

SECOND DIVISION

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

**ERLINDA I. BILDNER AND MAXIMO K. ILUSORIO, PETITIONERS,
VS. ERLINDA K. ILUSORIO, RAMON K. ILUSORIO, MARIETTA K.
ILUSORIO, SHEREEN K. ILUSORIO, CECILIA A. BISUÑA, AND
ATTY. MANUEL R. SINGSON, RESPONDENTS.**

D E C I S I O N

VELASCO JR., J.:

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

The Undisputed Facts

Indirect Contempt

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

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

By Resolution of September 20, 2000, the Court set the case for preliminary conference on October 11, 2000 but without requiring the mandatory presence of the parties.^[3] In another resolution dated January 31, 2001, the Court denied Erlinda Ilusorio's manifestation and motion in which she prayed that Potenciano be

produced before, and be medically examined by a team of medical experts appointed by, the Court.^[4] Erlinda Ilusorio sought reconsideration of the January 31, 2001 resolution.

On March 27, 2001, the Court denied with finality Erlinda Ilusorio's motion for reconsideration of the January 31, 2001 resolution.^[5] Undaunted, she filed an Urgent Manifestation and Motion for Clarification of the Court's January 31, 2001 resolution. On May 30, 2001, the Court merely noted the urgent manifestation and motion for clarification.^[6]

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

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

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

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

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

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

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

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

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

Where is justice?

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

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

x x x x

August 29, 2001

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

x x x x

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

x x x x

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

X X X X

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

X X X X

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

X X X X

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

Disbarment Complaint

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

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

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

COURT: Who is your partner?

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

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

x x x x

ATTY. JOSE: Yes, your honor?

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

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

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

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

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

ATTY. JOSE: I have no knowledge already.

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

ATTY. JOSE: I have no knowledge your honor.

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

x x x x

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

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

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

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