

EN BANC

[G.R. No. 237428, June 19, 2018]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY SOLICITOR
GENERAL JOSE C. CALIDA, PETITIONER, VS. MARIA LOURDES P.
A. SERENO, RESPONDENT.**

RESOLUTION

TIJAM, J.:

This resolution treats of the following motions:

1. Maria Lourdes P. A. Sereno's (respondent) *Ad Cautelam* Motion for Reconsideration of this Court's Decision^[1] dated May 11, 2018, the dispositive portion of which states:

WHEREFORE, the Petition for *Quo Warranto* is **GRANTED**. Respondent Maria Lourdes P. A. Sereno is found **DISQUALIFIED** from and is hereby adjudged **GUILTY of UNLAWFULLY HOLDING and EXERCISING the OFFICE OF THE CHIEF JUSTICE**. Accordingly, Respondent Maria Lourdes P. A. Sereno is **OUSTED** and **EXCLUDED** therefrom.

The position of the Chief Justice of the Supreme Court is declared vacant and the Judicial and Bar Council is directed to commence the application and nomination process.

This Decision is immediately executory without need of further action from the Court.

Respondent Maria Lourdes P. A. Sereno is ordered to **SHOW CAUSE** within ten (10) days from receipt hereof why she should not be sanctioned for violating the Code of Professional Responsibility and the Code of Judicial Conduct for transgressing the *sub judice* rule and for casting aspersions and ill motives to the Members of the Supreme Court.

SO ORDERED.^[2]

2. Respondent's *Ad Cautelam* Motion for Extension of Time to File Reply (to the Show Cause Order dated 11 May 2018).

We first dispose of respondent's Motion for Reconsideration.

Respondent claims denial of due process because her case was allegedly not heard by an impartial tribunal. She reiterates that the six (6) Justices ought to have inhibited themselves on the grounds of actual bias, of having personal knowledge of

disputed evidentiary facts, and of having acted as a material witness in the matter in controversy. Respondent also argues denial of due process when the Court supposedly took notice of extraneous matters as corroborative evidence and when the Court based its main Decision on facts without observing the mandatory procedure for reception of evidence.

She reiterates her arguments that the Court is without jurisdiction to oust an impeachable officer through *quo warranto*; that the official acts of the Judicial and Bar Council (JBC) and the President involves political questions that cannot be annulled absent any allegation of grave abuse of discretion; that the petition for *quo warranto* is time-barred; and that respondent was and is a person of proven integrity.

By way of Comment, the Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), seeks a denial of respondent's motion for reconsideration for being *pro forma*. In any case, the OSG argues that respondent's motion lacks merit as there was no denial of due process and that *quo warranto* is the appropriate remedy to oust an ineligible impeachable officer. The OSG adds that the issue of whether respondent is a person of proven integrity is justiciable considering that the decision-making powers of the JBC are limited by judicially discoverable standards. Undeviating from its position, the OSG maintains that the petition is not time-barred as Section II, Rule 66 of the Rules of Court does not apply to the State and that the peculiar circumstances of the instant case preclude the strict application of the prescriptive period.

Disputing respondent's claims, the OSG reiterates that respondent's repeated failure to file her Statement of Assets, Liabilities and Net Worth (SALN) and her non-submission thereof to the JBC which the latter required to prove the integrity of an applicant affect respondent's integrity. The OSG concludes that respondent, not having possessed of proven integrity, failed to meet the constitutional requirement for appointment to the Judiciary.

Carefully weighing the arguments advanced by both parties, this Court finds no reason to reverse its earlier Decision.

I

Respondent is seriously in error for claiming denial of due process. Respondent refuses to recognize the Court's jurisdiction over the subject matter and over her person on the ground that respondent, as a purported impeachable official, can only be removed exclusively by impeachment. Reiterating this argument, respondent filed her Comment to the Petition, moved that her case be heard on Oral Argument, filed her Memorandum, filed her Reply/Supplement to the OSG's Memorandum and now, presently moves for reconsideration. All these representations were made *ad cautelam* which, stripped of its legal parlance, simply means that she asks to be heard by the Court which jurisdiction she does not acknowledge. She asked relief from the Court and was in fact heard by the Court, and yet she claims to have been denied of due process. She repeatedly discussed the supposed merits of her opposition to the present *quo warranto* petition in various social and traditional media, and yet she claims denial of due process. The preposterousness of her claim deserves scant consideration.

Respondent also harps on the alleged bias on the part of the six (6) Justices and that supposedly, their failure to inhibit themselves from deciding the instant petition amounts to a denial of due process.

Respondent's contentions were merely a rehash of the issues already taken into consideration and properly resolved by the Court. To reiterate, mere imputation of bias or partiality is not enough ground for inhibition, especially when the charge is without basis. Acts or conduct clearly indicative of arbitrariness or prejudice has to be shown.^[3] Verily, for bias and prejudice to be considered sufficient justification for the inhibition of a Member of this Court, mere suspicion is not enough.

Moreover, as discussed in the main Decision, respondent's allegations on the grounds for inhibition were merely based on speculations, or on distortions of the language, context and meaning of the answers given by the concerned Justices as resource persons in the proceedings of the Committee on Justice of the House of Representatives. These matters were squarely resolved by the Court in its main Decision, as well as in the respective separate opinions of the Justices involved.

Indeed, the Members of the Court's right to inhibit are weighed against their duty to adjudicate the case without fear of repression. Respondent's motion to require the inhibition of Justices Teresita J. Leonardo-De Castro, Lucas P. Bersamin, Diosdado M. Peralta, Francis H. Jardeleza, Samuel R. Martires, and Noel Gimenez Tijam, who all concurred to the main Decision, would open the floodgates to the worst kind of forum shopping, and on its face, would allow respondent to shop for a Member of the Court who she perceives to be more compassionate and friendly to her cause, and is clearly antithetical to the fair administration of justice.

Bordering on the absurd, respondent alleges prejudice based on the footnotes of the main Decision which show that the draft thereof was being prepared as early as March 15, 2018 when respondent has yet to file her Comment. Respondent forgets to mention that the Petition itself was filed on March 5, 2018 where the propriety of the remedy of *quo warranto* was specifically raised. Certainly, there is nothing irregular nor suspicious for the Member-in-Charge, nor for any of the Justices for that matter, to have made a requisite initial determination on the matter of jurisdiction. In professing such argument, respondent imputes fault on the part of the Justices for having been diligent in the performance of their work.

Respondent also considers as irregular the query made by the Member-in-Charge with the JBC Office of the Executive Officer (OEO) headed by Atty. Annaliza S. Ty-Capacite (Atty. Capacite). Respondent points out that the same is not allowed and shows prejudice on the part of the Court.

For respondent's information, the data were gathered pursuant to the Court *En Banc*'s Resolution dated March 20, 2018 wherein the Clerk of Court *En Banc* and the JBC, as custodian and repositories of the documents submitted by respondent, were directed to provide the Court with documents pertinent to respondent's application and appointment as an Associate Justice in 2010 and as Chief Justice of the Court in 2012 for the purpose of arriving at a judicious, complete, and efficient resolution of the instant case. In the same manner, the "corroborative evidence" referred to by respondent simply refers to respondent's acts and representations ascertainable through an examination of the documentary evidence appended by both parties to their respective pleadings as well as their representations during the Oral Argument.

Reference to respondent's subsequent acts committed during her incumbency as Chief Justice, on the other hand, are plainly matters of public record and already determined by the House of Representatives as constituting probable cause for impeachment.

II

The Court reaffirms its authority to decide the instant *quo warranto* action. This authority is expressly conferred on the Supreme Court by the Constitution under Section 5, Article VIII which states that:

Sec. 5. The Supreme Court shall have the following powers:

1. **Exercise original jurisdiction** over cases affecting ambassadors, other public ministers and consuls, and over petitions for *certiorari*, prohibition, *mandamus*, ***quo warranto***, and *habeas corpus*.

x x x x (Emphasis ours)

Section 5 of Article VIII does not limit the Court's *quo warranto* jurisdiction only to certain public officials or that excludes impeachable officials therefrom. In *Sarmiento v. Mison*,^[4] the Court ruled:

The task of the Court is rendered lighter by the existence of relatively clear provisions in the Constitution. In cases like this, we follow what the Court, speaking through Mr. Justice (later, Chief Justice) Jose Abad Santos stated in *Gold Creek Mining Corp. v. Rodriguez*, that:

The fundamental principle of constitutional construction is to give effect to the intent of the framers of the organic law and of the people adopting it. **The intention to which force is to be given is that which is embodied and expressed in the constitutional provisions themselves.**^[5] (Emphasis ours)

The Constitution defines judicial power as a "duty" to be performed by the courts of justice.^[6] Thus, for the Court to repudiate its own jurisdiction over this case would be to abdicate a constitutionally imposed responsibility.

As the Court pointed out in its Decision, this is not the first time the Court took cognizance of a *quo warranto* petition against an impeachable officer. In the consolidated cases of *Estrada v. Macapagal-Arroyo*^[7] and *Estrada v. Desierto*,^[8] the Court assumed jurisdiction over a *quo warranto* petition that challenged Gloria Macapagal-Arroyo's title to the presidency.

Arguing that the aforesaid cases cannot serve as precedent for the Court to take cognizance of this case, respondent makes it appear that they involved a totally different issue, one that concerned Joseph E. Estrada's immunity from suit, specifically: "Whether conviction in the impeachment proceedings is a condition precedent for the criminal prosecution of petitioner Estrada. In the negative and on the assumption that petitioner is still President, whether he is immune from criminal prosecution."^[9]

Respondent's allegation is utterly false and misleading. A cursory reading of the

cases will reveal that Estrada's immunity from suit was just one of the issues raised therein. Estrada in fact sought a *quo warranto* inquiry into Macapagal-Arroyo's right to assume the presidency, claiming he was simply a President on leave.

Respondent also asserts that *Estrada* cannot serve as precedent for the Court to decide this case because it was dismissed, and unlike the instant petition, it was filed within the prescribed one (1)-year period under Section 11, Rule 66 of the Rules of Court.^[10]

The argument fails to persuade. *Estrada* was dismissed not because the Court had no jurisdiction over the *quo warranto* petition but because Estrada's challenge to Macapagal-Arroyo's presidency had no merit. In ruling upon the merits of Estrada's *quo warranto* petition, the Court has undeniably exercised its jurisdiction under Section 5(1) of Article VIII. Thus, *Estrada* clearly demonstrates that the Court's *quo warranto* jurisdiction extends to impeachable officers.

Furthermore, as will be discussed elsewhere in this Resolution, the filing of the instant petition was not time-barred. The issue of prescription must be addressed in light of the public interest that *quo warranto* is meant to protect.

Accordingly, the Court could, as it did in *Estrada*, assume jurisdiction over the instant *quo warranto* petition against an impeachable officer.

Quo warranto and impeachment are two distinct proceedings, although both may result in the ouster of a public officer. Strictly speaking, *quo warranto* grants the relief of "ouster", while impeachment affords "removal."

A *quo warranto* proceeding is the proper legal remedy to determine a person's right or title to a public office and to oust the holder from its enjoyment.^[11] It is the proper action to inquire into a public officer's eligibility^[12] or the validity of his appointment.^[13] Under Rule 66 of the Rules of Court, a *quo warranto* proceeding involves a judicial determination of the right to the use or exercise of the office.

Impeachment, on the other hand, is a political process undertaken by the legislature to determine whether the public officer committed any of the impeachable offenses, namely, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.^[14] It does not ascertain the officer's eligibility for appointment or election, or challenge the legality of his assumption of office. Conviction for any of the impeachable offenses shall result in the removal of the impeachable official from office.^[15]

The OSG's *quo warranto* petition challenged respondent's right and title to the position of Chief Justice. He averred that in failing to regularly disclose her assets, liabilities and net worth as a member of the career service prior to her appointment as an Associate Justice of the Court, respondent could not be said to possess the requirement of proven integrity demanded of every aspiring member of the Judiciary. The OSG thus prayed that respondent's appointment as Chief Justice be declared void.

Clearly, the OSG questioned the respondent's eligibility for appointment as Chief Justice and sought to invalidate such appointment. The OSG's petition, therefore, is