



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

03 September 2018

HONORABLE DOY C. LEACHON

Chairman, Committee on Justice
House of Representatives
Batasan Complex, Quezon City

- and -

THE HONORABLE MEMBERS

Committee on Justice

Aligacion
Sept. 3, 2018

GREETINGS:

In connection with the scheduled hearing on 04 September 2018 regarding the impeachment complaints which the undersigned have filed against Associate Justices Teresita de Castro (now Chief Justice), Diosdado Peralta, Lucas Bersamin, Andres Reyes, Francis Jardeleza, Noel Tijam, and Alexander Gesmundo, may we respectfully convey the following submission on the sufficiency in form and substance of the subject impeachment complaints:

Sufficiency in Form

1. Sufficiency in form is determined principally by finding whether the impeachment complaint is verified or not.
2. The instant complaints are verified in the form consistent with the Rules of Court and Section 13 of Rule IV of the Rules of Procedure in Impeachment Proceedings of the House of Representatives.
3. The standard requirements of a valid verification are:
 - (a) The allegations are true and correct based on the personal knowledge of the complainants; and
 - (b) The truth and correctness of the complainants' averments are additionally based on their appreciation of the authentic records and documents which are attached to the complaint.

The verifications in the separate complaints precisely affirmed and complied with the foregoing requirements.

4. Moreover, the facts alleged in the complaints are of public knowledge and/or the proper subjects of judicial notice, like:

(a) The proceedings before the House Committee on Justice on the impeachment complaint against Chief Justice Maria Lourdes Sereno, which recorded the respective testimonies of the respondent justices. The attached pertinent certified true copies of the transcript of stenographic notes of said proceedings indelibly recorded the betrayal of public trust of respondents De Castro, Peralta, Bersamin, Jardeleza, and Tijam when they refused to inhibit themselves from the *quo warranto* petition despite their admitted continuing ill will and prejudice against Sereno.

(b) The decision of the Supreme Court dated 11 May 2018 in the case of ***Republic vs. Sereno*** as well as the concurring opinions of the respondent justices which evinced the respondents' culpable violation of the Constitution.

Section 1 of Rule 129 of the Rules of Court provides, among others, that "the official acts of the legislative, executive and judicial departments of the Philippines" shall be accorded judicial notice.

Verily, the personal knowledge of the complainants is coupled by the judicial notice given to legislative acts, like the proceedings in the Committee on Justice, and the subject decision and concurring opinions in ***Republic vs. Sereno***.

5. Finally, relevant jurisprudence and the practice of this Committee accord liberality in the assessment of the adequacy and sufficiency of a verification.

Sufficiency in Substance

1. Section 4 of Rule III of the House Rules on Impeachment provides: "The requirement of substance is met if there is a recital of facts constituting the offense charged and determinative of the jurisdiction of the committee." Consequently, the finding of sufficiency in substance is confined and limited to the allegations in the complaint.

2. Under the foregoing standard, the herein impeachment complaints are sufficient in substance because there are recital of facts constituting the offenses charged of culpable violation of the Constitution and betrayal of public trust.

Culpable Violation of the Constitution

3. The charge of culpable violation of the Constitution consists of two grounds, namely: (i) knowingly and maliciously defying the constitutional mandate that high officials of the government, like the Chief Justice, can only be removed from office

solely by impeachment, which power is vested in the Congress with the House of Representatives initiating and prosecuting the impeachment complaints and the Senate adjudicating the complaints as the impeachment court; and (ii) arrogating the sole power of the Judicial and Bar Council (JBC) to vet the qualification of applicants to the judiciary and nominate in a shortlist the candidates qualified for appointment in the judiciary.

4. The respondents are Associate Justices of the Supreme Court who are impeachable officials, including the newly appointed Chief Justice Teresita de Castro.

5. As Justices of the High Court, they are fully aware that impeachment is the only mode provided in the Constitution to oust impeachable officials, like the Chief Justice.

6. Impeachment as the only process of removing impeachable officials has been sustained by the Supreme Court itself in landmark cases like in *Duque, Jr. vs. Brillantes, Jr.*, A.C. No. 9912, September 21, 2106; *Cuenca vs. Hon. Fernan*, A.C. NO. 3135, February 17, 1988; *In Re: Gonzales*, A.M. NO. 88-4-5433, April 15, 1988; *Lecaroz vs. Sandiganbayan*, G.R. No. 56384, March 22, 1984; *Jarque vs. Diserto*, A.C. No. 4509, December 5, 1995; and *Marcoleta vs. Borra*, A.C. No. 7721, March 30, 2009.

7. While the Supreme Court has general jurisdiction over *quo warranto* petitions, this jurisdiction does not include the removal of impeachable officials because to reiterate, high officials enumerated in the Constitution can only be removed by impeachment.

8. *Quo warranto* cannot be used as a subterfuge to oust a Chief Justice.

9. The respondent justices conspired in rendering an unjust, malicious and orchestrated decision to oust Sereno.

10. More than committing an "error in judgment", the respondent justices rendered a biased and spiteful decision which did not only defy the Constitution but knowingly desecrated the fundamental Charter.

11. The JBC way back in August 2012 vetted the qualifications of then Associate Justice Sereno, qualified her and included her in the shortlist for appointment as Chief Justice, as in fact she was subsequently appointed.

12. The JBC performed its constitutional mandate under Sec. 8(5) of Article VIII of the Constitution.

13. In the *quo warranto* petition there is no allegation whatsoever that the JBC committed grave abuse of discretion amounting to lack or excess of jurisdiction in

nominating Sereno for appointment as Chief Justice. In fact, the JBC was not even a respondent in the *quo warranto* petition.

14. The respondent justices committed culpable violation of the Constitution when they arrogated the powers of the JBC by supposedly disqualifying and ousting Sereno.

15. The decision of the Supreme Court ousting Sereno is not only errant, it is also malevolent. It is not only bereft of constitutional anchorage, it is also a blatant subterfuge, an orchestrated charade.

Betrayal of Public Trust

16. Respondents de Castro, Peralta, Bersamin, Jardeleza and Tijam committed betrayal of public trust when they refused to inhibit themselves from participating in the adjudication of the *quo warranto* petition despite their admitted continuing ill will, bias and prejudice against Sereno.

17. Magistrates must not only be impartial, they must also appear to be impartial.

18. As recorded in the proceedings before the Committee on Justice as well as during the oral arguments on the petition for *quo warranto*, the continuing and admitted ill will, bias and prejudice of respondents de Castro, Peralta, Bersamin, Jardeleza and Tijam were indelible:

- (a) **De Castro:** resented to no small measure the appointment of Sereno as Chief Justice over herself; accused Sereno of being disqualified for the position of Chief Justice because she failed to submit the requisite number of SALNs (the very issue in the *quo warranto* petition); Sereno has disdain and disrespect for the collegial composition of the Supreme Court; and Sereno needs to be examined by a psychiatrist;
- (b) **Peralta:** blames Sereno, as the *ex officio* Chairperson of the JBC, for his wife's (Associate Justice Audrey Peralta) failure to be appointed as Presiding Justice of the Court of Appeals; Sereno submitted incomplete SALNs for her nomination as Chief Justice (the very issue in the *quo warranto* petition); and Sereno inordinately delayed the grant of pension and retirement benefits to retired judges and their surviving spouses.
- (c) **Bersamin:** Sereno was not fit for the position of Chief Justice as she violated the rule of collegiality and acted as dictator or acted like a queen; and Sereno altered a Resolution of the SC by adding additional parties contrary to the recommendation of the *ponente*.

(d) **Tijam:** Sereno's ignoring the impeachment investigation of the House Committee of Justice amounted to culpable violation of the Constitution; Sereno deliberately delayed the transfer of the Maute cases outside of Mindanao; and Sereno is "a serial violator of the SALN law" placing her in the league of criminal recidivists and notorious felons (which accusation Tijam made during the oral arguments on the *quo warranto* petition).

(e) **Jardeleza:** Sereno lacked decency in her treatment of him; the "acts of Sereno are not of a normal person"; what Sereno did to him was inhuman; his having taken his oath of office before Sereno is his "eternal regret" because "up to today everything is not ok".

19. Such persistent ill will and prejudice precluded the aforementioned respondent justices from participating in the adjudication of the *quo warranto* petition for the ouster of Sereno with the impartiality and judiciousness of a neutral magistrate.


20. Despite the existence of the foregoing palpable bases casting doubt on the objectivity and impartiality of the subject respondent justices, they refused to mandatorily or voluntarily inhibit, thus facilitating the very evil sought to be prevented by the rules on inhibition.

21. The refusal of the subject respondent justices to recuse themselves amounted to gross betrayal of public trust.

Determinative of the Committee's Jurisdiction

22. The foregoing recital of facts is indubitably determinative of the jurisdiction of the Committee on Justice over the impeachment complaints pursuant to the Rules of Procedure in Impeachment Proceedings of the House of Representatives and the Constitution.

Thank you.



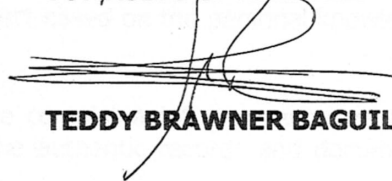
EDCEL C. LAGMAN



GARY C. ALEJANO



TOMASITO S. VILLARIN



TEDDY BRAWNER BAGUILAT