



THE CORONA IMPEACHMENT

Day 11 - Thursday, 02 February 2012

On the Second Article of Impeachment, *continued*

<i>Event / Witness</i>	<i>Highlights / Remarks</i>
<p>Rep. Niel Tupas Jr. <i>Lead Prosecutor</i></p>	<p>Tupas enumerated the witnesses that the prosecution intended to present to the court—executives from Burgundy Realty Corp., Filinvest, and the registers of deeds of Quezon City and Marikina.</p> <p>Tupas noted that there were pending cross-examinations of the registers of deeds from the first week of the trial. Presiding Officer Juan Ponce Enrile ruled that the registers be the first to take the witness stand.</p>
<p><i>Cross-examination of fourth witness</i> Carlo Alcantara <i>Deputy Register of Deeds, Quezon City</i></p>	<p>The Defense started their cross-examination of Alcantara, who was presented as a witness last 19 January. Defense Atty. Ramon Esguerra clarified points—particularly on the zonal value and the selling price on the Corona properties in Quezon City.</p>
<p><i>Cross-examination of fifth witness</i> Sedfrey Garcia <i>Register of Deeds, Marikina City</i></p>	<p>Cross-examination of Garcia, also first presented as a witness on 19 January, touched on the seven undeclared properties of the Coronas in Marikina City.</p> <p>It was pointed out by the defense that the said properties have already been sold, hence they were not declared in the Chief Justice's SALN.</p>
<p><i>Clarificatory question</i> Senator-Judge Alan Peter Cayetano</p> <p><i>On proper filing of SALNs</i></p>	<p>Cayetano (Peter) asked both camps to declare in legal memoranda which of a real property's values should be declared in the SALN—fair market value, zonal value, or assessed value?</p> <p>Lead Defense Counsel Serafin Cuevas read Rule 7 of the Implementing Rules and Regulations (IRR) of the Civil Service Commission with regard to disclosures. The rule stated that all information—assessed value, acquisition cost, fair market value, etc.—should be stated in the SALN. He also emphasized that the main issue of Article II was the failure to disclose to the public the SALN, and not the entries therein.</p>

<p>Senator-Judge Joker Arroyo</p> <p>Senator-Judge Koko Pimentel</p>	<p>House Prosecutor Rep. Elpidio Barzaga, on the other hand, reiterated that declarations made in the SALN should be accurate and truthful.</p> <p>Senator-Judge Ralph Recto cited Rule 8 of the same IRR which stated the reviewing authority with regard to SALNs, as well as a provision to correct unintentional errors in the document. He asked both camps for their opinion on the said rule.</p> <p>The Defense argued that there was no criminal or administrative liability if the errors were accidental. The Defense also reiterated that the filer who had committed an unintentional error should be given an opportunity to make the necessary corrections. The Prosecution, for their part, strongly believes that the filer could be made liable for perjury in the event of untruthful declaration in the SALNs.</p> <p>At this point, Presiding Officer Juan Ponce Enrile asked the Prosecution if untruthfulness in the filing of a SALN constitutes a high crime, to which Barzaga admits that it is not. Enrile stressed that only high crimes are impeachable offenses.</p> <p>Arroyo told the court that the parties were ignoring whether the omissions or offenses committed by the Chief Justice were of impeachable nature or not.</p> <p>Pimentel asked the Defense why the seven titles in Marikina were seemingly not transferred to the buyer for 22 years, explaining that it would be unfair to fault the Prosecution as the titles were still under the name of the Coronas. The Defense insisted that a sale did indeed take place, however, the buyer did not register the said properties. The Defense said that the Chief Justice had no control over the buyer, and that it would be unjust to impeach the Corona for the failure of the buyer to register the properties.</p>
<p><i>On release of information regarding Renato Corona's alleged 45 properties to the media</i></p> <p>Senator-Judge Francis Escudero</p>	<p>Escudero began his interpellation asking both camps to clarify their positions as to when properties should be declared in the SALN. He also wanted clarification on the gravity of the crimes that the camps believe were impeachable offenses. He noted that the Prosecution alleged that Corona owned 45 properties, but only 24 properties—18 real estate and 6 parking lots—have been presented so far. He asked whether all properties would be discussed in Court.</p> <p>Tupas replied that not all properties would be presented to the Court, and clarified that the list of the alleged 45 Corona properties came from the Land Registration Authority (LRA).</p>

<p>Senator-Judge Jinggoy Estrada</p>	<p>Estrada then asked the Prosecution who released the information about the 45 properties to the media. Tupas said that the prosecution did not release the information. Enrile interjected and appealed for fairness on both sides.</p> <p>Tupas later manifested that they were charging the Chief Justice for betrayal of public trust, and not a high crime, and cited Constitutionalist Fr. Joaquin Bernas as to the definition of betrayal of public trust. Enrile said that the Court would discuss its definition in caucus.</p>
<p>Senator-Judge Gregorio Honasan</p>	<p>Honasan restated a motion he proposed previously regarding the Spokesperson of the Impeachment Court to moderate both parties' public pronouncements. He then asked for a report on compliance with the order.</p>
<p>Senator-Judge Jinggoy Estrada</p>	<p>After a 15-minute suspension, Estrada stated that he saw an ANC news report during the break showing the Prosecution releasing the information on the alleged 45 Corona properties. He strongly stated that it was unfair for the Senator-Judges as the public was being made to believe that judgment would be rendered on 45 properties, but only 21 were being presented in Court. Tupas replied again denied releasing the information, and said that they only released the documents on the Bellagio penthouse only. However, in an earlier press conference, the prosecution admitted that the list from the LRA was attached in one of the documents.</p>
<p><i>Thirteenth witness:</i> Gregg Gregonia <i>Vice President, Burgundy Realty Corp.</i></p> <p>Clarence Jandoc <i>Private Prosecutor</i></p> <p><i>Cross-examination</i> Serafin Cuevas <i>Lead Defense Counsel</i></p>	<p>Gregonia appeared on behalf of Burgundy Realty Corp. President Rogelio Serafica—the party originally issued with the subpoena—who was abroad.</p> <p>Jandoc conducted the direct examination, and stated that the purpose of Gregonia's testimony would be to prove that the Chief Justice failed to declare a condominium unit and parking lot in Burgundy Plaza in Quezon City from 1997 to 2002, and untruthfully declared the same condominium unit from 2003 to 2010, which in turn signalled that Corona has been continually failing to correctly file his SALNs.</p> <p>Documents concerning the Burgundy unit and parking lot were presented and marked. The Defense, however, frequently raised objections as to the manner of presentation of Jandoc, as it appeared that he was testifying for the witness.</p> <p>Cuevas began cross-examining Gregonia, beginning first with his appearance in lieu of the individual stated in the subpoena. Cuevas then quizzed Gregonia as to why certain documents pertaining to the sale of the Burgundy unit were unsigned by the parties involved in the transaction. Gregonia stressed that even though there</p>

	<p>were unsigned documents, there was already a reservation agreement, and that payments were being made.</p>
<p><i>Interpellations</i> Senator-Judge Jinggoy Estrada</p> <p>Senator-Judge Joker Arroyo</p>	<p>Estrada asked what was it that the Prosecution was trying to prove with Gregonia's testimony, to which Jandoc replied that there was failure to disclose the parking lot and an undervalued declaration of the condominium unit. Jandoc continued that because of the untruthful declarations, there was a betrayal of public trust.</p> <p>Arroyo cautioned the Prosecution regarding its earlier agreement that only House prosecutors could make arguments on the basis of law.</p>