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GALMAN VS. SANDIGANBAYAN

[144 SCRA 43; G.R. NO.72670; 12 SEP 1986]

10-12 minutes

Facts: Assassination of former Senator Benigno "Ninoy" Aquino, Jr. He was killed from his plane that had just landed at the Manila International Airport. His brain was smashed by a bullet fired point-blank into the back of his head by an assassin. The military investigators reported within a span of three hours that the man who shot Aquino (whose identity was then supposed to be unknown and was revealed only days later as Rolando Galman) was a communist-hired gunman, and that the military escorts gunned him down in turn.

President was constrained to create a Fact Finding Board to investigate due to large masses of people who joined in the ten-day period of national mourning yearning for the truth, justice and freedom.

The fact is that both majority and minority reports were one in rejecting the military version stating that "the evidence shows to the contrary that Rolando Galman had no subversive affiliations. Only the soldiers in the staircase with Sen. Aquino could have shot him; that Ninoy's assassination was the

product of a military conspiracy, not a communist plot. Only difference between the two reports is that the majority report found all the twenty-six private respondents above-named in the title of the case involved in the military conspiracy; " while the chairman's minority report would exclude nineteen of them.

Then Pres. Marcos stated that evidence shows that Galman was the killer.

Petitioners pray for issuance of a TRO enjoining respondent court from rendering a decision in the two criminal cases before it, the Court resolved by nine-to-two votes 11 to issue the restraining order prayed for. The Court also granted petitioners a five-day period to file a reply to respondents' separate comments and respondent Tanodbayan a three-day period to submit a copy of his 84-page memorandum for the prosecution.

But ten days later, the Court by the same nine-to-two-vote ratio in reverse, resolved to dismiss the petition and to lift the TRO issued ten days earlier enjoining the Sandiganbayan from rendering its decision. The same Court majority denied petitioners' motion for a new 5-day period counted from receipt of respondent Tanodbayan's memorandum for the prosecution (which apparently was not served on them).

Thus, petitioners filed a motion for reconsideration, alleging that the dismissal did not indicate the legal ground for such action and urging that the case be set for a full hearing on the merits that the people are entitled to due process.

However, respondent Sandiganbayan issued its decision acquitting all the accused of the crime charged, declaring them innocent and totally absolving them of any civil liability.

Respondents submitted that with the Sandiganbayan's verdict of acquittal, the instant case had become moot and academic. Thereafter, same Court majority denied petitioners' motion for reconsideration for lack of merit.

Hence, petitioners filed their motion to admit their second motion for reconsideration alleging that respondents committed serious irregularities constituting mistrial and resulting in miscarriage of justice and gross violation of the constitutional rights of the petitioners and the sovereign people of the Philippines to due process of law.

Issues:

(1) Whether or not petitioner was deprived of his rights as an accused.

(2) Whether or not there was a violation of the double jeopardy clause.

Held: Petitioners' second motion for reconsideration is granted and ordering a re-trial of the said cases which should be conducted with deliberate dispatch and with careful regard for the requirements of due process.

Deputy Tanodbayan Manuel Herrera (made his expose 15 months later when former Pres. was no longer around) affirmed the allegations in the second motion for reconsideration that he revealed that the Sandiganbayan Justices and Tanodbayan prosecutors were ordered by Marcos to whitewash the Aquino-Galman murder case. Malacañang wanted dismissal to the extent that a prepared resolution was sent to the Investigating Panel. Malacañang Conference planned a scenario of trial where the former President ordered then that the resolution be revised by categorizing the

participation of each respondent; decided that the presiding justice, Justice Pamaran, (First Division) would personally handle the trial. A conference was held in an inner room of the Palace. Only the First Lady and Presidential Legal Assistant Justice Lazaro were with the President. The conferees were told to take the back door in going to the room where the meeting was held, presumably to escape notice by the visitors in the reception hall waiting to see the President. During the conference, and after an agreement was reached, Pres. Marcos told them 'Okay, mag moro-moro na lamang kayo;' and that on their way out of the room Pres. Marcos expressed his thanks to the group and uttered 'I know how to reciprocate'.

The Court then said that the then President (code-named Olympus) had stage-managed in and from Malacañang Palace "a scripted and predetermined manner of handling and disposing of the Aquino-Galman murder case;" and that "the prosecution in the Aquino-Galman case and the Justices who tried and decided the same acted under the compulsion of some pressure which proved to be beyond their capacity to resist. Also predetermined the final outcome of the case" of total absolution of the twenty-six respondents-accused of all criminal and civil liability. Pres. Marcos came up with a public statement aired over television that Senator Aquino was killed not by his military escorts, but by a communist hired gun. It was, therefore, not a source of wonder that President Marcos would want the case disposed of in a manner consistent with his announced theory thereof which, at the same time, would clear his name and his administration of any suspected guilty participation in the assassination. such a procedure would be a better arrangement because, if the accused are charged in court and subsequently acquitted, they may claim the benefit

of the doctrine of double jeopardy and thereby avoid another prosecution if some other witnesses shall appear when President Marcos is no longer in office.

More so was there suppression of vital evidence and harassment of witnesses. The disappearance of witnesses two weeks after Ninoy's assassination. According to J. Herrera, "nobody was looking for these persons because they said Marcos was in power. The assignment of the case to Presiding Justice Pamaran; no evidence at all that the assignment was indeed by virtue of a regular raffle, except the uncorroborated testimony of Justice Pamaran himself. The custody of the accused and their confinement in a military camp, instead of in a civilian jail. The monitoring of proceedings and developments from Malacañang and by Malacañang personnel. The partiality of Sandiganbayan betrayed by its decision: That President Marcos had wanted all of the twenty-six accused to be acquitted may not be denied. In rendering its decision, the Sandiganbayan overdid itself in favoring the presidential directive. Its bias and partiality in favor of the accused was clearly obvious. The evidence presented by the prosecution was totally ignored and disregarded.

The record shows that the then President misused the overwhelming resources of the government and his authoritarian powers to corrupt and make a mockery of the judicial process in the Aquino-Galman murder cases. "This is the evil of one-man rule at its very worst." Our Penal Code penalizes "any executive officer who shall address any order or suggestion to any judicial authority with respect to any case or business coming within the exclusive jurisdiction of the courts of justice."

Impartial court is the very essence of due process of law. This criminal collusion as to the handling and treatment of the cases by public respondents at the secret Malacañang conference (and revealed only after fifteen months by Justice Manuel Herrera) completely disqualified respondent Sandiganbayan and voided ab initio its verdict. The courts would have no reason to exist if they were allowed to be used as mere tools of injustice, deception and duplicity to subvert and suppress the truth. More so, in the case at bar where the people and the world are entitled to know the truth, and the integrity of our judicial system is at stake.

There was no double jeopardy. Courts' Resolution of acquittal was a void judgment for having been issued without jurisdiction. No double jeopardy attaches, therefore. A void judgment is, in legal effect, no judgment at all. By it no rights are divested. It neither binds nor bars anyone. All acts and all claims flowing out of it are void.

Motion to Disqualify/Inhibit should have been resolved ahead. In this case, petitioners' motion for reconsideration of the abrupt dismissal of their petition and lifting of the TRO enjoining the Sandiganbayan from rendering its decision had been taken cognizance of by the Court which had required the respondents', including the Sandiganbayan's, comments. Although no restraining order was issued anew, respondent Sandiganbayan should not have precipitately issued its decision of total absolution of all the accused pending the final action of this Court. All of the acts of the respondent judge manifest grave abuse of discretion on his part amounting to lack of jurisdiction which substantively prejudiced the petitioner.

With the declaration of nullity of the proceedings, the cases must now be tried before an impartial court with an unbiased prosecutor. Respondents accused must now face trial for the crimes charged against them before an impartial court with an unbiased prosecutor with all due process.

The function of the appointing authority with the mandate of the people, under our system of government, is to fill the public posts. Justices and judges must ever realize that they have no constituency, serve no majority nor minority but serve only the public interest as they see it in accordance with their oath of office, guided only the Constitution and their own conscience and honor.