

# OPPOSITION LAWMAKERS SAY HOUSE HAS WEAK CASE AGAINST SERENO

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Opposition lawmakers on Wednesday said the plan of the House of Representatives' leaders to defer the impeachment of Chief Justice Maria Lourdes Sereno was just a ploy to avoid the embarrassment of filing a flimsy case in the Senate.

"They are embarrassed to bring it to the Senate because they realize they will just be a laughingstock in the Senate," ACT Teachers Rep. Antonio Tinio told a press briefing.

This is why Speaker Pantaleon Alvarez and Majority Leader Rodolfo Fariñas want to postpone the plenary vote on the impeachment case and wait for the Supreme Court to resolve the quo warranto petition filed by Solicitor General Jose Calida seeking to void Sereno's appointment as Chief Justice, Tinio said.

### Views of Drilon, Hilbay

A quo warranto petition challenges a person's right to hold a government post.

Senate Minority Leader Franklin Drilon also doubts that

the Senate would hold an impeachment trial for Sereno following statements from the House leaders.

"[The House] action will be governed by what the Supreme Court does," Drilon said on Wednesday.

Calida's predecessor, Florin Hilbay, said the Solicitor General's move could open a way to oust President Duterte himself other than through impeachment.

Hilbay, a law professor at the University of the Philippines who topped the bar exams in 1999, disputed Calida's claim that the petition under Rule 66 of the 1997 Rules of Civil Procedures was enough to unseat Sereno.

He said the 1987 Constitution unequivocally stated that Sereno, like the President, may only be removed from office through the impeachment process.

"If the (Supreme) Court rules [in favor of Calida], it opens up a lot of potential can of worms. Everybody's appointment can be subjected to that kind of scrutiny of even nonconstitutional requirements," Hilbay said in a television interview.

"You can question the election of the President by looking

at the filings he made before the Commission on Elections or whether he filed a SALN (statement of assets, liabilities and net worth)," he said.

### Exploiting SC discord

Tinio said Malacañang was exploiting the internal discord on the court to pit the magistrates against each other and to force Sereno's resignation.

He said Calida's petition,

which would cut short the impeachment process if it were to be upheld by the high court, was "actually a rude attack on the institution and on Congress."

Bayan Muna Rep. Carlos Isagani Zarate, said it was a shame that Malacañang was hell-bent on "weakening and making the Supreme Court bow down."

"What is saddening is that the Supreme Court is allowing itself to be pressured in this

way," he said, noting how a number of magistrates appeared to be supporting the move to oust Sereno.

### Vote on probable cause

On Thursday, the House justice panel is expected to vote on whether there is probable cause to impeach Sereno.

The Chief Justice is accused of, among other charges, not truthfully declaring her assets, buying a luxury car for her personal use and making questionable decisions without consulting her fellow magistrates.

In seeking Sereno's ouster, Calida claimed Sereno's appointment as Chief Justice in 2012 should be considered void from the start as she filed her SALNs only for 1998, 2002 and 2006 during her 20-year stint as faculty member of UP College of Law.

He said Sereno also failed to prove her integrity as an applicant for the judiciary's top post.

Hilbay said under the Constitution, the submission of complete SALNs was not mandatory for those applying for a post on the 15-member tribunal.

He said Calida's tactic would only backfire as it would allow

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anyone to challenge the authority of impeachable public officials without going through the constitutional requirement of initiating an impeachment complaint.

If the tribunal grants Calida's petition, he said, it would mean that the justices agree that "even the failure to comply with a non-mandatory constitutional requirement is a ground for removing a sitting Chief Justice."

"That is a crisis in the sense that in that case, the Supreme Court will be deciding in a manner that is, I would say based on my understanding, incompatible with the Constitution," he said.

### Respect SC authority

Such a possibility may not be remote, Hilbay added, since the magistrates had previously issued "surprising" rulings such as allowing the yearlong extension of martial law in Mindanao despite the fact that the Islamic State-inspired attack in Marawi City had already been quelled by the military.

"Lawyers can be disappointed by the decisions of the Supreme Court, but we have to respect the authority of the court even if we question its reasoning every now and then," Hilbay said. INQ