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The signals that the Aquino administration is sending so far are to provide a climate conducive to foreign investment and to project the image of a President determined to pursue reforms particularly in anti-corruption. At the moment though, they do not remove suspicions that what is unfolding only dramatizes a feud between political dynasties and a motive to make the high court more like pro-Aquino than being pro-Arroyo.

Pushing the Case vs Arroyo, Her Chief Justice a Step Further

By the Policy Study, Publication, and Advocacy
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The arrest of former President Gloria M. Arroyo and the impeachment of Supreme Court (SC) Chief Justice Renato Corona early this month loom as the year's top story. For some months, the two intertwined events had been building up and hogging the headlines with Arroyo in an escape try before she was finally slapped with an election sabotage case and then arrested. Corona had led a Court ruling for a temporary restraining order (TRO) against the justice department's hold departure order on the former president and a final decision on the Hacienda Luisita case that hurt the landed interests of the Cojuangco-Aquinos.

The Malacanang moves were hailed as bold aimed at making the former president liable for election offenses - the 2004 presidential race and the 2007 senatorial polls (the subject of the arrest) - and the impeachment to right a wrong in the "midnight appointment" of the high court's chief justice who was closely identified with the embattled former chief executive. While welcoming both actions, the Left criticized the government for waiting for 1 ½ years before the prosecution of Arroyo got under way. Bearing the brunt of political persecution including extra-judicial killings in the nine-year rule of Arroyo, members of the Left were the first to file charges of plunder and human rights violations against her immediately after Benigno S. Aquino III took over as President in July 2010. On the

other hand, the filing of the articles of impeachment against Corona was denounced by some outspoken lawyers as high-handed and by the chief justice himself as "dictatorial" triggering a two-day judicial revolt by sympathetic judges and other court employees throughout the country.

Clearly, the Malacanang initiative to impeach Corona was aimed at removing a legal impediment to the prosecution of Arroyo. Senators who will sit as judges in the impeachment trial and other legal experts will have to debate on the constitutional basis of the charges and the haste by which the charges were voted upon in the lower House and brought to the Senate as the impeachment body. Under the Constitution, members of the SC may be removed from office by impeachment for culpable violation of the charter, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. The articles of impeachment accuse Corona - an appointee of Arroyo - of making decisions that were partial to the former president but which, critics say, were issued by the whole court as a collegial body.

Supporters of Aquino said the moves against Arroyo were to fulfill an election promise against corruption. Despite several cases of corruption long alleged against the former president, however, the election sabotage of 2007 became the test case for which Arroyo

is charged with directing poll officials to rig the senatorial elections in Lanao del Sur province in favor of her candidates, 12-0. For the same offense, Benjamin Abalos, then chair of the Commission on Elections (Comelec) was also arrested. With the election charges filed in a lower court, the prosecution of Arroyo will then have to involve the high court where every legal step - including a possible conviction - will be questioned by her defense lawyers. Hence, the need to remove Corona to make the high court more accommodating to the prosecution and - so Aquino's drumbeaters say - to make "reform" possible.

But, is "reform" possible under the present circumstances?

In the first place, under the scenario envisioned by Malacanang if the prosecution of Arroyo by the Comelec-Department of Justice (DoJ) panel is to prosper then it becomes imperative for the impeachment set to begin in January that it be dealt with speedily as well. As the scorecard now stands, Malacanang cannot muster the 2/3 votes needed in the Senate for a conviction. The presence of so-called "independent minds" and forces in the Senate who are not necessarily friendly to Aquino will make the impeachment fractious and attritive. The year 2012 is a pre-campaign period for the 2013 synchronized elections and the Senate - especially those running for re-election - will have to decide not necessarily on the constitutional frame of the impeachment but on political expediency.

Months before the double whammy hit Arroyo and Corona, Aquino's performance rating was plummeting - the result of a presidency limping off with nary an accomplishment if not with miscalculations and without a vision. The inertia to allow a long-delayed justice to take its course became clear with an imminent SC final ruling on the land distribution of Hacienda Luisita owned by the family of Aquino - seen by some observers as Arroyo's leverage against her prosecution. It took the justice secretary, Leila de Lima, to convince Malacanang to set in motion a legal strategy for the investigation and

prosecution of the former president. Assured of pork barrel allocations and presidential support for their election bids in 2013, many members of the lower House formerly aligned with Arroyo cast their votes for her impeachment.

Whatever the outcome is, the prosecution and impeachment moves may qualify as a step forward to make powers that be accountable for any misdeeds done while in office. Without a strong public pressure, the investigation and prosecution of Arroyo would have remained an initiative of people's organizations despite the state's fragile justice system. The downside, however, is that the presidential actions do not necessarily constitute a step toward good governance and reforming the justice system as they are portrayed.

Election sabotage is just one of an array of charges that Arroyo should be made accountable to including several corruption cases, command responsibility in extra-judicial killings, the 2004 election fraud, and other culpable violations of the constitution. The impeachment, even if successful, constitutes a mere changing of the guards with Corona to be replaced by an Aquino appointee. Thus the high court that decided on the TRO in favor of Arroyo and on the Luisita land distribution will remain the same collegial body that may not be politically amicable according to the expectations of the incumbent chief executive.

The signals that the Aquino administration is sending so far are to provide a climate conducive to foreign investment and to project the image of a President determined to pursue reforms particularly in anti-corruption. At the moment though, they do not remove suspicions that what is unfolding only dramatizes a feud between political dynasties and a motive to make the high court more like pro-Aquino than being pro-Arroyo. Aquino's Philippine Development Plan (PDP) prioritizes the attraction of foreign investment, more financial credits, and the promotion of economic liberalism. Stability measured in terms of a government in control, performance-

oriented governance, and rule of law is expected to provide the political condition for economic growth backed by foreign investment and the local business elite.

At most, Aquino is responding to short-term, piecemeal goals that he expects to achieve in his presidential term. This falls short of the long-term need to address institutional reforms in broader strokes: Among others, a fair justice system, accountability of all errant top public officials (not just one former president), economic program that prioritizes the poor, and a human rights system that begins with serving justice to all victims of political killings. The actions done so far with respect to Arroyo, dealing with Congress in the traditional way, and with the judiciary do not measure up to these expectations.

For reference regarding this issue analysis:

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