

✓ Six Supreme Court aspirants have ties to GMA

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One year ago, Rodolfo Robles, a mild-mannered lawyer with a successful property business, entertained the thought of becoming a Supreme Court justice. It happened by chance.

awardee at the 55th anniversary of the San Beda Law College, where an old family friend, President Arroyo, was the guest speaker. It was during this

event that one of his colleagues mentioned to the President that Robles, a bar topper with 25 years of practice behind him, was good material for the Su-

preme Court.

The legal community was well aware that six justices of the Supreme Court were due to retire in 2009.

Recently, the number increased to seven as a justice opted to retire early for health reasons. The entry of seven new justices next year – all appointed by President Arroyo – has raised concerns about the

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independence of the highest court in the land.

This comes amid our country's polarized politics where trust for our leader is low and appointments to key government posts have been determined by powerful connections.

Mrs. Arroyo and Robles go a long way back. Robles's father, then governor of Quezon, was a friend of President Diosdado Macapagal. When Robles was elected to the Constitutional Convention in 1971, it was his turn to see Macapagal up close, who was then chairman of the convention. Meanwhile, his sister went to the same school as Mrs. Arroyo, Assumption College, where they were classmates.

"Let him apply (for SC justice)," the President was supposed to have told Robles's colleague.

Robles is one of 14 candidates for the first vacancy which will occur in January 2009. Our research shows that five other aspirants have personal and political connections to President Arroyo, in varying degrees. We take a look at these links because the quality of the next appointees will impact on the independence of the Supreme Court.

In the Philippines, owing a debt of

gratitude is a value many hold important and, at times, it extends to personal loyalty. Justices in the Supreme Court are not immune from this, as shown in their voting patterns. Earlier, based on a survey of 21 cases involving government, we reported that a number of justices — Renato Corona, Presbitero Velasco, Dante Tinga, Minita Chico-Nazario, and the newly appointed ones, Teresita de Castro, Arturo Brion, and Antonio Eduardo Nachura have consistently voted for the Palace.

When asked how he can maintain his independence as a Supreme Court justice given his personal ties to President Arroyo, Robles told us "You have to manage your gratitude, find a balance, because *utang na loob* is inherent in the Filipino. You cannot not have *utang na loob*."

But Robles faces a problem: he's 65 years old and four months old. The JBC rules say that outsiders or non-judiciary applicants should serve five years, no less, in the SC. Retirement age is 70.

Will the JBC bend the rules? If they follow precedent, the JBC would take out Robles. In the past, ACCRA lawyer Rogelio Vinluan was disqualified from the eligible candidates for the Supreme Court when he was 65 years old. It was his

third try then.

Justice Mariano del Castillo:

Thank you, GMA

In the judiciary, a Court of Appeals justice shares similar ideas about debt of gratitude.

Last year, at about the same time that the First Gentleman, Miguel "Mike" Arroyo, underwent an open heart surgery, Justice Mariano del Castillo had his quintuple bypass operation. His was partially successful so he needed to consult with another doctor — who turned out to be Mr. Arroyo's cardiovascular surgeon, Dr. Alex Yap, who was flown in from the US.

How did Del Castillo get to see the heart-throb doctor? No less than President Arroyo arranged it.

In a letter published in the *Philippine STAR* in May 2007, Del Castillo effusively thanked the President "for single indiscriminate act of kindness... is something of eternal value.... Through this, I reach out to her to make her know that I am deeply grateful for the help she extended to me."

Looking back, Del Castillo told us that at that time, he was "overwhelmed by gratitude."

Recently, on the 40th day-prayer for his daughter, who passed away, the President was their special guest.

Del Castillo is one of President Arroyo's first appointees to the Court of Appeals. He is not a *cabalen* ("GMA barely knows me," he wrote in his open letter), but he and his wife, a former dean of the Ateneo Law School, have had social ties with the President. Her son Mikey, spent some time at the Ateneo Law School when Cynthia Roxas del Castillo was dean.

The Del Castillos were among the visitors of the First Gentleman when he was recovering at St. Luke's Hospital.

"It's human nature to be grateful," Del Castillo said, "But you cut the umbilical cord immediately once appointed.... At the end of the day, it's enlightened conscience that guides me."

Presiding Justice Diosdado

Peralta: Family circle

Sandiganbayan Presiding Justice Diosdado Peralta was not named after the president's father, Diosdado Macapagal Sr., by accident. Peralta's father, Manila Court of First Instance Judge Elviro Peralta, was a close friend of Macapagal. They went to the University of Sto. Tomas together.

The friendship between the Peralta and Macapagal patriarchs left an imprint on their families. Peralta was recommended to the Office of the Ombudsman in 2007 by Pres. Gloria Macapagal Arroyo's first cousin, Erlinda de Leon and her husband, Carlos de Leon, who are both special assistants of the president. (Peralta lost out to Mercedes Gutierrez, a classmate of the First Gentleman.)

The De Leons, who are said to informally vet nominees to the courts, are known to be close to Peralta. Erlinda, we reported earlier, is the Palace emissary to some of the Supreme Court justices.

In a way, the De Leons have involved Peralta in their informal vetting process. We learned from sources privy to the meetings that Peralta has interviewed some aspirants to the Court of Appeals and the Sandiganbayan — in coffee shops.

It is the Judicial and Bar Council, led by Chief Justice Reynato Puno, that determines the nominees to the courts. Their shortlists is submitted to President Arroyo, who makes the final choice.

Peralta explained to us that a number of parties interested in posts in the judiciary come to him for help but he is not part of any vetting process. "Never have I in writing, or verbally, recommended anyone to the judiciary... as long as we do not talk about cases, I meet with them in the office.... I'm amiable, I have many friends," he said in a telephone interview.

This is not the first time that the current Sandiganbayan presiding justice vied for a seat at the Supreme Court. He was nominated last year to replace outgoing associate justice Cecilio Garcia, but had to follow Sandiganbayan Justice Teresita de Castro.

Peralta and De Castro were both members of the Sandiganbayan special division which convicted deposed President Joseph Estrada of plunder in September 2007. The buzz was that both would enjoy political payback from Arroyo.

While De Castro was selected as SC justice, Peralta was later appointed as Presiding Justice of the Sandiganbayan on March 28, 2008 to take over the post left by De Castro. His wife, Fernanda Lampas-Peralta, was also appointed by Arroyo as justice at the Court of Appeals in February 2004. Peralta finished law at the University of Santo Tomas in 1979.

Solicitor General Agnes Devanadera: Political ally

Agnes Devanadera is a loyal and dependable ally of President Arroyo, who chose her to be executive director of Lokas when the latter led the party (PIL) in 2004. Those who know Devanadera say she's a "party person," which means she's sticking it out with the administration because she sees it as a form of party loyalty.

She started out in politics as town mayor and was chosen president of the League of Municipalities from 1995-1998.

She also enjoys access to First Gentleman Mike Arroyo; both are from Ateneo.

This is her second nomination to the Supreme Court but she still has a pending case at the Office of the Ombudsman.

Devanadera was rumored to be the top choice to complete the 15-member body after Justice Artemio Panganiban was appointed chief justice in December 2007. She was, at that time, the government corporate counsel.

The selection of the next associate justice, at that time, came at the height of the attacks against the Arroyo administration. The Supreme Court ruled against the President in cases involving Proclamation 1017, where she placed the nation under a state of rebellion, and Proclamation 464, where she required executive officials to seek consent from her before they appear in congressional inquiries.

Appointed as OGCX in 2004, Devanadera won major cases for the government. She is known for successfully pushing for the exemption of the Manila International Airport Authority from the real estate tax imposed by the City of Parañaque in 2006.

However, her defense of the contract between Bases Conversion Development Authority (BCDA) and Bulk Handlers Inc. (BHI) to operate Poro Point Special Economic and Freeport Zone in San Fernando, La Union got her in hot water.

Devanadera upheld the validity of the contract between BCDA and BHI, signed in 1999, to the consternation of Ilocos Gov. Luis "Chavit" Singson, who attacked the government takeover of Poro Point airport as anomalous in 2006.

Singson later charged Devanadera, along with 42 other BCDA and BHI officials, with plunder at the Imoddayan.

The case has prevented her from getting into the shortlist of nominees, which the JBC submits to the president. She lost the SC seat to her predecessor in the Office of the Solicitor General, Antonio Eduardo Nachura.

Devanadera is also associated with former Justice Sec. Hernando "Nani" Perez, the first cabinet appointee of Arroyo. Perez was her professor in Ateneo and partner in Balgos and Perez law office from 1976-1978.

Devanadera also stood as legal counsel for Perez in the extortion raps filed against him by former Manila Rep. Mark Jimenez in 2002. Jimenez withdrew the charges in 2007.

Justice Andres Reyes

Buboy connection

Court of Appeals Justice Andres Reyes is the only contender who studied in La Salle but, apparently, this background has helped him forge connections to the Palace. He completed elementary and high school at La Salle Greenhills where he and Diosdado "Buboy" Macapagal Jr. were batch mates.

Both graduated from LSGH in 1968. Our sources inside and outside the CA tell us that Reyes claims to enjoy the backing of the President's younger brother. We sent Reyes questions on his links to Macapagal Jr. as well as to the First Gentleman, if any. As of posting time, he has not replied to our letter.

Reyes has maintained an active role in LSGH affairs, as he is a former member of its board of trustees.

One of the nominees to the Supreme Court last year, Sandiganbayan Justice Gregory Ong, reportedly made it to the shortlist because he's also close to the President's brother.

Ong eventually did not make it because it was discovered that he's not a natural-born Filipino citizen.

Reyes came from a line of justices. He is the son of former CA Presiding Justice Andres Reyes, and the grandson of former SC Justice Alex Reyes.

Cesar Villanueva: Cabalen

The current dean of Ateneo Law School hails from Pampanga and has the backing of two former justices with ties to Arroyo, Justices Jose Melo and Jose Vitug.

Melo, chair of the Commission on Elections, worked as the executive assistant of Pres. Diosdado Macapagal. Prior to this, Arroyo also handpicked Melo to head the Melo Commission, which probed the rise in extrajudicial killings.

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and enforced disappearances.

On the other hand, Vitug is consulted by the President on certain legal issues and was reported to be her special counsel for the impeachment case. He defended Mrs. Arroyo's conversations with then Comelec commissioner Virgilio Garcil-

lano during the 2004 elections as "not illegal."

Both Vitug and Melo hail from Pampanga. In the High Court, meanwhile, Villanueva is known to Justice Renato Corona, as the latter used to be his professor in Ateneo. Corona is an ally of President Arroyo.

Asked if he ever met the President, he said that he did, as Mrs. Arroyo was the

one who swore in his wife as Holy Angel University's president in 2007.

But he vowed that being a *cabalen* would not make him vulnerable to political pressures. "It just so happened that I'm from Pampanga," he said.

Villanueva is a partner in the Villanueva, Gabionza and De Santos law firm and a certified public

accountant. His partners in his law firm also worked for Hernando "Nani" Perez's Balgos and Perez law offices.

Santiago Gabionza's name came up in the news last January after Steel Corp. of the Philippines (SCP) lodged a complaint against a judge who assigned him as rehabilitation receiver.