

QUESTIONS ON MY PROFESSIONAL ETHICS

(PROF. SARAH RAYMUNDO ON THE ALLEGATIONS MADE IN THE OCTOBER 17, 2008 MINORITY REPORT SIGNED BY PROFS. ARGUILLAS, RUBIO AND FERNANDEZ. THIS IS ATTACHED TO THE NOVEMBER 16, 2009 LETTER OF APPEAL OF PROF. RAYMUNDO TO U.P. PRESIDENT EMERLINDA ROMAN)

If only to highlight that the ethical questions that were raised against me do not rest on solid grounds, I would like to explain my side on the following specific allegations/questions:

I. On my alleged failure to inform the department of the presscon (instance # 1, page 7, of the letter substantiating the minority report dated october 17, 2008 signed by Arguillas et.al. ANNEX B)

The authors of the minority report are of the position that I should have informed the University through the Department about the said presscon. In short, the minority imposed on me the obligation of informing the Department about the said presscon and held me accountable for having failed to fulfill such obligation. I believe that, under the circumstances, this is not only unjust to me as it imposes on me an obligation that is officially not mine to fulfill, it is also unfair to me because, under the circumstances, even granting that it is every faculty member's duty to so inform the Department, I was not the only faculty member who could have informed the Department of the said presscon.

In this connection, it must be noted that I was not a member of the organization that sponsored the presscon and I was not one of its organizers.

But while I was not a member of the organization that sponsored the presscon, I felt very strongly about the issue as a human rights advocate. This is why I was willing to help the organizers in looking for speakers who know Karen Empeño better and in negotiating with the college administration when issues of venue permits were preventing the presscon from taking place. Offering such assistance, however, in no way rendered me an organizer of the presscon.

The authors of the minority report found cause to cite the following section of the University Rules regarding the use of information:

10.2.6. Use of University Information No member of the academic staff, officer or employee of the University shall publish or discuss publicly the following:

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b. Any information concerning a particular college or school, not released for publication, without the written permission of its Dean or Director and the President (Art. 246; amended at 75th BOR Meeting January 20, 1967).

All information concerning a particular college or school shall be given its Dean or Director; Provided, That the information has to do with his/her college or school only and not with any other college or school or the University System; Provided, further, That the President may prohibit the publication or the release of any news affecting the University.

The above rule, dating from the Marcos Era, clearly applies to information regarding a college or school. To cite this rule in this particular case, however, would be to make the mistake of assuming that the press conference was particularly about the Department of Sociology and its undertakings instead of the abduction of two UP students. Moreover, this rule, then, should not apply unless, for example, the Department of Sociology was responsible for the abduction. Therefore, I cannot rightly have been expected to inform the Department of the press conference on the basis of duty.

Furthermore, supposing that it does apply in this case, shouldn't the burden of duty to inform all parties concerned with the campaign for the release of the two students been placed on the shoulders of their respective deans or directors? How then are the other instances cited by the authors interpretable as instances of neglect on *my* part? If we suppose the application of this rule to be correct, the authors should be directing their attention to Professor Clemen Aquino, the Department Chairperson at the time.

Be that as it may, I saw it fit to apologize to Prof. Aquino in my letter to the Chair written on the same day of the press conference. After all, had things not happen as fast as they did, I would have gone out of my way to inform the Department formally about the presscon. And for whatever it may be worth, I later learned that the Prof. Aquino herself learned about the presscon before it actually took place as stated in the MR's "CHRONOLOGY AND SUMMARY OF FACTS INVOLVING "THE KAREN EMPENO CASE" in item "June 2006."

“At around 1p.m. of 29 June 2006, Prof. Raymundo approached the coordinator of the A.B. Sociology program, Prof. Marcia Ruth Gabriela Peczon Fernandez while the latter was in the third floor restroom and verbally informed the latter that she received information that Ms. Karen Emeno and another student were allegedly abducted in Bulacan. She also asked whether Prof. Fernandez knew about Ms. Empeno's academic status. Prof. Fernandez replied that she could recall that Ms. Empeno was her student some semesters ago but could not say for certain what her status was. Since Prof. Fernandez had classes that afternoon she replied that it would be best to double check the pertinent Department documents. Prof. Fernandez then immediately reported to the Department Chair that she received unverified information from Prof. Raymundo regarding Ms. Empeno. The Chair in turn relayed such

information via SMS to the CSSP Dean. (emphasis supplied)

Prof. Aquino and the writers of the minority report present a confusing case. On the one hand, they are adamant in saying that I should have informed them of the presscon about her abduction on the grounds that she was indeed a student of the University. On the other hand, they are equally adamant in insisting that Karen Empeño is no longer a student of the Department when she was abducted in Bulacan on account of her AWOL status. They seem to have covered all bases to build a case against me. The problem, however, is that these bases are contradictory.

II. On my alleged lack of transparency and truthfulness about my participation in the presscon of June 30, 2006 (instance # 1, page 7, of the minority report dated October 17, 2008)

As the minority report indicates, I have already recounted my involvement in the said presscon in a letter addressed and submitted to Prof. Aquino (then Department chairperson) on the same day that the presscon took place. I wrote and submitted that letter in response to her order that I do so. The minority report rather accurately quotes from that letter. The following are my responses to the accusations contained in the minority report, to what it calls a lack of transparency and truthfulness about my participation in the presscon. As I hope to show in the following, the report contains inferences and allegations that can only be concocted with the most malicious of mind frames.

The minority report states that:

“When Prof. Raymundo was asked about her involvement in the press conference, according to the Chair and Dr. Bautista, her explanation was '*napadaan lang po ako.*' This claim is belied not just by her letter but by the written account provided by Prof. Manuel Victor Sapitula...”

It should be made clear that my acts on those two instances were more than a year apart. I wrote the letter on June 30, 2006. Sometime in August 2007, Prof. Aquino and Prof. Cynthia Bautista talked to me to express some concerns regarding my renewal. First, in May of the same year, Prof. Aquino informed me that my application for renewal was approved by the tenured faculty but that there were some concerns that she and Prof. Bautista wished to discuss with me. The said discussion was to take place in August 2007. In that discussion, the following questions were posed: (1) Were you the organizer of the presscon? (2) What happened during that day? (3) Don't you feel conflicted that you are wearing two hats? Your hat as an academic and your hat as an activist?

These questions were asked more than a year after the said presscon. When I

was answering these questions, I knew fully well that I had already narrated my involvement in the presscon to Prof. Aquino in person and in writing more than a year before. In light of having already given a statement regarding my involvement in the presscon as well considering the fact that the related events transpired more than a year prior to their renewed query, it should be pointed out that their questions were asked in bad faith. What was their intention? To double-check the accuracy of my statements? To take advantage of the possibility of faulty memory and falsely attribute any discrepancies to a malicious intent to deceive? If Professor Aquino was truly interested in reviewing the events of the previous year with Prof. Bautista, she could simply have referred her to the letter I submitted.

I denied being the organizer of the presscon simply because I was not. I don't take credit for things I have not done.

Furthermore, the minority report picks out a particular phrase from my explanation -- "*napadaan lang po ako*" -- and removes it from the context of its utterance, thereby making it appear that I have contradicted my earlier statements. I indeed mentioned the phrase but it was part of a bigger story of what happened that day. It is not the entire explanation, but a mere part of my answer to their question as to "**what happened that day?**" The entire statement goes something like "I was passing by the AS lobby to meet a colleague at CASAA when a student sought my assistance with regard to permit issues related to the presscon..." That this grave omission should be committed by the writers of the minority report or those who interviewed me in 2007 raises a question as to the direction they wish to veer their entire investigation into. That they would even pit this decontextualized phrase against my letter to Prof. Aquino makes the question on their motives serious indeed.

It also remains a puzzle why Prof. Aquino did not present to the Department my letter to her before or at the start of the deliberations. This could explain the confusion that ensued in those deliberations as to my actual involvement in the presscon. Prof. Aquino did not even present my letter in 2007, during deliberations about my renewal, when concerns about my involvement in the presscon were first raised. Other members of the Department present in those meetings can attest to this.

As a final note on this section of the minority report, I cannot accept the accusation implied in the question that holding a press conference for Karen's immediate release is not the correct way of "ensuring Karen's safety" or that it is in fact putting her life in danger. Among human rights organizations worldwide, it is accepted as a standard operating procedure in the face of enforced disappearances to call the public's attention in the soonest possible time. Local human rights organizations even say that under the present dispensation, victims that become subjects of immediate public discussion are often released before

they reach 10 days in captivity.

III. On allegedly misleading readers into thinking that Karen Empeño was doing her thesis in Bulacan at the time of her abduction through a poem published in the official publication of the University Student Council (instance #2, pages 8-11 of the minority report)

The authors of the minority report mention that I knew of Ms. Empeño's AWOL status and claim that despite this, I submitted a poem to the USC's official publication, wherein I allegedly suggest that Ms. Empeño was doing her thesis at the time of her abduction. Their argument rests primarily on a quoted section from the poem as well as its attendant footnote.

In the footnote, I state that "*Thesis na lamang ang kulang ni Karen para magtapos siya ng kursong Sosyolohiya sa Unibersidad ng Pilipinas—Diliman. Bago siya magfile ng residency, nakakuha si Karen ng markang INC sa thesis na sa mga panahong iyon ay minarapat niya sanang tumalakay sa mga awit ng pakikibaka. Dinukot siya kasama ni [Sherlyn] Cadapan (kapwa taga UP Diliman) ng mga kalalaking nakabonnet [noong] June 26, 2006, alas dos ng madaling araw.*" **These are merely statements of fact.**

The statements regarding her student life merely highlight Karen's connection to the University. I chose to highlight this connection because I felt that it would arouse interest among students and the public at large in Karen and Sherlyn's abductions as well as that of other civilians. I share the belief that the students' and the public's interest on the case is a crucial component in the campaign for the two's immediate release and that their connection to the University may facilitate this interest. Because Karen is a UP student, the poem dwelled on the theme of activist students continuing their studies outside of the University. The poem shows how Karen expanded not only the physical confines of the University but its mode of learning as well. Thus, the mention of "*panlipunang pagsisiyasa*" (a term commonly used by activists) refers to a mode of studying society that resembles what is now being called "reflexive Sociology" in the Bourdieusian sense of the term. This is similarly the case for the allusion to a Sociology that does not give up on "*pagpapakatao*."

This is entirely different from claiming that Karen was in Bulacan to do research for her thesis—a mistake I consciously avoided in writing that footnote. To draw such a conclusion from this particular set of statements would be logically fallacious. More importantly, I cannot be penalized for either a failure in reading comprehension or an insistent misreading on the part of the authors of the minority report.

However, my accusers claim (page 12) that I intentionally wrote the poem to mislead readers into thinking that Ms. Empeño was doing her thesis fieldwork in Bulacan at the time of her abduction. Given this, they are burdened with the task of supplying sufficient proof. They provide no such proof in their report. Instead,

they cite various statements and events that have no discernible bearing on their allegation of my failure to uphold the truth.

They cite the letter I submitted to Prof. Aquino on June 30, 2006, quoting: "We found that Ms. Empeño only has to complete the thesis requirement of the BA Sociology program." Again, this is merely a factual, even trivial, statement pertaining to Ms. Empeño's academic deficiencies. This statement by no means contradicts the fact that she was AWOL.

In page 9 of the minority report, they cite a statement in Prof. Manuel Sapitula's letter, which makes the error of reporting Karen Empeño's last enrollment as being in AY 2003-2004 instead of AY 2004-2005. I fail to see how a letter written by another person reflects on me.

They call attention to the fact that during a University Council meeting that occurred a day before the publication of the poem, Prof. Clemen Aquino clarified Ms. Empeño's status as AWOL. They state that despite this clarification, I did not stop the publication of the poem or its footnote. This statement is plainly true but draws from a false causality. It was not the case that I intentionally wanted to publish a statement containing information that I knew to be false. I did not withdraw my submission to the USC publication simply because, in the poem, I never made any statement contradicting the fact that Ms. Empeño was AWOL.

The writers of the minority report also make it appear that I was irresponsible for not asking Prof. Aquino, Ms. Empeño's thesis adviser, about her thesis work. It is clear from the footnote of the poem that my knowledge of Karen's academic status is correct, even if it is not comprehensive. Karen's record is open to the members of the faculty of the Department and thus, I need not have consulted with Prof. Aquino in order to learn that Ms. Empeño incurred a grade of INC for Sociology 200, for example. Moreover, they cite that Prof. Aquino stated that Ms. Empeño's thesis plan never included doing fieldwork in Bulacan nor did Dr. Aquino advise or allow Ms. Empeño to do fieldwork in Bulacan. These two facts are irrelevant to the case as I never once mentioned that Ms. Empeño was doing her thesis in Bulacan.

The authors also observe that I did not include the poem in the CV I submitted for my tenure application process. This has no logical bearing on anything except to support an implication that I was intentionally concealing the publication of this poem in order to escape their scrutiny and cover up a malicious act of misinformation. Let it be noted that the poem was published not only in the USC's publication but on the Tigil Paslang blogsite as well. Moreover, I remain firm in my belief that the poem contains no such misleading information to warrant a motive of concealment. It's omission from my CV is due simply to the fact that I did not think it appropriate to include my creative writings in a document submitted for my tenure application. Hence, this particular observation of the minority regarding the poem and its footnote, as well as all their other "observations," remain immaterial to their allegation of a failure to uphold the truth.

Lastly, the authors of the minority report “beg to differ” with their colleagues in the majority who understood the poem as “creative work.” The minority argues: “If the poem was really just ‘creative work[,]’ why was there a need to place such a footnote... which has the effect of indeed making it appear that Ms. Empeño was doing her thesis in Bulacan[?]” In the 21st Century, footnotes, epigraphs, and other supplementary devices are by no means a rarity in the writing and publication of poetry. In this particular case, the footnote serves to identify the subject of the poem (by name, by previous occupation, and by significant circumstances and events) in order to better facilitate an understanding of the context in which it was written. Apart from this and the call to assist in the campaign for the release of the abducted students, there is no other discernible intent in the addition of a footnote, let alone a malicious one.

IV. On the assertion that i had failed in my obligation to inform the University Student Council and the Tigil Paslang Alliance of Karen Empeño’s AWOL status (instance #3, pages 11-12)

The authors assert that, knowing of Ms. Empeño’s AWOL status, I had an obligation to inform the USC and the Tigil Paslang Alliance of Ms. Empeño’s status. I did inform them. As one of the convenors of the Tigil Paslang Alliance, I clarified the status of Karen as AWOL in one of our initial meetings where we discussed the academic status of the two students.

The minority report, to support its accusation that I did not make the necessary clarification and correction on the matter, quotes a statement of the USC containing the incorrect information about Karen Empeño’s academic status and cites stories that came out of the *Philippine Daily Inquirer*, which contain the same. It is clear, even from this presentation, that none of the evidence the writers of the minority report are marshalling supports the conclusions they draw.

That the USC came out with a statement containing the wrong information and that the *Philippine Daily Inquirer* came out with stories containing the same does not mean that I had been remiss in my obligation to clarify Karen Empeño’s academic status. The USC crafted and released the statement on its own, without my knowledge or participation. It is patently absurd to accuse me of any responsibility for any information contained in the USC statement. As anybody who knows the workings of a tactical issue-based alliance such as Tigil-Paslang can attest, such an alliance cannot control all the moves of its members. These alliances are not built for that purpose.

The minority quotes my own denial of my “[participation] in preparing the University Student Council (USC) statement.” That I denied this only shows the absurd and fantastic allegations I have to put up with in this process. Is it even within the bounds of ethics that colleagues raise such absurd questions to another colleague? Why should they accuse me of having participated in writing a statement issued by the USC? Are they implying that as a faculty member, I have power or influence over such acts?

For the record, let me state that since I became a member of the faculty, I have not written any statement for any student formation. I am reiterating my denial in preparing and distributing said USC statement. At the same time, I cast doubt on the authors' intention in bringing up the matter in the minority report.

V. On the "remaining questions supposedly unanswered" in the November 2008 withdrawal of tenure recommendation of some faculty members

Prof. Laura Samson's letter dated November 3, 2009 summarized some of the issues raised by the minority and my responses to these. However, in the same letter, she writes: "Needless to say, there are glaring inconsistencies in the statements made by Prof. Raymundo regarding her knowledge/inactions pertinent to the Karen Empeño case. For this many, questions remain." She continues: "Dr. Bautista and Professor Randolph David are withdrawing from the majority in reiterating the recommendation to grant tenure to Prof. Raymundo because 'despite several meetings of the majority, many questions remain unclarified at this point in time.'

I wonder what these "inconsistencies of statements" and "statements remains unanswered." If the issue pertains to my alleged denial of involvement in the press conference by saying I was passing through AS lobby before the start of the event, then I have already addressed that issue above. The same letter also cited my responses to the issue of the preparation and distribution of the University Student Council statement as well as my timidity in standing before the University Council to clarify Karen's status as a student given that it was the first UC meet I ever attended.

Professor Samson seems to imply that I initially downplayed my relationship with Karen Empeño as a student and that I "knew Karen not only from distant memory as a former student". She goes on to quote the letter that Prof. Aquino asked me to write on the day of the press conference itself which states that: Ms. Karen Empeño sat in my classes when she was still finishing her course work" [emphasis mine]. Let me clarify that when I wrote that she "sat in" my classes, I was actually referring to Karen as an actual student of mine and not just "sitting in". If that was interpreted literally, I can only ascribe it to an unfortunate misunderstanding over meaning and not an inconsistency in my statements.

Let me note that a few days later, on November 6, 2008, I was informed by Prof. Aquino that the tenured faculty who convened in an earlier meeting agreed to inform me not to attend my classes for the 2nd semester of AY 08-09 until further notice. When I asked for the bases of these decisions, Prof. Aquino relayed that that was the only information she was authorized to disclose. The next day, on the first day of classes for that semester, I wrote to my Dean, Dr. Zosimo Lee, informing him that without a legal and formal explanation of the reasons as to why I was barred from attending my classes, I shall be attending to them as my contract for that year stipulates.

The justification that was given by Professor Bautista and Professor David in withdrawing their recommendation for tenure "for questions unclarified" are not valid and ineffective in my view. If they had nagging doubts about my clarifications, then they should have given me the opportunity to disabuse their minds instead of participating in a tenured faculty decision to bar me from attending my classes that semester until further notice. Unless, of course, those doubts are extraneous to both the issues raised in the minority report and discussed by Prof. Samson in her letter. In which case, they should have raised these questions formally anew, whatever they may be, in the interest of fairplay and due process.

CONCLUSION

Considering the statements made above, the allegations contained in **the minority report cannot but be seen as fallacious, petty, and ultimately insubstantial** attacks upon my credibility and ethical integrity.

The minority attempted, by mentioning numerous bits of trivial observations, to cast doubt upon my eligibility for tenure despite my more than sufficient academic accomplishments.

Considering the MR's immediately apparent baseless allegations, the withholding of this document from my attention can only be understood as an underhanded and cowardly tactic of undermining the observation of due process in my tenure application. Professors Arguillas et al. make one irrelevant observation after another and appear to have maliciously hoped to win the argument by sheer verbosity and subterfuge.

Throughout their minority report Arguillas et al. insistently harped on the matter of Ms. Empeño's AWOL status. They persist despite the fact that even the Chancellor, during the University Council session on the case, declared the point moot by saying that regardless of their official academic status, the abductees were to be considered students of the University for any and all purposes in the campaign for their resurfacing. Confronted with larger concerns of human rights, justice, and democracy, the authors of the report as well as Professor Aquino, would rather focus on whether Ms. Empeño was enrolled or not. This fact regarding her status, while not totally irrelevant, is secondary to much larger concerns, most of all the safety and welfare of the abducted students.

I remain convinced that I have conducted myself responsibly and with ethical integrity. I agree with the minority when they say that "the University and its faculty have legal and moral obligations to act as substitute parents of their students and to act in an ethical manner toward them." However, I believe that this is better achieved by doing everything in one's capability to ensure their safety by focusing on the issues at hand instead of squabbling over peripheral details.

My actions, I believe, cannot in any way mean that I lied to the University, that I

was unprofessional and that I failed to uphold the truth. Maybe in other contexts, helping out in human rights advocacies will earn a person the accolades of his or her peers. Now, I am not asking that I be praised for what I have done on that day and regarding the issue. Such a context, however, offers a stark contrast to a situation where helping out in a human rights advocacy is used as an occasion to find fault in the actions of a colleague on the basis of standards that are both unreasonable and arbitrary.

I stand firm in my conviction that the allegations of my failure to uphold the truth are totally baseless and false.

Sarah Jane S. Raymundo