

Philippine impeachment trial creates constitutional crisis

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The ongoing impeachment trial of Philippine Supreme Court Chief Justice Renato Corona took a dramatic turn yesterday with the revelation that he held bank accounts containing over 20 million pesos (\$US500,000). This is being touted by the prosecution as incontrovertible evidence of corruption. Corona's defense team responded by filing an urgent request with the Supreme Court for a restraining order to stop the Senate impeachment proceedings. A full-blown constitutional crisis is taking shape.

The prosecution of Corona has, for the past few weeks, been a tedious and fumbling affair. The seeming incompetence of the panel of prosecutors from the House of Representatives is bound up with the nature of the charges filed against Corona. The articles of impeachment were hastily written by the Executive branch and railroaded through Congress in just three hours. Many of the 188 representatives who voted to impeach Corona admitted afterward that they had never been given a copy of the charges, nor had they read them.

Philippine President Benigno Aquino is consolidating power from his political rival, former President Gloria Macapagal Arroyo. Arroyo is now under arrest and faces plunder charges. The Supreme Court, under the leadership of Corona, has been one of the final barriers to Aquino's power grab, blocking his initiatives. The court has gone further and engaged in reprisals against Aquino, ordering the redistribution of his family's massive estate.

Aquino and the panel of house prosecutors never intended the articles of impeachment to reach trial. In the weeks leading up to the trial, they released statements alleging corruption on the part of Corona. They held press conferences where they claimed to have discovered evidence of 45 properties owned by Corona, and stated that this was ill-gotten wealth. The goal, openly acknowledged in press statements by several legislators, was to bully and humiliate Corona into resignation.

Corona refused to resign. The much-vaunted claims of the prosecution rapidly crumbled. The 45 properties dwindled to 20, then 5. The prosecution's presentation of evidence over the

past weeks has been limited to one charge: that Corona did not file his mandated Statement of Assets, Liabilities and Net Worth (SALN) and that lurking behind this failure was illegitimately-acquired wealth and corruption. During each day's proceedings the prosecution has been conducting what is being popularly referred to as a 'fishing trip'. They had no evidence to back their charges, so they subpoenaed witnesses and income tax returns in an attempt to find some discrepancy that they could make stick. Last week, the prosecution spent several hours trying to demonstrate that Corona owned a parking space, which they alleged was one of his 45 ill-gotten properties.

At the beginning of this week, the impeachment trial was crumbling. Public outrage at the frivolous nature of the charges was mounting. On Monday, it was announced that the lead prosecutor, Niel Tupas, a classic bourgeois politician from the southern Philippines and close ally of Aquino, was going to be replaced by Kaka Bag-ao, the congressional representative of the pseudo-left organization Akbayan. As the "left" took up the leadership in prosecuting Aquino's power grab, the tide rapidly turned against Corona, escalating matters to a constitutional crisis in the space of three days.

The prosecuting panel presented copies of what they claimed were bank statements from accounts owned by Corona that he had not disclosed in his SALN. When the Senate questioned the prosecutors as to how they obtained copies of these statements without a warrant or the permission from the account owner, which constitutes an act of illegal search and seizure, the prosecution responded inanely that a "short lady" had handed it to them. No other explanation was given. The prosecution demanded that the bank accounts be subpoenaed as evidence.

Corona's defense attorneys filed an objection that opening the bank accounts violated bank secrecy laws and that the hunt for alleged 'ill-gotten wealth' should not be included under the charge that Corona had failed to file his SALN. The Filipino Chinese Joint Chamber of Commerce stated that opening Corona's bank accounts would set a dangerous precedent, undermine the legitimacy of the banking system and lead to

bank collapses. Akbayan warned that failure to open the accounts would see people taking to the streets and deposing Corona through ‘people power’, a patent reference to the ouster of former President Joseph Estrada a decade ago, when his impeachment trial broke down.

The Senate held a caucus to rule on the matter yesterday and decided to open Corona’s peso accounts. A bank president summoned to testify revealed that Corona had held 25 million pesos in his account over the past three years, an amount not documented in his SALN.

Corona’s defense team responded by sending an urgent request to the Supreme Court to issue a restraining order to halt the impeachment proceedings. The two separate branches of government—the legislature and the judiciary—are at a stand-off. The Supreme Court meets today to issue a ruling.

Senate President Juan Ponce Enrile has announced that, when it is convened as an impeachment court, no higher body in government can overrule the Senate. President Aquino has yet to make a statement, but if the Supreme Court rules against the impeachment process, it is likely that he will seize upon this as an opportunity to move to replace the entire court.

Every step of the process, initiated by Aquino and carried out by various pseudo-left and ex-left groups in the legislature on his behalf, has been marked by the use of anti-democratic methods. Like Akbayan, various legal front groups of the Maoist Communist Party of the Philippines, most notably Bayan Muna, have threatened a phony “people power” campaign to oust Corona if the impeachment process fails.

The head of the CPP umbrella organization BAYAN, Carol Araullo acknowledged that the impeachment proceedings were “indeed the result of factional conflicts among members of the ruling elite,” but that did not mean that “progressive forces ... don’t stand to gain anything from engaging in it.” Communist Party head Joma Sison stated that “Aquino cannot be allowed to monopolize the credit.”

With their conduct in the impeachment trials, Akbayan and Bayan Muna are swimming in a fetid and shallow sea. Both the Senate president and the lead defense counsel are Marcos-era political thugs. Several senators are former coup leaders; one is the former head of police charged with dual homicide of political rivals and the routine use of summary executions; four are movie stars; one is the son of former President Estrada, another the son of former President Marcos. In this crowd, the “left” has distinguished itself as being the most likely to employ anti-democratic methods. Akbayan and Bayan Muna representatives have both scoffed at references to rules of

evidence and separation of powers. These do not apply, they said.

In their “fishing trip”, the prosecutors may have stumbled across evidence of corruption. This is entirely unsurprising. The venality of politics is universal in the Philippines; all the participants in the trial are tarnished with the same brush.

Corruption was never the point of the trial, however. It is an assault on a separate branch of government, which has proved unruly and unmanageable to Aquino. The trial of Corona is about asserting executive discipline over the Supreme Court.

Power consolidation and elite faction fights are a routine part of Philippine politics. They do not normally, however, carry with them threat of constitutional crisis or the seeds of dictatorship. What makes Aquino’s power grab different, what gives it dynamism and sharply escalates the threat that it poses to the working class, is the strong backing of the United States.

The United States is giving its full support to Aquino’s prosecution of Arroyo and Corona, as part of its assertion of its imperialist interests against China in Southeast Asia. Arroyo had begun to reorient Philippine politics and economic ties toward the rising power of China. The corruption and plunder charges against her are part of the aggressive re-assertion of US interests in the region. The provocative moves by Washington and the power grab by Aquino and his lackeys on the so-called left, have combined to create a situation where rival branches of government are at each others’ throats and the executive is prepared to dismiss the Supreme Court if need be.



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