

EN BANC

[A.M. No. 01-12-03-SC, July 29, 2002]

IN RE: PUBLISHED ALLEGED THREATS AGAINST MEMBERS OF THE COURT IN THE PLUNDER LAW CASE HURLED BY ATTY. LEONARD DE VERA

D E C I S I O N

KAPUNAN, J.:

On December 11, 2001, the court *En Banc* issued the following Resolution directing respondent Atty. Leonard De Vera to explain why he should not be cited for indirect contempt of court for uttering some allegedly contemptuous statements in relation to the case involving the constitutionality of the Plunder Law (Republic Act No. 7080)^[1] which was then pending resolution:

Quoted hereunder are newspaper articles with contemptuous statements attributed to Atty. Leonard De Vera concerning the Plunder Law case while the same was still pending before the Court. The statements are italicized for ready identification:

PHILIPPINE DAILY INQUIRER

Tuesday, November 6, 2001

Erap camp blamed for oust-Badoy maneuvers

Plunder Law

De Vera asked the Supreme Court to dispel rumors that it would vote in favor of a petition filed by Estrada's lawyers to declare the plunder law unconstitutional for its supposed vagueness.

De Vera said he and his group were "greatly disturbed" by the rumors from Supreme Court insiders.

Reports said that Supreme Court justices were tied 6-6 over the constitutionality of the Plunder Law, with two other justices still undecided and uttered most likely to inhibit, said Plunder Watch, a coalition formed by civil society and militant groups to monitor the prosecution of Estrada.

"We are afraid that the Estrada camp's effort to coerce, bribe, or influence the justices ---considering that it has a P500 million slush fund from the aborted power grab that May-will most likely result in pro-Estrada decision declaring the Plunder Law either unconstitutional or vague, " the group said.

PHILIPPINE DAILY INQUIRER

Monday, November 19, 2001

SC under pressure from Erap pals, foes

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"people are getting dangerously passionate...emotionally charged." Said lawyer Leonard de Vera of the Equal Justice for All Movement and a leading member of the Estrada Resign movement.

He voiced his concern that a decision by the high tribunal rendering the plunder law unconstitutional would trigger mass actions, probably more massive than those that led to People Power II.

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De Vera warned of a crisis far worse than the "jueteng" scandal that led to People Power II if the rumor turned out to be true.

"People wouldn't just swallow any Supreme Court decision that is basically wrong. Sovereignty must prevail."

WHEREFORE, the court resolved to direct Atty. Leonard De Vera to explain within a non-extendible period of ten (10) days from notice why he should not be punished for contempt of court.

SO ORDERED.^[2]

In his Answer, respondent admitted the report in the November 6, 2002 issue of the *Inquirer* that he "suggested that the Court must take steps to dispel once and for all these ugly rumors and reports" that "the Court would vote in favor of or against the validity of the Plunder Law" to protect the credibility of the Court.^[3] He explained therein:

(4) In short, the integrity of the Court, including the names of the Honorable Members who were being unfairly dragged and maliciously rumored to be in favor or against one side of the issue, was being viciously attacked. To remain silent at this time when the Honorable Court was under siege by what appeared to be an organized effort to influence the court in their decision would and could lend credence to these reports coming from anonymous sources.^[4]

Respondent admitted further to "having appealed to the Supreme Court to dispel rumors that it would vote in favor of a petition by [former President Joseph] Estrada's lawyers to declare the plunder [law] unconstitutional for its supposed vagueness" because he and his group were "greatly disturbed" by such rumors.^[5]

Anent the November 19, 2001 report in the *Inquirer* quoting respondent as having said that the people were "getting dangerously passionate...emotionally charged," pending the court's resolution on the petition filed by former President Estrada assailing the validity of the Plunder Law, respondent claimed that such statement was "factually accurate."^[6] He also argued that he was merely exercising his constitutionally guaranteed right to freedom of speech when he said that a decision by the Court declaring the Plunder Law unconstitutional "would trigger mass actions, probably more massive than those that led to People Power II."^[7]