



# INTEGRATED BAR OF THE PHILIPPINES

“Sentinel of the Rule of Law”

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## Statement by the Board of Governors of the Integrated Bar of the Philippines on Presidential Proclamation No. 572, Series of 2018

The Integrated Bar of the Philippines (“IBP”), as the sentinel of the Rule of Law, leads the call for sobriety and respect for our constitutional institutions following the issuance of Proclamation No. 572, Series of 2018. The said executive issuance treats as “void *ab initio*” the Philippine Government’s previous grant of amnesty to Senator Antonio Trillanes IV pursuant to Proclamation 75, Series of 2010. It also ordered law enforcement authorities to immediately bring Senator Trillanes into custody.

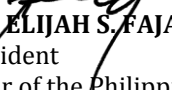
The IBP expresses its alarm over the overt audacity to publicly arrest and incarcerate an incumbent member of the Senate for offenses that had been abolished by the Chief Executive and Legislature resulting in dismissal of criminal proceedings by our courts.

To begin with, amnesty once granted cannot be simply dissolved by the invocation of the words “*void ab initio*” as though it were some magical incantation that can nullify vested rights. The IBP reiterates that amnesty is an exercise of sovereign power that automatically confers upon the grantee vested rights appurtenant to the obliteration of the “offense with which he is charged. A person released by amnesty stands before the law precisely as though he had committed no offense.”

It is also a matter of public record that the criminal cases for which Senator Trillanes stood trial have been dismissed with finality by our courts precisely on the basis of amnesty. The IBP views with deep concern the position being peddled to the public that records of the Executive Branch can be used to overturn final dismissals of criminal charges by our courts. Arresting and incarcerating Senator Trillanes for offenses dismissed by amnesty runs roughshod over the constitutional guarantee against double jeopardy that no person shall be held to answer twice for the same criminal offense.

The spectacle is further compounded by the apparently concerted effort to arrest and incarcerate Senator Trillanes which has the Department of Justice filing simultaneous motions before two (2) independent courts to ask for the same relief: the arrest of Senator Trillanes. These are the same courts that ordered the dismissal of charges against Senator Trillanes. An apparent act of forum shopping, IBP decries the potential mischief where we subject the judiciary to an anomalous situation where one court upholds the validity of the amnesty while the other nullifies the same. The chaos that may result from the endeavors to bring Senator Trillanes to face “justice” ironically undermines our systems that make the orderly administration of justice possible.

At present, the IBP recognizes that the issue has been submitted to the sound discretion of the courts. Within the bounds of *sub judice*, the IBP thus calls for sobriety in this time of political confusion. It exhorts the courts to resist collateral attacks against its judgements and creeping incursions on its independence. An independent and impartial judiciary remains the most powerful bastion that protects our cherished constitutional rights against the excesses of political power. As the sentinel of the rule of law, the IBP stands ready to come to the defense of the independence and impartiality of our judiciary.

  
**ABDIEL DAN ELIJAH S. FAJARDO**  
National President  
Integrated Bar of the Philippines

*No Master But Law; No Guide But Conscience; No Aim But Justice*