

Former President Gloria Macapagal-Arroyo Acquitted of Plunder: A Case of Justice Catering to Political Power in the Philippines?

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The presidential administration of former Philippine president Gloria Macapagal-Arroyo was marked by corruption, fraud, misuse of public funds, and utter disregard for constitutionalism and the rule of law. She has been widely accused of murder, kidnapping, plundering, and cheating. The US Embassy in Manila was even informed in 2005 by corporate accounting firm SGV founder Washington Sycip that her husband, José Miguel Arroyo, was one of the most corrupt figures in the Philippines, according to US diplomat cables that were leaked in 2011. The Arroyo Administration also arbitrarily and unlawfully arrested her political opponents while it used national security measures and the language of law and order as pretexts to suppress her opponents and Filipinos and Filipinas seeking justice.

The Hello Garci scandal that emerged in 2005 merely served to prove that the 2004 Philippine general-election's were rigged by Gloria Macapagal-Arroyo and her political associates. After the scandal, Arroyo would admit that the audio evidence produced about her election rigging was authentic, but nothing happened to her. Her government argued on the basis of procedural law that since the key evidence against Arroyo was a phone conversation that was recorded without her consent that it could not be used while her political party and coalition prevented her impeachment and justice from ever taking place through legislative means by blocking any action against her by using their majority vote in the Congress of the Philippines.

Although former president Arroyo escaped legal prosecution over electoral fraud, her feuds with other elites or oligarchs eventually materialized in a criminal case against her being opened over the plundering of 366 million Philippine pesos from the Philippine Charity Sweepstakes Office (PCSO) intelligence funds from 2008 to 2010. There are, however, two sets of justice in the Philippines: one for the rich and powerful elites and another for the general population.

Arroyo was given special treatment and put under hospital arrest at the Veterans Memorial Medical Center in Quezon City where she enjoyed and was afforded extraordinary rights for about four years. She was allowed to go on special holiday breaks and to spend the December holiday season with her family in their luxurious La Vista residence. Her trial was even suspended twice for a one-month period starting on 20 October 2015 and then again for a three-month period starting on 24 November 2015.

After Rodrigo Duterte was elected as the president of the Philippines he said that he was

ready to grant former Philippine president Gloria Macapagal-Arroyo a pardon. Being influenced by the political change in Manila and new atmosphere in the Philippines, the Supreme Court of the Philippines, which itself is a corrupt institution that caters to interest groups, finally acquitted Arroyo. No longer arguing that she needed to be in the hospital, Arroyo would leave the the Veterans Memorial Medical Center. She escaped justice once again and it is unlikely that anything besides token action will be taken against her for her past crimes as the president of the Philippines.

Without expressing doubt about the legitimacy of the legal process or analyzing the political nature of the Supreme Court acquittal, the following is a report of the acquittal of Arroyo that looks at the appointment origins of all the judges involved. It is worth noting that almost all of the judges in the Supreme Court were appointed by Arroyo herself.

Mahdi Darius Nazemroaya, Asia-Pacific Research Editor, 21 July 2016.



Former Philippine president Gloria Macapagal-Arroyo during hospital arrest.



Former former Philippine president Gloria Macapagal-Arroyo leaving the hospital after she is acquitted.



Gloria Macapagal-Arroyo with her lawyer Raul Lambino taking a picture right after her acquittal.

MANILA, Philippines – After nearly 4 years of hospital arrest, former Philippine president Gloria Macapagal-Arroyo will soon be free.

The Supreme Court on Tuesday, July 19, acquitted Mrs Arroyo of plunder as it granted her plea to drop the case against her. This sets in motion her release from the Veterans Memorial Medical Center, where she has been detained since October 2012.

SC Spokesman Theodore Te told a press conference Tuesday afternoon that the Court annulled the criminal case for “insufficiency of evidence” and ordered her “immediate release.”

Te said the vote was 11-4 in favor of Arroyo’s petition to junk a Sandiganbayan ruling that gave the go-signal for her plunder trial in connection with charges that she misused funds of the state-run Philippine Charity Sweepstakes Office (PCSO).

Covered by the case aside from Arroyo is former PCSO budget officer Benigno Aguas, who is detained at Camp Crame. He was also ordered released.

Quoting from the decision, Te said: “Wherefore, the Court grants the petitions for certiorari; annuls and sets aside the resolutions issued in Criminal Case No. SB-12-CRM-0174 by the Sandiganbayan on April 6, 2015 and September 10, 2015; grants the petitioners’ respective demurrers to evidence; dismisses Criminal Case No. SB-12-CRM-0174 as to the petitioners Gloria Macapagal-Arroyo and Benigno Aguas for insufficiency of evidence; ORDERS the immediate release from detention of said petitioners; and makes no pronouncements on costs of suit.”

The justices who dissented or voted against Arroyo are Chief Justice Maria Lourdes Sereno, Senior Associate Justice Antonio Carpio, and Associate Justices Marvic Leonen and Benjamin Caguioa. Of the 4, only Carpio is an appointee of Mrs Arroyo; the rest were appointed by former president Benigno Aquino III.

The 11 justices who ruled in favor of the former president are:

- Justice Presbitero Velasco Jr
- Justice Teresita de Castro
- Justice Arturo Brion
- Justice Diosdado Peralta
- Justice Lucas Bersamin
- Justice Mariano del Castillo
- Justice Jose Perez
- Justice Jose Mendoza
- Justice Bienvenido Reyes
- Justice Estela Perlas-Bernabe
- Justice Francis Jardeleza

Of the 11, eight are Arroyo appointees and 3 were appointed by Aquino: Bernabe, Reyes and Jardeleza.

‘Final bastion of justice’

One of Arroyo’s lawyers, Raul Lambino, was with her Tuesday at the Veterans hospital.

He told radio station dzMM: “*Kasama ko nga po si Pangulong Arroyo rito at lubos po yung ating kagalakan ngayon dito sa naging botohan o info na dumating sa amin. Naiyak po siya siyempre lahat ng mga kasama namin rito sa magandang balitang dumating sa atin.*” (I am with President Arroyo, and we’re grateful for the decision or the information that reached us. We are all in tears.)

"Para sa akin, malaya na ang dating Pangulo," he added. (As far as I am concerned, our president is free.)

Lambino said the Philippine National Police would process Arroyo's release after the SC releases its verdict.

Arroyo's other lawyer, Ferdinand Topacio, said in a statement: "The Supreme Court has once again proven itself to be the final bastion of justice and the rule of law. Its ruling today has validated what we have been saying for six years now: that the charges against former President Gloria Macapagal-Arroyo are nothing more than disingenuous attempts at political persecution by a corrupt and inept Aquino administration intent on covering up its gross lack of accomplishments by harassing its political opponents."

The Court found the evidence against her weak, the same sources said. Prior to this, the Supreme Court already stopped her trial at the Sandiganbayan.

The 69-year-old Arroyo, who is currently Pampanga representative, is the second Philippine president to be detained for plunder.

In April 2001, ousted president Joseph Estrada was jailed for plunder over charges of unexplained wealth. The Sandiganbayan convicted and sentenced him to life in jail in September 2007. But only 6 weeks after, in October 2007, his successor Arroyo pardoned him.

Landmark ruling

Tuesday's landmark ruling on Mrs Arroyo came barely a month after Aquino stepped down from office and less than a week before President Rodrigo Duterte, who favors her release, delivers his first State of the Nation Address (SONA.).

It was Aquino who jailed Arroyo and subsequently led the impeachment charge against her appointed chief justice, the late Renato Corona.

Through veteran lawyer Estelito Mendoza, Arroyo had petitioned the Supreme Court to approve her "demurrer to evidence," a plea to dismiss a case on the basis of weak evidence. She went to the High Tribunal for relief after the anti-graft court Sandiganbayan dismissed the demurrer.

Arroyo filed the "demurrer to evidence" in 2014 before the Sandiganbayan. The anti-graft court dismissed this in April 2015, paving the way for her trial for plunder over the alleged misuse of PCSO funds.

Arroyo then challenged the Sandiganbayan ruling before the Supreme Court in a 100-page petition filed by Mendoza.

PCSO plunder

The Court's approval of the Arroyo petition in effect acquits her of the P366-million plunder suit filed by the Ombudsman in July 2012 against her and 9 other former government officials.

The Ombudsman's suit, filed a week before then President Aquino was to deliver his 3rd

SONA, alleged that Mrs Arroyo approved the alleged diversion of PCSO's intelligence funds for purposes not related to the core work of the agency, which is to help indigents and sectors working with them.

On top of this, Arroyo had also asked the Supreme Court to in the meantime stop her trial at the Sandiganbayan. The SC granted this motion last year and extended the trial suspension to this year.

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