



THE CORONA IMPEACHMENT

Day 14 - Wednesday, 08 February 2012

On the Third Article of Impeachment, *continued*

<i>Event / Witness</i>	<i>Highlights / Remarks</i>
<p><i>Manifestation</i></p> <p>Senator-Judge Teofisto Guingona III</p>	<p>Guingona manifested on the pending motions for a TRO filed in the Supreme Court. He laid down three points:</p> <ol style="list-style-type: none"> 1. Impeachment is the people’s way of making public officials accountable. The Impeachment Court is an independent body. 2. The Supreme Court cannot and should not impose its will. The Senate, by virtue of its role as an Impeachment Court, is not co-equal with the Supreme Court. 3. The Constitution provides that the Senate has the sole authority to decide on impeachment cases.
<p>Senator- Judge Pia Cayetano</p>	<p>Cayetano (Pia) made clarifications on certain lines in the previous session’s minutes. She pointed out to Rep. Farinas’ remarks that the Senate and House are similar and that they were together against the charged respondent. Cayetano reiterated that the two chambers were distinct in their functions.</p> <p>Presiding Officer Juan Ponce Enrile warned the parties to be mindful of their statements delivered in Court. He said that statements made by the parties or even the Senator-Judges were opinions and that the Senate, sitting as an Impeachment Court would act was a collegial body. He reiterated that the Senator-Judges were and would remain impartial throughout the proceedings.</p>
<p>Rep. Rodolfo Fariñas <i>House Prosecutor</i></p>	<p>Fariñas apologized for his remarks in the previous session. Senator- Judge Ramon Revilla Jr. reminded him to be cautious with his words and accepted Fariñas’ apology.</p>

<p><i>On the request to subpoena bank officials and documents</i> Senator- Judge Vicente Sotto III <i>Majority Floor Leader</i></p>	<p>Sotto read the resolution on Senator- Judge Miriam Defensor-Santiago’s motion for reconsideration. The Court decided to affirm its resolution granting the prosecution’s request to subpoena officials and documents from BPI and PS Bank. He then moved to go into caucus to resolve petitions for certiorari filed before the Supreme Court by the defense and PSBank.</p> <p>After the caucus, Sotto reported the Court’s decision denying the motion to defer issuance of subpoena to BPI and PSBank. It also denied the motion to defer the presentation of evidence on the FASAP case on Article 3 of the Articles of Impeachment.</p>
<p><i>Continuation of the cross-examination of Fourteenth witness:</i> Roberto Anduiza <i>FASAP President</i></p> <p>Senator- Judge Loren Legarda</p>	<p>Anduiza accused the Chief Justice of interfering with the illegal retrenchment case filed by FASAP against the Philippine Airlines management, which allegedly resulted in the reversal of Supreme Court’s final ruling in favor of PAL.</p> <p>Legarda asked clarificatory questions to the prosecution. They explained Corona’s inhibition from the case, the letters sent by lawyer Estelito Mendoza, and his participation in the reversal of the SC ruling on FASAP.</p> <p>Enrile questioned the exact functions of the Supreme Court Chief Justice. He then ordered the prosecution to submit a legal memorandum on the issue until Monday.</p>
<p><i>Fifteenth witness</i> Pascual Garcia III <i>President, PSBank</i></p> <p>Demetrio Custodio, Jr. <i>Private Prosecutor</i></p>	<p>Garcia went on the stand as witness in lieu of the branch manager of PS Bank – Katipunan branch. He also brought his own counsel, whom he could consult in the course of his testimony.</p> <p>Custodio, upon conducting the direct examination of Garcia, stated that the purpose of the testimony was to show Corona had 10 accounts in the said bank.</p> <p>Garcia was asked if he brought all the documents subpoenaed but said he did not. He explained he appeared in the hearing out of the bank's respect for the Court. He said he owed it to the bank which might be exposed to criminal liability. Witness only brought documents pertaining to 5 out of 10 accounts which did not include the dollar accounts. He presented documents, and lawyers from both defense and prosecution crowded around Garcia. Enrile admonished the lawyers, telling them not to crowd around the witness and for the Sergeant-at-Arms to bodily direct anyone who were taking pictures.</p> <p>Custodio requested the Court to enforce compliance from Garcia to bring documents related to the other 5 accounts being subpoenaed. Garcia replied that the disclosure of the other accounts would expose the bank to criminal liability. He disclosed that RA 6426, the law on foreign currency deposits</p>

	<p>requires absolute confidentiality and could not be opened unless upon the consent from the depositor. He also informed the Court they asked for a TRO from the Supreme Court to protect the bank from disclosing the documents.</p>
<p><i>Debate on whether to cite the witness in contempt</i> Senator-Judge Franklin Drilon</p> <p>Senator-Judge Joker Arroyo</p> <p>Senator-Judge Ralph Recto</p>	<p>Drilon moved to require Garcia to explain in writing why he should not be cited in contempt, and that he should return on Thursday with the required documents.</p> <p>Arroyo said they should be guided by the precedence set by the impeachment trial of former president Joseph Estrada. He recalled that Impeachment Court then did not sanction an official of Citibank who refused to disclose foreign currency accounts despite a court subpoena.</p> <p>Recto underscored that the witness was representing a bank, and that it was difficult to cite him in contempt because it was an institutional decision. Garcia, meanwhile, said it was his personal position because it would expose him personally and the bank as well.</p> <p>Enrile ruled to have Garcia submit a written explanation - "not a show-cause order," he clarified - on why he should not be cited in contempt.</p>
<p><i>Court resolution on the subpoena for the five Supreme Court Associate Justices and records of SC deliberations and proceedings</i> Senator- Judge Juan Ponce Enrile <i>Presiding Officer</i></p>	<p>Enrile directed the Clerk of Court to read in full the Court resolution on the prosecution's request to subpoena SC justices. The request of the prosecution was completely denied citing confidentiality of the High Court's deliberations. It also invoked separation of powers, saying they should respect internal rules of the Court.</p> <p>Senator-Judges Pimentel, Guingona, Pangilinan, and Cayetano (Peter) all manifested their concurrence with the decision but would file separate concurring opinions particularly on the view of "co-equality" of the High Court with the Impeachment Court.</p> <p>Enrile ordered the witness from the Bank of Philippine Islands - Ayala Branch to appear before the impeachment court on 9 February.</p>