

EN BANC

[A.M. No. 09-8-6-SC, June 13, 2012]

RE: REQUEST FOR COPY OF 2008 STATEMENT OF ASSETS, LIABILITIES AND NETWORTH [SALN] AND PERSONAL DATA SHEET OR CURRICULUM VITAE OF THE JUSTICES OF THE SUPREME COURT AND OFFICERS AND EMPLOYEES OF THE JUDICIARY.

[A.M. NO. 09-8-07-CA]

RE: REQUEST OF PHILIPPINE CENTER FOR INVESTIGATIVE JOURNALISM [PCIJ] FOR THE 2008 STATEMENT OF ASSETS, LIABILITIES AND NET WORTH [SALN] AND PERSONAL DATA SHEETS OF THE COURT OF APPEALS JUSTICES.

R E S O L U T I O N

MENDOZA, J.:

In a letter,^[1] dated July 30, 2009, Rowena C. Paraan, Research Director of the Philippine Center for Investigative Journalism (*PCIJ*), sought copies of the Statement of Assets, Liabilities and Networth (*SALN*) of the Justices of this Court for the year 2008. She also requested for copies of the Personal Data Sheet (*PDS*) or the Curriculum Vitae (*CV*) of the Justices of this Court for the purpose of updating their database of information on government officials.

In her Letter,^[2] dated August 13, 2009, Karol M. Ilagan, a researcher- writer also of the *PCIJ*, likewise sought for copies of the *SALN* and *PDS* of the Justices of the Court of Appeals (*CA*), for the same above-stated purpose.

The two requests were ordered consolidated by the Court on August 18, 2009.^[3] On the same day, the Court resolved to create a special committee (*Committee*) to review the policy on requests for *SALN* and *PDS* and other similar documents, and to recommend appropriate action on such requests.^[4]

On November 23, 2009, the Committee, chaired by then Associate Justice Minita V. Chico-Nazario submitted its Memorandum^[5] dated November 18, 2009 and its Resolution^[6] dated November 16, 2009, recommending the creation of Committee on Public Disclosure that would, in essence, take over the functions of the Office of the Court Administrator (*OCA*) with respect to requests for copies of, or access to, *SALN*, and other personal documents of members of the Judiciary.

Meanwhile, several requests for copies of the *SALN* and other personal documents of the Justices of this Court, the *CA* and the Sandiganbayan (*SB*) were filed. In

particular, these requests include the:

(1) SUBPOENA DUCES TECUM,^[7] dated September 10, 2009, issued by Atty. E. H. Amat, Acting Director, General Investigation Bureau-B of the Office of the Ombudsman, directing the Office of Administrative Services, Supreme Court to submit two (2) copies of the SALN of Associate Justice Roland B. Jurado of the Sandiganbayan for the years 1997-2008, his latest PDS, his Oath of Office, appointment papers, and service records.

(2) LETTER,^[8] dated April 21, 2010, of the Philippine Public Transparency Reporting Project, asking permission to be able to access and copy the SALN of officials and employees of the lower courts.

(3) LETTER,^[9] filed on August 24, 2011, by Marvin Lim, seeking copies of the SALN of Chief Justice Renato C. Corona, Associate Justices Antonio T. Carpio, Presbitero J. Velasco, Jr., Teresita Leonardo-De Castro, Arturo D. Brion, Diosdado M. Peralta, Lucas P. Bersamin, Mariano C. Del Castillo, Roberto A. Abad, Martin S. Villarama, Jr., Jose Portugal Perez, Jose C. Mendoza, and Maria Lourdes P.A. Sereno.

(4) LETTER,^[10] dated August 26, 2011, of Rawnna Crisostomo, Reporter, GMA News and Public Affairs also requesting for copies of the SALN of Chief Justice Renato C. Corona, Associate Justices Antonio T. Carpio, Presbitero J. Velasco, Jr., Teresita Leonardo-De Castro, Arturo D. Brion, Diosdado M. Peralta, Lucas P. Bersamin, Mariano C. Del Castillo, Roberto A. Abad, Martin S. Villarama, Jr., Jose Portugal Perez, Jose C. Mendoza, and Maria Lourdes P.A. Sereno, for purposes of producing a story on transparency and governance, and updating their database.

(5) LETTER,^[11] dated October 11, 2011, of Bala S. Tamayo, requesting for a copy of the 2010 SALN of any Justice of the Supreme Court as well as a copy of the Judiciary Development Fund, for purposes of her securing a huge percentage in final examination in Constitutional Law I at the San Beda College Alabang School of Law and for her study on the state of the Philippine Judiciary, particularly the manner, nature and disposition of the resources under the JDF and how these have evolved through the years.

(6) LETTERS, all dated December 19, 2011, of Harvey S. Keh, Lead Convenor of *Kaya Natin!* Movement for Good Governance and Ethical Leadership, addressed to Chief Justice Renato C. Corona,^[12] Associate Justices Presbitero J. Velasco, Jr.,^[13] Teresita Leonardo-De Castro,^[14] Arturo D. Brion,^[15] Diosdado M. Peralta,^[16] Mariano C. Del Castillo,^[17] Jose Portugal Perez,^[18] and Maria Lourdes P.A. Sereno,^[19] requesting for copies of their SALN and seeking permission to post the same on their website for the general public.

(7) LETTER,^[20] dated December 21, 2011, of Glenda M. Gloria, Executive Director, Newsbreak, seeking copies of the SALN of the Supreme Court

Justices covering various years, for the purpose of the stories they intend to put on their website regarding the Supreme Court and the Judiciary.

(8) LETTERS, all dated January 3, 2012, of Phillipe Manalang of Unlimited Productions, Inc., addressed to Associate Justices Presbitero J. Velasco, Jr.,^[21] Teresita Leonardo-De Castro,^[22] Mariano C. Del Castillo^[23] and Jose Portugal Perez,^[24] and Atty. Enriqueta Esguerra-Vidal, Clerk of Court, Supreme Court^[25] requesting for copies of the SALN of the Supreme Court Justices for the years 2010 and 2011.

(9) LETTER,^[26] dated December 19, 2011, of Malou Mangahas, Executive Director, PCIJ, requesting for copies of the SALN, PDS or CVs of the Justices of the Supreme Court from the year they were appointed to the present.

(10) SUBPOENA AD TESTIFICANDUM ET DUCES TECUM,^[27] issued on January 17, 2012, by the Senate, sitting as an Impeachment Court, in connection with Impeachment Case No. 002-2011 against Chief Justice Renato C. Corona, requiring the Clerk of Court, among others, to bring with her the SALN of Chief Justice Renato C. Corona for the years 2002 to 2011.

(11) LETTER,^[28] dated January 16, 2012, of Nilo "Ka Nilo" H. Baculo, Sr., requesting copies of the SALN of the Supreme Court Justices for the years 2008 to 2011, for his use as a media practitioner.

(12) LETTER,^[29] dated January 25, 2012, of Roxanne Escaro-Alegre of GMA News, requesting for copies of the SALN of the Supreme Court Justices for the network's story on the political dynamics and process of decision- making in the Supreme Court.

(13) LETTER,^[30] dated January 27, 2012, of David Jude Sta. Ana, Head, News Operations, News 5, requesting for copies of the 2010-2011 SALN of the Supreme Court Justices for use as reference materials for stories that will be aired in the newscasts of their television network.

(14) LETTER,^[31] dated January 31, 2012, of Michael G. Aguinaldo, Deputy Executive Secretary for Legal Affairs, Malacañang, addressed to Atty. Enriqueta Esguerra-Vidal, Clerk of Court, Supreme Court, seeking her comments and recommendation on House Bill No. 5694,^[32] to aid in their determination of whether the measure should be certified as urgent.

(15) Undated LETTER^[33] of Benise P. Balaoing, Intern of Rappler.com, a news website, seeking copies of the 2010 SALN of the Justices of the Court and the CA for the purpose of completing its database in preparation for its coverage of the 2013 elections.

(16) LETTER,^[34] dated April 27, 2012, of Maria A. Ressa, Chief Executive Officer and Executive Officer and Executive Editor of Rappler, Inc.,

requesting for copies of the current SALN of all the Justices of the Supreme Court, the Court of Appeals and the Sandiganbayan also for the purpose of completing its database in preparation for its coverage of the 2013 elections.

(17) LETTER,^[35] dated May 2, 2012, of Mary Ann A. Señir, Junior Researcher, News Research Section, GMA News and Public Affairs, requesting for copies of the SALN of Chief Justice Renato C. Corona and the Associate Justices of the Supreme Court for the calendar year 2011 for the network's use in their public affairs programs.

(18) LETTER,^[36] dated May 4, 2012, of Edward Gabud, Sr., Desk Editor of Solar Network, Inc., requesting for copies of the 2011 SALN of all the Justices of the Supreme Court.

(19) LETTER,^[37] dated May 30, 2012, of Gerry Lirio, Senior News Editor, TV5 requesting for copies of the SALN of the Justices of the Court for the last three (3) years for the purpose of a special report it would produce as a result of the impeachment and subsequent conviction of Chief Justice Renato C. Corona.

(20) LETTER,^[38] dated May 31, 2012, of Atty. Joselito P. Fangon, Assistant Ombudsman, Field Investigation Office, Office of the Ombudsman, requesting for 1] certified copies of the SALN of former Chief Justice Renato C. Corona for the years 2002-2011, as well as 2] a certificate of his yearly compensation, allowances, and bonuses, also for the years 2002-2011.

(21) LETTER,^[39] dated June 8, 2012, of Thea Marie S. Pias, requesting a copy of the SALN of any present Supreme Court Justice, for the purpose of completing her grade in Legal Philosophy at the San Beda College of Law.

Pursuant to Section 6, Article VIII of the 1987 Constitution,^[40] the Court, upon recommendation of the OCA, issued its Resolution^[41] dated October 13, 2009, denying the *subpoena duces tecum* for the SALNs and personal documents of Justice Roland B. Jurado of the SB. The resolution also directed the Ombudsman to forward to the Court any complaint and/or derogatory report against Justice Roland B. Jurado, in consonance with the doctrine laid down in *Caiobes v. Ombudsman*.^[42] Upon compliance by the Ombudsman, the Court, in its Resolution^[43] dated February 2, 2010, docketed this matter as a regular administrative complaint.^[44]

Also, considering the development in Impeachment Case No. 002-2011 against Chief Justice Renato C. Corona, the Court, on January 24, 2012, resolved to consider moot the *Subpoena Ad Testificandum Et Duces Tecum* issued by the Senate impeachment court.^[45]

In resolving the remaining pending incidents, the Court, on January 17, 2012 required the CA, the SB, the CTA, the Philippine Judges Association, the Metropolitan

and City Judges Association of the Philippines, the Philippine Trial Judges League, and the Philippine Women Judges Association (PWJA), to file their respective comments.

In essence, it is the consensus of the Justices of the above-mentioned courts and the various judges associations that while the Constitution holds dear the right of the people to have access to matters of concern, the Constitution also holds sacred the independence of the Judiciary. Thus, although no direct opposition to the disclosure of SALN and other personal documents is being expressed, it is the uniform position of the said magistrates and the various judges' associations that the disclosure must be made in accord with the guidelines set by the Court and under such circumstances that would not undermine the independence of the Judiciary.

After a review of the matters at hand, it is apparent that the matter raised for consideration of the Court is not a novel one. As early as 1989, the Court had the opportunity to rule on the matter of SALN disclosure in *Re: Request of Jose M. Alejandrino*,^[46] where the Court denied the request of Atty. Alejandrino for the SALNs of the Justices of the Court due to a "plainly discernible" improper motive. Aggrieved by an adverse decision of the Court, he accused the Justices of patent partiality and alluded that they enjoyed an early Christmas as a result of the decision promulgated by the Court. Atty. Alejandrino even singled out the Justices who took part in the decision and conspicuously excluded the others who, for one reason or another, abstained from voting therein. While the Court expressed its willingness to have the Clerk of Court furnish copies of the SALN of any of its members, it however, noted that requests for SALNs must be made under circumstances that must not endanger, diminish or destroy the independence, and objectivity of the members of the Judiciary in the performance of their judicial functions, or expose them to revenge for adverse decisions, kidnapping, extortion, blackmail or other untoward incidents. Thus, in order to give meaning to the constitutional right of the people to have access to information on matters of public concern, the Court laid down the guidelines to be observed for requests made. Thus:

1. All requests for copies of statements of assets and liabilities of any Justice or Judge shall be filed with the Clerk of Court of the Supreme Court or with the Court Administrator, as the case may be (Section 8 [A]^[2], R.A. 6713), and shall state the purpose of the request.
2. The independence of the Judiciary is constitutionally as important as the right to information which is subject to the limitations provided by law. Under specific circumstances, the need for fair and just adjudication of litigations may require a court to be wary of deceptive requests for information which shall otherwise be freely available. Where the request is directly or indirectly traced to a litigant, lawyer, or interested party in a case pending before the court, or where the court is reasonably certain that a disputed matter will come before it under circumstances from which it may, also reasonably, be assumed that the request is not made in good faith and for a legitimate purpose, but to fish for information and, with the implicit threat of its disclosure, to influence a decision or to warn the court of the unpleasant consequences of an adverse judgment, the