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JGL Eye Column

By JOSEPH G. LARIOS

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CHICAGO (*jGLi*) – When I first arrived in the U.S. in mid-eighties, I saw this quote on the wall of my former *Philippine News* boss (the late Ben Manogura): there are three kinds of people in this world – those who make things happen; those who watch things happen and those who wonder what happened.

As a columnist, I always strive to be forward looking in my views if I have available information by anticipating what is to come, not reactionary.

When I wrote a commentary suggesting that Philippine Supreme Court Chief Justice Renato C. Corona must undergo trial for his mental competency, one Philippine senator (Sen. Francis “Chiz” Escudero) seized the moment by suggesting that when he joins the deliberation of the members of the Judicial Bar Council to replace Mr. Corona, he is going to suggest that the next

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Chief Justice would have to submit his “psychological record.”

Of course, it pleases me that a Philippine senator would be very proactive in his views by considering my suggestion, which has never been a part of national conversation.

I know critics would douse water on Mr. Escudero’s suggestion as outside the constitutional requirements imposed by the Judicial and Bar Council, which limits an applicant for a chief justice of the Supreme Court to be a “natural born Filipino citizen; at least 40 years of age; and at least 15 years of law practice.”

FIRST IMPEACHED U.S. FEDERAL JUDGE WAS “DERANGED”

T his observation follows the reaction of another lawyer (Romulo Macalintal), who scoffed up at a suggestion that requiring a chief justice applicant to submit a waiver of confidentiality of his bank deposit is “unconstitutional.”

I don’t have to belabor the fact that the first United States federal judge (John Pickering), who was impeached, convicted for drunkenness and unlawful rulings and removed from office in

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1804, was also declared by his son, Jacob Pickering, as “wholly deranged, incapable of transacting any kind of business, which required the exercise of reason, and therefore incapable of corruption of judgment, no subject of impeachment, and amenable to no tribunal for his actions.”

Although I agree with the dissenting opinion of Sen. Ferdinand “Bongbong” Marcos that at the initial stage of the impeachment process Mr. Corona’s civil right (due process) “stands supreme over all the powers of government, including the power to impeach,” it would have been more meaningful if Bongbong apologized to the Filipino people if his father ever committed the same violation during martial law because he will never tolerate such transgression.

But I don’t buy into the other dissenting opinion of Sen. Joker Arroyo (who once treated me to lunch when he was an anti-Marcos lawyer while I was a police reporter for a Marcos-controlled Manila Bulletin), who still cannot accept the pronouncement of his colleague, my favorite Sen. Miriam Santiago that impeachment is a “quasi-judicial” and quasi-political” proceeding. Mr. Arroyo called the House impeachment resolution against Mr. Corona as a mere “Bill of Attainder” that convicted an (criminal) “accused of acts that were not offenses in the very measure of its content.”

***EJUSDEM GENERIS* COULD NOT BE INVOKED**

But I don’t see the wisdom of Senator Santiago, acquitting Mr. Corona, invoking the so-called

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doctrine of *ejusdem generis* in the impeachment case of Mr. Corona. According to the authoritative Black's Law dictionary (2004), *ejusdem generis* "is where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent..."

In other words, if a law refers to automobiles, trucks, tractors, motorcycles and other motor-powered vehicles, "vehicles" would not include airplanes, since the list was of land-based transportation.

Madame Santiago explained that the constitution provides that impeachable offenses are culpable violation of the constitution, treason, bribery, graft and corruption, other high crimes or betrayal of public trust.

Since Mr. Corona admitted in "good faith" in his SALN (statement of assets and liabilities and net worth), Senator Santiago said, the admission is a mitigating circumstance that carries "light penalty and even by law be allowed to be corrected by the person who submitted it. That is not impeachable because it's not of the same class as the offenses enumerated in the constitution."

In other words, Santiago had admitted that Mr. Corona had violated the constitution but she did not mention Corona's violation in the class of offenses. She only mentioned that Corona must get a "light penalty."

CORONA BETRAYED THE PUBLIC TRUST

I believe Corona's non-declaration of his deposits falls under the "betrayal of public trust" offense.

But I don't agree with the alibi of Mr. Corona's lawyer that Mr. Corona's refusal to declare his deposits was for fear of "probability of kidnapping (and) extortion" because there are other government officials, who are richer than him and yet would declare their deposits without citing such bogeyman.

This was the same excuse promoted by a Filipino-American family, who was caught in Honolulu , Hawaii , in 2009 trying to take \$52,454 to the Philippines to buy their dream condominium without declaring their hard-earned dollars to the U.S. Customs. Of course, the U.S. Customs does not announce in Philippine media that the Fil Am family had so much money as to alert the kidnapers and extortionists but accepted the family's plea because the U.S. government traced the money as coming from legitimate sources.

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The mother in the family took all the blame and ended up being sentenced to three years' probation, three-month home detention and half of money (\$26,227) forfeited in favor of the U.S. government.

So, I will not be surprised if the Philippine government takes half if not the whole amount of Corona's undeclared deposit just as it took all the undeclared \$100,000 from Juan Paulo Garcia and his brother, Ian Carl Garcia who tried to bring the money into the U.S. soil because the Garcias cannot explain the legal source of the money.

That is why before Sen. Lito Lapid voted to convict Mr. Corona, who swore him into office, Mr. Lapid said, "*Naaawa po ako sa kanya dahil naintidihan ko po ang damdamin niya at pamilya niya at naranasan ko rin* ." (I pity him (Mr. Corona) and understand his and his family's situations because we also endured the same.)

Mr. Lapid, of course, was speaking for himself as his wife, Marissa Lapid, was also stopped at Las Vegas

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Nevada

, for bringing in \$50,000 without declaring the money to the U.S. Customs officials.

If Mrs. Lapid did not declare her dollars, without consulting a lawyer, she could only be cited for

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culpable ignorance, which is the lack of knowledge or understanding that results from the omission of ordinary care to acquire such knowledge or understanding.

But Mr. Corona was in culpable violation of his non-declaration of his deposits in his SALN because as a lawyer, he knows the consequence of his reckless or negligent acts. # # #

Editor's Note: To contact the author, please e-mail him at: (lariosa_jos@sbcglobal.net)

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