

## BUSINESS OPTIONS

### IMPEACHMENT AS A CHESS GAME

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One can win the battle and lose the war; one can rule and yet not govern. Is President Noynoy Aquino painfully aware of that?

What he certainly knows is that the tsunami of roaring public support for Pnoy's anti-corruption campaign slogan will recede into mid-sea if the president fails to deliver that political promise.

The chess match had already begun on day one of Aquino's oath-taking. The Lower House has been neutralized in favor of the Palace. The Supreme Court, stung by its nickname as "Arroyo's Court" ( 14 of the 15 justices appointed by GMA), is now trying to prove, no we ain't so.

In the chess game, the remaining Tower that is trying to checkmate the King in order to protect the Queen is embattled Ombudsman Merceditas "Merci" Gutierrez, who is trying to hang on tough like she is epoxied to her throne despite the Lower House's resolute move to impeach her.

Noynoy Aquino, as a Liberal Party leader called for Merci's impeachment saying " We have already crossed our Rubicon a long time ago. We must win this battle."

" I will not resign. My conscience is clean. ", says Merci. "Let he who is without sin cast the first stone", a congressman from Mindanao fumes. "This is clearly partisan and the fulfillment of a campaign promise cannot be a reason to impeach with imprudent haste.", says a congressman from Bicol.

Those are legal non-sequitors. For instance, the human frailty of judges in any court does not disbar them from performing their duty as arbiters of right or wrong. Impeachment, by its political nature, is partisan in character , as the GMA era had plastered on the wall for all to see for too long, too often, in the past.

Eleven crack congressmen and private lawyers will act as prosecutors in the May 2011 trial with the "fiercely independent" senate acting as jury and judge.

The 20-some senators are at the threshold of writing history. They have this singular chance in their lifetime to reverse the embarrassing image of the country as a nation of thieves. The media, the church and the politicians are not the only parties who say that our record on honesty and efficiency sucks.

The United States government, the World Bank and Transparency International which gave RP a 2.0 rating (0 as the most corrupt in a scale of 10) over the last few years of GMA also did, making the nation one of Asia's most perniciously corrupt.

The Ombudsman, empowered by R.A. 9770 or the Ombudsman Law, is tasked with policing graft, illegality, injustice, impropriety and inefficiency among the 1.3 million government (elected and appointed employees), concentrating first, supposedly, on the Big Fishes.

On that basis, did Merci do her job? And if not, is she therefore impeachable?

Let us start with the fact that while her conviction rate at 50% is higher than most predecessors, these convictions were mostly of small fries- a case of quantity, not quality.

It is also not true that the USAID grant of US\$ 400-M is necessarily a reward for the Ombudsman's performance as it is but America's way of sponsoring the democratic way of life in countries like ours.

Likewise, Merci has filled up only 1,067 of the 2,177 Ombudsman plantilla, such a bewildering spectacle of a constitutional body that is notoriously known for acting with irreverent slowness and indecent dragging of feet.

What are, therefore, the contents of the two impeachment cases filed by former Akbayan representative Risa Hontiveros and Bayan's Renato Reyes. Do they constitute solid grounds for impeachment? Let's enumerate.

Merci disobeyed the Supreme Court decision for her office to file charges against Comelec officials involved in the botched P 1.3-Billion disadvantageous Mega-Pacific computerization deal.

Despite former NEDAS chief's Romulo Neri's testimony that Benjamin Abalos bribed him, the Arroyos' undue, irreverent interest in the deal and the detailed allegations of whistle blower Jun Lozada in the failed US\$ 329-Million NBN-ZTE deal, the Ombudsman merely folded her arms like a sphinx and allowed history to overtake the event.

Despite the weight of international evidence of the improprieties of the so-called "Euro-Generals" in Russia, there was a mere sound of silence from Merci's band of mercy.

DA's Jocjoc Bolante's shameless pillage of P 723-Million in Fertilizer funds to let the GMA allies win in 2004 merited no peep from Merci- evidence to the contrary notwithstanding.

Finally, allowing the plea bargain for a lesser crime of former AFP Comptroller Carlos Garcia allowed the latter to post bail and avoid his incarceration for plunder. Some P 300-Million in allegedly looted funds is involved here.

Based on those facts above, are there bases in fact to claim a preponderant inclination towards a "betrayal of public trust", an impeachable offense?

Will Merci be impeached? Will the process do honor to the spirit behind its pursuance?

There is still time to sanctify rather than desecrate the process of impeachment - as a democratic process to seek redress for grievances.

First, the Senators must, we beg them, shed all partisanship and wear the blindfold of Lady Justice.

Second, the Lower House prosecutors must do their homework and unload irrefutable arguments and hard data in the Senate Hall. And third, the public must know all - by covering the impeachment trial live on TV - from start to finish.

Ombudsman Merceditas Gutierrez has given up hope on the Lower House and looks at the Senate as an institution that will give her a "fair shake". Does she know something that we do not?

Will the Senate become a tool of democracy or become the sacred refuge of scoundrels?

How does one think the Senate will vote? All it takes are seven votes to exonerate Ombudsman from shameful impeachment.

Does she have the numbers -boosting her confidence in not resigning? Will the senators, on the other hand, succumb to popular demand instead of dissecting the evidence?

The Filipino people are sincerely hoping that the senators will throw away their partisan chains and render their decision on the basis of the highest level of statesmanship. Are they up to it?.

On their hands, probably, will lie the fate of the nation in the near term.

Of course, they cannot ignore the watchful, impassioned public who will view the impeachment proceedings with the tenacity and commitment of telenovela fans.

We saw what happened when some senators refused to open the envelope in the Estrada Trial that led to EDSA II. Likewise, there are forthcoming elections where the electorate can still get back at those senators who will be perceived as showing their dereliction of duty and less than above board judgments in the trial.

There are safety valves from the public at large that should be enough to put the senators on their moral toes.

Besides, there is the judgment of history - that will be final, permanent and cruel on erring senators.

May the senators be impartial judges in Merci's case. Justice above mercy, so to speak. (No pun intended).