

Impeachment trial of Philippine chief justice nears end

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The impeachment trial of the Chief Justice of the Philippine Supreme Court, Renato Corona, is nearing an end. Senate President Juan Ponce Enrile announced yesterday that closing arguments would be heard next Monday and that the Senate would issue its ruling on the impeachment proceedings the same day. The six-month trial has been an anti-democratic circus of political grandstanding, manufactured evidence, and open blackmail.

Philippine President Benigno Aquino is consolidating power against his political rival, former President Gloria Macapagal Arroyo, and her allies, including Chief Justice Corona. Aquino enjoys the support of the US, as part of its drive in the region against China. The Philippine Supreme Court, under the leadership of Corona, has issued several rulings against the Aquino administration, most notably ordering the redistribution of his family's vast sugar plantation, Hacienda Luisita.

Aquino and his advisors drafted the articles of impeachment against Corona, and had them railroaded through Congress in less than three hours. None of the 188 congressmen who signed the articles of impeachment actually read the document. They were told that if they did not sign they would not receive their annual discretionary spending allowance.

Prior to the commencement of the trial, local newspapers headlined prosecution claims that they had evidence of massive malfeasance and of ill-gotten wealth on the part of the Chief Justice. It quickly emerged that there was nothing to back these charges. The six articles of impeachment were reduced to one: the claim that the Chief Justice had not listed all of his assets on his mandated Statement of Assets, Liabilities

and Net Worth (SALN), and that this was evidence of corruption. A report by the Philippine Center for Investigative Journalism revealed that not a single member of the House of Representatives, of the Senate, or the Executive branch had filed an SALN.

In February, the prosecution presented documentary evidence that the Chief Justice had over \$700,000 in undeclared deposits in peso bank accounts. The evidence was fraudulent, as revealed by bank executive testimony. The prosecution, when questioned, could not reveal the source of the documents, claiming that an anonymous individual had handed them over. It emerged that the documents had originally been acquired by the Executive branch through the Anti-Money Laundering Council (AMLC), but had subsequently been doctored.

When Aquino was elected to office, the AMLC began an illegal campaign of auditing the bank accounts of prominent public figures. Philippine bank secrecy laws prohibit the collecting of peso bank account information without the express consent of the account holder, or the subpoena of an impeachment court; dollar account information may only be accessed with the expressed consent of the account holder. Without subpoena or depositor consent, the AMLC earmarked each account "PEP" (Politically Exposed Person) and collected the data which could then be used by the Aquino administration to threaten or pressure political rivals.

The prosecution rested, having presented no credible evidence of wrong-doing. The Senate went into recess in April and the trial was adjourned for a month. The Ombudsman, Conchita Carpio Morales, appointed by

Aquino less than a year ago, made an announcement to the press that she had evidence, acquired from the AMLC, that the Chief Justice had over \$US12 million in 82 dollar-denominated bank accounts.

In an effort to refute Morales' claims, Corona's defense lawyers introduced her as a hostile witness, and she presented her evidence: bank documents indicating dollar transactions, but no balances. The figure of 82 bank accounts was the result of the ombudsman's treatment of every money market investment as a separate account. To obtain the figure of a \$12 million balance, the ombudsman had simply added every transaction listed—both deposits and withdrawals—and labelled these “a transactional balance”. What is far more important than Morales' underhanded calculations is the fact the documents are both unsubstantiated and obtained in a patently illegal manner.

Morales openly and defiantly told the impeachment court that if Corona were acquitted, the executive branch would be filing impeachment charges against him again in December. The filing of impeachment charges is not the constitutional prerogative of the executive branch of government.

Throughout the trial, the Chief Justice has been under tremendous pressure to take the stand. In clear violation of the constitutional right against self-incrimination, several Senators stated that they would rule against the Chief Justice if he did not testify. On Tuesday, amid much media fanfare, Corona took the stand. He delivered a three-hour speech defending himself against all charges, which he said were the work of the *hacendero* president. This was a reference to President Aquino's defense of his family's hacienda, its vast sugar plantation.

He concluded his speech with dramatic flourish, signing a waiver opening all of his bank accounts for public inspection. He announced that this waiver would become effective if all 188 signatories of his impeachment charges would sign similar waivers. He then said, “The Chief Justice of the Republic of the Philippines wishes to be excused,” and walked off the Senate floor. A visibly angry Senate President Enrile

immediately ordered the sergeant-at-arms to lock down the Senate building. Corona and his wife were detained after a brief tussle between rival security forces. Corona was returned to the Senate floor in a wheelchair.

His defense lawyers announced that he was suffering from hypoglycaemia and needed to be taken to the hospital. Enrile adjourned the session, but warned that if Corona did not return the next day that his testimony would be stricken and the defense would be treated as having rested.

Corona was taken to the intensive care unit of the elite private hospital, Medical City. Dr. Ramos, Senior Vice President of the Medical Services Group, announced that Corona presented high-level cardiac risk and could not be released from ICU for at least 48 hours.

During brief proceedings on Wednesday, Senate President Enrile ruled that the defense had until 2 p.m. on Friday to present their case. On Monday, he stated, closing arguments would be presented and then the Senate impeachment court would issue a ruling.

The Aquino administration is attempting to exert its control over the Supreme Court. The prosecution of Renato Corona has dramatically undermined the separation of government powers and created a constitutional crisis. At every turn, Aquino and his allies have resorted to illegal, unconstitutional and anti-democratic tactics.



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