

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
House of Representatives Complex
Constitution Hills, Quezon City

IN THE MATTER OF THE
IMPEACHMENT OF RENATO
C. CORONA AS CHIEF
JUSTICE OF THE SUPREME
COURT OF THE PHILIPPINES,

REPRESENTATIVES NIEL C.
TUPAS JR., JOSEPH EMILIO A.
ABAYA, LORENZO R.
TANADA III, REYNALDO V.
UMALI, ARLENE J. BAG-AO
(other complainants
comprising at least one-
third (1/3 of the total
Members of the House of
Representatives are
indicated below),

Complainants.

x-----x

VERIFIED COMPLAINT FOR IMPEACHMENT

Undersigned COMPLAINANTS most respectfully file this duly Verified Complaint for the Impeachment of the Honorable Renato C. Corona, currently the Chief Justice of the Supreme Court (hereafter, "Respondent"), upon the grounds of Betrayal of Public Trust, Culpable Violation of the Constitution, and Graft and Corruption, as follows:

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 honourable and 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

1. L-19313, January 19, 1962.

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 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, of Hon. Mateo A. Valenzuela and Hon. Placido B. Vallarta as Judges of the Regional Trial Court of Branch 62, Bago City and of Branch 24, Cabanatuan City, respectively."

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 maneuver his appointment as Chief Justice: by breaking precedents

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 Mrs.

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.

THE PARTIES

Complainants are current Members of the House of Representative, responsible Filipino citizens and taxpayers, and are all of legal age. For purposes of the instant Verified Complaint for Impeachment, complainants may be served with pleadings, notices and processes at the House of Representatives, Constitution Hills, Batasan Complex, Quezon City. They bring this action for and on behalf of the People of the Republic of the Philippines by authority of the 1987 Constitution, consistent with their civic and constitutional duties as citizens, public servants, members of the bar, and Members of the House of Representatives as agents of the People, the various sectors of the nation and other people's organizations.

Respondent RENATO C. CORONA is the incumbent Chief Justice of the Supreme Court of the Philippines, and is being sued in his official capacity. He may be served with summons and other processes at his office address at the Supreme Court Building, City of Manila.

GENERAL ALLEGATIONS

When Respondent assumed office as Chief Justice on May 17, 2010, he did so despite a Constitutionally-imposed ban on appointments which the Supreme Court made possible and permitted under an interpretation that strained credulity, logic and common-sense and even worse, effectively broke the law. The Justices that made this possible constitute a voting block that Respondent leads as Chief Justice.

The appointment was met with widespread public indignation and protests as it was obviously morally dubious. His appointment came just one week after a new President was already elected, and just a few weeks before a new President was to formally assume office. Despite the Constitutional prohibition, the precedent established in *Aytona v. Castillo*, which declared that an incumbent President appointing officials after the election of his successor, as President Diosdado Macapagal argued, represented malicious sabotage of the expressed will of the people; and despite the Supreme Court's own history, which presented the sterling example of a former Chief Justice, Manuel Moran, who declined reappointment to the court by President Elpidio Quirino as it constituted a midnight appointment, Respondent eagerly accepted his position. This was notwithstanding the fact that of the three branches of Government, the Judiciary was the most greatly dependent upon moral ascendancy and ethical integrity as the foundation of its power and legitimacy. However, he attempted to camouflage his brazen ambition by taking his oath of office before then President Gloria Macapagal-Arroyo in secret, supposedly at ten in the morning of May 17, 2010, beyond the scrutiny of the mass media and the public.³

Respondent's voting pattern and actions after his appointment as Associate Justice and later, as Chief Justice, as discussed below, have been anything but fair and impartial.

In the year that Respondent has presided over the Court of Last Resort, the Filipino people's faith in the justice system has been greatly undermined rather than uplifted, through a series of dubious decisions engineered by him.

³ Esguerra, C., Pazzibugan, D. "Palace hides Corona oath-taking from media", *Philippine Daily Inquirer*, May 18, 2010. A copy of the article is attached as Annex "A".

Instead of assuring and strengthening the independence and impartiality of the Judiciary, Respondent has instead demonstrated he is predisposed to favor and protect Mrs. Gloria Macapagal-Arroyo, who had appointed him to his position as Chief Justice in brazen disregard of the Constitution.

In fact, results of the Social Weather Stations Survey's net satisfaction ratings in the third quarter of 2011 indicate that among the country's top officials, only Respondent's satisfaction ratings have been a "zero" since September 2010, i.e., his satisfaction rating is consistently negated by his dissatisfaction rating.⁴

Along the way, Respondent, contrary to his pronouncements, has allowed and even encouraged the deterioration of the respect and trust due to the High Court by putting obstacles in the path of the people's search for truth against graft and corruption; encroaching on the exclusive power of the House of Representatives to initiate impeachment proceedings, providing a semblance of legal cover to give Former President Gloria Macapagal-Arroyo and her husband the opportunity to escape prosecution and frustrate the ends of justice; permitting the High Court to repeatedly flip-flop on its own decisions in violation of its own rules; excusing plagiarism in contrast to the stringent standards expected of ordinary college students and teachers; and even reportedly engaging not only in illicitly acquiring assets of high value but even resorting to petty graft and corruption for his own personal profit and convenience.

⁴ Poblete, J. "Ratings decline for top officials," BusinessWorld, October 12, 2011. A copy of the article is attached as Annex "B".

The Complainants hereby accuse Respondent of numerous acts that comprise: (a) Betrayal of Public Trust; (b) Culpable Violation of the Constitution; and (c) Graft and Corruption, that render him absolutely unfit for the position of Chief Justice of the Supreme Court.

GROUND FOR IMPEACHMENT

Respondent betrayed the Public Trust, committed Culpable Violation of the Constitution and Graft and Corruption in the following manner:

ARTICLE 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 AND UNTIL HIS DUBIOUS APPOINTMENT AS A MIDNIGHT CHIEF JUSTICE TO THE PRESENT.

ARTICLE 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.

ARTICLE 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.

ARTICLE IV

RESPONDENT BETRAYED THE PUBLIC TRUST AND/OR COMMITTED CULPABLE VIOLATION OF THE CONSTITUTION WHEN HE 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.

ARTICLE V

RESPONDENT BETRAYED THE PUBLIC TRUST THROUGH WANTON ARBITRARINESS AND PARTIALITY IN CONSISTENTLY DISREGARDING THE PRINCIPLE OF RES JUDICATA IN THE CASES INVOLVING THE 16 NEWLY-CREATED CITIES, AND THE PROMOTION OF DINAGAT ISLAND INTO A PROVINCE.

ARTICLE VI

RESPONDENT BETRAYED THE PUBLIC TRUST BY ARROGATING UNTO HIMSELF, AND TO A COMMITTEE HE CREATED, THE AUTHORITY AND JURISDICTION TO IMPROPERLY INVESTIGATE A JUSTICE 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.

ARTICLE 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.

ARTICLE VIII

RESPONDENT BETRAYED THE PUBLIC TRUST AND/OR COMMITTED GRAFT AND CORRUPTION WHEN HE FAILED AND REFUSED TO ACCOUNT FOR THE JUDICIARY DEVELOPMENT FUND (JDF) AND SPECIAL ALLOWANCE FOR THE JUDICIARY (SAJ) COLLECTIONS.

DISCUSSION OF THE GROUNDS FOR IMPEACHMENT

- 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.

1.1. Sec. 15, Article VII of the 1987 Constitution clearly prohibits the President from making appointments within two months immediately before the next presidential elections and up to the end of his term, except for temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety. In the case of *In Re Appointments Dated March 30, 1998 of Hon. Mateo A. Valenzuela*

and Hon. Placido B. Vallarta as Judges of the Regional Trial Court of Branch 62, Bago City and of Branch 24, Cabanatuan City,⁵ the Supreme Court rules that this provision bars the appointment of members of the judiciary.

1.2. However, in the case of *Arturo de Castro v. Judicial and Bar Council and President Gloria Macapagal-Arroyo, et. al.*, *In Re Applicability Of Section 15, Article VII Of The Constitution To Appointments To The Judiciary*, *Estelito P. Mendoza, Philippine Bar Association vs. JBC, et al.*⁶, the Supreme Court reversed the Valenzuela ruling and held that the Constitutional prohibition singularly does not apply to the Supreme Court, implying that it applies only to the executive department and all other courts lower than the Supreme Court. Despite the obviously negative and confidence-shattering impact that a “midnight appointment” by an outgoing President would have on the people's faith in the Supreme Court and the judicial system, Respondent eagerly, shamelessly, and without even a hint of self-restraint and delicadeza, accepted his midnight appointment as Chief Justice by then-President Gloria Macapagal-Arroyo.

1.3 All judges must “ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.”⁷ In addition, “(t)he behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.”⁸ These are required under two of the most important sections of the Code of Judicial Conduct, specifically Canon 2 on Integrity. However, as a matter of public record, from his very promotion to the highest position in the judicial hierarchy, Respondent has violated these premier provisions.

5 A.M. No. 98-5-01-SC, November 9, 1998, 298 SCRA 408.

6 G.R. Nos. 191002, 191032, 191057, A.M. No. 10-2-5-SC, G.R. No. 191149, 191342, 191420, March 17, 2010

7 Sec. 1, Canon 2, New Code of Judicial Conduct.

8 Sec. 2, Canon 2, New Code of Judicial Conduct.

1.4. Indeed, Newsbreak reported that the voting record of Respondent “shows that he has consistently sided with the administration in politically-significant cases” (i.e. Arroyo’s policies and administration). Newsbreak further reported when it tracked the voting pattern of Supreme Court justices, “Corona lodged a high 78 percent in favor of Arroyo” – and this was before his midnight appointment as Chief Justice.⁹

1.5. This trend continued, even worsened, betraying Respondent’s predisposition to side with Arroyo or her interest at any and all costs – even at the cost of prostituting the noble cause of justice.

1.6. Thus, in *Biraogo v. The Philippine Truth Commission of 2010*,¹⁰ Respondent dealt the fatal blow to Executive Order No. 1, dated July 30, 2010, entitled “Creating the Philippine Truth Commission of 2010”. Simply, Respondent prevented any such body from being created now or in the future – thereby protecting his patroness from investigation.

1.7. Another case: the Status Quo Ante Order in *Bai Omera D. Dianalan-Lucman v. Executive Secretary Paquito N. Ochoa, Jr.*,¹¹ is equally appalling. Seemingly on cue, Respondent’s Supreme Court would not be content against simply nullifying Executive Order No. 1 dated July 30, 2010. To extend Arroyo’s control and influence over the new administration done through massive last-minute appointments in critical public positions, Respondent would again find fault in Executive Order No. 2 dated July 30, 2010.

⁹ See “Justice Corona’s voting record favors Arroyo”, Newsbreak, February 04, 2010 <<http://www.newsbreak.ph/2010/02/04/justice-coronas-voting-record-favors-arroyo>>. A faithful printout is attached as Annex “C” hereof.

¹⁰ G.R. No. 192935, December 7, 2010.

¹¹ G.R. No. 193519, October 12, 2010.

1.8. Executive Order No. 2 was issued precisely to revoke Midnight Appointments made by the Arroyo Administration in departments, agencies, offices, and instrumentalities, including government-owned or controlled corporations. These Midnight Appointments were made possible by Mrs. Arroyo churning out appointments for plum posts in government owned and controlled agencies, on a daily basis and backdating them to before the constitutional ban on appointments during an election period.¹² Further, such appointments had the effect of eroding the integrity of the executive. Likewise, the same was made in complete disregard of the intent and spirit of the constitutional ban on midnight appointments, effectively depriving the new administration of the power to make its own appointments to these positions. It was for these reasons that an Order from the Executive needed to be made in order to prevent the further degradation of the people's trust and confidence in our government institutions.

1.9. Yet, consistent with his pattern of supporting Gloria Macapagal-Arroyo, Respondent's Supreme Court issued a Status Quo Ante Order to prevent the implementation of Executive Order No. 2. Again, the instant case reflects an affront to the independence of the judiciary. It is likewise a case of judicial overreach upon a co-equal branch of government meant to derail its efforts to curb corruption by successively nullifying its issuances.

1.10. As Associate and Chief Justice, Respondent has ignored ethical precedents, behaved with a lack of integrity, casting the Supreme Court in disrepute. Judges are expected to be beyond reproach, financially, ethically, and the use of their authority and

¹² See "Arroyo issues midnight madness of appointments", ABS-CBN News at <<http://www.abs-cbnnews.com/nation/06/03/10/arroyo-issues-midnight-madness-appointments>>, a faithful printout of which is attached as Annex "D" hereof; see also the list of Midnight Appointees from ABS-CBN News <http://www.abs-cbnnews.com/sites/default/files/others/downloads/MATRIX-Midnights_GOCCs_02June2010.pdf>, a faithful printout of which is attached as Annex "E" hereof.

powers. Partisanship, a wilful refusal to recuse himself so as to avoid any possible imputation of a conflict of interest, including the paying back of debts of political gratitude or loyalty, are a betrayal of public trust and contrary to the canons of judicial conduct.

1.11. As for the case of Benigno Simeon Aquino III v. Commission on Elections, *supra*, the Supreme Court denied the petition of then Sen. Benigno S. Aquino III against RA No. 9716 creating and/or redefining the first and second districts of Camarines Sur. It was widely believed and confirmed by subsequent events, that the districts were re-defined and created to assure that the President Gloria Macapagal-Arroyo's son, Dato Arroyo, could run and win in the newly created district to avoid a contest between the president's son and DBM Secretary Rolando Andaya who wanted to return to Camarines Sur to run in his old district. This new district was upheld contrary to the explicit constitutional requirement¹³ that mandates a minimum population of two hundred fifty thousand (250,000) for the creation of a legislative district.

1.12. Then Sen. Aquino argued that Republic Act No. 9716 creating the first and second districts of Camarines Sur was unconstitutional, because the proposed first district would end up with a population of less than 250,000 or only 176,383. Despite this clear fact, Respondent Corona voted in violation of the Constitution against then Sen. Aquino's petition.

1.13. Worse, Respondent, who at that time was already being considered by Mrs. Arroyo as the next Chief Justice, did not inhibit

¹³ Section 5, Article VI of the 1987 Constitution for the creation of legislative districts mandates that "Congress shall make a reapportionment of legislative districts based on the standards" fixed in Section 5. These constitutional standards, as far as population is concerned, are: (1) proportional representation; (2) minimum population of 250,000 per legislative district; (3) progressive ratio in the increase of legislative districts as the population base increases; and (4) uniformity in apportionment of legislative districts "in provinces, cities, and the Metropolitan Manila area."

himself. The simple fact is Respondent's patroness, was the mother of the principal beneficiary of the creation of the new district. Thus, a vote in favor of the new district was a vote in favor of Mrs. Arroyo's son and, would thus endear him more to Mrs. Arroyo and ensure his appointment. In simplest terms, Respondent wanted and needed something from Mrs. Arroyo (i.e., his appointment as next Chief Justice); Mrs. Arroyo, in turn, wanted or needed something for Respondent (i.e. to create a new legislative district for her son, Dato Arroyo). The People can do the math.

1.14. Below is a table that tracks Respondent's voting pattern in cases highly impressed with public interest and involving the Arroyo government's frontal assaults on constitutional rights prior to his appointment as Chief Justice. As the table will show, Respondent's vote is dictated not by his conscience but his loyalty and subservience to his appointing power:

Case	Supreme Court Ruling	Corona's Vote
Information Technology v. COMELEC and Mega Pacific (January 13, 2004)	Mega-Pacific contract voided for not undergoing public bidding	Dissented
Sanlakas v. Executive Secretary (February 03, 2004)	The President, in issuing Proc. Nos. 427, 435, and Gen. Order No. 4, did not exceed her powers as Chief Executive and Commander-in-Chief	Concurred
Tecson v. COMELEC (March 03, 2004)	Dismissed petitions to disqualify Fernando Poe, Jr. (Arroyo's rival candidate for the presidency) as a presidential candidate on the ground that he is not a natural-born Filipino	Dissented
Pimentel v. Ermita (December 13, 2005)	The President may make appointments "in an acting capacity" without seeking confirmation from the Commission on Appointments even when Congress is in session (i.e., not just ad interim appointments).	Concurred
Senate v. Ermita (April 20, 2006)	EO 464 issued by Mrs. Arroyo which allowed executive department heads to invoke executive privilege is valid	Concurred
Gudani v. Senga (August 15, 2006)	The presidential directive which prohibited certain officials of the	Concurred

Case	Supreme Court Ruling	Corona's Vote
	Executive branch and the AFP from appearing in Congressional hearings without the President's consent, is valid	
Lambino v. COMELEC (October 25, 2006)	Lambino's/Sigaw ng Bayan's petition for COMELEC to allow a people's initiative to amend the Constitution (to convert our form of government from presidential to parliamentary; thus, giving Arroyo the opportunity to become the prime minister and evade the Constitutional prohibition on re-election as President) was dismissed for having failed to comply with the Constitutional requirements of conducting a people's initiative.	Dissented
David v. Arroyo (May 03, 2006)	Presidential Proclamation No. 1017 is partly constitutional, partly unconstitutional	<p>Dissented (Joined Tinga's dissent) Tinga voted to dismiss all the petitions on the following grounds:</p> <ol style="list-style-type: none"> 1. Since PP 1017, insofar as it is an exercise of the President's calling out powers, is similar to PP 427, it should likewise be sustained, following the ruling in Sanlakas v. Executive Secretary (2004) 2. The takeover of the Daily Tribune is no longer a justiciable issue. Nevertheless, Tinga also commented on the President's emergency takeover powers in this wise: while it is fundamentally sound to construe Art. XII, Section 17 of the 1987 Constitution as requiring congressional approval before a takeover may be effected, its wording is ambivalent; thus, it is also constitutionally permissible for the President to exercise takeover powers even without Congressional approval in exceptional instances, subject only to judicial review. 3. Dissented from the majority ruling that the overbreadth and void for vagueness doctrines apply only to facial challenges

Case	Supreme Court Ruling	Corona's Vote
		<p>of free speech statutes. Only criminal statutes, and not free speech cases, may be challenged on the ground that they are void for vagueness. Free speech cases are more properly challenged on the ground of overbreadth.</p> <p>Furthermore, PP 1017 "neither creates nor diminishes any rights or obligations whatsoever".</p> <p>4. General Order No. 5 is likewise valid because even if premised on a state of emergency, it "cannot authorize the military or police to ignore or violate constitutional or statutory rights, or enforce laws completely alien to the suppression of lawless violence."</p> <p>5. The Supreme Court should not pass upon the individual claims of injury arising from an examination of PP 1017 and GO 5 as applied, since it is not a trier of facts</p>
Chavez v. Gonzalez (February 15, 2008)	Wiretapped conversations between Arroyo and Garcillano not prohibited from airing	Dissented
Neri v. Senate (March 25, 2008)	Neri not liable for contempt for not appearing in Senate hearings on NBN-ZTE Deal, which was linked to Arroyo and her spouse, because his testimony is covered by executive privilege	Concurred
Akbayan v. Aquino (July 16, 2008)	JPEPA communications covered by executive privilege exercised by Mrs. Arroyo, and not for public disclosure	Concurred
Benigno Simeon Aquino III v. Commission on Elections, G.R. No. 189793 (April 7, 2010)	Denied the petition of then Sen. Benigno S. Aquino III and upheld RA 9716 creating the first and second districts of Camarines Sur (the districts were created to assure that Arroyo's son, Dato Arroyo, will run uncontested since then DBM Secretary Rolando Andaya was returning to Camarines Sur to run again for Congress) contrary to the explicit constitutional requirement ¹⁴ that requires a minimum population	Concurred – did not inhibit despite being already considered as one of the nominees for the next Chief Justice by the mother (then PGMA) of the principal beneficiary of the creation of the new district. Thus a vote in favor of the new district is a vote in favor of then PGMA's son and, thus, GMA.

14 Ibid.

Case	Supreme Court Ruling	Corona's Vote
	of two hundred fifty thousand (250,000) for the creation of a legislative district. Then Sen. Aquino argued that Republic Act No. 9716 that created the first and second districts of Camarines Sur is unconstitutional, because the proposed first district will end up with a population of less than 250,000 or only 176,383. Despite this clear fact, Corona voted against then Sen. Aquino's petition in violation of the Constitution.	

1.15. Aside from the specific cases herein discussed, the following cases decided by the Court with Respondent as Chief Justice further betray his consistent lack of independence and bias towards protecting Arroyo:

Case	Supreme Court Ruling	CJ Corona's Vote
Biraogo v. The Philippine Truth Commission of 2010, G.R. No. 192935 (December 7, 2010)	Executive Order No. 1 creating the Truth Commission was declared unconstitutional.	Corona concurred.
Bai Omera D. Dianalan-Lucman v. Executive Secretary Paquito N. Ochoa, Jr., G.R. No. 193519 (October 12, 2010)	EO2 Status Quo Ante Order – The Supreme Court required the parties to observe the STATUS QUO prevailing before the issuance of Executive Order No. 2 dated July 30, 2010.	The Corona SC once again thwarted the government's efforts to question the midnight appointments made by Arroyo to various positions in government, and throw a monkey wrench at the new administration's efforts to re-organize the government and get rid of corrupt government officials.
Gloria Macapagal-Arroyo v. Hon. Leila de Lima, et al., G.R. Nos. 199034; Jose Miguel T. Arroyo v. Hon. Leila de Lima, et al., G.R. No. 199046 (November 15, 2011)	Temporary restraining order (TRO) issued against the watchlist order issued against the Arroyos.	The known Arroyo voting block in the Supreme Court, led by Respondent, hastily issued a TRO against the watchlist order, thereby giving an opportunity for the Arroyos to escape from the jurisdiction of the Philippines. The TRO was issued despite the glaring inconsistencies in the petition of former President Arroyo, as cited by Associate Justice Sereno. The same voting block held the TRO immediately executory despite non-compliance with a pre-condition.

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.

2.1. It is provided for in Art. XI, Section 17 of the 1987 Constitution that "a public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities, and net worth. In the case of the President, the Vice-President, the Members of the Cabinet, and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law. "

2.2. Respondent failed to disclose to the public his statement of assets, liabilities, and net worth as required by the Constitution.

2.3. It is also reported that 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.

2.4. Respondent is likewise suspected and accused of having accumulated ill-gotten wealth, acquiring assets of high values and keeping bank accounts with huge deposits. It has been reported that Respondent has, among others, a 300-sq. meter apartment in a posh Mega World Property development at the Fort in Taguig. Has he reported this, as he is constitutionally-required under Art. XI, Sec. 17 of the Constitution in his Statement of Assets and Liabilities and Net Worth (SALN)? Is this acquisition sustained and duly supported

by his income as a public official? Since his assumption as Associate and subsequently, Chief Justice, has he complied with this duty of public disclosure?

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.

3.1. Respondent was appointed to the Supreme Court on April 9, 2002 by Mrs. Gloria Macapagal-Arroyo. Prior to his appointment, he served Arroyo for many years as her chief of staff, and spokesman when she was Vice-President, and later as her Presidential Chief-of-Staff, Presidential Spokesman, and Acting Executive Secretary.¹⁵

3.2. Art. VIII, Section 7 (3) of the 1987 Constitution provides that “[a] Member of the Judiciary must be a person of proven

¹⁵ See <http://sc.judiciary.gov.ph/justices/j.corona.php>.

competence, integrity, probity, and independence.” Members of the Judiciary are expected to have these four qualities mandated by the Constitution because these form the very foundation for maintaining people’s faith in the Judiciary. Thus, it has been ruled by no less than the Supreme Court that:

“People who run the judiciary, particularly justices and judges, must not only be proficient in both the substantive and procedural aspects of the law, but more importantly, they must possess the highest degree of integrity and probity and an unquestionable moral uprightness both in their public and private lives.”¹⁶

Although every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness than a seat in the Judiciary. High ethical principles and a sense of propriety should be maintained, without which the faith of the people in the Judiciary so indispensable in an orderly society cannot be preserved.¹⁷

3.3. Just very recently, the flip-flopping of the Corona Court on Flight Attendants and Stewards Association of the Philippines (FASAP) v. Philippine Airlines, Inc., et al.¹⁸ – the recall of a September 7, 2011 Decision of the Supreme Court’s Second Division denying a Second Motion for Reconsideration of the 2008 ruling in favor of FASAP, on a mere letter from Philippine Airlines’ counsel Atty. Estelito Mendoza (who is the reported lead counsel of Respondent’s patroness; see Annexes “F” to “F-3”, infra), and without requiring a comment from or notice to the other parties to hear their side, betray Respondent’s lack of ethical principles and his disdain for fairness which has eroded the faith of the people in the Judiciary – for Respondent himself caused and allowed the violation of the adverse party’s constitutional right to due process.

16 Cabulisan v. Judge Pagalilauan, A.M. No. RTJ-96-1363, October 12, 1998.

17 In Re: Derogatory News Items Charging Court of Appeals Associate Justice Demetrio Demetria with Interference on Behalf of a Suspected Drug Queen, A.M. No. 00-7-09-CA, March 27, 2001.

18 G.R. No. 178083 in relation to Administrative No. 11-10-1-SC.

3.3.1. The matter is made worse since the recall is reported to have been at the instance of Respondent Corona, who admitted that in 2008, he inhibited from the case. How then can he justify his interference in this case today? Why take part or interfere now?

3.3.2. What is even more disturbing is that under Respondent Corona's watch as Chief Justice, the Supreme Court appears to be acting on mere letters kept hidden from those concerned and the other parties – and all from the same lawyer – Estelito Mendoza.

3.3.3 It must be recalled that the same Estelito Mendoza wrote a personal letter to Respondent which also caused the flip-flopping in the League of Cities v. COMELEC¹⁹ case. It must also be recalled that Estelito Mendoza is also the same person who filed Administrative Matter No. 10-2-5-SC,²⁰ and was among the petitioners in the Supreme Court who posited that Mrs. Arroyo may appoint the next Chief Justice despite the constitutional ban; and through which petition, made it possible for the Supreme Court to legitimize and provide not only a strained but obviously erroneous basis for the midnight and constitutionally-prohibited appointment of Respondent.

3.3.4. In this connection, Respondent's voting pattern even prior to his dubious appointment as Chief Justice, clearly proves a bias and manifest partiality for Mrs. Arroyo. It must be noted that under the law, bias need not be proven to actually exist; it is enough that the Chief Justice's actions lend themselves to a reasonable suspicion that he does not possess the required probity and impartiality. In Rosauro v. Villanueva,²¹ the Supreme Court held that:

"A judge should not only render a just, correct and

¹⁹ G.R. Nos. 176951, 177499, 178056; August 24, 2010, February 15, 2011, April 12, 2011, June 28, 2011.

²⁰ Arturo de Castro v. Judicial and Bar Council and President Gloria Macapagal-Arroyo, et. Al, supra.

²¹ A.M. No. RTJ-99-1433, June 26, 2000.

impartial decision but should do so in such a manner as to be free from any suspicion as to its fairness and impartiality and as to his integrity. While a judge should possess proficiency in law in order that he can competently construe and enforce the law, it is more important that he should act and behave in such a manner that the parties before him should have confidence in his impartiality. Thus, it is not enough that he decides cases without bias and favoritism. Nor is it sufficient that he in fact rids himself of prepossessions. His actuations should moreover inspire that belief. Like Caesar's wife, a judge must not only be pure but beyond suspicion." [Underscoring supplied]

3.3.5. The bar is higher for judges, and by inference, highest for Justices and most especially the Chief Justice, because "the character of a judge is perceived by the people not only through his official acts but also through his private morals, as reflected in his external behavior."²² Thus,

"a judge should, in a pending or prospective litigation before him, be scrupulously careful to avoid such action as may reasonably tend to waken the suspicion that his social or business relations or friendships constitute an element in determining his judicial course."²³ [Underscoring and emphases supplied]

3.3.6. If a decision that is legally correct or justifiable can suffer from a suspicion of impartiality, more so will a decision that is entirely unsupported by legal reasoning. Thus, it has been held that a judge who "is ignorant of fairly elementary and quite familiar legal principles and administrative regulations, has a marked penchant for applying unorthodox, even strange theories and concepts in the adjudication of controversies, exhibits indifference to, and even disdain for due process and the rule of law, applies the law whimsically, capriciously, and oppressively, and displays bias and

²² Dawa v. Judge De Asa, A.M. No. MTJ-98-1144, July 22, 1998; Clerk of Court Buencamino v. Judge De Asa, A.M. No. MTJ-98-1148, July 22, 1998

²³ Canon 30, Canons of Judicial Ethics (Administrative Order No. 162 dated August 1, 1946 of the Department of Justice).

partiality", is unfit to be a judge.²⁴

3.4. Respondent further compromised his independence when his wife, Cristina Corona, accepted an appointment on March 23, 2007 from Mrs. Gloria Arroyo to the Board of the John Hay Management Corporation (JHMC). The JHMC is a wholly-owned subsidiary corporation of the Bases Conversion Development Authority (BCDA), a government-owned-and-controlled corporation created under Republic Act No. 7227.

3.4.1. Shortly after assuming her well-paying job at JHMC, serious complaints were filed against Mrs. Corona by her fellow Board members, as well as from the Management and rank-and-file employees of the JHMC. Mrs. Corona's election as Director and President was reportedly withdrawn in a resolution passed by the Board of Directors of JHMC because of acts of misconduct and negligence. Copies of the JHMC Board Resolution withdrawing Mrs. Corona's election as JHMC President and Chairman, the Position Paper prepared by the JHMC Management, and the resignation letter of retired Court of Appeals Justice Teodoro Regino from the JHMC Board of Directors, all of which chronicle the serious irregularities committed by Mrs. Corona, are attached hereto as Annexes "G", "H" and "I", respectively.

3.4.2. Instead of acting upon the serious complaints against Mrs. Corona, Mrs. Arroyo instructed all members of the JHMC to tender their courtesy resignations immediately. After the resignations, Mrs. Corona was retained and even promoted after President Arroyo expressed her desire for Mrs. Corona's election as OIC Chairman of the JHMC Board.

²⁴ Garganera v. Jocson, A.M. Nos. RTJ-88-227, RTJ-90-624, RTJ-88-270, RTJ-87-124, RTJ-88-269, RTJ-88-267, and RTJ-88-279, September 01, 1992.

3.4.3. Despite the numerous other complaints against Mrs. Corona, including one from Baguio Mayor Reinaldo Bautista where he protested Mrs. Corona's move to replace the members of the JHMC Management Team, in violation of the terms of City Council Resolution No. 362 which protects the security of tenure in the JHMC of local residents occupying key positions in the corporation (a copy of his letter dated July 25, 2007 is attached as Annex "J"), and despite adverse findings in the COA report that also established that she was improperly holding office in St. Ignatius Village in Quezon City, Mrs. Corona was not removed from her position. She was even allowed to rack up unnecessary expenses totalling Six Hundred Ninety Thousand And One Hundred Eighty-Three Pesos (P690,183.00) which she spent holding office in Quezon City when JHMC's operations were all in Baguio City. A copy of the COA report is attached as Annex "K".

3.4.4. Mrs. Corona's job was ensured with specific instructions of Mrs. Arroyo expressed through several desire letters issued to the BCDA specifically to ensure the election of Mrs. Corona to several positions in the JHMC, copies of which are attached as Annexes "L", "L-1" and "L-2". This also explains why despite the serious complaints against Mrs. Corona, Mrs. Arroyo never removed her from JHMC but instead kept on promoting and protecting her.

3.4.5. Mrs. Corona's appointment is a violation of the Code of Judicial Conduct that provides:

"Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge." [Sec. 4, Canon 1; emphasis and underscoring supplied]

"Judges shall not use or lend the prestige of the judicial office to advance their private interests, or those

of a member of their family or of anyone else, nor shall they convey or permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of judicial duties.” [Sec. 8, Canon 4; emphasis and underscoring supplied]

3.4.6. The New Code of Judicial Conduct further provides that it is unethical for a magistrate and members of his family to ask for or receive any gift in exchange for any act done or to be done by the judge in the course of his judicial functions:

“Judges and members of their families shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by him or her in connection with the performance of judicial duties.” [Sec. 8, Canon 4; emphasis and underscoring supplied]

“Judges shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to be free therefrom to a reasonable observer.” [Sec. 5, Canon 1; emphasis and underscoring supplied]

3.4.7. Clearly, a grossly improper (although personally and mutually beneficial) relationship between the Respondent and Mrs. Arroyo was created when Mrs. Corona was appointed to the JHMC. The JHMC is a GOCC under the Executive Department headed by Mrs. Arroyo. The appointment of Mrs. Corona in JHMC as its highest management officer is clearly intended to secure the loyalty and vote of Respondent in the Supreme Court. In a similar case, the Supreme Court found it unethical for the judge to allow his daughters to accept the business offer of persons who have a pending case before the judge’s court:

“The New Code of Judicial Conduct for the Philippine Judiciary prescribes that judges shall ensure that not only is their conduct above reproach, but that it

is perceived to be so in the view of a reasonable observer. Thus, judges are to avoid impropriety and the appearance of impropriety in all their activities. Likewise, they are mandated not to allow family, social or other relationships to influence judicial conduct or judgment, nor convey or permit others to convey the impression that they are in a special position to influence the judge. The Code clearly prohibits judges or members of their families from asking for or accepting, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by him or her in connection with the performance of judicial duties. Respondent judge failed to live up to these standards. Despite knowledge of Onofre and Mariano's intentions in offering the business to his daughters, respondent judge allowed his daughters to accept the offer of business partnership with persons who have pending cases in his court.”²⁵

3.4.8. Respondent should be held to even higher standards because he is the Chief Justice of the Supreme Court. Since joining JHMC, Mrs. Corona received a substantial salary, aside from other perks of the job, including cars and various travel opportunities. In exchange, as discussed above, the voting record of Respondent in the Supreme Court indicate an unmistakable pattern of favoring Arroyo in cases brought before the Supreme Court challenging her policies and actions. All these foregoing facts betray the Respondent's lack of qualification as Chief Justice as he has demonstrated a lack of competence, integrity, probity, or independence.

3.4.9. Respondent reportedly dipped his hands into public funds to finance personal expenses. Numerous personal expenses that have nothing to do with the discharge of his official functions, such as lavish lunches and dinners, personal travels and vacations, and fetes and parties, have reportedly been charged by the Respondent to judicial funds. In essence, Respondent has been reportedly using the judicial fund as his own personal expense

²⁵ Dulay v. Lelina, A.M. No. RTJ-99-1516, 14 July 2005.

account, charging to the Judiciary personal expenditures.²⁶

3.4.10. It is therefore apparent that there is reasonable ground to hold Respondent for the reported misuse of public funds, and in acts that would qualify as violations of the anti-graft and corrupt practices act, including malversation of public funds, and use of public funds for private purposes.

3.5. In addition, Respondent Corona failed to maintain high standards of judicial conduct in connection with the Vizconde massacre case, in the process, casted doubt upon the integrity of the Supreme Court itself.

3.5.1. All judges must “exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence.”²⁷ To do so, it is required “that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.”²⁸ Included in this prescription of what constitutes acceptable and non-acceptable conduct is that rule that judges “shall not knowingly, while a proceeding is before or could come before them, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall judges make any comment in public or otherwise that might affect the fair trial of any person or issue.”²⁹ Likewise, “(j)udges shall not, in the performance of judicial duties, by words or conduct, manifest bias

26 See JHMC’s Press Release, “JHMCL Whistle blower’s act is a pre-emptive move”, July 25, 2010, available at <<http://www.baguioimlandcourier.com.ph/city.asp?mode=%20archives/2010/july/7-25-2010/city2.txt>>. A faithful printout of the article is attached as Annex “M” hereof.

27 Sec. 8, Canon 1, New Code of Judicial Conduct.

28 Sec. 2, Canon 3, New Code of Judicial Conduct.

29 Sec. 4, Canon 3, New Code of Judicial Conduct.

or prejudice towards any person or group on irrelevant grounds.”³⁰

3.5.2. Despite these strictures, Respondent has directly, deliberately, and shamelessly attempted to destroy the credibility and standing of the Supreme Court with respect to one important and publicly-celebrated case that was before it on automatic appeal: the celebrated Vizconde Massacre case.³¹

3.5.3. Sometime in early September 2010, Lauro Vizconde, surviving member of the Vizconde family who were murdered in 1991, and Dante Jimenez of the Volunteers Against Crime and Corruption (VACC) paid a courtesy call upon the Respondent in his chambers after his appointment as Chief Justice.

3.5.4. During the courtesy call, Vizconde asked the Respondent about the status of the multiple murder case against Hubert Webb and the other accused, which was at the time pending appeal before the Supreme Court. Despite the obvious impropriety, Respondent, instead of rebuffing Vizconde for asking the questions, engaged Vizconde in a personal and ex-parte conversation regarding a case then pending consideration before the Supreme Court.

3.5.5. Worse, in the course of the conversation, Respondent told Vizconde, in the presence of Jimenez, that fellow Justice Antonio Carpio was allegedly lobbying for the acquittal of Hubert Webb. According to Vizconde in a sworn Affidavit dated January 27, 2011, Respondent said that “Talagang brina-braso at ini-impluwensiyahan ni Carpio ang kanyang mga kasama para mapawalang-sala si Webb [Carpio was really arm-twisting and influencing his colleagues to acquit Webb],” or words to that effect.

30 Sec. 2, Canon 5, New Code of Judicial Conduct.

31 People of the Philippines v. Lejano, et. al., G.R. 176864, December 14, 2010.

Jimenez corroborated Vizconde's statement in his own sworn Affidavit dated January 26, 2011.

3.5.6. The fact that Respondent spoke with Vizconde regarding a case pending before the Supreme Court is in itself already a serious breach of the rule of confidentiality that must be maintained by the Court with respect to cases pending before it, as well as the deliberations of the members of the Court. Such confidentiality is absolutely necessary in order to ensure that members of the Court are insulated from lobbying and pressure coming from any of the litigants of a pending case. Respondent's action, as Chief Justice, is in itself unbecoming and unworthy of a Chief Justice.

3.5.7. Indeed, in Re: Letter of Presiding Justice Conrado M. Vasquez,³² the Supreme Court sanctioned a justice of the Court of Appeals for a similar act of discussing a pending case with interested parties for having "failed to maintain the high standard of independence and propriety that is required of him." The Supreme Court further held:

"Taking his conversation with his brother and his encounters with Mr. de Borja together, Justice Sabio gives the impression that he is accessible to lobbyists who would unfairly try to manipulate court proceedings. Even assuming arguendo that Justice Sabio was not moved by his brother's request and that he rejected Mr. de Borja's bribe offer, the Court feels compelled to call Justice Sabio's attention to his own shortcomings under the circumstances. At the very least, Justice Sabio should have realized that his discussions of court matters, especially those that have not yet been made of public record, with persons who are interested in the case were incredibly indiscreet and tended to undermine the integrity of judicial processes. We see no reason to reverse the Panel's finding that Justice Sabio's conversations with his brother and Mr. de Borja were 'indiscreet and imprudent'."

32 AM No. 08-8-11-CA, October 15, 2008.

3.5.8. Significantly, Respondent signed and concurred with the above-mentioned Resolution of the Supreme Court. Yet, Respondent Corona committed the same pernicious act of discussing a pending case with interested parties.

3.5.9. Worse, however, is the fact that Respondent intrigued against the honor and integrity of a fellow Justice in his absence, in the process, maligning and undermining the credibility of the Supreme Court as an institution. By painting for Vizconde a picture of a Court that is subject to the influence of one out of 15 Justices, and making it appear that the eventual decision of the Court in the case would be attributable to internal arm-twisting and influence, Respondent destroyed the credibility of the very institution that he was supposed to be leading.

3.5.10. In trying to pin the blame of a possible acquittal upon a fellow Justice, Respondent was himself sowing the seeds of discontent and distrust of the Supreme Court with a party litigant. As it happened, Vizconde and Jimenez did raise the supposed internal arm-twisting and influence before the media while the case was in the final stages of decision. By provoking Vizconde to pre-empt the decision with negative publicity, Respondent himself is guilty of directly undermining the trust and confidence of the public in the Supreme Court regardless of what its decision would have later turned out to be.

3.5.11. Worse still, is that the act of the Respondent violates Sec. 3(k) of Rep. Act 3019, or the Anti-Graft and Corrupt Practices Act, which prohibits any official from "(d)ivulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date." It is clear from the context of the conversation with Vizconde and

Jimenez, that Respondent was signalling the latter to prepare for an acquittal, and giving them someone to blame therefor. Given the high profile of the case, it is not unreasonable to assume that at the time of the conservation, the Supreme Court had already begun deliberations on the case, and that Respondent already had a sense of what the decision of the Court would probably be.

3.6. Respondent Corona with undue haste, impropriety and irregularity, dismissed the inter-petal recreational corporation case³³ under suspicious circumstances.

3.6.1. Respondent was accused by Fernando Campos of unethical conduct when he met ex parte with the lawyer of the adverse party in connection with a pending case before him. In an attempt to defend himself against the complaint for unethical conduct filed against him by Campos, Respondent explicitly admitted violating the New Code of Judicial Conduct. In his letter dated February 8, 2010 to the Judicial and Bar Council (JBC), Respondent refuted the claim of Campos that he allegedly met with a lawyer of Philweb Corporation in connection with a case pending before him but countered that:

“On the contrary, it was Campos himself who actively tried to pressure me into deciding G.R. No. 186711 in his favor. I was pestered by calls from different people on his behalf. By his own admission in his ‘executive summary,’ he asked Justice Angelina Gutierrez, Santiago Kapunan and Leonardo Quisumbing, among others to intercede for him.” (Emphasis supplied)

3.6.2 In his very own words, Respondent admitted that various persons were able to communicate with him in connection with a case that was pending before him precisely in an attempt to

³³ G.R. No. 186711.

influence him in his resolution of the said case. In allowing himself to be approached by persons which he knew were trying to exercise their influence over him on a particular case pending before him and in failing to take or initiate appropriate disciplinary measures against such actions, Respondent violated basic precepts of the New Code of Judicial Conduct, which provides, among others, that:

"Canon 1
Independence

Sec. 1. Judges shall exercise the judicial function independently on the basis of their assessment of the facts and in accordance with a conscientious understanding of the law, free from extraneous influence, inducement, pressure, threat or interference, direct or indirect, from any quarter or for any reason.

x x x

Sec. 4. Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

Sec. 5. Judges shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to be free therefrom to a reasonable observer."

"Canon II
Integrity

Sec. 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

Sec. 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

Sec. 3. Judges should take or initiate appropriate

disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.”

“Canon III
Impartiality

x x x

Sec. 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.”

“Canon IV
Propriety

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

Sec. 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.”

3.6.3. To restate in *In Re: Letter of Presiding Justice Conrado M. Vasquez*,³⁴ the Supreme Court held that such conduct amounted to a failure to maintain the high standard of independence and propriety that is required of a judge.

3.6.4. For emphasis, Respondent signed and concurred with the above-mentioned Resolution of the Supreme Court. Surely, Respondent, as Chief Justice, cannot be exempt from the same rule and principle. As Chief Justice, he must in fact be held to a higher standard. The Supreme Court further said of justices:

“While it may be true that from a psychological stand point ordinary persons can have a wide variety of valid reactions to any given situation, Justice Sabio should bear in mind his high office as a magistrate of the appellate court sets him apart from ordinary persons. Being the subject of constant public scrutiny, members of the bench should freely and willingly accept behavioral restrictions that may be viewed by ordinary citizens as

34 AM No. 08-8-11-CA (October 15, 2008)

burdensome.”³⁵ (emphasis supplied)

3.6.5. Moreover, Respondent not only should have scrupulously guarded his reputation as a Supreme Court Justice, it behooved upon him to have done a positive act to ensure that Campos and the latter’s emissaries be dealt with administratively for the brazen attempt to influence a magistrate of the Supreme Court.³⁶ This he utterly failed to do.

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.

4.1. On September 13, 2010, Ombudsman Merceditas Gutierrez filed a Petition for Certiorari and Prohibition before the Supreme Court seeking to enjoin the Committee on Justice of the House of Representatives from proceeding with the impeachment proceedings against her. Gutierrez’s sixty-paged Petition prayed for a Temporary Restraining Order against the impeachment proceedings.

³⁵ Ibid.

³⁶ Section 3, Canon II of the New Code of Judicial Conduct imposes upon judges an obligation to “take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.”

4.2. With undue haste, the following day after filing, Respondent immediately tabled Gutierrez's Petition despite the fact that not all the Justices had received or read the Petition. Respondent railroaded the proceedings in order to have a Status Quo Ante Order issued in favor of Gutierrez. This was confirmed by Justice Maria Lourdes Sereno in her Concurring Opinion to the February 15, 2011 Decision³⁷:

"On a final note, the issuance of the Status Quo Ante Order in this case was most unfortunate. It was issued over the objections of Justices Antonio Carpio, Conchita Carpio Morales, and myself. I believed then, as I believe now, that the Court, in issuing the said order, was overly intrusive with respect to a power that does not belong to it by restraining without hearing a co-equal branch of Government. This belief was made more acute by the fact that the order was voted upon in the morning of 14 September 2010, without the benefit of a genuinely informed debate, since several members of the Court, myself included, had not yet then received a copy of the Petition."

4.3. A Supreme Court delivery receipt published by the news magazine Newsbreak also showed that most of the justices received the Petition after the deliberations, while three (3) justices who voted to issue the Status Quo Ante Order received the petition only on September 15, 2011, a day after the status quo ante order was granted. These justices were Justices Velasco, Bersamin and Perez.³⁸

4.4. The issuance of the Status Quo Ante Order is a betrayal of the public trust since it clearly showed Respondent's high-handedness, bias, subservience and partisanship. The issuance of a

³⁷ G.R. No. 193456, September 14, 2010.

³⁸ See Annex "N", a copy of the delivery report as sent by the Supreme Court to the Hon. Rodolfo Fariñas. See also Annex "N-1" for a faithful printout of the delivery receipt as published by Newsbreak in its article "Delivery receipt shows justices voted on Gutierrez petition before receiving copies, available on <<http://www.newsbreak.ph/2011/03/02/delivery-receipt-shows-justices-voted-on-gutierrez-petition-before-receiving-copies/>>.

Status Quo Ante Order against a co-equal branch of government, without even the benefit of the Justices' reading the decision, is a tyrannical abuse of power to favor a litigant and to obstruct the impeachment process. The issuance of the order also directly violates the principle of separation of powers since the Supreme Court prevented the House from doing its constitutional mandate of initiating impeachment proceedings.

V. RESPONDENT BETRAYED THE PUBLIC TRUST THROUGH WANTON ARBITRARINESS AND PARTIALITY IN CONSISTENTLY DISREGARDING THE PRINCIPLE OF RES JUDICATA IN THE CASES INVOLVING THE 16 NEWLY-CREATED CITIES, AND THE PROMOTION OF DINAGAT ISLAND INTO A PROVINCE.

5.1. The principle of immutability of final judgments is one of the primordial rules for having a credible and effective system of administration of justice. Under this principle:

“Litigation must end and terminate sometime and somewhere and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict.”³⁹

5.2. As explained by the Supreme Court in its earliest years, such a principle is an important requirement for a credible and effective system of administration of justice, thus:

³⁹ *Bongcac v. Sandiganbayan*, G.R. 156687-88, May 21, 2009, citing *Lim v. Jabalde*, G.R. No. 36786, 17 April 1989, 172 SCRA 211, 224.

"It is true that it is the purpose and intention of the law that courts should decide all questions submitted to them 'as truth and justice require,' and that it is greatly to be desired that all judgments should be so decided; but controlling and irresistible reasons of public policy and of sound practice in the courts demand that at the risk of occasional error, judgments of courts determining controversies submitted to them should become final at some definite time fixed by law, or by a rule of practice recognized by law, so as to be thereafter beyond the control even of the court which rendered them for the purpose of correcting errors of fact or of law, into which, in the opinion of the court it may have fallen. The very purpose for which the courts are organized is to put an end to controversy, to decide the questions submitted to the litigants, and to determine the respective rights of the parties. With the full knowledge that courts are not infallible, the litigants submit their respective claims for judgment, and they have a right at some time or other to have final judgment on which they can rely as a final disposition of the issue submitted, and to know that there is an end to the litigation."⁴⁰

5.3. Respondent, however, has turned his back on this time-honored principle of the immutability of final judgments in not just one, but several, cases of public significance, thus allowing the Court to gain public notoriety as a "flip-flopping" Court.⁴¹ At least two of these flip-flops are known to have been instigated through personal letters or ex-parte communications addressed to the Respondent.

40 Arnedo v. Lorente, 18 Phil 257 (1911), at 262-263

41 See for example, Requejo, R. "Supreme Court flip-flops 3rd time, OKs 16 new cities" Manila Standard, February 17, 2011 (Annex "O" hereof); Requejo, R. "Cities' league deplores high-court flip-flop" Manila Standard, March 10, 2011 (Annex "P" hereof); Echeminada, P. "Supreme Court flip-flop confuses city mayors" Philippine Star, February 19, 2011 (Annex "Q" hereof); Gomez, C. "Row on cities rages as SC 'flip-flop' ribbed", Philippine Daily Inquirer, March 4, 2011 (Annex "R" hereof); "Dinagat wins in new SC flip-flop" Surigao Today, May 2, 2011, Online: <http://www.surigaotoday.com/2011/03/dinagat-wins-in-new-sc-flip-flop.html> (Annex "S" hereof); Romero, P. "SC justice hits peers over flip-flop" Newsbreak, April 27, 2011 (Annex "T" hereof).

5.4. Three celebrated cases have particularly established the Supreme Court's "flip-flopping" reputation: the League of Cities v. COMELEC⁴² case involving the creation of 16 new cities, the case of Navarro v. Ermita⁴³ which involved the promotion of Dinagat Island from municipality to province, and the FASAP v. Philippine Airlines, Inc., et al.⁴⁴ case which involved the retrenchment (previously held to be illegal) of flight attendants by the nation's flag carrier. In the the League of Cities and FASAP cases, the Respondent's culpability was betrayed by the fact that the flip-flop was preceded by personal and ex-parte communications, not pleadings, from a lawyer of a party, and which were granted without giving the other party any notice or due process. In the Navarro case, the flip-flop was instigated by the intervention of non-parties who stood to benefit financially and politically from the re-opening of a final and executory judgment to the original case.

5.5. The League of Cities v. COMELEC case was originally decided by the Supreme Court on November 18, 2008, wherein the Court declared as unconstitutional and void the conversion of 16 municipalities into cities due to failure to meet the legal requirements for income for cities under the Local Government Code. Upon motion for reconsideration, The Court affirmed its judgment on April 28, 2009, after the Court denied a prohibited second motion for reconsideration filed by the 16 municipalities. The ruling became final on May 21, 2009.

5.6. Despite the finality of the original judgment, as well as the standing prohibition against a second motion for reconsideration, the "aggrieved" parties persisted in seeking a reversal of the Court's original decision. They filed several pleadings all obviously intended to circumvent the prohibition against second

42 League of Cities v. COMELEC, supra.

43 G.R. 180050, April 12, 2011.

44 FASAP v. PAL, supra.

and subsequent motions for reconsideration and to subvert the rule on immutability of final judgments, to wit:

a. Motion to Amend the Resolution of April 28, 2009 By Declaring Instead that Respondents' Motion for Reconsideration of the Resolution of March 31, 2009 and Motion for Leave to File, and To Admit Attached Second Motion for Reconsideration of the Decision Dated November 18, 2008 Remain Unresolved and to Conduct Further Proceedings Thereon (Motion to Amend the Resolution of April 28, 2009);

b. Motion for Reconsideration of the Resolution of 2 June 2009;

c. Urgent Motion to Resolve Pending Incidents;

d. Appeal to Honorable Chief Justice Reynato S. Puno and Associate Justice Antonio Eduardo B. Nachura to Participate in the Resolution of Respondents' Motion for Reconsideration of the Resolution of June 2, 2009.

5.7. On January 19, 2009, the legal counsel [who is reportedly also the lead counsel of former President Arroyo in her Plunder and other cases: see Annexes "X" to "X-2"] for the sixteen (16) cities, Estelito Mendoza, wrote a personal letter (not a pleading) to the Supreme Court, asking for the Court to reconsider its decision by allowing the participation of justices who were not present during the deliberation of the original decision dated November 18, 2008. Another personal letter (not a pleading) was sent to the Supreme Court, by the local chief executives of the sixteen (16) municipalities/prospective cities.⁴⁵

45 Cinco, M. "Dear SC letters stir suspicion on cityhood," Philippine Daily Inquirer, August

5.8. On December 21, 2009, the Supreme Court reversed the decision of November 18, 2008 despite the fact that the decision was already final and executory, and that the pleadings and communications that led to the decision were either expressly prohibited pleadings or non-pleadings that have no place in litigation or the Rules of Court.

5.9. This prompted the League of Cities to file a motion for reconsideration to reverse the December 21, 2009 ruling, calling the attention of the Court to the inconsistency of the decision with the standing Rules of Court and the principles of finality of judgment. On August 24, 2010, the Supreme Court reversed the December 21, 2009 decision and reinstated its original November 28, 2008 decision. As Chief Justice and leader of the Supreme Court, he should not have allowed the Court to entertain prohibited pleadings because it undermines the integrity of the Court and its rules of procedure.

5.10. Despite this ruling, the Supreme Court under Respondent's leadership then entertained an unusual and totally unprecedented fourth motion for reconsideration filed by the 16 municipalities on September 14, 2010. On February 15, 2011, the Court granted the motion for reconsideration, and reversed the reversal of the reversal of the original decision, i.e., it reinstated its highly irregular decision reversing a judgment that had long been final and executory. The unprecedented flip-flopping of the Supreme Court happened in just a span of six months and under the same tutelage of Respondent Corona.

5.11. Subsequently, in the case of *Navarro v. Ermita*⁴⁶ dealing with the constitutionality of the creation of the Province of Dinagat

11, 2010. A faithful printout of the article, as found in <<http://newsinfo.inquirer.net/inquirerheadlines/regions/view/20100811-286232/Dear-SC-letters-stir-suspicions-on-cityhood>>, is attached as Annex "U".

46 *Supra*.

Island, the Supreme Court under Respondent's watch again performed judicial acrobatics when it reversed its original decision even though it had already become final and executory, a status all the more highlighted by the fact that there was already an Entry of Judgment.

5.12. In this case, the Supreme Court had decided against the constitutionality of the creation of the Province of Dinagat Island back in February 10, 2010. The judgment became final and executory, and an Entry of Judgment was made on May 18, 2010. According to the Rules of Court, the Entry of Judgment is a ministerial act that records the absolute irrevocability of a decision of a court, after the same has become final and executory. Beyond all plausible reason, however, the Supreme Court found the means to conduct the verbal gymnastics and semantic contortions necessary to perform a totally unprecedented judicial somersault.

5.13. This amazing maneuver was accomplished upon the instigation, a full month after the entry of judgment, of so-called motions for intervention by the prospective provincial officials and congressional representatives of Dinagat Island, which were denied by the Court considering that they were not even parties to the original proceedings and intervention cannot be allowed after the case has already been terminated. This was followed by an "Urgent Motion to Recall Entry of Judgment" dated October 10, 2011 filed by these non-parties, which the Court then granted, paving the way for a reconsideration and reversal of the judgment which was already final.

5.14. In so doing, the Supreme Court, under Respondent's leadership, has made a travesty of its own rules of procedure, and demonstrated that there is actually only one important rule: "where there's a will (and connection?), there's a way." And everything that

lawyers know about judicial procedure, common sense, fair play, and Justice will become moot and academic when confronted with this perversion of the Rules of Court. So blatantly contrary to all judicial reason was this act of the Court that even Associate Justice Brion pointed out in his Dissenting Opinion that the decision directly violated its own internal rules and at least three major foundations of the administration of justice, particularly:

a. the rule on reconsideration by allowing a motion for reconsideration contrary to the rule against second motions for reconsideration and after the proceedings had already terminated;

b. the rule on finality of judgments, by re-opening a case that already attained finality through the artifice of a motion to "recall entry of judgment"; and

c. the rule on intervention by allowing intervention after the proceedings had already terminated.

5.15. In fact, Associate Justice Brion could not hide his absolute disgust with the Court's ruling in his dissent, closing it as follows:

"Unlike the case of Lazarus who rose from the dead through a miracle, Dinagat resurrected because the Court disregarded its own rules and established jurisprudential principles. Of course, it can similarly be called a miracle as no reversal could have taken place if just one of the series of transgressions pointed out did not take place. How such resurrection can happen in the Supreme Court is a continuing source of wonder!"⁴⁷

47 Ermita v. Navarro, supra.

5.16. These two cases on gerrymandering are, of course, on top of the case of FASAP v. Philippine Airlines, Inc.⁴⁸, which showcases the Supreme Court's penchant for issuing flip-flopping decisions. In this case, the Supreme Court had already promulgated a decision dated 22 July 2008, holding that the retrenchment effected by PAL in 1998 of more than 1,400 of its flight attendants was illegal. This decision became final after the Supreme Court denied, with finality, PAL's Motions for Reconsideration on 02 October 2009 and 07 September 2011. Curiously, however, the Resolutions denying PAL's Motions for Reconsideration were recalled by another Resolution in what seemed to be a separate administrative case, A.M. No. 11-10-1-SC, on the sole basis of a personal letter submitted to the Supreme Court by Estelito Mendoza, PAL's lawyer. And as with the League of Cities v. COMELEC case, no opportunity was given to the other party to respond to Estelito Mendoza's personal appeal letter. What these flip-flopping decisions clearly establish is that the Supreme Court, under Respondent Corona's watch, is willing to bend over backwards to accommodate mere letters bearing the signature of Former President Gloria Macapagal-Arroyo's lawyer.

VI. Respondent Betrayed the Public Trust By Arrogating Unto Himself, And To A 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.

6.1. Canon 2, sec. 1 of the New Code of Judicial Conduct demands extremely high moral standards of all judges and Justices:

⁴⁸ Supra.

they must “ensure that not only their conduct is above reproach, but that it is perceived to be so in the view of a reasonable observer.” This is but consistent with a very long line of jurisprudence laid by the Supreme Court that judges should avoid all forms of impropriety, including the appearance of impropriety. It is also practically a universal rule among judiciaries worldwide.

6.2. The *Vinuya vs. Executive Secretary*⁴⁹ case concerned a petition by other legal scholars on behalf of the surviving Filipino “comfort women” (women pressed into sexual slavery by occupying Japanese forces during the Second World War), on the theory that the prohibition against rape and sexual abuse in times of war is jus cogens in international law, and therefore the State had a duty to pursue their claims from the Japanese government. Upon review of the Court's decision denying the comfort women's petition, it was alleged that rampant plagiarism was committed by the ponente, Associate Justice Mariano del Castillo.

6.3. The alleged plagiarism in *Vinuya* comprised the verbatim lifting, without attribution and encompassing both the original authors' written text and footnotes, of significant portions of books and articles from international law journals that supported the theory. At least three foreign authors works were allegedly plagiarized. But aside from the issue of plagiarism itself, after copying from the articles, the Court allegedly made them appear to support the opposite conclusion; i.e., the Court used them to deny the petition, whereas the materials per se should have been seen to favor the grant thereof.

6.4. It appears that, with a clear intent of exonerating a member of the Supreme Court, Respondent, in violation of the

49 G.R. No. 162230, April 28, 2010.

Constitution, formed an Ethics Committee that determined the culpability of a Justice of the Supreme Court – an impeachable officer. Respondent had no power to do this since under the Constitution, the power to make accountable impeachable officers belonged to the House of Representatives. Thus, Respondent betrayed the public trust by arrogating unto himself, and to a Committee he created, the authority and jurisdiction to investigate an alleged member of the Supreme Court. To reiterate, such authority and jurisdiction has been reposed by the Constitution in the House of Representatives via impeachment. By constituting such a committee, and by arrogating unto himself power to determine the culpability of Justice del Castillo and exonerating him in the end, Respondent thereby encroached on the sole power and duty of the House of Representatives to determine, by impeachment, whether Justice Del Castillo was to be held accountable, in violation of the principle of separation of powers of the Legislature and the Judiciary.

6.5. It may be recalled that the original authors separately complained to the Supreme Court about the incident,⁵⁰ while the petitioners filed a motion for reconsideration, but the Respondent, speaking through the Court Administrator, initially announced that no action would be taken on the matter.⁵¹ This was despite the receipt of the complaints from the first of three authors. Only when the number of authors had increased to three did the Respondent

50 See "Law prof questions plagiarism of work", Malaya, August 24, 2010, available at <<http://www.malaya.com.ph/08242010/news7.html>>; a faithful printout of which is attached as Annex "V". See also the individual letter of Dr. Christian Tams, which used to be available at <<http://www.scribd.com/doc/39856262/Tams-Letter-to-Supreme-Court>>, a copy of which is attached hereto as Annex "V-1"; e-mail of Dr. Mark Ellis, which was quoted extensively in Pazzibugan, D., "Author files complaint with SC", Philippine Daily Inquirer, July 31, 2010, a copy of which is attached hereto as Annex "V-2"; and a comment made by Dr. Evan Criddle in response to Ku, J. "International Law plagiarism bedevils Philippines Supreme Court Justice", <<http://opiniojuris.org/2010/07/19/international-law-plagiarism-charge-bedevils-philippines-supreme-court-justice/>>, a faithful printout of which is attached hereto as Annex "V-3".

51 Pazzibugan, D. "High court not probing plagiarism" Philippine Daily Inquirer, June 21, 2010. A copy of the article is attached as Annex "W".

decide to act by announcing the formation of an Ethics Review Committee comprised of members of the Court to investigate the matter.⁵²

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.

7.1. The Supreme Court, under the Respondent, inexplicably consolidated the separate petitions filed by former President Gloria Macapagal-Arroyo and her husband Miguel Arroyo in order to question the validity of the Watch List Orders issued against them by the Department of Justice pursuant to DOJ Circular No. 41 ironically issued by the DOJ under Arroyo's administration. By consolidating the petitions, the Supreme Court under Respondent unduly gave Miguel Arroyo an unwarranted benefit since the alleged urgent health needs of President Arroyo would now be extended to him.⁵³

7.2. Worse, 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 that casts serious doubts on the sincerity and urgency of her request to leave the Philippines. As detailed in the

52 Aning, J. "Supreme Court refers plagiarism case to ethics committee" Philippine Daily Inquirer, 27 July 2010. A copy of the article is attached as Annex "X".

53 G.R. Nos. 199034 and 199046, November 15, 2011.

dissent of Justice Ma. Lourdes Sereno, President Arroyo presented "inconsistent, and probably untruthful statements" about her situation. Justice Sereno cited documents submitted by the former president's doctors belying her claims of threat to life. Aside from changes in the list of countries she wanted to visit, President Arroyo was also planning to participate in two conferences. Hence, Justice Sereno noted: "It seems incongruous for petitioner who has asked the Department of Justice and this Court to look with humanitarian concern on her precarious state of health, to commit herself to attend these meetings and conferences at the risk of worsening her physical condition."

7.3. Moreover, 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. Evidently, 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.

7.4. It also appears from the coordinated acts of the Arroyos that they were coordinating with Respondent's Court. For how can it be explained that they made multiple bookings on the same day expecting that they can leave the country on the very same day their plea for a TRO was to be decided? It is not difficult to see that the hasty issuance of the TRO was a brazen accommodation to the Arroyos. Not only that. Respondent bent over backwards to aid and abet the Arroyos' plan to leave the country on the very day of the session on their TRO plea. The Court's office hours that usually end at 4:30 pm were extended to allow the Arroyos to post a measly P2

million bond later and the Court process server was drafted to serve the TRO upon the DOJ and the OSG after office hours.

7.5. Also, despite that fact that the Court, under Respondent, laid down conditions for the issuance of the TRO, Respondent allowed the issuance of the TRO notwithstanding the fact that it was established that President Arroyo and Miguel Arroyo failed to comply with an essential pre-condition that was meant to ensure the vesting of court jurisdiction in the event the Arroyos flee prosecution. The condition was, to wit:

“(ii) The petitioners shall appoint a legal representative common to both of them who will receive subpoena, orders, and other legal processes on their behalf during their absence. The petitioners shall submit the name of the legal representative, also within five (5) days from notice hereof;” (Emphasis supplied.)

7.6. The Special Power of Attorney dated November 15, 2011 which they issued to their counsel fails to state that their counsel had the power to receive subpoenas, orders and other legal processes. Instead, they only empowered their counsel to “produce summons or receive documentary evidence”:

“That I, GLORIA MACAPAGAL ARROYO, of legal age, married, Filipino with residence at 14 Badjao Street, Pansol, Quezon City, do hereby name, constitute and appoint ATTY. FERDINAND TOPACIO, likewise of legal age, Filipino, with office address at Ground floor, Skyway Twin Towers, H. Javier St., Ortigas Center, Pasig, Metro Manila, as my legal representative in the Philippines and to be my true and lawful attorney-in-fact, for my name, place and stead, to do and perform the following acts and things, to wit:

1. To sign, verify, and file a written statement;
2. To make and present to the court an application in connection with any proceedings in the suit;
3. To produce summons or receive documentary evidence;

4. To make and file compromise or a confession of judgment and to refer the case to arbitration;
5. To deposit and withdraw any money for the purpose of any proceeding;
6. To obtain copies of documents and papers; and
7. Generally to do all other lawful acts necessary for the conduct of the said case." (Emphasis supplied.)

By virtue of the Arroyos' abject failure to comply with this pre-condition, the TRO should not have been issued, nor deemed effective.

7.7. 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. As succinctly stated in Justice Ma. Lourdes Sereno's dissent:

"The majority argued that such a clarification is unnecessary, because it is clear that the TRO is conditional, and cannot be made use of until compliance has been done. It was therefore the sense of the majority that, as an offshoot of the winning vote that there was failure by petitioners to comply with Condition Number 2, the TRO is implicitly deemed suspended until there is compliance with such condition. Everyone believed that it would be clear to all that a conditional TRO is what it is, conditional."⁵⁴

7.8. However, the Supreme Court Spokesperson, Midas Marquez, made a public claim which was aired in all media outlets that the Court ostensibly decided that the TRO was effective despite

⁵⁴ G.R. Nos. 199034 and 199046, November 18, 2011.

non-compliance with an essential condition of the TRO. He even posited that the Arroyos can still leave the country. It is notable that Respondent did not chastise Marquez for his outrightly false and public misrepresentation. Respondent, as Chief Justice, should have called to task Marquez for misleading the public as to the import of the Supreme Court's en banc ruling. Instead, he remained silent and did not bother to contradict Marquez thereby aiding Marquez in spreading false news about the action of the Supreme Court.

7.9. 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. Respondent subverted the will of the Supreme Court and imposed his unilateral will by making it likewise appear that the TRO was effective despite non-compliance with his own imposed pre-condition.

7.10. Clearly, therefore, Respondent knowingly fed Marquez the wrong sense and import of the deliberations of the Court on the TRO issue. This false messaging intended for the public was deliberately made by Respondent to make it appear that indeed the Arroyos can leave immediately and at any time. Clearly, Respondent's action showed bias and a partisan stance in favor of the Arroyos. Respondent's action of causing a false message and twisting the sense and understanding of the Court during its deliberations on this matter, betray not only his lack of independence, competence and probity, but more importantly, the moral fiber to dispense justice as he would allow a frustration of justice for the Filipino People for personal gain and commitment to his midnight benefactor.

7.11. Worse, despite the finding that the Arroyos failed to comply with an essential condition of the TRO, the Supreme Court,

headed by Respondent Corona in a 9-4 vote, ruled that the TRO was in effect.

VIII. RESPONDENT BETRAYED THE PUBLIC TRUST AND/OR COMMITTED GRAFT AND CORRUPTION WHEN HE FAILED AND REFUSED TO ACCOUNT FOR THE JUDICIARY DEVELOPMENT FUND (JDF) AND SPECIAL ALLOWANCE FOR THE JUDICIARY (SAJ) COLLECTIONS.

8.1. The Supreme Court has an independent source of income other than its share in the national budget. It collects from every litigant filing a complaint docket fees, which are used for the Special Allowance for the Judiciary (SAJ) and basic legal fees, which go to the Judicial Development Fund (JDF). It is worth noting that the Judiciary Development Fund and the Fiduciary Fund partake of the nature of trust funds. The JDF is being collected for the benefit of the members and personnel of the Judiciary to help ensure and guarantee the independence of the Judiciary in the administration of justice. It is also intended to augment the allowances of the members and personnel of the Judiciary and to finance the acquisition, maintenance and repair of office equipment and facilities.

8.2. Respondent has reportedly failed and refused to report on the status of the JDF Funds and the SAJ collections. Under his leadership, the Supreme Court has reportedly failed to remit to the Bureau of Treasury all SAJ collections in violation of the policy of transparency, accountability and good governance. 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.

8.3. In particular, the annual audit report of the Supreme Court of the Philippines (Annex "Y") contained the observation that unremitted funds to the Bureau of Treasury amounted to P5.38 Billion (page 38 of Annex "Y").

8.4. On the other hand, 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 (page 41 of Annex "Y").

RESOLUTION and PRAYER

WHEREFORE, pursuant to the procedure laid down by Section 3, Article XI of the 1987 Constitution on Accountability of Public Officers, the undersigned Complainants, as Members of the House of Representatives, constituting at least one-third of all the members thereof, hereby file the instant Verified Complaint/Resolution of Impeachment against Respondent Honorable Chief Justice Renato C. Corona. Accordingly, it is most respectfully prayed that in accordance with Rule IV of the Rules of Procedure in Impeachment Proceedings promulgated by the House of Representatives, to transmit to the Senate of the Philippines the instant Verified Complaint/Resolution of Impeachment to serve as the Articles of Impeachment for trial.

Thereafter, undersigned Complainants respectfully pray that the Honorable Members of the Senate conduct trial forthwith and

thereafter, render a judgment of conviction against Respondent
Honorable Chief Justice Renato C. Corona.

Other reliefs, just and equitable, are likewise prayed for.

Quezon City, Metro Manila, December 12, 2011.

COMPLAINANTS

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