

PREFATORY STATEMENT

Never has the position of Chief Justice, or the standing of the Supreme Court, as an institution, been so tainted with the perception of bias and partiality, as it is now: not even in the dark days of martial law, has the chief magistrate behaved with such arrogance, impunity, and cynicism. And yet, for the authentic rule of law to prevail, the public must have absolute trust and confidence in the justice, probity, integrity, and impartiality, of the members of the Supreme Court. To have any justice, much more, a Chief Justice, who does not live up to the expectation of being like Caesar's wife – beyond reproach- is to fatally impede the ability of our institutions to function and dispense true justice to the people.

The Constitution provides a process for holding the judiciary to account, on the principle that "sovereignty resides in the people and all government authority emanates from them". The Constitution provides for a mechanism to remove high officials who betray public trust, commit culpable violations of the Constitution, and graft and corruption.

On May 17, 2010, a little over a month and a half before the new government was to be sworn in, respondent Renato Corona was appointed Chief Justice of the Supreme Court to protect, aid, and abet Gloria Macapagal-Arroyo in her efforts to escape accountability for her acts as President of the Philippines. His

appointment was made in violation of the Constitution and by overturning long-established ethical and legal principles forbidding presidents from making midnight appointments. His assumption of the position of Chief Justice was thus made possible by a combination of violating the Constitution, and then finding ways to justify it, while ignoring examples of honorable, ethical, behavior that should have made it impossible to accept, much less assume, office under such dubious and dishonorable circumstances.

The Supreme Court itself, in ***Aytona v. Castillo***,¹ where it decided to uphold President Diosdado Macapagal in voiding the midnight appointments of his predecessor, Carlos P. Garcia, paid tribute to one of its former chiefs. Pointing out that President Elpidio Quirino offered a midnight appointment to former Chief Justice Manuel Moran: "Being ambassador in Spain and desiring to return to this Court even as associate justice, Moran was tendered an *ad interim* appointment thereto by President Quirino, after the latter had lost the election to President Magsaysay, and before leaving the Presidency. Said Ambassador declined to qualify being of the opinion that the matter should be left to the incoming newly-elected President."

In tackling President Garcia's midnight appointments, the Supreme Court observed that democratic respect and official self-restraint should have characterized Garcia's actions: "When a

nation embarks on electing its leadership, our Constitution, laws, judicial and historical precedents all emphasize that incumbents must be barred from abusing their powers to give themselves or their partisans undue advantage, thwart the public will, or harass and harm a successor's administration by tying its hands by means of maliciously-motivated appointments." Furthermore, "It is common sense to believe that after the proclamation of the election of President Macapagal, his was no more than a 'care-taker' administration. He was duty bound to prepare for the orderly transfer of authority to the incoming President, and he should not do acts which he ought to know, would embarrass or obstruct the policies of his successor," the Supreme Court said.

With this precedent in mind, and with the healthy attitude towards limiting official power at the close of an administration, so as not to sabotage the next, the present 1987 Constitution enshrined a clear prohibition on midnight appointments. When President Fidel V. Ramos tried to make judicial appointments in the closing days of his administration, the Supreme Court voided them,² restating the strict ban on appointments, not just to executive department positions, but the judiciary.

² A.M. No. 98-5-01-SC November 9, 1998, "In Re: Appointments dated March 30, 1998,

And yet, then President Gloria Macapagal-Arroyo decided to ignore all past precedents, including the one established by her own father, President Diosdado Macapagal, in order to appoint a Chief Justice when by any measure – the history of the Court, as shown by the *delicadeza* of former Chief Justice Manuel Moran; the landmark case of Aytona; the 1987 Constitution itself; and the November 9, 1998 *en banc* Resolution of the Supreme Court voiding President Ramos' midnight judicial appointments – such an appointment was viewed as dangerous and inimical to authentic democracy.

The decision of Mrs. Arroyo was premised on Respondent's proven usefulness, and his ambitions combining with her political calculations to make him a willing partner in Mrs. Arroyo's plan to evade and avoid accounting for her official actions. His usefulness and ruthlessness were proven from the time he served as her Presidential Chief of Staff, Presidential Spokesman, and as Acting Executive Secretary: all positions of the highest trust, confidence, and utility to her in her official and personal affairs.

His loyalty and subservience thus earned him an appointment to the Supreme Court as Associate Justice at a time when Mrs. Arroyo was facing numerous challenges and besieged by a public clamor for accountability.

Faced with a vacancy in the position of Chief Justice, she then went one step further and conspired with Respondent Corona to

established by her own father which premised midnight appointments as malicious interference in the ability of a newly-elected president to have a free hand in fulfilling his mandate.

In the Supreme Court, Respondent has consistently acted in a manner that protects Mrs. Arroyo, her legal maneuvers while in office, and the legal and administrative landmines she left behind, so as to impede the government's efforts to exact accountability and justice.

His leadership of the Supreme Court has severely eroded public confidence in the very decision-making process of the high court, due to the manner in which the Court has handed down decisions, only to reconsider, overturn, and overturn again, those decisions: resulting in an unprecedented state of flux in terms of the verdicts of the highest court in the land.

As Chief Justice, Respondent has been lavish in the spending of public funds; blind to ethical standards of behavior expected not only of him, but his family; intrigued and conspired against his fellow justices; and behaved more like a scofflaw than Chief Justice in refusing to disclose his assets and liabilities. Not only has he behaved in a manner that is inconsistent with the dignity and probity expected of a member of the high court, but has used his administrative powers for partisan political ends, to protect other officials put in office for the same reason he was appointed: to

protect former President Gloria Macapagal-Arroyo and ensure she evades accountability for her acts.

His ethical blindness, introduction of political partisanship at the expense of due process, and intrigue into the court at the expense of the reputation of his fellow justices, his undermining basic, and cherished principles of intellectual, financial, and ethical honesty by using his powers not to arrive at the truth, or hold the court to the highest standards, but instead, to cover up and excuse the shortcomings of the court, has betrayed public trust by eroding public confidence in the administration of justice.

Public office is premised on the maintenance of public trust; having betrayed that trust, Respondent Renato Corona is manifestly unfit to continue as Chief Justice. He must be impeached.

NATURE OF THIS ACTION

Therefore, this action for impeachment is brought against Chief Justice Renato C. Corona in accordance with the provisions of Section 2, Article XI of the 1987 Constitution, on the grounds of: (a) Betrayal of Public Trust; (b) Culpable Violation of the Constitution; and (c) Graft and Corruption.

SUMMARY

I. RESPONDENT BETRAYED THE PUBLIC TRUST THROUGH HIS TRACK RECORD MARKED BY PARTIALITY AND SUBSERVIENCE IN CASES INVOLVING THE ARROYO ADMINISTRATION FROM THE TIME OF HIS APPOINTMENT AS SUPREME COURT JUSTICE WHICH CONTINUED TO HIS DUBIOUS APPOINTMENT AS A MIDNIGHT CHIEF JUSTICE AND UP TO THE PRESENT.

- Midnight Appointments in violation against Sec. 15, Article VII of Constitution
- *Arturo de Castro v. Judicial and Bar Council and President Gloria Macapagal-Arroyo, et. al.*, SC held that the prohibition does not apply to SC but only to executive department and other courts lower than SC.
- Indeed, Newsbreak report showed that "he has consistently sided with the (arroyo) administration in politically-significant cases". Newsbreak further reported when it tracked the voting pattern of Supreme Court justices, "Corona lodged a high 78 percent in favor of Arroyo"
- A table shows that in 10 cases show respondent's voting pattern in cases involving Arroyo government's frontal assaults on constitutional rights **prior** to his appointment as Chief Justice.
- **During** his tenure as Chief Justice, Respondent also sided with Arroyo in the following 3 cases such as in (1) *Biraogo v. The Philippine Truth Commission of 2010*, (2) *Bai Omera D. Dianalan-Lucman v. Executive (revoking midnight appointments)* and (3) *Aquino vs. COMELEC (redefining districts of camsur)*

II. RESPONDENT COMMITTED CULPABLE VIOLATION OF THE CONSTITUTION AND/OR BETRAYED THE PUBLIC TRUST WHEN HE FAILED TO DISCLOSE TO THE PUBLIC HIS STATEMENT OF ASSETS, LIABILITIES, AND NET WORTH AS REQUIRED UNDER SEC. 17, ART. XI OF THE 1987 CONSTITUTION.

- Respondent failed to disclose to the public his statement of assets, liabilities, and net worth as required by the Constitution.
- Some of the properties of Respondent are not included in his declaration of his assets, liabilities, and net worth, in violation of the anti-graft and corrupt practices act.
- Respondent is suspected of having accumulated ill-gotten wealth, acquiring assets of high values and keeping bank accounts with huge deposits (among others, a 300-sq. meter apartment in the Fort in Taguig).

III. RESPONDENT COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION AND BETRAYED THE PUBLIC TRUST BY FAILING TO MEET AND OBSERVE THE STRINGENT STANDARDS UNDER ART. VIII, SECTION 7 (3) OF THE CONSTITUTION THAT PROVIDES THAT "[A] MEMBER OF THE JUDICIARY MUST BE A PERSON OF PROVEN COMPETENCE, INTEGRITY, PROBITY, AND INDEPENDENCE" IN ALLOWING THE SUPREME COURT TO ACT ON MERE LETTERS FILED BY A COUNSEL WHICH CAUSED THE ISSUANCE OF FLIP-FLOPPING DECISIONS IN FINAL AND EXECUTORY CASES; IN CREATING AN EXCESSIVE ENTANGLEMENT WITH MRS. ARROYO THROUGH HER APPOINTMENT OF HIS WIFE TO OFFICE; AND IN DISCUSSING WITH LITIGANTS REGARDING CASES PENDING BEFORE THE SUPREME COURT.

- Respondent previously served Arroyo as her chief of staff, spokesman when she was Vice-President, Presidential Chief-of-Staff, Presidential Spokesman, and Acting Executive Secretary.
 - Flip-flopping of the Corona Court on **FASAP vs. PAL** on a mere letter

flip-flopping case of **League of Cities v. COMELEC**)

- Respondent compromised his independence when his wife, Cristina Corona, accepted an appointment as on March 23, 2007 from President Arroyo to the Board of the John Hay Management Corporation (JHMC) in violation of Code of Judicial Conduct
 - serious complaints were filed against Mrs. Corona by her fellow Board members because of acts of misconduct and negligence. Instead, on acting on the complaint, the complainants were removed and Mrs. Corona promoted as OIC board chair
- Respondent has been reportedly using the judicial fund as his own personal expense account, charging to the Judiciary personal expenditures.
- Respondent Corona discussed with litigants (Lauro Vizconde and Dante Jimenez) regarding the **Vizconde massacre case**, which was then pending before the SC, and accused fellow Justice Carpio for loobying for acquittal, in violation of Code of Conduct and Anti Graft and Corrupt Practices Act
- Respondent Corona irregularly dismissed the **Inter-petal Recreational Corporation case** under suspicious circumstances.

IV. RESPONDENT BETRAYED THE PUBLIC TRUST AND/OR COMMITTED CULPABLE VIOLATION OF THE CONSTITUTION WHEN IT BLATANTLY DISREGARDED THE PRINCIPLE OF SEPARATION OF POWERS BY ISSUING A "STATUS QUO ANTE" ORDER AGAINST THE HOUSE OF REPRESENTATIVES IN THE CASE CONCERNING THE IMPEACHMENT OF THEN OMBUDSMAN MERCEDITAS NAVARRO-GUTIERREZ.

- Respondent railroaded the proceedings in the Gutierrez case in order to have a *Status Quo Ante* Order issued in her favor.
 - Newsbreak showed that most of the justices received the Petition after the deliberations, while three (3) justices (Velasco, Bersamin and Perez) who voted to issue the *Status Quo Ante* Order received the petition a day after the *status quo ante* order was granted. These justices were
- Its issuance violated the principle of separation of powers since the Supreme Court prevented the House from initiating impeachment proceedings.

V. RESPONDENT COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION THROUGH WANTON ARBITRARINESS AND PARTIALITY IN CONSISTENTLY DISREGARDING THE PRINCIPLE OF RES JUDICATA AND IN DECIDING IN FAVOR OF GERRY-MANDERING IN THE CASES INVOLVING THE 16 NEWLY-CREATED CITIES, AND THE PROMOTION OF DINAGAT ISLAND INTO A PROVINCE.

- Respondent violated the principle of the immutability of final judgments ("flip-flopping") known to have been instigated through personal letters or ex-parte communications addressed to the Respondent:
 - **League of Cities v. COMELEC** case involving the creation of 16 new cities,
 - **Navarro v. Ermita** which involved the promotion of Dinagat Island from municipality to province,
 - **FASAP v. Philippine Airlines, Inc., et al.**

Committee He Created, The Authority And Jurisdiction To Improperly Investigate An Alleged Erring Member Of The Supreme Court For The Purpose Of Exculpating Him. Such Authority And Jurisdiction Is Properly Reposed By The Constitution In The House Of Representatives via Impeachment.

- ***Vinuya vs. Executive Secretary***, it was alleged that rampant plagiarism was committed by the *ponente*, Associate Justice Mariano del Castillo
- It appears that, with a clear intent of exonerating a member of the Supreme Court, Respondent, in violation of the Constitution, formed an Ethics Committee thereby arrogating unto himself, and to a Committee he created, the authority and jurisdiction to investigate an alleged member of the Supreme Court.

VII. RESPONDENT BETRAYED THE PUBLIC TRUST THROUGH HIS PARTIALITY IN GRANTING A TEMPORARY RESTRAINING ORDER (TRO) IN FAVOR OF FORMER PRESIDENT GLORIA MACAPAGAL-ARROYO AND HER HUSBAND JOSE MIGUEL ARROYO IN ORDER TO GIVE THEM AN OPPORTUNITY TO ESCAPE PROSECUTION AND TO FRUSTRATE THE ENDS OF JUSTICE, AND IN DISTORTING THE SUPREME COURT DECISION ON THE EFFECTIVITY OF THE TRO IN VIEW OF A CLEAR FAILURE TO COMPLY WITH THE CONDITIONS OF THE SUPREME COURT'S OWN TRO.

- The Supreme Court, under the Respondent, immediately acted upon the Petition and granted the TRO despite the fact that there are clear inconsistencies in former President Arroyo's petition
- It appears from reports that the *ponente* to whom the petitions were raffled was an Associate Justice. Under the Internal Rules of the Supreme Court, a TRO can only be considered upon the recommendation of the *ponente*. In view of certain objections against the grant of the TRO, a holding of a hearing within the short period of five (5) days was recommended. Despite this recommendation, the Respondent engineered a majority of 8 votes (as against five dissenters) the immediate grant and issuance of the TRO in favour of former President Arroyo and her husband in blatant violation of their own internal rules.
- Despite the conditions laid by the SC for the issuance of the TRO, Respondent allowed the issuance of the TRO notwithstanding the fact there was non-compliance of an essential pre-condition
 - Due to the Arroyos' abject failure to comply with Condition 2, the Supreme Court *en banc* in its November 18, 2011 deliberations, by a vote of 7-6, found that there was no compliance with the second condition of the TRO. Consequently, for failure to comply with an essential condition for the TRO, the TRO is not effective. However, by a vote of 7-6, the Supreme Court decided there was no need to explicitly state the legal effect on the TRO of the noncompliance by petitioners with Condition Number 2 of the earlier Resolution.
 - However, the SC decided that the TRO was effective despite non-compliance with an essential condition of the TRO. It is notable that Respondent did not chastise Marquez for his outrightly false and public misrepresentation.
 - Worse, the Respondent did not correct the decision that was issued despite the fact that the decision did not reflect the agreement and decision made by the Supreme Court during their deliberations on November 18, 2011.

CORRUPTION WHEN HE FAILED AND REFUSED TO ACCOUNT FOR THE JUDICIARY DEVELOPMENT FUND (JDF) AND SPECIAL ALLOWANCE FOR THE JUDICIARY (SAJ) COLLECTIONS.

- Respondent has reportedly failed and refused to report on the status of the JDF Funds and the SAJ collections.
- There is likewise the reported failure of Respondent to account for funds released and spent for unfilled positions in the judiciary and from authorized and funded but not created courts.
 - In particular, the annual audit report of the Supreme Court of the Philippines contained the observation that unremitted funds to the Bureau of Treasury amounted to P5.38 Billion
 - the Special allowance for Judiciary along with the General Fund, Judiciary Development Fund in the amount of P559.5 Million were misstated resulting from delayed and/or non-preparation of bank reconciliation statements and non-recording /uncorrected reconciling items.