Lyceum of the Philippines University College of Law Faculty Statement on Plagiarism & the Supreme Court

by I support the UP College of Law Faculty on Monday, November 1, 2010 at 2:29am

When lawyers teach at the Lyceum College of Law, they are expected to tell their students, when and if necessary: I expect ethical behavior. If you lie, or you steal, or you cheat - I will ensure that you will never be able to take the Bar. They should be able to impress upon their students that their actions and omissions, as law students, and later on, as lawyers, have consequences.

Lawyers are constantly told that “there is no distinction as to whether the transgression is committed in a lawyer's private life or in his professional capacity, for a lawyer may not divide his personality as an attorney at one time and a mere citizen at another.” [fn1]

Lawyers are required to be honest (Canon 1, Sec. 1.01). Dishonesty having been defined by the Supreme Court as “a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.” [fn2]

Plagiarism is a form if dishonesty. The basic definition of plagiarism is the copying and owning of someone else's work and claiming it as one's own.

Indeed, the Supreme Court, in 2002, equated plagiarism with fraud and castigated a petitioner’s references to “plagiarism {as} the standard of UP., and that . . . the respondents are merely being academic hypocrites or scholastic pretenders” as being “deplorable in the case of a candidate for a doctoral degree” The Supreme Court found that the petitioner “committed dishonesty in submitting her doctoral dissertation on the basis of which she was conferred the Ph.D degree.” [fn3] In that case, the Supreme Court agreed that “Where it is shown that the conferment of an honor or distinction was obtained through fraud, a university has the right to revoke or withdraw the honor or distinction it has thus conferred. This freedom of a university does not terminate upon the ‘graduation’ of such a student.”

And so should those rules apply to all lawyers.

In 2005, the Supreme Court promulgated A.M. No. 05-3-08-SC, RE: COMPUTER GUIDELINES AND POLICIES. In Section II, GENERAL POLICY STATEMENT, the Supreme Court mandated: “The use of IT facilities and computer resources provided by SC entails responsibility to use these resources in an efficient, ethical and lawful manner consistent with the mission and vision of the Court. To this end, every user must use SC's computer resources in a responsible, professional, and ethical manner and within legal and proper boundaries.”

In Section X, entitled PROPER USE AND PROHIBITED ACTS IN UTILIZATION OF THE INFORMATION TECHNOLOGY FACILITIES AND RESOURCES, the following “are considered VIOLATIONS of the SC IT facilities and resources”:

1. Use of Copyrighted Material Without Attribution. These include but are not limited to copying, reproduction, dissemination, distribution, use, importation, removal, alteration, substitution, modification, storage, uploading, downloading, communication, publication or broadcasting of copyrighted material not property attributed; and infringement of intellectual property rights belonging to others through the use of telecommunications networks, which is a criminal offense under Section 33(b) of the Electronic Commerce Act.

5. Plagiarism. Prohibited acts include, but are not limited to, copying a computer file that contains another person's work and submitting it for one's own credit, or, using it as a model for one's own work, without the consent or permission of the owner or author of the work; submitting the shared file, or a modification thereof, as one's individual work, when the work is a collaborative work, or part of a larger project; and such other related acts of cheating. [Emphasis supplied]

We believe that by determining that no plagiarism took place in the "Vinuya" case, because the evident copying was done without "malicious intent," the Supreme Court establishes a dangerous precedent. It lowers the standards of conduct that the court has expected of its officers.

The Lyceum of the Philippines University College Law regrets that, by its Decision in AM No. 10-10-4-SC, dated October 19, 2010, the Supreme Court disregarded and ignored its own decisions, rules and regulations when it did not hold any person responsible for copying and infringing intellectual property rights of foreign academicians; did not require any person to apologize for the oversight (if that is what it was); and did not issue a corrected decision in the Vinuya case with proper attributions.

What now will lawyers who teach tell their students? That it is all right to copy another person’s work WITHOUT PROPER ATTRIBUTION as long as there is no “malicious intent?”

The reach of the Supreme Court’s unfortunate decision will affect not just the legal and judicial professions, but also all fields where ownership of creative work is cherished and protected as sacrosanct.

The College of Law, Lyceum of the Philippines University, Makati City, 25 October 2010.

[fn1] MENDOZA vs ATTY. VICTOR V. DECIEMBRE, A.C. No. 5338, February 23, 2009.

[fn2] CSC v DASCO, A.M. No. P-07-2335, September 22, 2008

[fn3]AROKIASWAMY WILLIAM MARGARET CELINE vs. UNIVERSITY OF THE PHILIPPINES BOARD OF REGENTS, et al., G.R. No. 152309. September 18, 2002

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