule 71 of the Rules of Court, to wit:

> Sec. 3. *Indirect contempt to be punished after charge and hearing.* – x x x, a person guilty of any of the following acts may be punished for indirect contempt:
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> x x x x
>
> 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;
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> x x x x.

As can be observed, discussions regarding *sub judice* often relates to contempt of court. In this regard, respondent correctly pointed out that the "clear and present danger" rule should be applied in determining whether, in a particular situation, the court's contempt power should be exercised to maintain the independence and integrity of the Judiciary, or the Constitutionally-protected freedom of speech should be upheld. Indeed, in *P/Supt. Marantan v. Atty. Diokno, et al.*,[25] the Court explained:

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[21] Id.

[22] <https://www.parliament.nsw.gov.au/la/proceduralpublications/Pages/factsheetno22.aspx> (visited June 30, 2018).

[23] Supra note 20.

[24] Id.

[25] 726 Phil. 642 (2014).

> The *sub judice* rule restricts comments and disclosures pertaining to the judicial proceedings in order to avoid prejudging the issue, influencing the court, or obstructing the administration of justice. A violation of this rule may render one liable for indirect contempt under Sec. 3(d), Rule 71 of the Rules of Court, x x x.
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> x x x x
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> The proceedings for punishment of indirect contempt are criminal in nature. This form of 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. Intent is a necessary element in criminal contempt, and no one can be punished for a criminal contempt unless the evidence makes it clear that he intended to commit it.
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> For a comment to be considered as contempt of court "it must really appear" that such does impede, interfere with and embarrass the administration of justice. What is, thus, sought to be protected is the all-important duty of the court to administer justice in the decision of a pending case. The specific rationale for the *sub judice* rule is that courts, in the decision of issues of fact and law should be immune from every extraneous influence; that facts should be decided upon evidence produced in court; and that the determination of such facts should be uninfluenced by bias, prejudice or sympathies.
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> The power of contempt is inherent in all courts in order to allow them to conduct their business unhampered by publications and comments which tend to impair the impartiality of their decisions or otherwise obstruct the administration of justice. As important as the maintenance of freedom of speech, is the maintenance of the independence of the Judiciary. The "clear and present danger" rule may serve as an aid in determining the proper constitutional boundary between these two rights.
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> The "clear and present danger" rule means that the evil consequence of the comment must be "extremely serious and the degree of imminence extremely high" before an utterance can be punished. There must exist a clear and present danger that the utterance will harm the administration of justice. Freedom of speech should not be impaired through the exercise of the power of contempt of court unless there is no doubt that the utterances in question make a serious and imminent threat to the administration of justice. It must constitute an imminent, not merely a likely, threat.[26] (Citations omitted)

From the foregoing, respondent may be correct in arguing that there must exist a "clear and present danger" to the administration of justice for statements or utterances covered by the *sub judice* rule to be considered punishable under the rules of contempt.

The case at bar, however, is not a contempt proceeding. The Court, in this case is not geared towards protecting itself from such prejudicial comments outside of court by the exercise of its inherent contempt power.

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[26] Id. at 648-649.

Rather, in this administrative matter, the Court is discharging its Constitutionally-mandated duty to discipline members of the Bar and judicial officers.

As We have stated in Our decision in the *quo warranto* case, actions in violation of the *sub judice* rule may be dealt with not only through contempt proceedings but also through administrative actions. This is because a lawyer speech is subject to greater regulation for two significant reasons: *one*, because of the lawyer's relationship to the judicial process; and *two*, the significant dangers that a lawyer's speech poses to the trial process.[27] Hence, the Court *En Banc* resolved to treat this matter in this separate administrative action.[28] Indeed, this Court has the plenary power to discipline erring lawyers through this kind of proceeding, aimed to purge the law profession of unworthy members of the Bar and to preserve the nobility and honor of the legal profession.[29]

Thus, contrary to respondent's argument, the "clear and present danger" rule does not find application in this case. What applies in this administrative matter is the CPR and NCJC, which mandate the strict observance of the *sub judice* rule both upon members of the Bar and the Bench, specifically:

**CODE OF PROFESSIONAL RESPONSIBILITY**

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.

Rule 13.02 - A lawyer shall not make public statements in the media regarding a pending case tending to arouse public opinion for or against a party.

**NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY**

CANON 1 – INDEPENDENCE

Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

SECTION 3. Judges shall refrain from influencing in any manner the outcome of litigation or dispute pending before any court or administrative agency.

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[27] *Republic of the Philippines, represented by Solicitor General Jose C. Calida v. Maria Lourdes P. A. Sereno*, G.R. No. 237428, May 11, 2018, citing *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991).

[28] *Republic of the Philippines, represented by Solicitor General Jose C. Calida v. Maria Lourdes P. A. Sereno*, G.R. No. 237428, May 11, 2018.

[29] *Feliciano v. Atty. Bautista-Lozada*, 755 Phil. 349, 356 (2015).

SECTION 7. Judges shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.

SECTION 8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence.

CANON 2 – INTEGRITY

Integrity is essentially not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

SECTION 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SECTION 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

CANON 3 – IMPARTIALITY

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.

SECTION 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession, and litigants in the impartiality of the judge and of the judiciary.

SECTION 4. Judges shall not knowingly, while a proceeding is before or could come before them, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall judges make any comment in public or otherwise that might affect the fair trial of any person or issue.

CANON 4 – PROPRIETY

SECTION 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

SECTION 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.

Besides, as We have stated in the *quo warranto* case decision, the Court takes judicial notice of the undeniably manifest detrimental effect of this open and blatant disregard of the *sub judice* rule, which is a clear manifestation of the evil sought to be prevented by the said rule, *i.e.*, "to avoid prejudging the issue, influencing the court, or obstructing the administration of justice."[30] In the said decision, We cited the May 2, 2018 issue of the *Philippine Daily Inquirer*, wherein certain individuals from different sectors of the society, lawyers included, not only pre-judged the case but worse, accused certain Members of the Court of being unable to act with justice, and threatening that the people will not accept any decision of such Members of the Court as the same is tainted by gross injustice. To be sure, these statements do not only "tend to" but categorically force and attempt to influence the deliberative and decision-making process of this Court.[31]

Albeit advancing explanations of her actions, respondent undoubtedly violated the above-cited provisions of the CPR and the NCJC. The Court, in the *quo warranto* case, enumerated some of the instances where respondent openly and blatantly violated the *sub judice* rule:[32]

| Event | Source | Quotations |
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| 'Speak Truth to Power' forum in UP Diliman, Quezon City on **May 5, 2018** | Video: <https://web.facebook.com/juliusnleonen/videos/889291114607029/> Article: <https://www.rappler.com/nation/201854-sereno-quo-warranto-destroy-judicial-independence> | *"Kung manalo ang quo warranto, mapupunta tayo sa diktaturya," she said. "Talagang wawasakin completely ng quo warranto na ito ang judiciary."*<br><br>*"Pag itong quo warranto natuloy, hindi na right and reason, kundi will — will na nu'ng whoever is on top. So kailangan natin pigilan ito . . . " she said.* |
| Integrated Bar of the Philippines (IBP) Central Luzon Regional Convention and Mandatory Continuing Legal Education at the Quest Hotel here on **May 2, 2018** | Article: <https://businessmirror.com.ph/sereno-sees-dictatorship-after-filing-of-quo-warranto-petition-against-her/> | *"Ano po ang tawag sa kondisyon na ang citizen walang kalaban-laban sa gobyerno" Chief Justice Maria Lourdes A. Sereno asked. "Ang tawag po doon dictatorship, hindi po constitutional democracy ang tawag doon," she said.*<br>*"That is what is going to happen if the quo waranto petition is granted," Sereno stated.*<br><br>*"The booming voice of Justice Vicente Mendoza has reverberated that if the quo warranto petition is granted, the Judiciary will destroy* |

[30] *Romero II, et al. v. Senator Estrada, et. al*, 602 Phil. 312, 319 (2009).

[31] *Republic of the Philippines, represented by Solicitor General Jose C. Calida v. Maria Lourdes P. A. Sereno*, G.R. No. 237428, May 11, 2018, supra note 1.

[32] Id.

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| | | *itself," Sereno said as she also praised the IBP's stand to oppose and dismiss the petition.* |
| Forum on upholding Judicial Independence at the Ateneo Law School in Rockwell, Makati City on Wednesday, **April 25, 2018** | Video: <https://web.facebook.com/24OrasGMA/videos/10156438427991977/?t=16> Article: <http://newsinfo.inquirer.net/985460/defend-judicial-independence-cj-sereno-tells-law-students> | *"Of my colleagues, I know that several of them, have had their qualifications, their inability to submit documentary requirements, waived, several of them. If the JBC was correct in saying that an attempt to submit requirements, that good faith should be accorded to the 14, including those against me, why am I the only one being singled out?," she told law students at the Ateneo Law School during a forum on judicial independence.*<br><br>*"The questions propounded by Supreme Court itself, they wanted to examine everything I did in the past in the hope they would find something scandalous in my life. I was just preparing myself for the question, 'ilang boyfriend mo na?,'" Sereno said, which elicited laughter from the crowd.*<br><br>*"Hindi ko naman po minanipula ni konti ang JBC...14 kaming pare-parehong sitwasyon. Bakit nagreklamo kung kayo nalagay sa listahan at ako nalagay sa listahan. Ang masama ay hindi kayo ang nalagay at ako ang nalagay," she added.* |
| Speech at the Commencement Exercises of the College of Law of the University of San Agustin (USA) in Iloilo City, on **April 20, 2018** | <https://www.philstar.com/headlines/2018/04/23/1808492/sereno-camp-questions-sc-haste-decide-her-case><br><br><https://news.mb.com.ph/2018/04/21/no-need-to-rush-quo-warranto-sereno/> | *"The month of May is a time that is supposed to be devoted to writing decisions in the many pending cases before the Court. Anyway the session will resume on June 5, so what's with the rush?"*<br><br>*"Wala namang dahilan para magmadali."*<br>*"Kung totoo po, indication po ito na mayroon na po silang conclusion bago pa man marinig ang lahat," Sereno said.* |
| Fellowship of the Philippine Bar Association (PBA) in Makati | <http://newsinfo.inquirer.net/981806/sereno-ups-attack-vs-quo-warranto-in-speech-at-lawyers-forum? | *"Even your very livelihoods are threatened; there is no safety for any of you...That is how deadly this quo warranto petition is," she* |

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| City on **April 11, 2018** | utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#link_time=1523450119> | *added.*<br><br>*Sereno said if the Supreme Court would cooperate in the move of the Executive to oust her sans impeachment trial, "I will use directly the words of Chief Justice Davide that it will be judicial hara-kiri, if not a judicial kamikaze bringing it the destruction of the entire judiciary as well as the entire constitutional framework."* |
| 30th Anniversary and 23rd National Convention of the Philippine Women Judges Association (PWJA) in Manila Hotel on Thursday, **March 8, 2018** | <http://newsinfo.inquirer.net/973692/sereno-delivers-most-powerful-speech-yet-not-all-peers-happy> | *"I look at any forum to try me other than the constitutionally exclusive form of impeachment as an admission by the complainant and my other detractors that after 15 hearings, they have failed to come up with any evidence which I can be convicted in the Senate," she asserted.*<br><br>*"Sila ang nagsimula bakit ayaw nilang tapusin? Napakaaga naman yata para umamin sila na wala silang napala kundi matinding kabiguan kaya't kung anu-ano na lamang ang gimik ang ginagawa nila masunod lamang ang kanilang nais," Sereno added.* |
| **CNN Philippines (March 9, 2018); One on One with the Chief Justice with Pinky Webb** | <https://www.youtube.com/watch?v=HlYKAQ4QPcY 1. http://cnnphilippines.com/videos/2018/03/09/One-on-one-with-Chief-Justice-Maria-Lourdes-Sereno.html> | In this interview, CJOL Sereno, among others, stated that her defense preparation was directed towards the impeachment proceedings as she has not assessed yet the *quo warranto* petition as of the interview.<br><br>- *"From the very beginning, we were looking really at the impeachment provisions of the Constitution so that has been the preparation all along. Well, I haven't yet assessed this latest quo warranto petition. Not yet time maybe"*<br><br>- CJOL Sereno refused to talk about the *quo warranto* petition, but interpreted the SC's resolution which directed her to comment on said petition without taking due course to the petition. CJOL said |

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| | | that such action of the SC does not mean anything and affirmed Webb's interpretation that such action does not mean that the SC assumes jurisdiction over the *quo warranto* case.<br><br>- "*Yan naman talaga ang hindi ko pwede pagusapan, ano.*"<br><br>- On jurisdiction: *"Normal yan, marami kaming ganyan petition. Wala naman talagang ibig sabihin yan. In most cases, walang ibig sabihin yun kasi hindi pa prejudged. Pero hayaan niyo po muna yung lawyers ko ang magsabi kasi mahirap naman pong pangunahan ko sila eh ginagawa pa po nila yung sagot eh".*<br><br>- *"Marami ho kaming laging ginagamit na without due course at marami kaming dinidismiss na nanggaling sa without giving due course pero pinagkocomment... It doesn't mean... Ang usual tradition po namin ay walang ibig sabihin po yun"* |
| **Speech of CJOL Sereno at the Panpacific University North Philippines (March 9, 2018) (Posted by CNN Philippines)** | <https://www.youtube.com/watch?v=iN5l1xW9bpk> | Directed towards politicians supposedly regarding the ongoing impeachment proceedings, CJOL Sereno said, "'*Wag na 'wag niyo kami gigipitin*" and further stated that such what judicial independence means.<br><br>- *I know that our women judges, for example, are always eager to make a stand for judicial independence. Kayong mga pulitiko, wag nyong pakialaman ang aming mga gustong gawin kung palagay nyo kayo ay tama at andyan ang ebidensya, lalabas naman yan eh. Pero huwag na huwag nyo kaming gigipitin. Yan ang ibig sabihin ng judicial independence"* |
| **Speech on "The Mumshie on Fire: Speak Truth to Power" held at the** | <http://newsinfo.inquirer.net/987807/live-chief-justice-sereno-at-up-diliman-forum> | - CJOL Sereno emphasized that AJ Leonardo-De Castro's inhibition would prove that she is unbiased. |

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| **University of the Philippines (May 5, 2018)**<br>*Forum was organized by youth groups, *Ako Ay Isang Sereno* and Youth for Miriam | | - *Hindi sila tumigil, hangga't naisip ng isa, yung nagaakusa sa akin, "ay yung SALN niya, yung SALN nya na sinabi nya sa JBC na nahihirapan niyang humanap (sic). Yun, dun tugisin. At sinabi nya na dapat ako ay idisqualify dahil unjust daw na ako ang naappoint. May injustice na nangyari. So alam na natin ang isa sa pinagsisimulan nito"*<br><br>- CJOL Sereno said that *"Even when they thought they have won, in the end, they will never win. The country is already woke. The youth would not listen to lies. The people own the judiciary. They are not owned by the judiciary, the justices, the judges" and that the "good will always prevail over evil".*<br><br>- CJOL Sereno said that two of her accusers, who she considers as her rival also, will be one of those who will decide the *quo warranto* petition filed against her, thereby against the basic rules of fair play.<br><br>- *"Eh bakit biglang umatras sila* (pertaining to her accusers in the impeachment proceedings) *at ginawa itong kaso na quo warranto kung saan ang dalawa sa nagsabing hindi ako dapat naappoint eh sila rin ang maghuhusga sa akin. Saan kayo nakakita ng sitwasyon na yung karibal niyo sa posisyon ang may kapangyarihan sabihin kayong dapat ka matanggal sa posisyon, hindi ikaw dapat. Paano nangyari? Under what rules of fairness, what rules of Constitution or legal system can an accuser who acted also as my prosecutor during the oral arguments now sit as judge? This violates the most basic norms of fairplay...Ngayon talaga, nakita na, na hindi ho ako bibigyan talaga ng ilang ito ng kahit anong modicum of fairness"* |

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| | | - She discussed that one of the effects of an invalid appointment is the forfeiture of retirement benefits.<br><br>- *"At alam nyo ho, pag sinabi na invalid yung appointment, pati yung retirement benefits ho tatanggalin"*<br><br>- The granting of a *quo warranto* would result into dictatorship and would destroy the judiciary.<br><br>- *At ano ho ang mangyayari kung ang buong sangay, ang lahat ng kawani ng gobyerno ay kayang takutin at hindi na pwedeng maging independent?.. Ano hong mangyayari kung ang COMELEC ho ay sinabihan ng Presidente at Solicitor General na "yung partido lang namin ang pwedeng manalo, kung hindi i-quo warranto ka namin?" Ano po yun? Ano yung tawag sa ganoong sitwasyon na may matinding pananakot sa buong bayan? Ang tawag po dun, diktaturya.. Kung manalo po ang quo warranto, yan po ang magiging resulta"*<br><br>- *"Saang korte kayo pupunta? Sino ang magtatapang na huwes kung madali na sila mapatanggal?... Hindi na ho kayo makakatakbo, kasi lahat ho ng judges tatakutin ng Solicitor General...Saan ho kayo pupunta sa isang arbiter na impartial?.. wala na po. Wawasakin nitong quo warranto petition nito, completely ang judiciary"*<br><br>- *"Ano na ho ang mangyayari sa bayan natin kung wala na hong security of tenure sa government service? Kasi kung may kaunting kulang lang sa file... kulang ang file na nabigay sa JBC.. eh naglalabasan na ho ang SALN ko... pero eto tatanggalin at gagawa sila ng prinsipyo at ikawawasak ng buong bayan para* |

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| | | *lang sa kanilang personal na interes. Nakakalagim po ang pangyayaring ito"* |
| **Speech on Ateneo Law School for the forum Tindig: A forum on upholding judicial independence as a pillar of democracy (April 25, 2018)** | <https://www.youtube.com/watch?v=oh35V4BMiww> | CJOL Sereno discussed the contents of the *quo warranto* petition.<br><br>- On the prescriptive period, CJOL Sereno said that jobs of the justices, judges and government employees are jeopardized because of the assertion of the OSG that a petition for *quo warranto* does not prescribe against the government. CJOL Sereno said that such assertion makes the action imprescriptible.<br><br>- *"According to the Solicitor General, the one year prescriptive period can never apply against government. It must be personal knowledge of the Solicitor General himself. And so if you change the person of the Solicitor General, the period continues to always be fresh. It's a never prescriptible, a completely imprescriptible action. So you jeopardize the jobs of the justices, the judges and all gov't employees. You allow selected targeting against the Chief Justice for reasons that are very obvious now and you destroy the legal profession"*<br><br>- On the effect of the *quo warranto* petition, CJOL Sereno said that all incumbent judges and justices would be prejudiced because their qualifications may suddenly be reviewed.<br><br>- *"The SC itself really wanted to examine every little thing I did in the past in the hope that they would find something scandalous about my life..."*<br><br>- *"It also prejudices more than 2000 judges and justices that are already sitting now because all of their qualifications may suddenly be reviewed. The JBC was wrong* |

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| | | *to waive this qualification for this position. I can tell you as a matter of record that of my colleagues, I know that several of them have had their qualifications, their inability to submit documentary requirements, waived. Several of them. So if the JBC was correct in saying that an attempt to submit the requirements, the good faith accorded to those who had missing requirements, should be accorded to 14 of us, including those who have complained loudly against me among my colleagues, why am I the only one being singled out? The rules of inability to submit all the SALNs were waived in favor of 14 out of 20 applicants. 6 out of the 8 were shortlisted. Why is the rule being invoked only against me? And so it would appear that this is selected targeting"* |

These public utterances did not only tend to arouse public opinion on the matter but as can be clearly gleaned from the tenor of the statements, such comments, speeches, and interviews given by the respondent in different forums indisputably tend to tarnish the Court's integrity and unfairly attributed false motives against its Members. Particularly, in several occasions, respondent insinuated the following: (i) that the grant of the *quo warranto* petition will result to dictatorship; (ii) in filing the *quo warranto* petition, the livelihood and safety of others are likewise in danger; (iii) that the people could no longer rely on the Court's impartiality; and (iv) that she could not expect fairness from the Court in resolving the *quo warranto* petition against her.

Thus, while it may be true that the *quo warranto* case was controversial and naturally invited public attention to itself without necessity of respondent's statements, the fact remains that respondent, who is a lawyer and who was then asserting right to the highest position in the Judiciary, succumbed to and participated in the affray that diverted the *quo warranto* proceeding from its primary purpose and created a great deal of antipathy from the public to the Court and its Members.

In yet another attempt to evade sanctions for her public utterances concerning the *quo warranto* petition, respondent claims that she merely echoed her arguments in her pleadings submitted before this Court and that the same could not have influenced the outcome of the case nor caused obfuscation of the issues therein since the issues to which the utterances relate are the very same issues raised by the parties in their pleadings,

invoking *P/Supt. Marantan*,[33] wherein the Court ruled that therein respondents' statement of their opinion were mere reiterations of their position in a related case, which according to the Court was not malicious and does not even tend to influence the court.

Respondent's reliance thereon, however, was misplaced and finds no application in the present case. In *P/Supt. Marantan*,[34] the subject public statements were indeed a reiteration of therein respondent's position in the related criminal case. A reading of the questioned public utterances in the said case would show that they were merely expressions of the victims' families and their counsel's opinion and position in the criminal case that P/Supt. Marantan perpetrated the murder of the victims.

In the case at hand, as can be clearly seen from respondent's afore-quoted statements, respondent unquestionably directed her statements to the merits of the *quo warranto* case, to influence the public and the Members of the Court, and to attack the dignity and authority of the institution. Perhaps, to an unwilling mind, it may be argued that the public statements expressed by respondent were without the intention of prejudging the matters or issues that are before the Court. However, a scrutiny thereof clearly demonstrates that her statements went beyond the supposed arguments and contentions contained in her pleadings. To cite an example, respondent never alleged or argued in her pleadings nor during the Oral Argument, as she knows the ethical issues that would entail if she did, that the grant of the *quo warranto* petition would result into dictatorship and would destroy the judiciary, but she did during one of her public speeches as cited above.

*Third.* Respondent then proceeded to advance the argument that her public statements were actually aimed to discharge her duty as a Justice and a lawyer to uphold the Constitution and promote respect for the law and legal processes pursuant to the CPR and the NCJC. This is a desperate and convoluted, if not an absurd, argument to elude liability. Respondent's actions and statements are far from being an innocent discharge of duty of upholding the Constitution, the laws, rules, and legal processes. On the contrary, they were direct and loaded attacks to the Court and its Members, which constitute a blatant disrespect to the institution. Respondent cannot justify her attacks against the Court under the guise of merely discharging her duties as a Justice and a member of the Bar. No matter how passionate a lawyer is towards defending his cause or what he believes in, he must not forget to display the appropriate decorum expected of him, being a member of the legal profession, and to continue to afford proper and utmost respect due to the courts.[35] As the nation's then highest-ranking judicial official, it is with more reason that respondent is expected to have exercised extreme

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[33] Supra note 25.

[34] Id.

[35] *Ret. Judge Virgilio Alpajora v. Atty. Ronaldo Antonio V. Calayan*, A.C. No. 8208, January 10, 2018.

caution in giving her opinions and observed genuine confidence to the Court's processes.

As aptly and eloquently concluded by Justice Marvic M.V.F. Leonen in his Dissenting Opinion in the *quo warranto* case, respondent, not only as a member of the Bar, but more importantly, as Chief Justice of the Court, must exemplify the highest degree of leadership, and must refrain from activities that will tend to cause unwarranted attacks against the Court. Relevant portions thereof read:

> This dissent, however, should not be read as a shield for the respondent to be accountable for her actions.
>
> x x x x
>
> Unfortunately, in her efforts to save her tenure of public office she held as a privilege, this nuance relating to this Court's role in the constitutional democracy may have been lost on the respondent. She may have created too much of a political narrative which elided her own accountability and backgrounded her responsibilities as a member of this Court.
>
> Ideally, a justice must be slow to make public statements, always careful that the facts before her may not be the entire reality. The conclusion that the initial effort to hold her to account for her acts was an attack on the entire judiciary itself should have been a judgment that should have been carefully weighed.
>
> **It was unfortunate that this seemed to have created the impression that she rallied those in political movements with their own agenda, tolerating attacks on her colleagues in social and traditional media. She may have broken the expectations we have had on parties to cases by speaking *sub judice* on the merits of the *Quo Warranto* Petition and her predictions on its outcome. She may not have met the reasonable expectation of a magistrate and a Chief Justice that, whatever the reasons and even at the cost of her own personal discomfort, she—as the leader of the Court—should not be the first to cause public shame and humiliation of her colleagues and the institution she represents.**
>
> x x x x
>
> This Court has its faults, and I have on many occasions written impassioned dissents against my esteemed colleagues. **But, there have always been just, legal, and right ways to do the right thing. As a Member of this Court, it should be reason that prevails. We should maintain the highest levels of ethics and professional courtesy even as we remain authentic to our convictions as to the right way of reading the law. Despite our most solid belief that we are right, we should still have the humility to be open to the possibility that others may not see it our way.** As mature magistrates, we should be aware that many of the reforms we envision will take time.

> **False narratives designed to simplify and demonize an entire institution and the attribution of false motives is not the mark of responsible citizenship. Certainly, it is not what this country expects from any justice.** Courts are sanctuaries of all rights. There are many cases pending in this Court where those who have much less grandeur than the respondent seek succor. **Every judicial institution, every Justice of this Court, will have weaknesses as well as strengths. We should address the weaknesses tirelessly but with respect.** We should likewise acknowledge the strengths which we intend to preserve. No court is perfect. All courts need reform.
>
> **It is reasonable to expect that the Chief Justice should have the broadest equanimity, to have an open mind, and to show leadership by being the first to defend her Court against underserved, speculative, callous, *ad hominem*, and irrelevant attacks on their personal reputation. She should be at the forefront to defend the Court against unfounded speculation and attacks. Unfortunately, in her campaign for victory in this case, her speeches may have goaded the public to do so and without remorse.**
>
> **To succeed in discrediting the entire institution for some of its controversial decisions may contribute to weakening the legitimacy of its other opinions to grant succor to those oppressed and to those who suffer injustice.**[36] (Emphasis ours)

Truth be told, respondent miserably failed to discharge her duty as a member of the Bar to observe and maintain the respect due to the court and its officers. Specifically, respondent violated CANON 11 of the CPR, which states that:

> CANON 11 - A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

In *Montencillo v. Gica*,[37] the Court emphasized the importance of observing and maintaining the respect due to the Courts and to its judicial officers, to wit:

> It is the duty of the lawyer to maintain towards the courts a respectful attitude. As an officer of the court, it is his duty to uphold the dignity and authority of the court to which he owes fidelity, according to the oath he has taken. Respect for the courts guarantees the stability of our democratic institutions which, without such respect, would be resting on a very shaky foundation.[38] (Citations omitted)

*Fourth.* Respondent points out certain circumstances to justify her violative actions and statements.

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[36] Dissenting Opinion of Justice Leonen in *Republic of the Philippines, represented by Solicitor General Jose C. Calida v. Maria Lourdes P. A. Sereno*, G.R. No. 237428, May 11, 2018.

[37] 158 Phil. 443 (1974).

[38] Id. at 453.

It is respondent's position that her act of speaking in public was justified since there was a series of onslaught on her integrity over the media coming from no less than the Solicitor General himself. Further, respondent insists that newsman, Jomar Canlas, publicized information to condition the minds of the public that she should be removed from office.

We do not agree.

The tenor of the statements made by the Solicitor General, as well as the newsman, was never made to challenge the Court's authority or to undermine its ability to pass judgment with impartiality. Neither were those statements aimed at criticizing the professional competence and responsibility of the magistrates as well as the Court as a collegial body. Put differently, those statements had nothing to do with assailing the capacity of this Court to render justice according to law, which is what the respondent has been doing through her public speeches.

At most, the Solicitor General's statements are the harmless statements contemplated in the case of *P/Supt. Marantan*, *i.e.*, mere reiterations of the Republic's position in the *quo warranto* case.

On the other hand, the newsman's questioned statements are nothing but a publication of reports on the status of the case, whether true or not, which on its face notably comes within the purview of the freedom of the press. Besides, as We have been emphasizing, an ordinary citizen's action cannot be judged with the same standard on this matter as that of a member of the Bar and Bench. Also, whether or not the Solicitor General or any newsman attacked respondent finds no relevance to her liability for her violative actions and statements. At the risk of being repetitive, it bears stressing that lawyers, as first and foremost officers of the court, must never behave in such a way that would diminish the sanctity and dignity of the courts even when confronted with rudeness and insolence.[39]

We also give short shrift to respondent's contention that she was denied due process despite her repeated demands to be heard, hence, she resorted to bringing her case to the public. Recall that this matter has already been squarely addressed by this Court in its decision in the *quo warranto* case. The essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of.[40]

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[39] *Bajar v. Baterisna*, 531 Phil. 229, 236 (2006).

[40] *Office of the Ombudsman v. Reyes*, 674 Phil. 416, 432 (2011), citing *F/O Ledesma v. Court of Appeals*, 565 Phil. 731, 740 (2007).

Suffice it to say, in this case, respondent has been given several opportunities to explain her side. Records show that the Congress invited her to shed light on the accusations hurled against her but she never heeded the invitation. Likewise, the Court gave her the opportunity to comment on the petition and file several motions in the *quo warranto* case. A special hearing for her requested oral argument was even conducted during the Court's Baguio session last April of this year. During the hearing, she was given the chance to answer several questions from her colleagues. In fact, she even freely raised questions on some of the magistrates present during the hearing. Undeniably, she was accorded due process not only through her written pleadings, but also during the special hearing wherein she voluntarily participated. These facts militate against her claim of denial of due process.

At this point, this Court leaves an essential reminder to members of the Bar and the Bench alike: all lawyers should take heed that they are licensed officers of the courts who are mandated to maintain the dignity of the legal profession and the integrity of the judicial institution to which they owe fidelity according to the oath they have taken, hence, they must conduct themselves honorably and fairly in all circumstances.[41] It is one thing to show courage and another to display arrogance; it is one thing to demonstrate passion and another to exude heedless overzealousness. To be clear, this Court is not undermining the right of lawyers, as officers of the court and as citizens, to criticize the acts of courts and judges, as well as discuss issues of transcendental importance. However, they should be circumspect of their actions and statements, thus such criticisms and discussions should only be done in a proper and legally-accepted manner. The use of unnecessary language and means is proscribed if we are to promote high esteem in the courts and trust in judicial administration.[42]

All told, as shown by the above circumstances, respondent's reckless behavior of imputing ill motives and malice to the Court's process is plainly evident in the present case. Her public statements covered by different media organizations incontrovertibly brings the Court in a position of disrepute and disrespect, a patent transgression of the very ethics that members of the Bar are sworn to uphold. This, the Court cannot countenance.

Respondent's liability having been established, We come now to the proper sanction to be imposed considering the gravity of her offense, as well as the circumstances surrounding this case.

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[41] *Atty. Barandon, Jr. v. Atty. Ferrer, Sr.*, 630 Phil. 524, 532 (2010).
[42] *Judge Pantanosas v. Atty. Pamatong*, 787 Phil. 86, 98 (2016).

In *Re: Suspension of Atty. Rogelio Z. Bagabuyo*,[43] this Court imposed the penalty of suspension from the practice of law for one year for therein respondent's act of resorting to the press instead of availing himself only of judicial remedies in airing out his grievances. The Court ruled:

> Lawyers are licensed officers of the courts who are empowered to appear, prosecute and defend; and upon whom peculiar duties, responsibilities and liabilities are devolved by law as a consequence. Membership in the bar imposes upon them certain obligations. Canon 11 of the Code of Professional Responsibility mandates a lawyer to "observe and maintain the respect due to the courts and to judicial officers and [he] should insist on similar conduct by others." Rule 11.05 of Canon 11 states that a lawyer "shall submit grievances against a judge to the proper authorities only."
>
> Respondent violated Rule 11.05 of Canon 11 when he admittedly caused the holding of a press conference where he made statements against the Order dated November 12, 2002 allowing the accused in Crim. Case No. 5144 to be released on bail.
>
> Respondent also violated Canon 11 when he indirectly stated that Judge Tan was displaying judicial arrogance in the article entitled, *Senior prosecutor lambasts Surigao judge for allowing murder suspect to bail out*, which appeared in the August 18, 2003 issue of the Mindanao Gold Star Daily. Respondent's statements in the article, which were made while Crim. Case No. 5144 was still pending in court, also violated Rule 13.02 of Canon 13, which states that "a lawyer shall not make public statements in the media regarding a pending case tending to arouse public opinion for or against a party."
>
> In regard to the radio interview given to Tony Consing, respondent violated Rule 11.05 of Canon 11 of the Code of Professional Responsibility for not resorting to the proper authorities only for redress of his grievances against Judge Tan. Respondent also violated Canon 11 for his disrespect of the court and its officer when he stated that Judge Tan was ignorant of the law, that as a mahjong *aficionado*, he was studying mahjong instead of studying the law, and that he was a liar.
>
> Respondent also violated the Lawyers Oath, as he has sworn to "conduct [himself] as a lawyer according to the best of [his] knowledge and discretion with all good fidelity as well to the courts as to [his] clients."
>
> As a senior state prosecutor and officer of the court, respondent should have set the example of observing and maintaining the respect due to the courts and to judicial officers. x x x
>
> x x x x

[43] 561 Phil. 325 (2007).

> The Court is not against lawyers raising grievances against erring judges but the rules clearly provide for the proper venue and procedure for doing so, precisely because respect for the institution must always be maintained.[44] (Citations omitted and italics in the original)

In *Judge Pantanosas v. Atty. Pamatong*,[45] respondent was suspended for two years for stating slanderous remarks in public against the judge and for resorting to the press for his grievances against the said judge while the case that he filed against the latter was already pending. The Court concluded its ruling with the following statements:

> In closing, we find it befitting to reiterate that lawyers have the right, both as an officer of the court and as a citizen, to criticize in properly respectful terms and through legitimate channels the acts of courts and judges. However, closely linked to such rule is the cardinal condition that criticisms, no matter how truthful, shall not spill over the walls of decency and propriety. To that end, the duty of a lawyer to his client's success is wholly subordinate to the administration of justice.
>
> True, lawyers must always remain vigilant against unscrupulous officers of the law. However, the purification of our justice system from venal elements must not come at the expense of decency, and worse, the discrediting of the very system that it seeks to protect.[46] (Citations omitted)

In exercising its disciplinary authority in administrative matters, however, this Court has always kept in mind that lawyers should not be hastily disciplined or penalized. In administrative proceedings against lawyers, this Court is always guided by this principle, that is:

> The power to disbar or suspend ought always to be exercised on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons and only on clear cases of misconduct which seriously affect the standing and character of the lawyer as an officer of the court and member of the Bar. Only those acts which cause loss of moral character should merit disbarment or suspension, while those acts which neither affect nor erode the moral character of the lawyer should only justify a lesser sanction unless they are of such nature and to such extent as to clearly show the lawyer's unfitness to continue in the practice of law. The dubious character of the act charged as well as the motivation which induced the lawyer to commit it must be clearly demonstrated before suspension or disbarment is meted out. The mitigating or aggravating circumstances that attended the commission of the offense should also be considered.[47] (Citation omitted)

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[44] Id. at 339-341.
[45] 787 Phil. 86 (2016).
[46] Id. at 99-100.
[47] *Advincula v. Atty. Macabata*, 546 Phil. 431, 447-448 (2007).

In *Advincula v. Atty. Macabata*,[48] the Court further explained:

> The question as to what disciplinary sanction should be imposed against a lawyer found guilty of misconduct requires consideration of a number of factors. When deciding upon the appropriate sanction, the Court must consider that the primary purposes of disciplinary proceedings are to protect the public; to foster public confidence in the Bar; to preserve the integrity of the profession; and to deter other lawyers from similar misconduct. Disciplinary proceedings are means of protecting the administration of justice by requiring those who carry out this important function to be competent, honorable and reliable men in whom courts and clients may repose confidence. While it is discretionary upon the Court to impose a particular sanction that it may deem proper against an erring lawyer, it should neither be arbitrary and despotic nor motivated by personal animosity or prejudice, but should ever be controlled by the imperative need to scrupulously guard the purity and independence of the bar and to exact from the lawyer strict compliance with his duties to the court, to his client, to his brethren in the profession and to the public.[49] (Citations omitted)

Indeed, "lawyer discipline x x x is not meant to punish; rather, its purpose is to protect clients, the public, the courts, and the legal profession."[50] Conviction, punishment, retribution, much less, denigration have no place in administrative proceedings against lawyers.

Guided by the foregoing, despite the severity of the offenses committed by respondent, We are constrained to suspend the application of the full force of the law and impose a lighter penalty. Mindful of the fact that respondent was removed and disqualified as Chief Justice as a result of *quo warranto* proceedings, suspending her further from law practice would be too severe to ruin the career and future of respondent. We are also not inclined to merely disregard respondent's length of service in the government, specifically, when she was teaching in the University of the Philippines, as well as during her incumbency in this Court. Further, the fact that, per available record, respondent has not been previously found administratively liable is significant in determining the imposable penalty. These factors have always been considered by the Court in the determination of proper sanctions in such administrative cases.[51] This Court is not merciless and opts to dispense judicial clemency even if not sought by respondent.

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[48] 546 Phil. 431 (2007).

[49] Id. at 446-447.

[50] Fred C. Zacharias, THE PURPOSE OF LAWYER DISCIPLINE, 45 Wm. & Mary L. Rev.675 (2003) citing James Duke Cameron, STANDARDS FOR IMPOSING LAWYER SANCTIONS-A LONG OVERDUE DOCUMENT, 19 ARIZ. ST. L.J. 91 (1987) (discussing the ABA Standards for Imposing Lawyer Sanctions, at 97.

[51] *See Andres, et al. v. Atty. Nambi*, 755 Phil. 225 (2015); *Castro-Justo v. Atty. Galing*, 676 Phil. 139 (2011); *Plus Builders, Inc., et al. v. Atty. Revilla, Jr.*, 598 Phil. 255 (2009); *Pena v. Atty. Aparicio*, 552 Phil. 512 (2007); *Spouses Williams v. Atty. Enriquez*, 518 Phil. 372 (2006); *Civil Service Commission v. Cortez*, 474 Phil. 670 (2004).

To be clear, however, this accommodation is not a condonation of respondent's wrongdoings but a second chance for respondent to mend her ways, express remorse for her disgraceful conduct, and be forthright to set an example for all law-abiding members of the legal profession. The legal profession is a noble profession: as a former Member of this Court, it is incumbent upon respondent to exemplify respect, obedience, and adherence to this institution. This judicial temperance is not unprecedented as this Court has in several cases reduced the imposable penalties so that erring lawyers are encouraged to repent, reform, and be rehabilitated.

Henceforth, respondent is expected to be more circumspect, discerning, and respectful to the Court in all her utterances and actions. Respondent is reminded that the practice of law is neither a natural right nor a Constitutional right demandable or enforceable by law. It is a mere privilege granted by this Court premised on continuing good behavior and ethical conduct, which privilege can be revoked or cancelled by this Court for just cause.

**WHEREFORE**, in view of the foregoing, respondent Maria Lourdes P. A. Sereno is found guilty of violating CANON 13, Rule 13.02, and CANON 11 of the Code of Professional Responsibility, Sections 3, 7, and 8 of CANON 1, Sections 1 and 2 of CANON 2, Sections 2 and 4 of CANON 3, and Sections 2 and 6 of CANON 4 of the New Code of Judicial Conduct for the Philippine Judiciary. Thereby, after deep reflection and deliberation, in lieu of suspension, respondent is meted the penalty of **REPRIMAND** with a **STERN WARNING** that a repetition of a similar offense or any offense violative of the Lawyer's Oath and the Code of Professional Responsibility shall merit a heavier penalty of a fine and/or suspension or disbarment.

This judgment is final and executory. No further motions for reconsideration or any further pleadings shall hereafter be entertained.

Let a copy of this Decision be entered in the personal records of respondent as a member of the Bar, and copies furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**

**NOEL GIMENEZ TIJAM**
Associate Justice

**WE CONCUR:**

**ANTONIO T. CARPIO**
Senior Associate Justice

No part (prior action in related case)
**PRESBITERO J. VELASCO, JR.**
Associate Justice

**TERESITA J. LEONARDO-DE CASTRO**
Associate Justice

**DIOSDADO M. PERALTA**
Associate Justice

**LUCAS P. BERSAMIN**
Associate Justice

**MARIANO C. DEL CASTILLO**
Associate Justice

(on official business)
**ESTELA M. PERLAS-BERNABE**
Associate Justice

**MARVIC M.V.F. LEONEN**
Associate Justice

**FRANCIS H. JARDELEZA**
Associate Justice

I certify that J. Caguioa left his vote to concur in the result.
**ALFREDO BENJAMIN S. CAGUIOA**
Associate Justice

**SAMUEL R. MARTIRES**
Associate Justice

**ANDRES B. REYES, JR.**
Associate Justice

**ALEXANDER G. GESMUNDO**
Associate Justice