



# INTEGRATED BAR OF THE PHILIPPINES

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## NO TO IMPEACHMENT DEFEND THE INSTITUTION

The Integrated Bar of the Philippines, the official organization of lawyers, expresses its grave concern over the breakneck impeachment of the Chief Justice based on grounds that subvert the constitutional allocation of powers and prerogatives of the Supreme Court as the final interpreter of the law and arbiter of judicial disputes as enshrined in the Constitution.

The impeachment has placed on trial not only the Chief Justice but the entire Supreme Court. The grounds invoked to impeach the Chief Justice refer to collegial decisions of the Supreme Court involving interpretations of law in actual disputes elevated for review, particularly the following:

- a) The invalidation by the Supreme Court of the Executive Order creating the Truth Commission;
- b) The upholding by the Supreme Court of the laws enacted by Congress and the Senate involving the creation of the province of Dinagat Island, the conversion of 16 municipalities into cities, and creation of a new congressional district in Camarines Sur;
- c) The issuance by the Supreme Court of a *status quo ante* order in the impeachment proceedings against former Ombudsman Merceditas Gutierrez;
- d) The issuance by the Supreme Court of a Temporary Restraining Order (TRO) against the Watchlist Order preventing the travel abroad of the former President under a travel authority issued by Congress for medical reasons.

In all of the cited cases, the record shows that the Chief Justice was not the *ponente* but merely concurred in the majority or minority opinion. Neither did the Chief Justice flip-flop or change his position in any of these cases. The decisions were reached by the Supreme Court pursuant to its processes and subjected to reconsideration proceedings. They all involve interpretation of what the law is.

Even the two other grounds cited in the impeachment – failure to submit the SALN and account for the JDF and SAJ collections – also involve the assertion by the Supreme Court of its fiscal autonomy. Pursuant to a 1992 SC Resolution, the Chief Justice and Associate Justices are filing their SALN directly with the Clerk of Court -- and not with any other government unit -- in keeping with its independent status. It has also exercised its authority over the SAJ and JDF collections in keeping with its fiscal autonomy, which the Commission on Audit has not disallowed.

By impeaching the Chief Justice based on decisions issued by the Supreme Court now claimed to be unconstitutional, the House is in effect arrogating unto itself the power to interpret the law over and above the Supreme Court. Such an impeachment has transformed the House of Representatives as the higher interpreter of what the law is, a clear encroachment on the prerogatives exclusively vested by the Constitution in the Supreme Court itself.

If the exercise of judicial review by the Supreme Court to pass upon the acts of other departments of government and to interpret the applicable laws could warrant congressional impeachment – despite the absence of any allegations of financial or illegal consideration -- then the great constitutional doctrines of separation of powers and judicial supremacy on matters of interpretation of the law would completely crumble and fall apart.

While we support the reform agenda of the President, its implementation must respect – and not subvert -- the constitutional allocation of powers. Of the three branches of government, the judiciary is the weakest. It does not have the powerful sword of the President or the awesome purse of Congress. Its only weapon is the passive power of judicial review.

If that constitutional weapon is despoiled, then its effectiveness as the protective mantle against potential excesses of power by the President and Congress would be defanged and rendered inutile. If the Supreme Court is emasculated by partisan actions, to whom shall the people turn to against excesses by those who are in power? The lessons of the past should be learned.

As sentinel of freedom and democracy, the IBP considers the breakneck and high-handed impeachment delivered by the House as a menace and an open subversion of the constitutional prerogatives of the Supreme Court as the final interpreter of the law and the arbiter of rights.

Thus, the IBP, cognizant of its institutional mandates, calls upon the stakeholders and the pillars of the justice system to rally behind and defend the Supreme Court as an institution of democracy and the Rule of Law.



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