

EN BANC

[G.R. NO. 152072, July 12, 2007]

ROMEO G. ROXAS AND SANTIAGO N. PASTOR, PETITIONERS, VS. ANTONIO DE ZUZUARREGUI, JR., ENRIQUE DE ZUZUARREGUI, PACITA JAVIER, ELIZABETH R. GONZALES, JOSEFINA R. DAZA, ELIAS REYES, NATIVIDAD REYES, TERESITA REYES, JOSE REYES AND ANTONIO REYES, RESPONDENTS.

[G.R. NO. 152104]

ANTONIO DE ZUZUARREGUI, JR., ENRIQUE DE ZUZUARREGUI, PACITA JAVIER, ELIZABETH R. GONZALES, JOSEFINA R. DAZA, ELIAS REYES, NATIVIDAD REYES, TERESITA REYES, JOSE REYES AND ANTONIO REYES, PETITIONERS, VS. THE NATIONAL HOUSING AUTHORITY, JOSE B. H. PEDROSA, ROMEO G. ROXAS AND SANTIAGO N. PASTOR, RESPONDENTS.

RESOLUTION

PER CURIAM:

Self-approbation, pride and self-esteem should not erode and dim the luster and dignity of this Court. Against overweening bluster and superciliousness, nay, lordly claim, this Court must stand steadfast, unmoved and uncompromising in upholding what is right and proper. In such posture, the mandate of affording every man the equal protection of the law cannot dwindle. Strict adherence to ethical conduct and righteousness without veering away from responsibility will foster an impregnable respect, deference and even reverence to this Court's decisions and pronouncements.

In a Resolution^[1] dated 26 September 2006, the Court En Banc ordered Atty. Romeo G. Roxas to explain in writing why he should not be held in contempt of court and subjected to disciplinary action when he, in a letter^[2] dated 13 September 2006 addressed to Associate Justice Minita V. Chico-Nazario with copies thereof furnished the Chief Justice and all the other Associate Justices, intimated that Justice Nazario decided G.R. No. 152072 and No. 152104 on considerations other than the pure merits of the case, and called the Supreme Court a "dispenser of injustice."

The letter of Atty. Roxas reads in part:

As an officer of the court, I am shocked beyond my senses to realize that such a wrongful and unjust decision has been rendered with you no less as the ponente. This terrible decision will go down in the annals of jurisprudence as an egregious example of how the Supreme Court, supposedly the last vanguard and bulwark of justice is itself made,

wittingly or unwittingly, as a party to the wrongdoing by giving official and judicial sanction and conformity to the unjust claims of the Zuzuarreguis. **We cannot fathom how such a decision could have been arrived at except through considerations other than the pure merits of the case.** Every law student reading through the case can see clearly how a brother lawyer in the profession had been so short-changed by, ironically, the most sacred and highest institution in the administration and dispensation of justice.

x x x x

This is an unjust and unfair decision, to say the least. x x x We cry out in disbelief that such an impossible decision could spring forth from the Supreme Court, the ultimate administrator and last bulwark of justice. **As it stands, instead of being an administrator of justice, the Supreme Court is ironically a dispenser of injustice.**

Under the circumstances, we hope you will forgive us in expressing our sentiment in this manner as we are utterly frustrated and dismayed by the elementary injustice being foisted upon us by the Supreme Court, no less. Given the facts of the case, **we will never understand what moved the Honorable Justice to decide as she did and what forces and influences caused her to reason out her decision in such an unfair and unjust manner as to compromise the reputation, integrity and dignity itself of the Supreme Court, as a venerable institution of justice.**

As lawyers, we are officers of the Court so that, while we are being underservedly pained by the seething injustice of the decision, we will submit to the authority of Highest Court of the Land, even as our reverence for it has been irreversibly eroded, thanks to your Honor's Judgment.

x x x x

As for Your Honor, sleep well if you still can. In the end, those we address as Honorable Justice in this earthly life will [be] judged by the Supreme Dispenser of Justice – where only the merits of Your Honor's life will be relevant and material and where technicalities can shield no one from his or her wrongdoings.

Good day to you, Madame Justice!

The decision referred to in the letter is the Court's decision^[3] in these consolidated cases where Attys. Roxas and Santiago N. Pastor were ordered to return, among others, to Antonio de Zuzuarregui, Jr., et al. the amount of P17,073,224.84.

Roxas and Pastor filed their Motion for Reconsideration^[4] on 8 March 2006 which they followed with an Executive Summary^[5] the day after. In a resolution dated 22 March 2006, the Court noted the Executive Summary and deferred action on the Motion for Reconsideration.^[6]

On 27 March 2006, the Court denied with finality the Motion for Reconsideration as the basic issues have already been passed upon and there being no substantial argument to warrant the modification of the Court's decision.^[7]

On 30 March 2006, Roxas and Pastor filed a Motion for Leave to File Supplemental Motion for Reconsideration, together with the Supplemental Motion for Reconsideration.^[8]

The following day, they filed a Motion for Leave to File Motion to Set the Case for Oral Argument, together with the Motion to Set the Case for Oral Argument (on the Motion for Reconsideration and the Supplement thereto).^[9] In a Manifestation dated 3 April 2006, Roxas and Pastor asked that a typographical error appearing in the affidavits of service attached to the motions be corrected and that the Motion to Set Case for Oral Argument be granted.^[10]

On 7 April 2006, Antonio de Zuzuarregui, Jr., et al., filed a Motion for Leave to File Comment on/Opposition to Motion for Reconsideration.^[11]

On 7 June 2006, Roxas and Pastor filed an Urgent and Compelling Motion for Reconsideration (with Motion to Refer the Case to the En Banc).^[12]

On 7 June 2006, the Office of then Chief Justice Artemio V. Panganiban received from Roxas a letter (with enclosures)^[13] dated 6 June 2006 which contained, *inter alia*, the following:

This is an unjust and unfair decision, to say the least. x x x We cry out in disbelief that such an impossible decision could spring forth from the Supreme Court, the ultimate administrator and last bulwark of justice. As it stands, instead of being an administrative of justice, the Supreme Court will ironically be a dispenser of injustice.

Under the circumstances, we cannot avoid to suspect the bias and partiality of the ponente of the case who we surmise must have been moved by considerations, other than noble.

In this regard, Mr. Chief Justice, we implore Your Honor, as steward of the Highest Court of the land, to take appropriate steps to forthwith correct this anomalous decision by first, referring the case to the Supreme Court En Banc, and then, after allowing us the opportunity to be heard orally En Banc and after judiciously considering our "Urgent and Compelling Motion for Reconsideration", thereafter reversing the decision of this Honorable Court's First Division.

Finally, in order to cleanse the Supreme Court of the blot caused by this case, we most ardently implore upon Your Honor to immediately direct the conduct of an investigation of how such an impossible decision was rendered at all and to sanction the perpetrators thereon.

As the Chief Justice, we have faith in you, Sir, to rectify a grievous wrong inflicted upon a member of the Bar and to restore the good image and

reputation of the Court by causing the High Court to reverse such an inconceivable decision that is unfair, unjust and illegal, being an [impairment] of the obligation of contracts and against the principle of estoppel.

Said letter was indorsed to the Clerk of Court of the First Division for its inclusion in the agenda.^[14]

On 12 July 2006, the Court resolved to (a) Note Without Action (1) the motion of petitioners Roxas and Pastor for leave to file supplemental motion for reconsideration of the decision dated January 31, 2006; (2) the aforesaid supplemental motion for reconsideration; and (3) respondents Zuzuarreguis' motion for leave of court to file comment/opposition to motion for reconsideration, said motion for reconsideration having been denied with finality in the resolution of 27 March 2006; (b) Deny for lack of merit said petitioners' (1) motion for leave to file motion to set case for oral argument; and (2) motion to set the case for oral argument [on the motion for reconsideration and the supplement thereto]; (c) Note petitioners' manifestation regarding the correction of typographical error in the affidavit of service of their motion for leave to file motion to set case for oral argument and said motion to set case for oral arguments; (d) Deny the urgent and compelling second motion for reconsideration of petitioners Romeo G. Roxas and Santiago N. Pastor of the decision dated 31 January 2006 [with motion to refer the case to the Court En Banc], considering that a second motion for reconsideration is a prohibited pleading under Sec. 2, Rule 52, in relation to Sec. 4, Rule 56 of the 1997 Rules of Civil Procedure, as amended; (e) Deny said petitioners' motion to refer the cases to the Court En Banc, the latter not being an appellate court to which decisions or resolutions of the Divisions may be appealed, pursuant to SC Circular 2-89 dated 7 February 1989, as amended by the resolution of 18 November 1993; and (f) Note the First Indorsement dated 9 June 2006 of the Hon. Chief Justice Artemio V. Panganiban referring for inclusion in the agenda the thereto attached letter [with enclosures] of Atty. Romeo G. Roxas, relative to these cases.^[15]

On 13 September 2006, on motion by the Zuzuarreguis for the issuance of entry of judgment, the Court ordered that entry of judgment in these cases be made in due course.^[16]

On 14 September 2006, Roxas and Pastor filed an Urgent Motion for Clarification of Judgment.^[17] On even date, the letter subject of this contempt proceeding dated 13 September 2006 was received by Justice Nazario with copies thereof furnished the Chief Justice and all the other Associate Justices.^[18]

On 18 September 2006, Roxas and Pastor filed a Motion to Withdraw said motion and instead prayed that their Urgent and Compelling Motion for Clarification of Judgment dated 15 September 2006 be admitted.^[19]

On 20 September 2006, the Court, treating petitioners Roxas and Pastor's Urgent Motion for Clarification of Judgment as a second motion for reconsideration, denied the same for lack of merit. We also noted without action the motion to withdraw said motion for clarification with intention to re-file the same with the necessary corrections, and referred to the Court En Banc the letter dated 13 September 2006.
^[20]

In a resolution dated 26 September 2006, this Court ordered Atty. Roxas to explain in writing why he should not be held in contempt of court and subjected to disciplinary action on account of the letter he sent to Justice Nazario with copies thereof furnished the Chief Justice and all the other Associate Justices.

On 22 November 2006, the Court noted without action petitioner Roxas and Pastor's Urgent and Compelling Motion for Clarification of Judgment in light of the denial of their Urgent Motion for Clarification of Judgment on 20 September 2006 which the Court treated as a second motion for reconsideration.^[21]

On 16 November 2006, by way of compliance with the 26 September 2006 resolution, Atty. Roxas submitted his written explanation. His letter stated:

With all due respect to this Honorable Court, and beyond my personal grievances, I submit that the ruling in the subject consolidated cases may not have met the standards or adhered to the basic characteristics of fair and just decision, such as objectivity, neutrality and conformity to the laws and the constitution. x x x

x x x x

Aside from the fact that the aforesaid ruling appears to be seriously flawed, it also casts grave aspersions on my personal and professional integrity and honor as a lawyer, officer of the court and advocate of justice.

x x x x

These implications, Your Honors, which I find hard to accept, have caused me severe anxiety, distress and depredation and have impelled me to exercise my right to express a legitimate grievance or articulate a *bona fide* and fair criticism of this Honorable Court's ruling.

While certain statements, averments and/or declarations in my 13 September 2006 letter may have been strongly-worded and construed by this Honorable Court as tending to ascribe aspersions on the person of the Honorable Associate Justice Minita V. Chico-Nazario, may I assure Your Honors that no such ascription was ever intended by the undersigned.

Quite notably, despite my aggrieved sentiments and exasperated state, I chose to ventilate my criticisms of the assailed ruling in a very discreet and private manner. Accordingly, instead of resorting to public criticism through media exposure, I chose to write a personal letter confined to the hallowed halls of the highest tribunal of the land and within the bounds of decency and propriety. This was done in good faith with no intention whatsoever to offend any member, much less tarnish the image of this Honorable Court.

Nonetheless, it is with humble heart and a repentant soul that I express my sincerest apologies not only to the individual members of this