

## EN BANC

[ A.M. No. 05-3-04-SC, July 22, 2005 ]

**RE: LETTER DATED 21 FEBRUARY 2005 OF ATTY. NOEL S. SORREDA.**

### R E S O L U T I O N

**GARCIA, J.:**

In a letter<sup>[1]</sup> to the Chief Justice bearing date February 21, 2005, with copies thereof furnished all the Associate Justices of the Court and other government entities, RTC judges and counsels listed thereunder, Atty. Noel S. Sorreda, who identified himself as "member, Philippine Bar", expressed his frustrations over the unfavorable outcome of and the manner by which the Court resolved the following cases filed by him, to wit:

1. UDK-12854, Ramon Sollegue vs. Court of Appeals, *et al.*,
2. G.R. No. 149334, Artemio Dalsen vs. Commission on Elections
3. G.R. No. 148440, Lilia Sanchez vs. Court of Appeals
4. G.R. No. 152766, Lilia Sanchez vs. Court of Appeals, *et al.*
5. G.R. No. 154310, Noel Sorreda vs. Court of Appeals, *et al.*
6. G.R. No. 155446, Allan Reynold Cu vs. Court of Appeals, *et al.*
7. G.R. No. 156630, Ronilo Sorreda vs. Court of Appeals, *et al.*
8. G.R. No. 157046, Ronilo Sorreda vs. National Labor Relations Commission, *et al.*
9. G.R. No. 164163, Glenn Caballes vs. People, *et al.*
10. G.R. No. 164677, Marissa Macarilay vs. Hon. Alba-Estoesta, *et al.*

In said letter, Atty. Sorreda recounted the alleged circumstances surrounding the dismissal on February 7, 2000<sup>[2]</sup> of the very first case he filed with the Court, *UDK-12854*, entitled *Ramon Sollegue vs. Court of Appeals, et al.* Frustrated with the adverse ruling thereon, Atty. Sorreda had previously written a letter<sup>[3]</sup> dated April 2, 2001 addressed to the Chief Justice, copy furnished all the Associate Justices of this Court, the Court of Appeals and the Office of the Solicitor General, denouncing the Court, as follows:

**Mr. Chief Justice, I believe the manner the Court comported itself in the aforesaid case is totally execrable and atrocious, entirely unworthy of the majesty and office of the highest tribunal of the land. It is the action not of men of reason or those who believe in the rule of law, but rather of bullies and tyrants from whom "might is right." I say, shame on the High Court, for shoving down a hapless suitor's throat a ruling which, from all appearances, it could not justify.**

Reacting to the above, the Court, in an *en banc* Resolution dated August 14, 2001, <sup>[4]</sup> required Atty. Sorreda to show cause why he should not be properly disciplined

"for degrading, insulting and dishonoring the Supreme Court by using vile, offensive, intemperate and contemptuous derogatory language against it".

In response to the "show cause" order, Atty. Sorreda addressed two (2) more letters to the Court dated December 2, 2001<sup>[5]</sup> and June 16, 2002,<sup>[6]</sup> arguing for the propriety of his action and practically lecturing the Court on his concepts of Legal and Judicial Ethics and Constitutional Law. In its Resolutions of January 15, 2002<sup>[7]</sup> and August 27, 2002<sup>[8]</sup>, the Court merely noted said two letters.

Quoted from his earlier communications are the following statements of Atty. Sorreda disparaging the Court with intemperate, insulting, offensive and derogatory language, to wit:

"SOMETHING HAS GOT TO BE SERIOUSLY AND TERRIBLY WRONG WITH THE COUNTRY'S JUSTICE SYSTEM"<sup>[9]</sup>

"WHAT IS HAPPENING TO THE JUSTICE SYSTEM IN THIS COUNTRY, MR. CHIEF JUSTICE?

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I therefore deplore and condemn in the strongest term such strong-handed actuations as the Honorable Court has displayed. They are as one might expect in a dictatorship or authoritarian regime."<sup>[10]</sup>

Persistent in imputing to the Court and its Justices offensive and uncalled remarks, Atty. Sorreda again went on a rampage in his subject letter of February 21, 2005:

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Mr. Chief Justice, I do not doubt that these ten cases are among the most palpably meritorious cases that have ever been brought before the Supreme Court, or any court of justice for that matter. I cannot doubt that were it not for the Solleague "miscounting," and the other incidents that ensued from it, at least some of these ten cases would have met with entirely different endings, so obvious and patent are their merits to any reasonable and impartial mind.

**In short, Mr. Chief Justice, it is obvious that the High Court has taken it personally against me. To the detriment of my innocent clients. And of justice.**

Mr. Chief Justice, why should this be? If the Court had anything against me, I stood ready to have the ax fall on my own neck, if it came to that. As I had stated in one communication-

[I]f there is one thing I agree with in the High Court's position, it is that x x x if indeed I had wronged the Court in the way it had described, and if indeed my explanations and arguments "lack merit," I should indeed be disciplined; and surely no less than DISBARMENT will do. It should also be done as swiftly as possible, given the gravity of the charge

and the high dignity and importance of the institution attacked. Now on January 22, 2002 and May 7, 2002, the Court has resolved to deny to the undersigned the "full opportunity" for self-defense that he request ... therefore he is now left without any defense, and he can only wonder why no sanction has come down until the present time.

Might it be because I had continued, "Of course, I shall also only expect that such judgment, when it does come, will be a fully-reasoned one, as thoroughly discussed perhaps as that in *In re Almacen*, 31 SCRA 562, for the proper guidance of all concerned"- and the Court knows that it is not able to give such a "fully-reasoned judgment" as I ask? But rather than admit it has done wrong and rectify the same, it would rather "get back" at me by means of unfavorable rulings in the cases I elevate to it- let the innocent litigants, whose only mistake was to hire me as their counsel, and the cause of justice suffer as they may.

**Mr. Chief Justice, that is not only unjust; that is craven cowardice, to deal with an adversary like that. It is not something I would have expected from the supreme judges of the land.**

I can only view other happenings in the Honorable Court in such light. The same verifications that were previously unfaulted, suddenly became course for dismissal. What other interpretation can I give it, than that the court had run out of excuses to dismiss, since I was being careful not to repeat the same adjudged "shortcomings"; and was now scrounging every which way for one, just so to make sure I continue to get my "comeuppance."

That of the first nine cases, not one was assigned to the Third Division- only either to the Second Division, then chaired by Justice Josue N. Bellosillo, which handled the Sollegue case; or the First Division, chaired by the Chief Justice, to whom I have directly written afterwards. Could it be only a coincidence - or is it a more likely explanation that the powers-that-be in the Court wanted to be very sure I never get favorable ruling? Especially when it is considered that, following Justice Bellosillo's retirement on November 12, 2003, for the first time in the history of the nation's judiciary a vacancy in the Supreme Court was filled up way beyond the constitutionally prescribed period of 90 days- and after so much mystery and intrigue has surrounded the appointment of his successor, Justice Minita V. Chico-Nazario. In fact Justice Nazario was sworn in on July 14, 2004, just one day before a new retirement took place, this time of Justice Jose C. Vitug. It was only following this latest retirement, that for the first time this counsel had a case assigned to other than the First and Second Division. Could it be that Justice Vitug, then Chairman of the Third Division, and Justice Nazario, erstwhile presiding Justice of the Sandiganbayan, had redoubtable reputations for independent-mindedness; and the powers-that-be in the court exercised their utmost influence to at least prevent the both of them sitting in the bench at the same time, lest together they should "buck the system" and divide the Court, if not successfully sway the Court to favorably rule on the undersigned counsel's cases before it?

But this time, in these ten cases I have recounted, I am wholly convinced that the court is in the wrong. I cannot but thus be filled with both acute sadness and burning indignation. **Sadness as counsel, to come to the realization that the high institution of which I am an officer has sunk to such a low. Indignation as a citizen, that the public officers who are supposed to serve him and help him find justice, should instead give judgments that so insult the intelligence and glare with iniquity.**

Mr. Chief Justice, whatever gave the Court the notion that it could pronounce 29 days as greater than 60 days, and not to have to account for it? Who can believe that the supposedly most illustrious legal minds of the land, would miss seeing grave abuse of discretion in the actions of an agency that directly contravened numerous laws and rules all at once? How could democracy's vaunted "last bulwark" suffer a widow and her children to thereafter live in their toilet, by sanctioning the plainly void sale and illegal demolition of their erstwhile family home? Did the court pause for even three minutes to put itself in the shoes of an evidently innocent man kept locked up for three years now on a manifestly false and fabricated charge, before it so blandly invoked its "discretion" not to entertain his appeal at all? **Where did the Court get such brazenness, such shameless boldness, as to dismiss on the ground that the docket fees had not been paid, when the evidence clearly show they in fact were? What manner of men are you- even challenging the citizenry to inform on the corrupt, and the bar to become like "Frodo" in the fight against society's evils in your public speeches and writings, and yet you yourselves committing the same evils when hidden from public view. Are all these rulings in the ten cases not the clearest manifestation that the supreme magistrates have bought into the "What-are-we-in-power-for" mentality?** (Underscoring ours)

Upon instructions of the Chief Justice, Atty. Sorreda's aforesaid letter of 21 February 2005 was included in the March 15, 2005 *en banc* agenda of the Court.

In an *en banc* Resolution<sup>[11]</sup> dated March 15, 2005, the Court again required Atty. Sorreda to show cause why he should not be disciplinarily dealt with or held in contempt for maliciously attacking the Court and its Justices.

By way of compliance to the second "show cause" order, Atty Sorreda, in his letter of May 10, 2005<sup>[12]</sup>, again with copies thereof furnished the Justices, judges and lawyers thereunder listed, states that he "does not see the need to say any more" because the "cause" has "already been shown as clear as day" in his earlier letter of 21 February 2005, adding that "[T]he need is for the High Tribunal to act on the instant matter swiftly and decisively". While admitting "the great seriousness of the statements and imputations I have leveled against the Court", he dared the Court whether "it is capable of a judgment that will be upheld by the 'Supreme Judge'".

After going over the records of the cases in which Atty. Sorreda accuses the Court of