

House minority to seek impeachment of 8 SC justices

The Philippine Star · 23 May 2018 · 1 · By DELON PORCALLA – With Paolo Romero, Edu Punay

A small group of independent opposition lawmakers who call themselves “Magnificent 7” yesterday vowed to file an impeachment complaint before the House of Representatives against the eight Supreme Court justices who ousted chief justice Maria Lourdes Sereno.

“The only viable remedy and constitutional mode of holding justices accountable for their blunder is to remove them from office by impeachment,” said Albay Rep. Edcel Lagman, leader of the group.

Lagman told a news conference that the eight magistrates “cannot be allowed to be supreme even in their arbitrariness and malevolence.”

“To let them escape scot-free is to condone injustice and oppression,” he said. Lagman said there should be a “way of penalizing errant justices to ensure that justice prevails.”

Sereno was ousted by her colleagues in an almost divided 8-6 vote borne out of the fact that she was ineligible for the chief justice post due to her “non-filing of SALNs,” which was decided in a quo warranto petition that didn’t require impeachment.

In essence, the SC voided her 2012 appointment and ruled it’s as if she were not chief jurist in the first place.

Allies of President Duterte in the 292-member lower legislative chamber have reached some 250 members. The rest consist of the 30 or so from the House minority led by Quezon Rep. Danilo Suarez and seven from the opposition Makabayan bloc.

But Lagman and his colleagues argued the justices – whom he said were obviously biased against Sereno – “arrogated unto themselves” the “constitutional jurisdiction of the Congress to impeach the Chief Magistrate” by unlawfully unseating her. “The power grab was pursued and consummated by the eight justices even as the House was on the verge of deliberating and voting on the articles of impeachment submitted by the House committee on justice and committee on rules,” he said. Interestingly, all members of the Magnificent 7 then were against Sereno’s impeachment.

But now, even if Sereno was booted out, the opposition congressmen insisted the SC justices “stripped” them of Congress’ sole power to institute an impeachment, as well as for the Senate to convict an impeachable official.

Lagman maintained the “clear provisions” of the 1987 Constitution were “ripped apart” by the eight anti-Sereno jurists, “five of whom had aired their grievances and expressed their prejudice against Sereno by testifying for her impeachment in the House.”

“The oppressive and unjust decision stabbed deep into and stung the conscience of the Filipino people,” Lagman said.

“Only a contrite and complete recantation by reconsidering their unlawful, controversial and unpopular decision can save the eight justices from impeachment. Verily, the grievously errant justices must be impeached.”

The Senate issued a resolution urging the SC to review its ruling in ousting Sereno. A total of 14 senators signed the resolution asserting the Senate’s power to try impeachable officials was calendared for deliberation on Monday.

Senate President Vicente Sotto III, however, said unless the House transmits the articles of impeachment against Sereno to the Senate, they can do nothing.

“As far as the impeachment is concerned, our hands are tied. If there are no articles of impeachment that will reach the Senate, there’s nothing we can do,” he said.

Sotto said he did not sign the resolution since he did not want the Senate to be meddling in the work of the judiciary in the same way he does not want the judicial branch to interfere in the work of the legislature.

Sen. Aquilino Pimentel III earlier said a constitutional crisis could be triggered if the House insists on transmitting the articles of impeachment after the SC had already removed Sereno.

A good idea

Some critics blamed the Judicial and Bar Council (JBC) for nominating Sereno to the SC notwithstanding the absence or lack of legal requirement for the top judicial post, which led to her eventual ouster by a quo warranto petition that questioned the validity of her qualification.

Justice Secretary Menardo Guevarra noted the proposal of the consultative committee (Concom) on charter change to reorganize the JBC.

Guevara, an ex-officio member of the constitutional body tasked to screen nominees to appointive posts in the judiciary and ombudsman office, said the reforms proposed by the Concom chaired by retired chief justice Reynato Puno appeared to be “a good idea.”

“A pro-active search will improve the quality of the men and women who will join our judiciary,” Guevarra told reporters.

“That would mean more work for the JBC, but with an expanded membership the council can do it,” he said.

Guevarra issued the opinion in response to the reported proposal of Concom to reorganize the JBC in its draft for a new constitution with a federal form of government.

A draft of the sub-committee on judiciary section of the constitution obtained by The

STAR showed the proposed increase in membership of JBC from seven to 12.

Under the current constitution, the council has three ex-officio members – the chief justice, secretary of justice and alternate terms of the justice committee chairs of the Senate and the House of Representatives – and four regular members from the Integrated Bar of the Philippines, private sector, retired justices of the Supreme Court and academe.