

The problem with the Republic of the Philippines (RP) is that it has the “lean” – instead of the long – arm of the law. Instead of the ability of the Philippine police and courts to force people to obey the rules, the law is violated often by the law-enforcement officers (LEOs) themselves. The enforcement of Philippine law is that thin or watered down and emaciated because the court personnel and the LEOs are poorly paid. Because of the poor pay, many of them become victims of the “loan” arm of the law. Many are forced to borrow at often-usurious interest rate. And oftentimes, the “loans” become euphemism for bribes, in exchange for favorable court rulings or “incentives” for the LEOs to look the other way.

But there may be hope in the horizon. The Supreme Court has dismissed a justice of the Court of Appeals and suspended another as an off-shoot of the now-infamous Meralco-GSIS case.

From a press release issued by the Philippine Consulate General of Los Angeles, California, the Philippine Supreme Court (SC) en banc ordered – in an 11-1 vote – the dismissal from the judiciary Court of Appeals Justice Vicente Q. Roxas and the suspension of Associate Justice Jose L. Sabio for two months for committing acts of impropriety in connection with the Meralco-GSIS case.

Editor's Note: Readers may want to browse again a suggested solution to the problem at bar as found in this article , [Reinventing the Philippine Criminal-justice System](#)

Justice Roxas, head of the CA's Eighth Division, is the ponente of the controversial July 23

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Written by Bobby Reyes

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decision, which voided the Securities and Exchange Commission (SEC) order prohibiting the Manila Electric Company (Meralco) from utilizing its proxy votes in its boardroom battle with Government Services Insurance System (GSIS) last May 27.

The CA justice was also scored for his inaction on the two motions filed by GSIS and his alleged “fabrication” of the transcript of the supposedly final deliberations of the Eighth Division on July 14, 2008.

CA Presiding Justice Conrado M. Vasquez, Eighth Division chair Bienvenido Reyes and Sixth Division junior member Myrna Dimaranan-Vidal were all reprimanded and admonished by the SC for not taking appropriate action.

The SC en banc recommended that Cagayan De Oro businessman Francis Roa De Borja be charged for attempted bribery, and, in the case of Presidential Commission on Good Government chair Camilo Sabio, possible disbarment by the Office of the Bar Confidant (OBC).

In a 59-page report submitted to Chief Justice Reynato Puno last Sept. 4, the panel, composed of retired SC Justices Carolina Grino-Aquino, Florida Ruth Aquino and Romeo Callejo, said the five CA justices have committed “irregularities and improprieties” prejudicial to the integrity of the judiciary.

“The investigation has revealed irregularities and improprieties committed by the Court of Appeals justices, in connection with the Meralco case . . . which are detrimental to the proper administration of justice and damaging to the institutional integrity, independence and public respect for the judiciary,” the panel report concluded.

The report said that Justice Sabio, who was offered by De Borja P10 million to relinquish the chairmanship of the Special Ninth Division, committed irregularities and improprieties arising from his telephone conversation with his brother, in violation of the Code of Professional Responsibility for lawyers.

“Justice Sabio was remiss in his duty to inform the Presiding Justice about Camilo Sabio’s call to him which he admitted was unethical as his brother tried to influence him,” the report said.

The investigating panel also pointed out that Justice Sabio’s conversations with De Borja about the Meralco case is “highly inappropriate and indiscreet.”

The panel lamented that “Justice Sabio broke the shield of confidentiality that covers the disposition of cases in the Court in order to preserve and protect the integrity and independence of the Court itself,” when he talked with his brother and De Borja about the Meralco case.

“He ignored the injunction in Canon 1, Section 8 of the New Code of Judicial Conduct for the Philippine Judiciary,” the panel said.

The provision states that “Judges shall exhibit and promote high standards of judicial conduct (and discretion) in order to reinforce public confidence in the judiciary which is fundamental to the maintenance of judicial independence.”

On De Borja’s allegation that Justice Sabio wanted P50 million, not P10 million, the panel said: it “is not believable, for, if Justice Sabio quoted P50 million as his price, he would not have reported the P10 million bribe offer to Presiding Justice Vasquez Jr. He would have waited for Meralco’s reply to his counter-offer.”

While Presiding Justice Vasquez admitted his lapses of judgment, the panel considered his indecisiveness in resolving the chairmanship row between Justice Sabio and Justice Reyes as a “failed leadership as head of the CA.”

The panel noted that while the parties in the Meralco case were given 15 days after the hearing on June 23, 2008 or up to July 8, 2008 to simultaneously submit their memoranda and memoranda of authorities and actually submitted, Justice Roxas prepared the decision before the parties had filed their memoranda in the case and submitted it to Justice Dimaranan-Vidal for her signature on July 8, 2008.

“His rush to judgment was indicative of “undue interest and unseemly haste,” the panel further stated.

“He (Justice Roxas) cheated the parties’ counsel of the time, effort, and energy that they invested in the preparation of their ponderous memoranda which, as it turned out, neither he or the other members of the Eight Division bothered to read before signing his decision. He made a mockery of his own order for the parties to submit memoranda, and rendered their compliance a futile exercise,” the panel pointed out.

Justice Roxas, according to the panel, was “thoughtlessly disrespectful” to Justice Dimaranan-Vidal when he unceremoniously discarded, shredded, and burned the decision that the lady magistrate had signed, merely because he allegedly forgot that she and Justice Sabio had already been “reorganized out” of the Special Ninth Division as of July 4, 2008, hence out of Meralco case.

“Out of courtesy, he (Roxas) should have explained to Justice Dimaranan-Vidal the reason why he was not promulgating the decision which she had signed,” the SC panel further stated.

The panel members also raised suspicion that Justice Roxas might have been persuaded to bring his decision to the Eight Division to which he and Justices Reyes belong after the July 4, 2008 reorganization of the Court because if the case remained in the Special Ninth Division, Justice Sabio Jr. might dissent, requiring the Presiding Justice to constitute a special division of five.

Lastly, Justice Roxas was disrespectful to Vasquez when the former promulgated the decision on Meralco case, without waiting for the latter's ruling on his "interpleader petition" which came out on July 24, 2008. The interpleader petition sought the Presiding Justice to resolve the chairmanship squabble between Justice Sabio and Justice Reyes.

In so far as Justice Reyes is concerned, the panel found him "discourteous to Presiding Justice Vasquez" when he signed Roxas's ponencia despite his July 22, 2008, request-letter to the Presiding Justice to decide which division of the CA – the Eight Division with him as chairman or the Special Ninth Division chaired by Justice Sabio – should promulgate the decision on Meralco case.

As far as the role of Justice Dimaranan-Vidal, the SC panel found her "too compliant" particularly when she deviated from the IRCA when she allowed herself to be rushed by Justice Roxas to sign the Meralco decision on July 8, 2008, without reading the parties' memoranda and without the deliberation among members of the division required by the IRCA.

"She knew that the TRO would not expire until July 30, 2008 – some three weeks away from July 8, 2008 – yet she allowed herself to believe Justice Roxas' misrepresentation that signing the decision was urgent. Her compliance with certain dissembling practices of other justices of the Court, in violation of the IRCA, showed weakness and lack of independence on her part," it further stated.(PNA)

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(To be continued . . .)

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