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On Plagiarism 2: Sereno's Dissenting Opinion

A university has the great responsibility of shaping its students into well-rounded individuals, responsible and sympathetic citizens, and world-shakers of tomorrow. More than mere head knowledge, students are exposed to a holistic education that inculcates social and self-awareness, interpersonal skills, innovation, and—in some institutions—love for God and country. One imperative trait an individual must possess as a person, a citizen, and especially a future leader, is honesty. Dishonesty can bring downfall not only to the perpetrator but also to entire communities. It's no wonder why universities impose strict discipline on acts of academic dishonesty.

On a larger scale, if a university is intolerant of dishonesty, so much so should the government be, whose members influence the order and development of the country. The Philippines has, for centuries, been victim to the perpetual presence of numerous dishonest officials. The most blatant of their dishonesty are corruption and theft. Rarely has there been focus given to, and perhaps commitment of, other dishonest acts such as plagiarism until one such case in seven years ago.

In a court case in 2010 involving Associate Justice Mariano C. del Castillo and a group of World War II comfort women, the former's ruling was found to have several traces of plagiarism. Plagiarism is a known taboo in universities, and under law it is a violation of intellectual property. Del Castillo's out-of-context and misused citations was conceived by opposers as a tactic to influence the court verdict of denying the group's plea. However, despite the glaring evidences provided by Associate Justice Maria Lourdes Aranal-Sereno in her dissenting opinion, which will be later discussed, the Supreme Court was not quick to penalize del Castillo.

Sereno's coherent part-by-part analysis of the ruling divulges a handful of elements of plagiarism from the works of Christian Tamms, Evan Criddle and Evan Fox-Decents, and Mark Elliss. The recurring problems in the document are mainly concerned with failure to use quotation marks when needed, lack of appropriate citation, and patchwork plagiarism.

Other observations were the author's insertion of his own words and adding his own context into the copied paragraphs, making it appear to be entirely applicable to the case at hand. Next is the mere copying of the source's footnotes, indicating that the *ponente* did not personally look through the sources mentioned in that area, and an infringement on discursive footnotes. There was also improper paraphrasing, combining of non-adjointing sentences, usage of the exact same examples given by the source, failure to indicate conclusions as not of his own, and multiple lifting of excerpts verbatim.

Overall, these violations pass off the entire document and its ideas as that of the *ponente's*.

Each of the singled-out basis for plagiarism is supported by an established reference book, *Writing with Sources* by Gordon Harvey that identifies four forms of plagiarism—all of which the document in question committed. It would be interesting to upload del Castillo's ruling on *Turnitin* to see how much red highlights would be displayed. It would not be surprising if the matching rate was at least 80%.

Yet with all these compelling evidences, it is baffling that the Supreme Court validated del Castillo's and his researcher's justifications: that the attributions were "accidentally deleted"; that the researcher had to cut off some quotation marks, notes, and citations to make room for disk space; and that Microsoft Word is incapable of alerting the user whether she failed to place quotations and citations, thus it is partly the software's fault.

To these, the Court contended that these alleged violations were not unlawful for the writer had "no malicious intent," and considered all other details (such as proper footnote format) as "not an ethical matter but one concerning clarity of writing" and mere "editorial errors" [1]. A distinction made between academic plagiarism and *judicial* plagiarism, with the latter's premise and sanctions unclear, did not further justify the event as not a plagiarist act. To boot, the Court hardly addressed the fact that the plagiarized sources themselves spoke out regarding the crime.

Sereno rebuts each of the researcher's excuses and the Court's reasoning. She points out that the responsibility of block quote formatting, deliberate placement of acknowledgement on lengthy copied passages, and ethical writing habits lie on the human writer and his prior conscious intention not to plagiarize—not on softwares and "errors" occurring in electronic research. Her statements may conclude that the violations were unmistakably intentional.

In her final remarks, Sereno suggests that del Castillo acknowledge and apologize for his mistake; that the Court correct the ruling; and that court attorneys should be given manuals on proper citation to prevent similar cases in the future. Unfortunately, none of these seem to have been carried out, nor did the Court reconsider Sereno's dissention.

It is utterly ridiculous at the same time disgraceful for the Court to "be remembered as the Court that made malicious intent an indispensable element of plagiarism and that made computer-keying errors and exculpatory fact in charges of plagiarism [1]." What would one make of a Supreme Court, which ought to uphold truth and justice, that trivializes and pardons such an act of dishonesty committed by its own member?

Bibliography:

- [1] M. Sereno, "IN THE MATTER OF THE CHARGES OF PLAGIARISM, ETC., AGAINST ASSOCIATE JUSTICE MARIANO C. DEL CASTILLO: DISSENTING OPINION", 2010.