

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
House of Representatives Complex
Constitution Hills, Quezon City

**IN THE MATTER OF THE
IMPEACHMENT OF MARIA
LOURDES P. A. SERENO AS
CHIEF JUSTICE OF THE
SUPREME COURT OF THE
PHILIPPINES,**

ATTY. LORENZO G. GADON,

Complainant.

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VERIFIED COMPLAINT FOR IMPEACHMENT

Impeachment will “proceed from the misconduct of public men (and women), or, in other words, from the abuse or violation of some public trust.”

- Alexander Hamilton,
The Federalist, No. 65, 1788

Undersigned COMPLAINANT respectfully files this duly verified Complaint for the Impeachment of Maria Lourdes P. A. Sereno, Chief Justice of

Constitution, corruption, other high crimes, and betrayal of public trust,¹ brought about by her mental disorder. In support thereof, the complainant hereby alleges:

1. The aforesaid grounds for impeachment are described by authorities as follows:

1.1. **Culpable violation of the Constitution** refers to an act that is committed through a deliberate and wrongful breach of the Constitution.²

1.2. **Corruption** is defined as an act of an official who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person.³ It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto.⁴

1.3. **Other high crimes** refer to serious abuse and misuse of office ranging from tax evasion to obstruction of justice,⁵ such as malversation⁶ and illegal use⁷ of public funds or property. These also refer to those “indictable offenses and

¹ Section 2, Article IX, Constitution.

² Joaquin G. Bernas, S.J., *The 1987 Constitution of the Republic of the Philippines: A Commentary* 1112 (2003).

³ Corruption, *The Law Dictionary featuring Black’s Law Dictionary Free Online Legal Dictionary* 2nd Ed., available at <http://thelawdictionary.org/corruption/>

⁴ Section 1, R.A. No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act

are of such enormous gravity that they strike at the very life and or orderly working of the government.”⁸

1.4. **Betrayal of public trust** refers to all acts which are not punishable by statutes as penal offenses but, nonetheless, render the officer unfit to continue in office. It includes acts which are short of being criminal but constitute gross faithlessness against public trust, tyrannical abuse of power, inexcusable negligence of duty, favoritism, and gross exercise of discretionary power,⁹ and all acts that contravene Section 1, Article XI of the Constitution which mandates:

“Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and **lead modest lives.**”

1.5. Early on, Chief Justice Sereno already failed the psychological exam administered by the Judicial and Bar Council (JBC), garnering a grade of four (4). Under the existing JBC policy, “an applicant to any position in the judiciary with a grade of four (4) is unfit for the job.”¹⁰ Her psychiatric report described her as “dramatic and emotional.”¹¹ True enough, this has been manifested throughout her five (5) years in office.

1.6. After assuming office as Chief Justice, she fired the two (2) psychiatrists who gave her a poor grade by ordering the non-renewal of their contracts because

⁸ Joaquin G. Bernas, S.J., *The 1987 Constitution of the Republic of the Philippines: A Commentary*, 1112 (2003).

she “flies into a rage every time the issue of psychiatric testing comes up during deliberations in the JBC.”¹²

- 1.7. The framers of the Constitution agreed on the broad standards for impeachment and assigned this absolute power, NOT to the Judiciary, but to the elected members of Congress. By doing so, they ensured that the fate of the respondent would not depend on standards of law alone, but on the intertwined political, practical, moral, and legal judgment of elected officials.

THE PARTIES

2. Complainant Atty. Lorenzo G. Gadon (Complainant Gadon) is of legal age, a taxpayer, and a Filipino citizen. For purposes of the instant Verified Complaint for Impeachment, Complainant Gadon may be served with pleadings, notices, and processes at No. 35, 7th Street, New Manila, Quezon City, Metro Manila. He brings this action for and behalf of the People of the Republic of the Philippines by authority of the Constitution, consistent with his civic and constitutional duty as a citizen, a member of the Philippine Bar, and an agent of the Filipino people.

- 2.1 Respondent is MARIA LOURDES P. A. SERENO (Respondent Sereno), incumbent Chief Justice of the Supreme Court of the Philippines, and is being sued in her official capacity. She may be served with summons and other processes at her office address at the Supreme Court Building, Padre Faura Street, Ermita, Manila.

GROUND FOR IMPEACHMENT

3. The Complainant hereby accuses Respondent Sereno of numerous acts that comprise: **(A)** culpable violation of the Constitution, **(B)** corruption, **(C)** other high crimes, and **(D)** betrayal of public trust, in the following manner, thereby rendering her unfit to be and continue as Chief Justice of the Republic of the Philippines:

3.1 RESPONDENT SERENO COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION WHEN -

3.1.1. She falsified the Resolution of the Supreme Court in A.M. No. 12-11-9-SC.

3.1.2. She falsified the Temporary Restraining Order of the Supreme Court in G.R. Nos. 206844-45.

3.1.3. She falsified the Resolution of the Supreme Court in A.M. No. 16-08-04-SC.

3.1.4. She delayed action on the numerous Petitions for Retirement Benefits of Justices and Judges, and the surviving spouses of deceased Justices and Judges.

3.1.5. She manipulated and thereafter delayed the resolution of A.M. No. 17-06-02-SC (the request of the Secretary of Justice to transfer the Maute cases outside of Mindanao) after realizing that she lost in the voting.

political reasons, thereby disgracing then Sol. Gen. Jardeleza, and curtailing the President's power to appoint him.

3.1.8. She manipulated the shortlist of the JBC for the six (6) vacancies in the Sandiganbayan, for personal and political reasons, thereby limiting the President's power to appoint the Justices of the Sandiganbayan.

3.1.9. She manipulated the shortlist of the JBC for the two (2) vacancies in the Supreme Court, and failed to heed the pronouncements of the Court in *Aguinaldo v. Aquino*,¹³ thereby impairing and curtailing the President's power to appoint the Justices of the Supreme Court.

3.1.10. She lied and made it appear that "several justices" requested that they do away with voting for recommendees to the Supreme Court, when in fact not one Justice requested for it.

3.1.11. She manipulated the JBC, especially its four (4) regular members, effectively destroying the JBC as a constitutional body mandated to fairly and impartially screen and nominate applicants to the Judiciary.

3.2. RESPONDENT SERENO COMMITTED CORRUPTION WHEN -

3.2.1. She used public funds to finance her extravagant and lavish lifestyle by ordering the purchase of a brand-new luxurious Toyota Land Cruiser 2017 model as her personal vehicle, amounting to more than Five Million Pesos.

3.2.2. She used public funds to stay in opulent hotels when attending conferences

3.2.3. She used public funds to flaunt her extravagance by unnecessarily bringing a huge entourage of lawyers in her supposed official foreign trips.

3.3. RESPONDENT SERENO COMMITTED OTHER HIGH CRIMES WHEN -

3.3.1. She obstructed justice by ordering the Muntinlupa Judges not to issue warrants of arrest against Senator Leila M. De Lima.

3.3.2. She perverted justice by meeting the Presiding Justice and Associate Justices of the Court of Appeals and instructing them not to comply with the processes of the House of Representatives and to immediately question its processes before the Supreme Court.

3.3.3. She failed to report her extortionate attorney's fees and pay the appropriate taxes therefor.

3.3.4. She embellished her Personal Data Sheet (PDS) in her application for the Judiciary to overstate her credentials.

3.4. RESPONDENT SERENO BETRAYED THE PUBLIC TRUST WHEN-

3.4.1. She hired an Information Technology consultant with an excessive compensation without public bidding, in contravention of existing laws, Commission on Audit (COA) rules, and public policy.

3.4.2. She sent a strongly-worded but misplaced reply to President Rodrigo Roa

- 3.4.4. She attacked the imposition of Martial Law in a commencement address, while the validity of Martial Law was still pending before the Supreme Court, and later continued to participate in the Court's deliberations.
- 3.4.5. She issued a Joint Statement with the Presiding Justice of the Court of Appeals regarding CA-GR SP No. 151029, which can very well be elevated to the Supreme Court.
- 3.4.6. She practiced favoritism by allowing key positions in the Supreme Court to remain unfilled for a long period of time in order to wait for her staff to qualify, to the detriment of the service and great demoralization of qualified Court employees.
- 3.4.7. She appointed a key official without authority or approval of the Court *en banc*, in violation of Court-established rules and the Constitution.
- 3.4.8. She gave her newly-hired staff foreign travels and granted them travel allowances for their foreign travels without authority or approval of the Court *en banc*, in violation of Court-established rules and the Constitution.
- 3.4.9. She usurped the mandate of the Court *en banc* by arrogating to herself alone the running of the Supreme Court and the Judiciary, thereby destroying the Supreme Court as a collegial body.

DISCUSSION OF THE GROUNDS FOR IMPEACHMENT

4. RESPONDENT SERENO IS GUILTY OF CULPABLE VIOLATIONS OF THE CONSTITUTION UNDER THE FOLLOWING ACTS:

4.1. Respondent Sereno committed a culpable violation of the Constitution when she falsified the Resolution of the Supreme Court in A.M. No. 12-11-9-SC.

4.1.1. Upon her assumption to office as Chief Justice, Respondent Sereno unilaterally issued Administrative Order No. 175-2012 (Designating the Head for the Judiciary Decentralized Office [JDO] in the Seventh Judicial Region), dated November 9, 2012, reviving the RCAO-7 (Regional Court Administration Office in Region 7), which she termed “JDO 7,” without the knowledge of the Court *en banc*.

4.1.2. To ratify her unilateral act, she made it appear that the Supreme Court *en banc* subsequently issued a Resolution approving the revival of the RCAO-7, a project that was supported and funded by the Asian Development Bank but scrapped by the Supreme Court following a failed pilot testing in 2008. The Resolution which was supposedly issued on November 27, 2012, in A.M. No. 12-11-9-SC (*Re: Opening the Regional Court Administrative Office in Region 7*), reads:

“The Court Resolved to: (a) RATIFY the action of Chief Justice Maria Lourdes P. A. Sereno to revive the

Administrator, as Officer-in-charge of RCAO-Region 7, effective immediately and for a period of two (2) months.”

4.1.3. On December 3, 2012, Supreme Court Associate Justice Teresita Leonardo-De Castro called the attention of Respondent Sereno through a Memorandum, which was concurred in by several Justices, stating that it was not true that the Court *en banc* ratified Respondent Sereno’s act of reviving the RCAO-7. Justice De Castro manifested that the true consensus of the Court *en banc* did not appear in the November 27 Resolution, which was to oppose the reopening of RCAO-7.¹⁴

4.1.4. In her December 3, 2012, Memorandum, Justice De Castro said Respondent Sereno was depriving the High Court, as a collegial body, of its constitutional duty to exercise administrative supervision over the judiciary, since it is only the Supreme Court *en banc* and not the Chief Justice alone, who can decide to create an office within the Judiciary. She explained:

“(The administration of Sereno) cannot deprive the High Court of its constitutional duty to exercise administrative supervision over all courts and their personnel and the Office of the Court Administrator of its statutory duty under Presidential Decree 828 to assist the Supreme Court in the exercise of said power of administrative supervision.”¹⁵

4.1.5. On January 22, 2013, the Supreme Court issued a corrective resolution creating a “Decentralization Needs Assessment Committee to study and determine the necessity of decentralizing administrative functions

¹⁴ Tetch Torres, *SC Justice De Castro questions Sereno order reopening RCAO*, The

appurtenant to the exercise of the Supreme Court's power of supervision over lower courts." The Court also held that the January 22, 2013 Resolution "supersedes all prior resolutions, administrative orders and issuances on the covered matter and shall take effect upon its promulgation."

4.1.6. In fine, Respondent Sereno deliberately committed falsification when she unilaterally issued an *en banc* resolution in A.M. No. 12-11-9-SC, without the knowledge, much more concurrence, of the High Court Justices which is clearly a culpable violation of the Constitution.

4.2. Respondent Sereno committed a culpable violation of the Constitution when she falsified the Temporary Restraining Order of the Supreme Court in G.R. Nos. 206844-45.

4.2.1. Sometime in May 2013, the Coalition of Associations of Senior Citizens in the Philippines, Inc., filed a petition for certiorari with prayer for issuance of a temporary restraining order before the Court, which was raffled to Justice De Castro. Immediately, upon review of the petition, Justice De Castro recommended the issuance of a temporary restraining order, and sent a draft of the order to the office of Respondent Sereno.

4.2.2. Respondent Sereno however deliberately tampered with and altered the contents of the draft temporary restraining order sent by Justice De Castro by issuing a "blanket TRO stopping the COMELEC from making further proclamations, thus, benefitting other groups that were not party to the case."¹⁶

4.2.3. It was only after “Sereno endured a harsh tongue-lashing from Justice Teresita Leonardo-De Castro, the original ponente of the ‘tampered’ TRO”¹⁷ was the TRO rectified and re-released.

4.2.4. Indeed, the predisposition of Respondent Sereno to unilaterally issue resolutions supposedly from the Court *en banc*, as if she is solely the Court *en banc*, has been evident early on.

4.3. Respondent Sereno committed a culpable violation of the Constitution when she falsified the Resolution of the Supreme Court in A.M. No. 16-08-04-SC.

4.3.1. On August 9, 2016, Respondent Sereno once again solitarily ordered the release of an *en banc* Resolution in A.M. No. 16-08-04-SC ordering the conduct of a *motu proprio* fact-finding investigation on the alleged involvement of four (4) incumbent judges in illegal drugs, which, among others, resolved to “DIRECT Executive Secretary Salvador C. Medialdea to submit Complaint-Affidavits against the four (4) judges within seven (7) days,”¹⁸ without the concurrence of the Justices of the High Court.

4.3.2. This supposed order from the Court immediately drew a sharp reaction from the Presidential Legal Counsel Salvador Panelo who said that “the Court cannot order Medialdea to submit complaint-affidavits.”¹⁹

¹⁷ Id.

¹⁸ Supreme Court PIO, @ SCPh PIO, Tweet, August 9, 2016: 2:02 p.m., Twitter,

4.3.3. It was only after the news spread that the Justices of the Court discovered the fake resolution. Respondent Sereno was again chastised by the Justices since the questioned resolution was never approved by the Court.

4.3.4. Later, the Court revised its supposed resolution and did away with the directive to the Executive Secretary. Instead, the Court “invite(d) Philippine National Police Director General Ronald M. Dela Rosa and Philippine Drug Enforcement Agency Director General Isidro S. Lapeña, heads of the statutory authorities mandated to obtain information on illegal drugs activities, to submit Complaints-Affidavits or other information against the four (4) judges.”²⁰

4.3.5. This unilateral act of Respondent Sereno readily shows that more than four (4) years into office as Chief Justice, she still thinks that she alone is the Supreme Court, excluding the other fourteen (14) members, a clear case of culpable violation of the Constitution.

4.4. Respondent Sereno committed a culpable violation of the Constitution when she delayed action on the numerous Petitions for Retirement Benefits of Justices and Judges, and the surviving spouses of Justices and Judges.

4.4.1. The Supreme Court has, in several occasions, promptly acted upon Petitions for Retirement Benefits, considering the urgency of the matter since retirees, more often than not, need their benefits.

4.4.2. Doubting the previous resolutions of the Court which granted some of the

4.4.3. Thereafter, all petitions for retirement benefits were referred to the TWG which hardly convened. Hence, practically all petitions were “shelved” until her lawyer could come up with her recommendation. All these petitions have been pending for two (2) years or more.

4.4.4. These petitions include the petitions of thirty (30) surviving spouses of Justices and Judges, whose ages are mostly eighty (80) to more than ninety (90) years old.

4.4.5. The applicants are all in their advanced ages, many if not all, not in the pink of health. They can only enjoy these benefits while they are alive.

4.4.6. The Court has earlier approved similar applications more than 200 times.

4.4.7. The inordinate delay of Respondent Sereno in resolving these applications because of her incompetence and the incompetence of her staff also show her insensitivity, which is unconscionable. This is another clear case of culpable violation of the Constitution.

4.5. Respondent Sereno committed culpable violation of the Constitution when she manipulated and thereafter delayed the resolution of A.M. No. 17-06-02-SC (the request of the Secretary of Justice to transfer the Maute cases outside of Mindanao), after realizing that she lost in the voting.

4.5.1. On May 29, 2017, Justice Secretary Vitaliano N. Aguirre II wrote Respondent Sereno a letter requesting the transfer of Maute and similar

4.5.2. The matter was not deliberated upon during the *en banc* session. Instead, it was somewhat discussed over lunch, after the *en banc* session. For some reason, Respondent Sereno obviously did not want to accommodate the view of taking the Maute and similar cases out of Mindanao. Hence, she advanced the notion that they be heard in Cagayan de Oro City, which was supposedly agreed upon. Immediately thereafter, she released a draft resolution which was not cleared with the *en banc*. To maintain distance that the Cagayan de Oro idea came from her, Respondent Sereno then called up Justice Noel Tijam and informed him that the matter was assigned to him. It must be noted that at this point, this matter had not yet been raffled to the supposed Justice-in-charge.

4.5.3. On June 13, 2017, Secretary Aguirre moved for a reconsideration of the resolution transferring the Maute and similar cases to Cagayan de Oro City.

4.5.4. Justice Tijam, believing that the matter was already assigned to him, circulated to his colleagues his opinion (and recommendation) to grant the motion for reconsideration and transfer the Maute and similar cases to Taguig City, which was sustained after an informal consensus among the members of the Court was taken.

4.5.5. Surprisingly however, on June 19, 2017, Respondent Sereno caused the matter to be “raffled” to her, after earlier “assigning” it to Justice Tijam, which is in total disregard of the Internal Rules of the Court, and therefore highly questionable. It was also at this time that Secretary Aguirre wrote a letter reiterating his earlier motion for reconsideration, and likewise requesting that the matter be given preferential attention.

in compliance with the constitutional mandate that cases must be filed within three (3) days from arrests.²¹

4.5.7. While A.M. No. 17-06-02-SC was included in the *en banc* Agenda of the following week, on June 27, 2017, no resolution was issued or released. Instead, Respondent Sereno merely informed the members of the Court that she is already drafting the Resolution granting the motion for reconsideration and transferring the cases to Taguig City.

4.5.8. This is again highly irregular because she is in the minority. The case must be assigned to a member of the Court who adheres to the majority view.

4.5.9. Respondent Sereno has been delaying the issuance and release of the Resolution because she failed to get a majority vote on her desire to keep the Maute and similar cases in Cagayan de Oro City, to the detriment of the service.

4.5.10. Although dated June 27, 2017, the Resolution was only released on July 20, 2017, after news of her impending impeachment broke out.

4.5.11. Indeed, the intentional delay on the part of Respondent Sereno to issue and release the much-awaited Resolution, only because she has lost in the vote, is another count of culpable violation of the Constitution.

4.6. Respondent Sereno committed a culpable violation of the Constitution when she failed to truthfully disclose her Statement of Assets, Liabilities, and Net Worth or SALN.

Constitution, which provides that “[a] public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities, and net worth.”²²

4.6.2. Respondent Sereno was untruthful when she deliberately excluded in her initial SALN the exorbitant lawyer’s fees in the amount of SEVEN HUNDRED FORTY-FIVE THOUSAND U.S. DOLLARS (\$745,000.00) or THIRTY-SEVEN MILLION PESOS (P37,000,000.00),²³ which she received from the Philippine Government.

4.6.3. The statutory (and now constitutional) requirement of the submission of SALN by public officials and employees is a strategy developed to combat and repress corrupt practices in the government service.²⁴ It is of such vital importance that in *Flores v. Montemayor*,²⁵ the Supreme Court upheld the dismissal from the service of a public official for his failure to truthfully disclose his assets and liabilities therein:

“(Respondent) apparently fails to understand that the SSAL [Sworn Statement of Assets and Liabilities] is not a mere scrap of paper. The law requires that the SSAL must be accomplished as truthfully, as detailed and as accurately as possible. The filing thereof not later than the first fifteen (15) days of April at the close of every calendar year must not be treated as a simple and trivial routine, but as an obligation that is part and parcel of every civil servant’s duty to the people. It serves as the basis of the government and the people in monitoring the income and lifestyle of officials and employees in the government in compliance with the Constitutional

government, and ensure that all government employees and officials lead just and modest lives. It is for this reason that the SSAL must be sworn to and is made accessible to the public, subject to reasonable administrative regulations.

(The) repeated and consistent failure to reflect truthfully and adequately all his assets and liabilities in his SSAL betrays his claim of innocence and good faith. Accordingly, we find that the penalty of dismissal from government service, as sanctioned by Section 11 (a) and (b) of R.A. No. 6713, meted by the Office of the President against him, is proper.²⁶

4.6.4. Accordingly, the failure of Respondent Sereno to be truthful in her SALN is another instance of culpable violation of the Constitution that merits her immediate dismissal from the service.

4.7. Respondent Sereno committed a culpable violation of the Constitution when she manipulated the shortlist of the JBC to exclude then Solicitor General Francis H. Jardeleza, for personal and political reasons, thereby disgracing then Sol. Gen. Jardeleza, and curtailing the President's power to appoint him.

4.7.1. As ex-officio Chairperson of the JBC, Respondent Sereno persistently manipulates judicial appointments for personal and political reasons, thereby impairing and limiting the President's power to appoint members of the Judiciary under Section 9, Article VIII of the Constitution, and violating the fundamental principle of separation of powers inherent in our democratic

4.7.2. Respondent Sereno manipulated the JBC processes to exclude then Solicitor General, now Associate Justice, Francis H. Jardeleza as a nominee to the position vacated by retired Associate Justice Roberto A. Abad in 2014.²⁷ Respondent Sereno made a last-minute objection to the inclusion of Justice Jardeleza in the list of nominees after he got the required number of votes needed to be shortlisted. Respondent Sereno questioned Justice Jardeleza's integrity, calling into play the "unanimity requirement," *i.e.*, the voting requirements for inclusion in the list of nominees becomes unanimous instead of the usual majority vote.²⁸ Not having the unanimous vote of the JBC, Justice Jardeleza was not included in the list of nominees.

4.7.3. Justice Jardeleza wrote a letter to the Supreme Court, enumerating the incidents and questionable acts of Respondent Sereno and the JBC, which deprived him of due process during the selection of nominees, to wit:

- a. Chief Justice Maria Lourdes P. A. Sereno made accusations against his integrity twice, *ex parte*, without informing him of the nature and cause of the accusation and without giving him the opportunity to be heard;
- b. The JBC violated its own rules, specifically, Rule 4 of JBC-009 and Section 2, Rule 10 of JBC 009, in considering his fitness for the position of Associate Justice of the Supreme Court;
- c. As reported in the Manila Times, CJ Sereno even denied the Members of the Court, through misrepresentation, of the right

under the Rules of the JBC to make their recommendations to the JBC.²⁹

4.7.4. Justice Jardeleza subsequently filed a petition before the Supreme Court, seeking to compel the JBC to include him in the list of nominees on the ground that the JBC and Respondent Sereno acted with grave abuse of discretion amounting to lack or excess of jurisdiction in excluding him, despite having garnered a sufficient number of votes.

4.7.5. Accordingly, in *Jardeleza v. Sereno*,³⁰ the Supreme Court held that the JBC violated its own rules of procedure and Justice Jardeleza's constitutional right to due process, and ruled that he should have been included in the shortlist submitted to the President for the vacated position of Associate Justice Abad, to wit:

“[T]he Court is compelled to rule that Jardeleza should have been included in the shortlist submitted to the President for the vacated position of Associate Justice Abad. This consequence arose... from the violation by the JBC of its own rules of procedure and the basic tenets of due process... the Court refuses to turn a blind eye on the palpable defects in its implementation and the ensuing treatment that Jardeleza received before the Council. True, Jardeleza has no vested right to a nomination, but this does not prescind from the fact that the JBC failed to observe the minimum requirements of due process.”

4.7.6. In a strongly-worded Separate Concurring Opinion, Justice Arturo D. Brion forewarned that **Respondent Sereno manipulated the JBC process with malice and bad faith:**

“CJ Sereno manipulated the JBC process to exclude Jardeleza as a nominee. The manipulation was a purposive campaign to discredit and deal Jardeleza a mortal blow at the JBC level to remove him as a contender at the presidential level of the appointing process.”³¹

“Additionally, the terms of this [JBC] Supplemental Comment, are on their faces, sickening as they are no less than daggers used in a character assassination made in the guise of a Supplemental Comment. Expressly, it alleged that Jardeleza had been “disloyal to the country.” The Supplemental Comment also **laid bare** aspects of the government arbitration case that **no responsible government official, more so if she is Chief Justice, would so openly discuss.**”³²

“What elevates this charge to the **level of malice** is that it appears to have been **purposely timed** to be embodied in the Supplemental Comment at the stage of the case when it could no longer be refuted.”³³

4.7.7. Justice Brion likewise explained the detrimental consequences of the JBC's grave abuse of discretion to the constitutionally-mandated power of the President to appoint members of the Judiciary, as well as to the public trust:

“To the extent that the JBC departs from the guidelines it has itself set and commits grave abuse of discretion in undertaking its selection, the President's exercise of his appointing authority is fettered and less than full.”³⁴

“An erroneous application of the JBC selection rules indirectly limits the President's appointment choices and thus restricts the President's appointing authority. An erroneous application can likewise affect the composition of this Court and, under the facts of this case, possibly the values this institution stands for.”³⁵

“Any abuse of discretion is of great interest to the Court as its representative to that body is its Chief Justice whose actions in the JBC selection should be no less than sterling in keeping with the nature of her position and the trust that the nation places on the Chief Justice and the Court.”³⁶

4.7.8. Justice Jardeleza likened this episode of his life to “(his) near death experience.”³⁷ He added:

“You spend a whole lifetime building a reputation worthy of your parents... You also spend a whole lifetime building a

reputation worthy of your family... So when my integrity was attacked, I knew I had to fight back, if only to clear my name...

I was so close to professional death, an inglorious end to a career I had worked so hard to nurture. It is an experience I would not wish on anybody...

‘Don’t back down from the sharks.’ ‘Face down the bullies.’”³⁸

4.7.9. Indeed, the gross and malicious manipulation of the JBC and disgracing of Justice Jardeleza by Respondent Sereno are culpable violations of the Constitution.

4.8. Respondent Sereno committed a culpable violation of the Constitution when she manipulated the shortlist of the JBC for the six (6) vacancies in the Sandiganbayan for personal and political reasons, thereby limiting the President’s power to appoint the Justices of the Sandiganbayan.

4.8.1. Respondent Sereno manipulated the judicial appointment process by unilaterally and arbitrarily introducing new rules and practices in the JBC without legal basis, in violation of the JBC’s existing rules and procedure, to favor her underling on one hand, and to the prejudice of the President on the other.

direct contravention of the JBC's practice of submitting only one shortlist for two or more vacancies in a collegiate court. Thus, in *Aguinaldo v. Aquino*, the Court unanimously held that the JBC acted beyond its constitutional mandate:

“The JBC, in sorting the qualified nominees into six clusters, one for every vacancy, could influence the appointment process beyond its constitutional mandate of recommending qualified nominees to the President. Clustering impinges upon the President's power of appointment, as well as restricts the chances for appointment of the qualified nominees, because (1) the President's option for every vacancy is limited to the five to seven nominees in the cluster; and (2) once the President has appointed from one cluster, then he is proscribed from considering the other nominees in the same cluster for the other vacancies. The said limitations are utterly without legal basis and in contravention of the President's appointing power.”³⁹

“There is no explanation for the shift in practice by the JBC, which impaired the power of the President to appoint under the 1987 Constitution and his statutory authority to determine the seniority in a collegiate court. The clustering by the JBC of the qualified nominees for the six vacancies for Sandiganbayan Associate Justice appears to have been done arbitrarily, there being no clear basis, standards, or guidelines for the same. The number of nominees was not even equally distributed among the cluster.”⁴⁰

4.8.3. The Court observed that the JBC, headed by Respondent Sereno, promulgated JBC No. 2016-1, otherwise known as *The Revised Rules of the Judicial and Bar Council*, in order to institutionalize the newly-introduced practice of clustering nominees for vacancies in collegiate courts, “the elimination by Chief Justice Sereno of the voting by the Supreme Court Justices on who among the applicants to the Supreme Court they believe are most deserving,”⁴¹ and the unprecedented and unwarranted removal of the long practice of having the two (2) most senior Supreme Court Associate Justices act as consultants of the JBC.⁴² The Court explained:

“Through Rule 8, Section 1 of JBC-009,⁴³ the JBC accorded through the years due weight and regard to the recommendees of the Supreme Court for the vacancies in said Court. The JBC had consistently complied with said rule and furnished the Court in prior years with the list of candidates for vacancies in the Court, together with an executive summary of the evaluation and assessment of each candidate by the JBC and all relevant documents concerning the candidates, for the incumbent Justices’ consideration, but stopped doing so ever since Chief Justice Sereno became the Chairperson of the JBC... [t]he deletion of the foregoing provision from the Revised JBC Rules formally institutionalizes Chief Justice Sereno’s unilateral decision to abandon a well-established rule, procedure, and practice observed by the Court, and completely precludes the incumbent Supreme Court Justices from expressing their views on the qualifications of the applicants to the vacancies in the Supreme Court.”⁴⁴

“There appears to be a systematic move by the JBC, under Chief Justice Sereno, to arrogate to itself more power and influence than it is actually granted by the Constitution and this Court, and at the same time, to ease out the Court from any legitimate participation in the nomination process for vacancies in the Judiciary, specifically in the Supreme Court.”⁴⁵

4.8.4. In resolving the Motion for Reconsideration in the same case, the Court further held that the practice of clustering may be used as a device to favor or prejudice a qualified nominee since “[a] favored nominee can be included in a cluster with no other strong contender to ensure his/her appointment; or conversely, a nominee can be placed in a cluster with many strong contenders to minimize his/her chances of appointment.”⁴⁶ Moreover, the Court held that the clustering of nominees is sorely lacking in any objective criteria, standard or guideline. It pointed out:

“What is difficult to comprehend is how they determined the distribution of the nominees to the different clusters in the absence of any criteria or standard to be observed in the clustering of nominees. This was never explained by the JBC in any of its Motions even when the issue of clustering is vital to this case. Resultantly, the Court also asks... what criteria was used when Chief Justice Sereno and the other four regular JBC Members voted for then Atty. Trespeses for only one particular cluster, *i.e.*, for the 18th Sandiganbayan Associate Justice, and nowhere else? Atty. [Zaldy V.] Trespeses did not receive any vote in the other clusters except for the lone vote

for him of an ex officio JBC Member for the vacancy for the 21st Sandiganbayan Associate Justice.”⁴⁷

4.8.5. It must be noted that Atty. Trespeses, now Sandiganbayan Associate Justice Trespeses, was Respondent Sereno’s Judicial Staff Head for two (2) years. He was shortlisted for the 18th Associate Justice vacancy, but appointed as the 21st Associate Justice of the Sandiganbayan.

4.8.6. All told, all the judicial maneuverings by Respondent Sereno shows her corrupt state of mind that makes her unfit to continue as the Chief Magistrate of the highest collegial court.

4.9. Respondent Sereno committed culpable violation of the Constitution when she manipulated the shortlist of the JBC for the two (2) vacancies in the Supreme Court, and failed to heed the pronouncements of the Court in *Aguinaldo v. Aquino*, thereby impairing and curtailing the President’s power to appoint the Justices of the Supreme Court.

4.9.1. In *Aguinaldo v. Aquino*, the Court held that:

“Clustering impinges upon the President’s power of appointment, as well as restricts the chances for appointment of the qualified nominees, because (1) the President’s option for every vacancy is limited to the five to seven nominees in the cluster; and (2) once the President has appointed from one cluster, then he is proscribed from considering the other nominees in the same cluster for the other vacancies. The said

4.9.2. Thus, the Court “**DECLARE(D)** the clustering of nominees by the Judicial and Bar Council **UNCONSTITUTIONAL.**”⁴⁹

4.9.3. However, for the twin retirements of SC Justices Bienvenido L. Reyes and Jose C. Mendoza on July 6, 2017, and August 13, 2017, respectively, barely a month apart, the JBC, upon the instructions of Respondent Sereno, mindless of the pronouncements of the Court in *Aguinaldo v. Aquino* against clustering, has once again clustered its shortlists, which again curtails the appointing authority of the President.

4.9.4. The shameless defiance of the Court’s directives by the JBC led by Respondent Sereno is another culpable violation of the Constitution

4.10. Respondent Sereno committed culpable violation of the Constitution when she lied and made it appear that “several justices” requested that they do away with voting for recommendees to the Supreme Court, when in fact not one Justice requested for it.

4.10.1. Section 1, Rule 8, JBC-009 (The Rules of Procedure of the JBC), provides:

“Sec. 1. *Due weight and regard to the recommendees of the Supreme Court.* – In every case involving an appointment to a seat in the Supreme Court, the Council shall give due weight and regard to the recommendees of the Supreme Court. For this purpose, the Council shall submit to the Court a list of candidates for any vacancy in the court with an executive

from whom the Court may base the selection of its recommendees.”

4.10.2. When the Court was considering the nominees for the vacancy created by the retirement of Associate Justice Roberto A. Abad, the members of the Court did away with the voting of the recommendees because according to Respondent Sereno, in her letter to her colleagues dated May 29, 2014, several justices requested that they do away with the voting provided in Section 1, Rule 8, JBC-009.

4.10.3. However, when later confronted by the Justices themselves on who requested that they do away with the voting, Respondent Sereno could not name a single Justice.

4.10.4. Thus, revealed by Justice Brion:

“Of particular note in this regard is this Court’s own experience when it failed to vote for its recommendees for the position vacated by retired Associate Justice Roberto A. Abad, because of a letter dated May 29, 2014 from the Chief Justice representing to the Court that “several Justices” requested that the Court do away with the voting for Court recommendees, as provided in Section 1, Rule 8 of JBC-009. When subsequently confronted on who these Justices were, the Chief Justice failed to name anyone. As a result, applicants who could have been recommended by the Court (Jardeleza, among them), missed their chance to be nominees.”⁵⁰

4.10.5. Respondent Sereno's attempt to mislead even the members of the Court itself shows the state of mind she possesses which is unfit for even the lowliest personnel of the Judiciary.

4.10.6. It is pathetic that the Supreme Court has been very strict with erring judges and court personnel and metes them the supreme penalty of dismissal from the service with forfeiture of retirement benefits, when it has a Chief Justice who has the propensity to lie through her teeth.

4.10.7. Like Ceasar's wife, a judge, much more a Chief Justice, "must not only be pure but above suspicion. A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach."⁵¹

4.10.8. This is simply another clear case of culpable violation of the Constitution.

4.11. Respondent Sereno committed a culpable violation of the Constitution when she manipulated the JBC, especially its four (4) regular members, effectively destroying the JBC as a constitutional body mandated to fairly and impartially screen and nominate applicants to the Judiciary.

4.11.1. Respondent Sereno has clearly influenced the four (4) regular members of the JBC to vote with her for judicial aspirants she wants included or excluded from the shortlist.

4.11.2. Because of Respondent Sereno's desperate plea, the JBC excluded a

4.11.3. Because of Respondent Sereno's desperate plea, the JBC excluded a senior official who has been with the Supreme Court for thirty (30) years with excellent academic credentials, *i.e.*, bar topnotcher, certified public accountant, valedictorian and magna cum laude in both her accounting and law classes, from the shortlist for the Court of Tax Appeals.

4.11.4. Because of Respondent Sereno's desperate plea, the JBC included her chief of staff with nary a credential in the shortlist for the Sandiganbayan.

4.11.5. Supreme Court Justices criticized Respondent Sereno for pushing for the appointment of her "Umbrella Boy" as Sandiganbayan Justice, as this is "demoralizing" for many others who have been in the judiciary much longer than him."⁵²

4.11.6. Because of Respondent Sereno's desperate plea, the JBC included her neophyte lawyers in the numerous shortlists for the RTCs in the National Capital Region, in contravention of their existing policies.

4.11.7. Because of the resulting horse-trading in the JBC, which was encouraged by Respondent Sereno, a son-in-law of a member has been shortlisted in several shortlists for the RTCs in the National Capital Region, despite being short of years as a judge elsewhere, in contravention of existing JBC policies.

4.11.8. Undoubtedly, Respondent Sereno has transformed the JBC into a mafia-like organization that adheres to her unquestionably, especially its four (4) regular members. This simply shows the kind of hold Respondent Sereno has on the members of the JBC, especially on its regular members, as she

4.11.9. Respondent Sereno's destruction of the JBC as a constitutionally mandated body tasked to fairly, impartially and dispassionately screen applicants for the Judiciary is a culpable violation of the Constitution.

5. RESPONDENT SERENO IS GUILTY OF CORRUPTION UNDER THE FOLLOWING ACTS:

5.1. Respondent Sereno committed corruption when she used public funds to finance her extravagant and lavish lifestyle by ordering the purchase of a brand-new luxurious Toyota Land Cruiser 2017 top of the line model as her personal vehicle, amounting to more than Five Million Pesos.

5.1.1. Respondent Sereno was not content with the vehicles assigned to her, a fairly recent model of Toyota Camry sedan and a Hyundai Starex van. She wanted more. That of course is in addition to her coterie of security personnel riding in separate vehicles and traffic escorts in two (2) motorcycles which she incidentally also ordered to be purchased, all using Supreme Court funds.

5.1.2. Early on as Chief Justice, Respondent Sereno already took a fancy at a luxurious sports utility vehicle, the latest model of a Toyota Land Cruiser, her dream car. Thus, after some dilly-dallying, she instructed the concerned office in the Supreme Court to purchase, for her personal use, the latest model of a brand-new Toyota Land Cruiser. Her "equals," the other fourteen (14) Magistrates of the High Court, however must be content with a

officials are prohibited from purchasing and using luxury vehicles, and should contend themselves with Avanzas and Crosswinds.

5.1.4. Thus, sometime April 2017, the brand-new Toyota Land Cruiser, 2017 model, was delivered to the Supreme Court.

5.1.5. The COA defines extravagant expenditures as “those incurred without restraint, judiciousness and economy,” “exceed the bounds of propriety,” and which “are immoderate, prodigal, lavish, luxurious, grossly excessive, and injudicious.”⁵³ Considered as extravagant expenditures of government funds include the “(p)rocurement and use of luxury vehicles by government officials...”⁵⁴

5.1.6. Administrative Order No. 233 (A.O. 233) dated August 1, 2008, reiterates the prohibition on the acquisition and use of luxury vehicles by government officials: “All government offices... are hereby prohibited from acquiring and/or using luxury vehicles for their operations.”⁵⁵

5.1.7. A.O. 233 defines a “luxury vehicle” as referring to any motor vehicle including a “Sports Utility Vehicle (SUV) with an engine displacement exceeding 2700cc, if gasoline-fed; or 3000cc, if diesel-fed; and with an engine exceeding 4 cylinders.”⁵⁶

5.1.8. The Toyota Land Cruiser 200 4.5 L V8 A/T Premium purchased by Respondent Sereno is way beyond the limit imposed by A.O. 233.

⁵³ Item 6.1, COA Circular No. 2012-003 dated October 29, 2012, (Updated Guidelines for the Prevention and Disallowance of Irregular, Unnecessary, Excessive and Unconscionable

5.1.9. While par. 3, A.O. 233, may exempt the vehicles used for security reasons and purposes of the Chief Justice of the Supreme Court, among others, Respondent Sereno's purchase of a luxury vehicle at an exorbitant and grossly excessive price for her personal use, in addition to her array of other vehicles, shows her injudiciousness, lack of economy and propriety, and grave abuse of discretion, especially considering that she could not even allocate Supreme Court funds for judges and court personnel devastated by natural calamities and disasters.

5.1.10. Respondent Sereno even ordered the bullet-proofing of the Land Cruiser, but only withdrew when news of her impending impeachment broke out.

5.2. Respondent Sereno committed corruption when she used public funds to finance her extravagant and lavish lifestyle by staying in opulent hotels when attending conferences in the Philippines and abroad, and flying on business or first class together with her staff and security.

5.2.1. Sometime in 2016, Respondent Sereno organized an international conference in Shangri-la Boracay and got herself billeted in the Presidential Villa, easily a P200,000.00-a-night room.

5.2.2. Respondent Sereno does the same during official travel abroad. The list goes on and on.

5.2.3. Respondent Sereno also has this fondness of holding meetings and conferences in five star hotels and clubs, even if there are sufficient meeting places and function rooms in the Supreme Court, both in Manila and in

5.3. Respondent Sereno committed corruption when she used public funds to finance her extravagant and lavish lifestyle by unnecessarily bringing a huge entourage of lawyers in her supposed official foreign trips.

5.3.1. In many of her foreign trips, Respondent Sereno would bring her clique of relatively new hired lawyers.

5.3.2. No Chief Justice has done this in the past. Former chief justices would only normally bring their respective wives, at no government expense. At most, they would bring only one lawyer if a series of meetings will be held.

6. RESPONDENT SERENO IS GUILTY OF OTHER HIGH CRIMES UNDER THE FOLLOWING ACTS:

6.1. Respondent Sereno committed other high crimes when she obstructed justice by ordering the Muntinlupa Judges not to issue warrants of arrest against Senator Leila M. De Lima.

6.1.1. Sometime on February 20, 2017, after the three (3) Informations filed by the Department of Justice against Sen. Leila M. De Lima in the Regional Trial Courts (RTC) of Muntinlupa were raffled to three (3) different judges, namely, Judge Juanita T. Guerrero, Br. 204; Judge Amelia A. Fabros-Corpuz, Br. 205; and Judge Patria A. Manalastas-de Leon, Br. 206,⁵⁷ Respondent Sereno instructed a Supreme Court official to call the Judges, to order them not to issue warrants of arrest against the accused, “considering

6.1.2. The Supreme Court official had no choice but to follow the orders of Respondent Sereno and call the judges.

6.1.3. This is a clear case of obstruction of justice as Respondent Sereno is preventing justice to run its usual course.

6.2. Respondent Sereno committed other high crimes when she obstructed and perverted justice by meeting the Presiding Justice and Associate Justices of the Court of Appeals and instructing them not to comply with the processes of the House of Representatives and to immediately question the same before the Supreme Court.

6.2.1. As reported by various news agencies, Respondent Sereno met with the Presiding Justice and Associate Justice of the Court of Appeals and instructed them to ignore and defy the House of Representatives' show cause order in relation to the mounting issue on the detention of the six (6) Ilocos Norte provincial officials.⁵⁸

6.2.2. Respondent Sereno did not stop there. She also ordered the Justices of the Court of Appeals to "immediately file a petition for prohibition" before the Supreme Court.⁵⁹

6.3. Respondent Sereno committed other high crimes when she failed to report her extortionate attorney's fees and pay the appropriate taxes therefor.

6.3.1. For being part of a team of local private lawyers representing the Government of the Philippines in the PIATCO case, Respondent Sereno received a ridiculous windfall in the amount of SEVEN HUNDRED FORTY-FIVE THOUSAND U.S. DOLLARS (\$745,000.00) or around THIRTY-SEVEN MILLION PESOS (P37,000,000.00), excluding the amounts she received from the U.S. law firms and the Manila International Airport Authority, for the same purpose.

6.3.2. To evade payment of appropriate taxes, Respondent Sereno never reported this to the Bureau of Internal Revenue.

6.3.3. Consequently, Respondent Sereno never paid taxes for her extortionate attorney's fees.

6.4. Respondent Sereno committed other high crimes when she embellished her Personal Data Sheet (PDS) in her application for the Judiciary to overstate her credentials.

6.4.1. Respondent Sereno stated that she was a “Deputy Commissioner” of the Commission on Human Rights, when there is no such position.

6.4.2. Respondent Sereno stated that she was a lecturer at the Hague Academy of International Law, making it appear that she was delivering lectures at the Netherlands. “That is absolutely false. She was never a lecturer at the Hague.”⁶⁰

6.4.3. The other entries in her PDS, e.g., lecturer in the University of Western

6.4.4. The Supreme Court has dismissed from the service a court personnel who made misrepresentations in her PDS “for dishonesty by misrepresentation and falsification of a public document.”⁶¹

6.4.5. “The gravity of [the] offense warrants dismissal, for [the Court] cannot countenance any act of dishonesty, especially when it is committed by a person who is tasked to uphold the administration of justice.”⁶² Dishonesty and falsification are malevolent acts that have no place in the Judiciary.”⁶³

6.4.6. Respondent Sereno, too, must be dismissed from the service.

7. RESPONDENT SERENO IS GUILTY OF BETRAYING THE PUBLIC TRUST UNDER THE FOLLOWING ACTS:

7.1. Respondent Sereno betrayed the public trust when she hired an Information Technology consultant with an excessive compensation without public bidding, in contravention of existing laws, Commission on Audit (COA) rules, and public policy.

7.1.1. On 1 October 2013, Respondent Sereno unilaterally, without public bidding and with abuse of discretion, hired an Information and Communications Technology (ICT) consultant of the Supreme Court with a compensation of TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) a month, to review, assess, and update the implementation of its Enterprise Information Systems Plan (EISP).

7.1.2. The monthly salary of a Justice of the Supreme Court is only ONE HUNDRED FIFTY THOUSAND PESOS (P150,000.00).

7.1.3. Then Chief Attorney of the Supreme Court, now Assistant Ombudsman, Atty. Edna E. Diño, raised a matter about the hiring by Respondent Sereno of an ICT Consultant, since it would put on hold the consultancy services already bidded out but not yet awarded.⁶⁴ Then Judge Geraldine Faith A. Econg, now Sandiganbayan Justice, also suggested to the body to recommend to Respondent Sereno to hold in abeyance the hiring of an ICT Consultant. These recommendations were unheeded by Respondent Sereno.

7.1.4. Under the *Government Procurement Reform Act*,⁶⁵ “all procurement shall be done through Competitive Bidding x x x x”

7.1.5. Section 2, 2009 Revised Implementing Rules and Regulations of R.A. 9184 clearly states that “[i]t is the policy of the GOP (Government of the Philippines) that procurement of infrastructure projects, goods and consulting services shall be competitive and transparent, and therefore shall go through public bidding except as otherwise provided in this IRR.”

7.1.6. Public bidding is the established procedure in the grant of government contracts and is a matter of public policy.⁶⁶ “The requirement of public bidding is not an idle public ceremony. It is the accepted method for arriving at a fair and reasonable price. It ensures that overpricing, favoritism, and other anomalous practices are eliminated or minimized.”⁶⁷

⁶⁴ Atty. Diño was referring to the *Invitation to Bid/Submission of Expression of Interest for the Procurement of an ICT Consultant for the Judiciary Case Management System (JCMS) Implementation* dated June 5, 2013.

7.1.7. In *Manila International Airport v. Olongapo Maintenance Services*,⁶⁸ the Court explained the purpose behind the policy of public bidding, to wit:

“The rationale behind the requirement of a public bidding, as a mode of awarding government contracts, is to ensure that the people get maximum benefits and quality services from the contracts. More significantly, the strict compliance with the requirements of a public bidding echoes the call for transparency in government transactions and accountability of public officers. Public biddings are intended to minimize occasions for corruption and temptations to abuse of discretion on the part of government authorities in awarding contracts.”

“[W]e reiterate the legal requirement of competitive public bidding for all government public service contracts and procurement of materials, supplies, and equipment. Competitive public bidding may not be dispensed with nor circumvented, and alternative modes of procurement for public service contracts and for supplies, materials, and equipment may only be resorted to in the instances provided for by law.”

7.1.8. The *Government Auditing Code of the Philippines*,⁶⁹ provides that “[i]t is the declared policy of the State that all resources of the government shall be managed, expended or utilized in accordance with law and regulations, and safeguard against loss or wastage through illegal or improper disposition, with a view to ensuring efficiency, economy and effectiveness in the operations of government. The responsibility to take care that such policy is faithfully adhered to rests directly with the chief or head of the government

7.1.9. “Any unjustified failure by the public officer concerned to comply with any requirement imposed in this Code shall constitute neglect of duty and shall be a ground for administrative disciplinary action x x x x”⁷¹

7.1.10. “Contracts awarded under an alternative mode of procurement for items that should have undergone complete public bidding process” are considered **illegal** expenditures.⁷²

7.1.11. For her willful failure to procure the services of an ICT Consultant in accordance with law and public policy, Respondent Sereno illegally expended public funds, in betrayal of the public trust.

7.2. Respondent Sereno betrayed the public trust when she sent a strongly-worded but misplaced reply to President Rodrigo Roa Duterte on the judges linked to drugs thereby inviting a head-on collision between the Presidency and the Judiciary.

7.2.1. On August 7, 2016, President Rodrigo Roa Duterte delivered a nationally televised speech naming more than 150 alleged drug personalities from the local government units, law enforcement agencies and the judiciary. Of this number, President Duterte named seven (7) judges as purportedly involved in the illegal drug trade, and subsequently ordered them to “report to the Supreme Court.”⁷³

7.2.2. In her reply-letter to the President dated 8 August 2016, Respondent Sereno issued a strongly-worded reminder that “[t]o safeguard the role of judges as the protector of constitutional rights, [she] would caution them very strongly against ‘surrendering’ or making themselves physically accountable to any police officer in the absence of any duly-issued warrant of arrest that is pending.”⁷⁴

7.2.3. Respondent Sereno also warned that “[i]t would matter greatly to our sense of constitutional order, if we were given the chance to administer the appropriate preventive measures without the complications of a premature public announcement,”⁷⁵ considering that “premature announcement of an informal investigation on allegations of involvement with the drug trade will have the unwarranted effect of rendering the judge veritably useless in discharging his adjudicative role.”⁷⁶

7.2.4. It must however be remembered that the President did not say anything much but for the identified judges to “report to the Supreme Court.”⁷⁷ Thus in reaction to Respondent Sereno’s forceful reply, the President merely countered that contrary to what the Chief Justice has stated, he never told the judges named in his previous speech to surrender to the police.⁷⁸ In fact, it was emphasized that mere mention of the list was not an “accusatorial

⁷⁴ *Full Text: CJ Sereno’s letter to President Duterte*, Philippine Star, August 9, 2016, available at <http://www.philstar.com/news-feature/2016/08/09/1611623/full-text-chief-justice-sereno-letter-president-duterte> (last accessed July 15, 2017).

⁷⁵ *Id.*

⁷⁶ *Id.*

utterance”⁷⁹ given that the President never accused anybody “except to read their names.”⁸⁰

7.2.5. As the head of the third co-equal branch of government, Respondent Sereno’s actions should necessarily reflect untainted judicial conduct. Following the instructions of the New Code of Judicial Conduct, judges are directed to ensure that “conduct, both in and out of court, maintains and enhances the confidence of the public.”⁸¹ Judges shall ensure that their conduct is above reproach⁸² and that their behavior and conduct must “reaffirm the people’s faith in the Judiciary.”⁸³

7.3. Respondent Sereno betrayed the public trust when she prevented the Justices of the Court of Appeals to do a courtesy call on President Rodrigo Roa Duterte.

7.3.1. Responding to the publicized courtesy call of thirty-six (36) Court of Appeals Justices in Malacañang on August 23, 2016, as well as the courtesy call of four (4) Sandiganbayan Justices in Davao City on 4 August 2016, Respondent Sereno reminded members of the judiciary to be mindful of their actions that could be seen as compromising their independence.⁸⁴ Transgressing a mere reminder, however, Respondent Sereno thereafter

⁷⁹ Id.

⁸⁰ Id.

⁸¹ *Adopting the New Code of Judicial Conduct for the Philippine Judiciary*, A.M. No. 03-05-01-SC, 27 April 2004 [hereinafter *New Code of Judicial Conduct*], Canon 3, Sec. 2.

prevented Court of Appeals Presiding Justice Andres Reyes from paying the President a courtesy call.⁸⁵

7.3.2. It is very obvious that Respondent Sereno is controlling the members of the Judiciary and is creating a barrier between the Judiciary and the rest of the world.

7.3.3. It is also very obvious that Respondent Sereno wants everyone to pass through her, as if she has the monopoly of propriety and decency. The allegations in this impeachment complaint however clearly say otherwise.

7.3.4. On the contrary, by doing so, Respondent Sereno is driving a wedge between and among the branches and agencies of Government which can eventually lead to failure of Government.

7.4. Respondent Sereno betrayed the public trust when she attacked the imposition of Martial Law in a commencement address, while the validity of Martial Law was still pending before the Supreme Court, and later continued to participate in the Court's deliberations.

7.4.1. In delivering her commencement speech before the 2017 graduating students from the Ateneo de Manila University, Respondent Sereno urged the graduates to remember the apprehensions created by former President Marcos and the Martial Law that followed his 1972 declaration. Sharing in length the evils and fears of the past wherein enemies of the Marcos regime “disappeared, were tortured or summarily executed,”⁸⁶ Respondent Sereno

furthermore apprised the new graduates about the human rights atrocities and the corruption caused by such absolute power.⁸⁷

7.4.2. Asserting that the “possibility of history repeating itself looms imminent,”⁸⁸ Respondent Sereno forewarns that “[t]hese are times... when institutions are being challenged to their very foundations, and basic ideas of decency and human dignity are being violated with great impunity.”⁸⁹

7.4.3. Having imparted prejudicial statements while the consolidated cases pertaining to the issuance of Martial Law in Mindanao was still pending and undergoing deliberations before the Supreme Court *en banc*, Respondent Sereno’s conduct goes against the explicit directives of the New Code of Judicial Conduct.

7.4.4. Specifically, the said Code mandates that “[j]udges shall perform their judicial duties without favor, bias or prejudice.”⁹⁰ As such, “[j]udges shall not knowingly, while a proceeding is before or could come before them, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process.”⁹¹ In a concerted effort to avoid any semblance of partiality, judges are likewise guided to conduct themselves as to “minimize the occasions on which it will be necessary for them to be disqualified from hearing or deciding cases.”⁹² They shall disqualify themselves “from participating in any proceedings in which they are unable to decide the matter impartially or in which it may

⁸⁷ *Full Text: CJ Sereno: ‘These are times when everything that can be shaken is being shaken’*, The Philippine Daily Inquirer, 26 May 2017, available at <http://newsinfo.inquirer.net/899852/full-text-cj-sereno-these-are-times-when-everything-that-can-be-shaken-is-being-shaken> (last accessed July 15, 2017).

⁸⁸ *Id.*

appear to a reasonable observer that they are unable to decide the matter impartially.”⁹³

7.4.5. After publicly manifesting her prejudices and apprehensions, Respondent Sereno continued to participate in the oral arguments of the Martial Law case and expectedly dissented from the majority view upholding Martial Law.

7.4.6. Accordingly, echoing the same inclination towards impartiality and addressing Respondent Sereno’s fears, the Court *en banc* reminded the public that, “the importance of martial law in the context of our society should outweigh one’s prejudices and apprehensions against it. The significance of the martial law should not be undermined by unjustified fears and past experience.”⁹⁴ “Martial law should not be cast aside, or its scope and potency limited and diluted, based on bias and unsubstantiated assumptions.”⁹⁵

7.5. Respondent Sereno betrayed the public trust when she issued a Joint Statement with the Presiding Justice of the Court of Appeals regarding CA-GR SP No. 151029 which can very well be elevated to the Supreme Court.

7.5.1. In CA-G.R. SP. No. 151029,⁹⁶ three (3) Court of Appeals Justices granted the Motion for Provisional Release and ordered the posting of bail of the six (6) detained Ilocos Norte provincial officials on the *habeas corpus* case. To defy the Order of the House of Representatives, Respondent Sereno issued a

⁹³ Canon 3, Sec. 5., New Code of Judicial Conduct

joint statement with the Presiding Justice of the Court of Appeals expressing “deep concern” over the Show Cause Order issued by the House Committee on Good Government and Public Accountability against the three (3) Justices of the Court of Appeals.⁹⁷

7.5.2. Specifically, the Joint Statement “hope(d) that the House of Representatives reconsider its [show cause] order and that it instead, avail of all legal remedies that are provided to it under the Constitution, the law and the Rules of Court.”⁹⁸

7.5.3. In denying the claim that the Joint Statement represented the position of other magistrates and the Supreme Court as an institution, it was relevantly raised that the Supreme Court never gives advisory opinions to the CA on pending cases before it.⁹⁹ It has likewise been a long-standing rule that the Supreme Court refrains from meddling in controversies that it would likely have to resolve.¹⁰⁰

7.5.4. In faithful compliance with the orders of the New Code on Judicial Conduct, “judges shall not knowingly, while a proceeding is before or could come before them, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process.”¹⁰¹ Although judges are entitled to freedom of expression, just like any other citizen, they shall “always conduct themselves in such a manner as to preserve the dignity of the judicial office and the impartiality and

⁹⁷ Statement from the Chief Justice of the Supreme Court and the Presiding Justice of the Court of Appeals, June 21, 2017.

⁹⁸ Id.

independence of the judiciary.”¹⁰² And most importantly, “[j]udges shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency.”¹⁰³

7.6. Respondent Sereno betrayed the public trust when she practiced favoritism by allowing key positions in the Supreme Court to remain unfilled for a long period of time in order to wait for her staff to qualify, to the detriment of the service and great demoralization of qualified Court employees.

7.6.1. Since 2013, a number of key positions in the Supreme Court have been and currently remain vacant, to wit:

Position	Salary Grade	Date of Vacancy	No. of Years Vacant
Assistant Court Administrator	30	January 10, 2013	4 years, 6 months
Assistant Court Administrator	30	May 15, 2013	4 years, 2 months
Deputy Clerk of Court	29	October 30, 2013	3 years, 8 months
Chief Attorney	29	October 30, 2013	3 years, 8 months

7.6.2. The vacancy in one (1) Assistant Court Administrator position was posted only on October 24, 2016, or three (3) years and nine (9) months after the vacancy occurred. Applications were submitted to Respondent Sereno’s office in December 2013, but despite several requests from other Justices, Respondent Sereno refused to include the filling-up of the vacancy in the *en banc* agenda because she does not have the majority vote. The vacancy in

7.6.3. The vacancy in the Deputy Clerk of Court and Chief Attorney positions were posted only on June 15, 2016, or two (2) year and almost eight (8) months from the occurrence of the vacancy. Although applications for both positions have been submitted to Respondent Sereno's office in July 2016, no action thereon was taken.

7.6.4. Respondent Sereno's blatant refusal to act upon and fill up these vacancies despite the urgent need for them, considering that the offices they belong to are heavily burdened and lacking in manpower, shows her incompetence and unfitness to be the Chief Justice of the Supreme Court.

7.7. Respondent Sereno betrayed the public trust when she appointed a key official without authority or approval of the Court *en banc*, in violation of Court-established rules and the Constitution.

7.7.1. Respondent Sereno appointed the Chief of Office for the Philippine Mediation Center (PMC) on June 28, 2016, without authority or approval of the Court *en banc*.

7.7.2. Sec. 5, Art. VIII of the Constitution vests upon the Supreme Court the power to "appoint all officials and employees of the Judiciary in accordance with the Civil Service Law."¹⁰⁴ Since the Court is a collegial body, it is only the Court *en banc* who can exercise this power, unless duly delegated to another through an *en banc* resolution.

7.7.3. Although the *en banc resolution* in A.M. No. 99-12-08-SC dated April 22, 2003, gives the Chair of the Supreme Court divisions, which includes

ranking officials, such as the Chief of the PMC which has the rank of an Associate Justice of the Court of Appeals.

7.7.4. In stark contrast, the appointment of the previous Chief of the PMC was approved by the Court *en banc* in a Resolution dated July 7, 2015 in A.M. No. 15-07-01-SC-PHILJA.¹⁰⁵

7.7.5. Respondent Sereno's inconsistent manner in handling appointments of Judiciary officials shows her utter disregard for rules whenever it is in her best interest to do so.

7.8. Respondent Sereno betrayed the public trust when she gave her newly-hired staff foreign travels and granted them travel allowances for their foreign travels without authority or approval of the Court *en banc*, in violation of Court-established rules and the Constitution.

7.8.1. The approval of foreign travel on **official time** for Court officials and personnel, which does not involve any expenditure from the public funds, has been delegated by the Court *en banc* to the Chair of the divisions of the Supreme Court, which includes Respondent Sereno. However, foreign travel on **official business**, which involves spending public funds, requires *en banc* approval, even for Supreme Court Justices.

7.8.2. For the numerous foreign travels of her staff, Respondent Sereno makes it appear that her staff is traveling on official time, their travels supposedly funded by partner or host organizations, so that approval is done only by her

7.8.3. Respondent Sereno maliciously circumvented Court rules and unduly and illegally relegated unto herself the powers of the Court *en banc*, in violation of Sec. 6, Art. VIII, which gives the Supreme Court, not the Chief Justice alone, “administrative supervision over all courts and the personnel thereof.”

7.9. Respondent Sereno betrayed the public trust when she usurped the mandate of the Court *en banc* by arrogating to herself alone the running of the Supreme Court and the Judiciary, thereby destroying the Supreme Court as a collegial body.

7.9.1. Respondent Sereno managed the Supreme Court and the Judiciary by granting huge allowances, purchasing vehicles, distributing foreign travels, appointing and promoting officials and personnel, creating committees, implementing projects, formulating policies – all by her lonesome self – at times, making the two other senior justices sign perfunctorily.

7.9.2. Respondent Sereno has ruled with extreme bias, obvious favoritism, and with utmost disregard for existing policies, rules, and tradition.

7.9.3. The Constitution cannot be any clearer. The Supreme Court is not Respondent Sereno alone. It is composed of a Chief Justice and fourteen (14) Associate Justices.¹⁰⁶ All of them “shall have the administrative supervision over all courts and the personnel thereof,”¹⁰⁷ not the Chief Justice alone. No less than former SC Associate Justice, now Ombudsman, Conchita Carpio-Morales, quoting Chief Justice Renato C. Corona, said that “although the Chief Justice is *primus inter pares*, he cannot legally decide a

can the Chief Justice, by himself, overturn the decision of the Court, whether of a division or the *en banc*.”¹⁰⁸

7.9.4. Respondent Sereno has destroyed the Supreme Court.

CLOSING STATEMENT

8. The listed litany of lapses committed by Respondent Sereno is just the tip of the iceberg, so to speak. Many many more are shrouded in mystery, hidden in the historic halls of the great Hall of Justice along Padre Faura. Court officials have been mum for fear of Respondent Sereno, as they do not want to be wrapped within her wrath. These wrongdoings can only be unraveled through an investigation of a co-equal body.

8.1. Just the same, the enumerated transgressions already clearly shows just how unfit Respondent Sereno is from the very beginning to be, and remain as, the Chief Justice of the Supreme Court.

8.2. One begins to wonder why Respondent Sereno has immersed and continues to immerse herself with irregularities. There is only one answer: she is mentally deranged. And that has been shown clinically.

8.3. The Constitution mandates that Members of the Supreme Court shall hold office only during good behavior.¹⁰⁹ Respondent Sereno’s numerous violations of the Code of Judicial Conduct prove that she cannot stay in office a minute longer. She has disregarded the tradition and internal rules of the Court, stretched her authority to its breaking point, destroyed the very

constitutional crises. She must be impeached, convicted, and removed from office immediately.

God save the Supreme Court and the Republic of the Philippines.

RESOLUTION AND PRAYER

WHEREFORE, pursuant to the procedure laid down in Sec. 3, Art. XI of the 1987 Constitution on Accountability of Public Officers, the undersigned Complainant hereby files the instant **Verified Complaint for Impeachment** against Respondent Chief Justice Maria Lourdes P. A. Sereno. Accordingly, it is most respectfully prayed that this Verified Complaint for Impeachment be endorsed by the Honorable Members of the House of Representatives, referred to the proper Committee, which shall submit its report to the House, which in turn shall affirm the favorable resolution with the Articles of Impeachment, and transmit to the Senate of the Philippines the Verified Complaint/Resolution of Impeachment to serve as the Articles of Impeachment for trial.

Thereafter, Complainant Gadon respectfully prays that the Honorable Members of the Senate conduct trial forthwith and thereafter, render a judgment of conviction against Respondent Chief Justice Maria Lourdes P. A. Sereno.

Other reliefs, just and equitable, are likewise prayed for.

Quezon City, Metro Manila, _____ 2017.

VERIFICATION

I, **Atty. Lorenzo G. Gadon**, of legal age with residence at No. 35, 7th Street, New Manila, Quezon City, Metro Manila, after having been duly sworn, depose and say:

1. That I am the complainant in the above entitled Verified Complaint for Impeachment;
2. That I drafted said Verified Complaint for Impeachment; and
3. That the allegations therein contained are true and correct of my personal knowledge or based on authentic records.

Witness my hand this _____ day of _____ 2017 at _____, Philippines.

ATTY. LORENZO G. GADON
Affiant

SUBSCRIBED AND SWORN to before me this _____ day of _____ in _____, Philippines.