# A bold step closer to justice | Inquirer Opinion

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Malacañang’s grant of executive clemency to former Iloilo City mayor Jed Mabilog, and its recent statement of support for International Criminal Police Investigation (Interpol) arrests on behalf of the International Criminal Court’s (ICC) investigation of the Duterte drug war, are welcome indications of the government’s pivot to the rule of law.

While former president Rodrigo Duterte’s spokesperson Salvador Panelo has described the pardon as a “reward for (Mabilog) besmirching” Duterte’s reputation when he testified in a House quad comm hearing, the former Iloilo official called the clemency a “vindication for the wrongful and deceitful cases filed against (him)” and a “triumph of justice in this country.’’

Executive Secretary Lucas Bersamin said the pardon was for Mabilog’s administrative case in 2017, when he was dismissed by the Office of the Ombudsman for failing to explain his “questionable wealth” worth P8.9 million from 2012 to 2013. The pardon, Bersamin said, was given due to circumstances that forced the former mayor to leave the country before he could face the court in his defense.

In August 2017, Mabilog and his family fled the country after Duterte accused him of involvement in the illegal drug trade. In a speech on the death of alleged drug lords former Albuera mayor Rolando Espinosa and Ozamiz mayor Reynaldo Parojinog in police operations, Duterte had an ominous warning when he mentioned Mabilog by name, saying “you’re next!”

## Spirit of comity

Mabilog flew back home in September after a seven-year exile to clear his name and testify before the House on how Duterte had used the alleged drug watch list against his political rivals. He said that he must have been included in the “narcolist” for not supporting Duterte in the 2016 presidential race.

Mabilog’s pardon does not cover his ongoing graft case for allegedly awarding a government contract to a towing services firm where he has an interest. The President can only grant pardon after conviction.

On Friday last week, Bersamin signified the government’s favorable disposition on the ICC’s arrest warrants related to its probe on crimes against humanity for Duterte’s war on drugs, that led to more than 6,000 cases of extrajudicial killings.

“If the ICC makes a move, and courses the move through the Interpol, and the Interpol makes the request to us for the arrest … of a person subject to ICC jurisdiction, we will respond favorably or positively to the Interpol request,” said Bersamin.

His statement echoed that of Justice Secretary Jesus Remulla who said Thursday in a media interview that the Philippines was willing to talk to the ICC in a “very well-defined manner, in the spirit of comity.”

## Newfound openness

Admitting that “there is nothing definite or clear yet” on the possibility of the country’s cooperation with the ICC, Bersamin, however, added that “the request of Interpol should always be respected, because Interpol is also doing us service in other areas similar to this. So, that’s the meaning of comity.”

Duterte and several others, including Senators Ronald “Bato” dela Rosa and Christopher “Bong” Go, have been charged by the ICC with crimes against humanity for their role in the bloody war on drugs.

Following Duterte’s challenge for the ICC to “hurry up” in its probe, President Marcos said the Philippines would not block the ICC. “We just won’t help,” he said earlier. He acknowledged, however, that the Philippines had “obligations to the Interpol, and we have to live up to those obligations.”

This newfound openness is in contrast to the long-held government position that the international body no longer has jurisdiction over the Philippines after it withdrew from the ICC’s founding treaty in 2019. The ICC, however, maintains that it still has jurisdiction over crimes committed while the country was a member of the international tribunal against impunity.

## War of attrition

As Kabataan party list Rep. Raoul Manuel noted, “(a) poor justice system basically means that the ICC can be an instrument of justice, not a threat to sovereignty.”

Some quarters might trace this surprising shift in the government’s stance on the ICC as part of the war of attrition between the Marcoses and the Dutertes. That may be so, but it is also a solid step closer to bringing justice to the thousands of victims of the brutal drug war.

It’s a commendable move that would project the Philippines as a “trustworthy and reliable treaty partner” to the ICC, Senate Minority Leader Aquilino “Koko” Pimentel III said.

Indeed, it’s an encouraging sign that the government intends to adhere to the rule of law and is resolute in pursuing accountability for the crimes committed against its citizens.

But as opposition lawmakers in the House noted, the next logical step is for the country to return to the ICC to deliver a firm and unyielding message that abusive officials may be able to game the local courts, but there’s no escaping scrutiny and accountability under the more exacting rules of an international body.