

KAKAMPI MO ANG BATAS

BY Atty. BATAS MAURICIO

LIFE'S INSPIRATIONS: "... An honest witness does not deceive, but a false witness pours out lies..." (Proverbs 14:5, the Holy Bible).

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NAPOLLES ACQUITTAL, A C.A. COLLEGIAL DECISION: While it maybe assumed that certain things are happening "behind the scenes" in the acquittal of Janet Lim Napoles by the Court of Appeals relative to her conviction by a Makati City court of the charge of serious illegal detention, it should not be forgotten that the decision of acquittal was arrived at by highly learned justices of the appellate court after a serious study of the facts and the evidence.

What cannot be denied is that the verdict of conviction against Napoles was reversed through a unanimous decision of the three justices who composed the Court of Appeals division that reviewed the conviction. There was no dissenting vote, and this presupposes that the three magistrates fully agreed with one another to set Napoles free.

Of course, it helped Napoles greatly that Solicitor General Jose Calida submitted a brief explaining why Makati City Regional Trial Court Judge Elmo Alameda erred in convicting her, but, in point of law, with or without that Calida brief, the Court of Appeals justices who voted in her favor had to decide one way or another. Ultimately, it was their own perception of the facts and the law that truly carried the day for Napoles.

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CRITICISMS VS. NAPOLES DECISION UNFAIR: It is therefore highly contemptuous and highly disrespectful for certain persons and groups to be attributing malice to the Napoles acquittal, on the theory that this was a maneuver of the Duterte government to enable the erstwhile businesswoman who is now derisively called the “pork barrel queen” to become a state witness in the pork barrel cases and subsequently implicate former President Aquino and his officials in the scam.

That may indeed be the end result of her having been given a favorable decision by the Court of Appeals, but it is absolutely unfair, and is a gross assault against the integrity of the existing justice system, to say that Napoles is now being given special treatment by the Duterte government to achieve its purposes, with the aid of the judiciary.

I would like to believe that, despite its many weaknesses and imperfections, the Philippine justice system is still working, upholding the majesty of the law, and dispensing justice to everyone, whether rich or poor, or whether strong or weak, without fear or favor. There maybe some rotten bad eggs, yes, but the good ones far outnumber those whom a former president of the country labeled as “hoodlums in robes”.

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OMBUDSMAN IS AN OBSTACLE TO NAPOLES AS A STATE WITNESS: Having said that here, I would like to add, quite urgently, that there is a very formidable obstacle that must be hurdled by the Duterte government before Napoles could be utilized as a state witness in the on-going trial of some lawmakers in connection with the P10 billion pork barrel scam. This obstacle is Ombudsman Conchita Carpio Morales.

With due respect, her record as graft buster relative to these pork barrel scams does not inspire the belief that she would be interested to make Napoles a state witness. First, in the early stages of the pork barrel cases, she chose to investigate and then prosecute only those who opposed the government of the president that appointed her as Ombudsman, leaving out this president and his allies from the cases.

Second, she chose to remain silent and not to pursue, vigorously or otherwise, the Supreme Court’s directive clearly addressed to her to investigate and then hold liable the officials of the

Aquino government who masterminded and executed the biggest scam of all time, which was the diversion of some P150 or so billion in government funds to favor lawmakers who voted to oust Chief Justice Renato Corona.

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OBSTACLE MUST BE SIDETRACKED: This diversion was carried out under a high-sounding name, “disbursement acceleration program”, but the Supreme Court struck it down as being unconstitutional. Morales then employed legal gobbledegook—or legal mambo-jumbo, if you will—to allow Aquino to escape from any liability, and to charge then Budget Secretary Florencio Abad with a very insignificant criminal case. Because she is an obstacle, the Ombudsman must be sidetracked!