

**In Re Impeachment
of Gloria Macapagal-Arroyo
President,
Republic of the Philippines,
*Respondent.***

X_____X

**“Righteousness exalteth a nation: but sin
is a reproach to any people.”¹**

COMPLAINT

Complainants, through counsel, respectfully allege that:

The Parties

- 1. The Complainants are Filipino citizens, of legal age, residents of the Philippines, and are named below. The lead complainants are the following individuals:
 - 1.1 Zeneida “Nini” Quezon-Avanceña, daughter of the late President Manuel L. Quezon, concerned citizen;
 - 1.2 Prof. Randolph S. David, Professor of sociology at the University of the Philippines;
 - 1.3 Dr. Bienvenido Lumbera, national artist for literature;

¹ PROVERBS 14: 34 (KJV)

- 1.4 Atty. Josefina T. Lichauco, lawyer and concerned citizen;
- 1.5 Dr. Melba Padilla Maggay, PhD., President/Chief Executive Officer (CEO) of the Institute for Studies in Asian Church and Culture (ISACC);
- 1.6 Bro. Eddie Villanueva, evangelist, concerned citizen;
- 1.7 Dr. Ma. Dominga B. Padilla, M.D., concerned citizen;
- 1.8 Armando Arbarillo, victim of human rights abuse;
- 1.9 Dr. Jonathan V. Exiomo, ThD., President of the Alliance Graduate School (AGS), an evangelical seminary;
- 1.10 Prof. Averell U. Aragon, Professor of Theology and Church History, Alliance Graduate School;
- 1.11 Bishop Deogracias Iniguez, founder, Kilusang Makabansang Ekomista (KME);
- 1.12 Dr. Reynaldo Lesaca, psychiatrist and concerned citizen;
- 1.13 Prof. Victoria A. Avena, Professor, University of the Philippines College of Law;
- 1.14 Mifflin Ann A. Garcia, member, ISACC, for her own behalf and on behalf of her minor children, Leesha, 13; and Ethan Luke, 6;
- 1.15 Raquel Arpoja, member, ISACC, for her own behalf and on behalf of her minor child Luke, 16;
- 1.16 Maria Feria, concerned citizen;
- 1.17 Marietta Goco, concerned citizen;

- 1.18 Col. (ret) Guillermo Cunanan, concerned citizen;
- 1.19 Ofelia Beltran Balleta, daughter of ANAKPAWIS Rep. Crispin B. Beltran;
- 1.20 Atty. Nasser A. Marohomsalic, former human rights commissioner and advocate of the Moro people's rights;

2. Joining as complainants are the following organizations:

- 2.1. Akbayan Citizens Action Party (AKBAYAN) represented by its president, Ronald Llamas;
- 2.2. Bagong Alyansang Makabayan (BAYAN) represented by its chair, Dr. Carol Pagaduan-Araullo and secretary general, Renato Reyes Jr.;
- 2.3. Bayan Muna, *represented by its Secretary General, Nathanael Santiago and Deputy Secretary General, Robert de Castro*;
- 2.4. *Kilusang Magbubukid ng Pilipinas*, represented by Danilo Ramos;
- 2.5. *Migrante International*, represented by Concepcion Bragas Regalado;
- 2.6. *Counsels for the Defense of Liberties (CODAL)*, represented by lawyer Remedios Balbin;
- 2.7. *Anakbayan*, represented by Eleanor De Guzman;
- 2.8. *Gabriela*, represented by Emerenciana De Jesus;
- 2.9. *Gabriela Women's Party*, represented by Cristina Palabay;
- 2.10. *The National Peace Conference*, represented by its Secretary General, Elizabeth Yang.;
- 2.11. *Pandayan ng Sosyalistang Paggawa (PANDAYAN)*, represented by its secretary general, Roy A. Calfoforo;
- 2.12. ALLIANCE OF PROGRESSIVE LABOR (APL), represented by its chairman, Daniel Edralin, and its

secretary general, Josua Mata;

2.13. SAVE THE PEOPLE MOVEMENT, represented by Abraham Tingson; and

2.14. PAKISAMA, represented by Vicente Fabe;

2.15. Manila Public School Teachers Association, Inc. (MPTSA), represented by Luzviminda V. Galang;

2.16. Women March!, represented by Evelyn Muallil;

2.17. Ilaw at Pag-asa ng Bayan, represented by Adel Raymundo;

2.18. BLACK AND WHITE MOVEMENT – Katipunan, represented by Evangeline L. Serrano;

2.19. Likewise joining as complainants are the following individuals:

2.20. Ruth G. Cervantes, wife of BAYAN MUNA Rep. Teodoro Casiño;

2.21. Prof. Maria Serena Diokno, Professor of History, University of the Philippines;

-and-

2.22. Marie Guingona, member, Congress for Truth and Accountability (CCCTA);

-and-

2.23. Amina Rasul-Bernardo, concerned citizen;

-and-

2.24. Carlos Siguion-Reyna and Elizabeth O. Siguion-Reyna, filmmakers;

-and-

2.25. **AKBAYAN** members Jose Apollo Ado, Imee Ampoan, Reggie Aquino, Roquito Arpafo, Gregorio Baterna, Teresita Borgeños, Edwin Bustillos, Fatima Cabanag,

Marichris Cabreros, Mikaela Concepcion, Elvira De Luna, Ivy Theresa Diaz, Orlando Dimaano, Jessie Dimaisip, Marlene De la Cruz, Ireneo Cerilla, Marlene Dichoso, Ramy Adonis Elubre, Delfin Encabo, Jean Enriquez, Paula Bianca Lapuz Rudy Gaco, Millie Joy Gines, Christopher Louie Ocampo, Gladdie Mallari, Vic Manato, Gerald Marcelo, Rosal Palma Pecilar, Ederlita Lorenzana, Wilson Requez, Edwin Reyes, Adrian Sanosa, Arwin Villamil, Jecar Yamomo;

-and-

- 2.26. **BAYAN**-affiliated individuals Paolo Alfonso, Wilfredo A. Marbella, Rene Galang, Carmen Buena, Fernando Hicap, Fr. Jose P. Dizon, Raymond Palatino, Amado Gat Inciong, Vencer Mari E. Crisostomo, Marco delos Reyes, Maria Isabel Artajo, Dennis Maga, Antonio L. Tinio, Henrie Enaje, Aprilyn R. Perido, Virgilio R. Perido, Beatriz T. Perido, Dr. Geneve E. Rivera, Joel Maglungsod, Ely Mandar, Rey Claro Casambre, Frances Q. Quimpo, Fr. Rudy Abao, Ferdinand R. Gaite, Santiago Y. Dasmariñas, Sarah Jane S. Raymundo, Fr. Dionito Cabillas, Teresita C. Busadre, and Judy M. Taguiwalo ;

-and-

- 2.27. **KUBOL PAG-ASA** members Francisco Alcuaz, Ma. Gloria Alcuaz, Pantaleon Apostol, Benjamin McMurray, III and MA. Celina Jayme;

-and-

- 2.28. Corazon Juliano Soliman, concerned citizen;
- 2.29. Imelda Nicolas, concerned citizen;
- 2.30. Leah Navarro, concerned citizen;
- 2.31. Teresita Deles, concerned citizen;
- 2.32. Bro. Armin Luistro FSC, and Vicennte Romano III,

concerned citizens;

-and-

2.33. Lou Antonino of the UNITED OPPOSITION;

- and -

2.34. **FORCES OF THE MIDDLE CLASS** members
Dulce Cepeda, Norma Escaño and Virginia Fabie,

-and-

2.35. Atty. Liwayway Vinzons-Chato, of the UNITY FOR
TRUTH AND JUSTICE;

-and-

2.36. **CONCERNED CITIZENS** David Arcenas, Eduardo Ayson, Precie Canlas, Lily Chan, Ramon Farolan, Celia Matea Flor, Augusto Lagman, Teresita Lagman, Delia Ediltrudez Locsin, Martha Martinez, Sister Arnold Maria Noel, Gina Ordoñez, Victor Ordoñez, Bettina Osmeña, Regina Paterno, Ramon Pedrosa, Romeo Ramos, Patricia Sison, Antonio Soriano, Rowie Suela, Severo M. Tingzon, Amy Reyes-Obusan, Angie Roy, Ronald Roy, Mila Santos, Celine Sarte, Tita Sicat; Romualdo S. Angago, Enrique R. Arquiza, Karen F. Baral, Elsie J. Barcenas, Allan B. Bitinio, Marife B. Ces., Jose A. Cosido, Cecilio G. Cruz, Avelino Dacanay, Maricel R. Delen, Amaryllis “Marie” Hilao-Enriquez, Zenaida E. Flores, Benjamin M. Hernandez, Jr., Evangeline P. Hernandez, Jocelyn A. Javier, Elisa Tita P. Lubi, Rowell D. Madula, Erlinda C. Manano, Orly E. Marcellana, Mariano Manpuri, Jr., Andrea D. Menguria, Jose Morales, Max L. Quijano, Hanito dela Roa, Leoncio M. Saberon, Jr., Pelagia Elvie G. Sanchez, Rebecca N. Tanada, Giovanni A. Tapang, Teresita C. dela Vega, Dr. Edilberto M. Villegas, Wenceslao F. Zaguirre; Reynaldo F. Robin, Sammy T. Malunes, Emma Chiyuto, Norma C. Liongoren,

Francisco Llaguno, Jennifer R. Llaguno, Fe B. Mangahas, Ricardo S. Miranda, Rose Anne dela Cruz, Vince Avever, Girlie Padilla, Maria Isabel Artajo, Prisinia C. Arcinue, Juan Paolo Alfonso, Carmen T. Buena, Clemente Bautista, Jr., Res Cortez, Edy G. Clerigo, Sandra M. Cam, Henrie Famorcan Enaje, Edgar Gervacio, Dan Cruz, Donato Guarina;

-and-

2.37. **PAKISAMA** members Noli de la Cruz, and
Luisita Esmao;

-and-

2.38. KODAO Productions members Sonia Capio and Jola Diones Mamangun;

-and-

2.39. Members of various organizations, namely, Raul Socrates Banzuela, C4CC,

2.40. Gerry Bulatao, member, LGC-Net,

2.41. Rowel Candelaria, PhilCOS,

2.42. Cherry Cobarrubias, KAAKBAY,

2.43. Ryan Apitan, ALYANSA,

2.44. Vivian Ibañez, MAKALAYA,

2.45. Sixto Donato Macasaet, Code -NGO

2.46. Noel Matematico, Kilusang Magbubukid ng Pilipinas, (KMP) ;

-and-

2.47. Kilusang Makabansang Ekonomista (KME) members

Jose A. Albert, Jamie R. Regalario, Sr. Zeny Pineda,
Randy Tibig, Nida Pineda, Mina Moson;

3. The Complainants may be served with summons and other legal processes of the instant proceeding through their counsel,

- 3.1 H. Harry L. Roque, Jr., Joel Ruiz Butuyan, Roger R. Rayel and Romel Regalado Bagares, *Roque and Butuyan Law Offices*, Unit 1904, Antel 2000 Corporate Center, No. 121, Valero Street, Salcedo Village, Makati City, Metro Manila, 1200;
- 3.2 Dean Raul C. Pangalangan, c/o Malcolm Hall, UP College of Law, Diliman, Quezon City
- 3.3 Neri Javier Colmenares, Erythrina Bldg., No. 1, Matatag cor. Maaralin Streets, Central District, Quezon City;
- 3.4 Prof. Ibarra M. Gutierrez III, c/o UP Law Center College of Law, University of the Philippines;
- 3.5 Prof. Victoria A. Avena, c/o Malcolm Hall, UP College of Law, Diliman, Quezon City;

4. The Respondent Gloria Macapagal-Arroyo is the President of the Republic of the Philippines and she may be served with legal processes at Malacañan Palace, Manila;

5. The Respondent Gloria Macapagal-Arroyo formally took her oath of office and assumed and discharged her functions as President of the Philippines for the first time on January 20, 2001, following the ouster of then President Joseph Ejercito Estrada. She took the same oath of office and started discharging the functions of the office of the President for the second time on June 30, 2004. In both instances, she made the following oath of office:

...I will faithfully and conscientiously fulfill my

duties as President of the Philippines, preserve and defend its constitution, execute its laws, do justice to every man, and consecrate myself to the service of the nation...²

CAUSES OF ACTION

I. RESPONDENT COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION AND GRAFT AND CORRUPTION, AND BETRAYED THE PUBLIC TRUST WHEN SHE EXERCISED DICTATORIAL POWERS TO SUPPRESS THE LAWFUL EXERCISE OF THE PEOPLE'S RIGHT TO FREE SPEECH, EXPRESSION, ASSEMBLY, FREE PRESS AND INFORMATION IN CONNECTION WITH, AND THE LEGISLATIVE POWER TO INQUIRE ON, MATTERS RELATING TO OR AFFECTING THE LEGITIMACY OF HER PRESIDENCY.

6. Way before the 2004 presidential elections, the Respondent hatched and implemented a conspiracy to steal the elections. And from the canvassing to within a year of Respondent's assumption of the Office of the President in 2004, questions about the legitimacy of, and the constitutionality and legality of her official acts in relation to, connected with and in pursuance of her victory in the 2004 elections were exposed to the public, such as her manifest and gross disregard of the popular will:

- 6.1. Respondent destroyed the integrity of the democratic electoral process:

- a. The Respondent undermined the independence of the Commission on

² CONST. art VII § 5.

Elections (COMELEC) by appointing as members thereof persons of questionable integrity and independence and conniving with said persons and the entire COMELEC itself to rig in her favor the 2004 presidential elections. In particular, Respondent appointed Virgilio Garcillano as COMELEC Commissioner and interfered with and manipulated the official election duties of the latter to orchestrate and implement electoral fraud.³

- b. During the 2004 election period, Respondent engaged in unlawful correspondence with Commissioner Garcillano – caught in what is now known as the “Hello, Garci” recordings –wherein she directed/countenanced/abetted the commission of the following: (a) cause the delay in the canvassing of election returns in Mindanao; (b) manipulation of the election returns, certificates of canvas, and the statement of votes in Sulu, Basilan, and South Upi; (c) use of the military and police in partisan political activity favoring the Respondent in Mindanao; (d) manipulation of the election results to fraudulently ensure that she will lead by not less than one million votes nationwide; (e) fraudulently pad the votes cast in her favor and shave the votes of her opponents, (f) the kidnapping of Rashma Hali to prevent the latter from exposing the Respondent’s electoral fraud in Mindanao; and (g) the delaying of the senatorial canvassing, to synchronize the cheating elsewhere with the ballot

³ The appointment, memoranda, vouchers and other official documents and communications with respect to and involving the Comelec in general, and Commissioner Virgilio Garcillano in particular, are incorporated hereto by reference and made an integral part hereof. Since these involved official acts of constitutional bodies, this Honorable Body may take judicial notice thereof.

count there;⁴

- c. During the 2004 election period, the Respondent committed electoral frauds through (a) vote-buying, (b) fabrication and/or tampering of ballots, election returns, and certificates of canvass, and (c) padding and shaving of votes during the counting and canvassing, and other means of election fraud, including the use of public funds of different government agencies, in the provinces of Cebu, Pampanga, Autonomous Region of Muslim Mindanao (ARMM), Iloilo and Bohol provinces, among other provinces;⁵ The fraud committed in the ARMM alone cost the late presidential candidate Fernando Poe Jr. some 400,000 votes.

- d. Respondent, through her agents, orchestrated the switching, sometime between January and February 2005 at the House of Representatives, of ballot boxes containing town-level tallies of votes in the 2004 elections. Through this clandestine operation, some 6,000 "corrected" ERs were smuggled into the Lower House, replacing genuine ERs in the ballot boxes in the legislature's custody. The "corrected" ERs were needed so that the votes would correspond to the figures in the province-wide certificates of canvass – the documents used in the congressional canvassing – which a group headed by former elections

⁴ The correspondences referred to during the election period are incorporated herein by reference and made an integral part hereof. Since the correspondences are of public knowledge, this body may take judicial cognizance thereof.

⁵ The ballots, election returns, certificate of votes and other official tallies of the 2004 presidential elections which are part of an election protest are incorporated herein by reference and made an integral part hereof.

commissioner Virgilio Garcillano tampered with.⁶

6.2. The Respondent used government offices, personnel, and funds immediately before and during the 2004 election period to buy votes, unlawfully promote her candidacy and ensure her victory;

a. Shortly before and during the 2004 election period, Respondent unlawfully transformed Philhealth cards into prohibited campaign materials by making said cards bear her name and picture to ensure her electoral victory; moreover, she illegally used public funds when she issued said Philhealth cards to voters;⁷

b. On or about October 2003, the Respondent illegally used 4 to 6 billion pesos of public funds to promote her 2004 presidential candidacy. Under the guise of purported but incongruently massive road construction and maintenance projects from Aparri to Jolo, Respondent, through her agents, set up throughout the Philippines hundreds of thousands of placards and billboards bearing Respondent's name or face and paid hundreds of thousands of voters who were made to wear t-shirts and raincoats also bearing the Respondent's face or name;⁸

c. The Respondent illegally used and disbursed the 2003 and 2004 budget allocations of the deactivated Southern Philippines

⁶ See *supra* note 5.

⁷ The budget and vouchers for and other official documents and communications in relation to these expenditures are incorporated herein by reference and made an integral part hereof and, being official acts of the executive department of the government, are matters the may be taken judicial notice of.

⁸ See *supra* note 7.

Development Authority (SPDA) and of the streamlined National Electrification Administration (NEA) for her presidential campaign fund and to unlawfully promote her 2004 presidential candidacy;⁹

- d. The Respondent illegally used and disbursed the road users' tax and the fertilizer funds under the so-called Ginintuang Masaganang Ani (GMA) program for her presidential campaign fund and to unlawfully promote her 2004 presidential candidacy;¹⁰

- 6.3. The Respondent authorized, abetted and countenanced the malversation of the Billions of Pesos of recovered Marcos wealth and accepted jueteng payola which she used to bankroll her presidential campaign and to bribe government officials to rig in her favor the results of the 2004 presidential elections;

7. When the electoral fraud and corruption committed by the Respondent were discovered and exposed, Respondent committed unlawful acts to conceal her criminal acts, violating the powers of congress, repressing the freedom of speech, of the press and of assembly, denying the people their right to access for information on matters of public concern and countenancing massive human rights violations – all to prevent the exposure and investigation into her unconstitutional acts.

- 8. The Respondent, through her agents, presented false or tampered audio recordings of her unlawful conversations with Commissioner Garcillano to the media, the public, and the National Bureau of Investigation (NBI) and falsely accused the political opposition of splicing the audio recordings of her phone conversations with Commissioner Garcillano;¹¹

⁹ See *supra* note 7.

¹⁰ See *supra* note 7.

¹¹ The objects, documents and other pertinent data and information relative

- 8.1. The Respondent obstructed justice by attempting to delay, impede, and cover up or otherwise impair the verity, authenticity, admissibility or legibility, of evidence in the congressional investigations, and all other present and future criminal investigations, in the charges of various offenses against her and other persons; and by making, presenting, or using a false or tampered audio recording, with knowledge of its falsity and with intent to affect the course or outcome of the investigation of, or official proceedings in, criminal cases; and by giving false or fabricated information to mislead or prevent Congress and law enforcement agencies from apprehending perpetrators of certain crimes; or fabricating and disseminating information to mislead or impede the process of such investigations;¹²

9. The Respondent also issued the following patently illegal and blatantly unconstitutional issuances to prevent investigations into her criminal acts, to suppress freedom of the press, freedom of expression and freedom of assembly, and to prevent the people's exercise of the right to petition the government for redress of their grievances;

- 9.1. The Respondent issued Executive Order No. 464 which violates the separation of powers and undermined the exclusive powers of Congress to conduct inquiries in aid of legislation, as well as the right of the people to information on matters of public concern in that she prevented her subordinates in the executive branch from appearing as witnesses in congressional hearings and from providing any documents requested in such legislative investigations;¹³

- 9.2. The Respondent issued Presidential Proclamation

to this statement are matters of public knowledge and/or constitute official acts of a branch of the Philippine government that may be taken judicial notice of; they are also hereby incorporated by reference and made an integral part hereof.

¹² See *supra* note 11.

¹³ See *supra* note 11.

No. 1017 and ordered the police and the military to effect warrantless searches and seizures, without complying with constitutional and legal standards, and in effect she violated the bill of rights;¹⁴

9.3. The Respondent ordered the police and the military to implement a policy of calibrated pre-emptive response against political rallies and demonstrations which constitutes prior restraint, she repressed the people's rights of free expression, free speech, and their right to peaceably assemble and to petition the government for redress of grievances;¹⁵

9.4. The Respondent ordered or knowingly allowed her military subordinates to white-wash overwhelming evidence of military complicity in massive electoral frauds during the 2004 Presidential elections which the Mayuga Commission of the Armed Forces of the Philippines obtained in the course of an investigation for that purpose and, to suppress the people's right to know the results of the said investigation, she willfully barred public disclosure of the report of the said commission;¹⁶

II. RESPONDENT COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION, COMMITTED OTHER HIGH CRIMES AND BETRAYED THE PUBLIC TRUST WHEN SHE ALLOWED, ABETTED AND COUNTENANCED, GROSS VIOLATIONS OF HUMAN RIGHTS – ACTS CONSTITUTIVE OF CRIMES AGAINST HUMANITY UNDER INTERNATIONAL LAW.

10. As the Commander-in-Chief of the armed forces and chief

¹⁴ See *supra* note 11.

¹⁵ See *supra* note 11.

¹⁶ See *supra* note 11.

executive with the power of control and supervision over her subordinates, the Respondent violated her constitutional duty and oath to protect human rights when she allowed, abetted, and countenanced the killings of civilians - especially political dissenters -and media practitioners, the illegal arrest and prosecution of members of Congress and political dissenters, and infringed the people's freedoms of expression and assembly and their right to petition the government for redress of grievances. In fact, these killings of civilians, including political dissenters and media practitioners and the illegal arrest and prosecution of members of Congress and political dissenters constitute a systematic and widespread attack against the civilian populace and as such, is reprehensible as a crime against humanity proscribed not only under Philippine law but also in both international humanitarian law and international human rights law.

10.1. Since the Respondent assumed the presidency in January 21, 2001, she has allowed, abetted and countenanced the assassination and summary executions of 690 political dissenters and 42 media practitioners, the involuntary disappearance of some 176 persons, the torture of 320 persons in the hands of government authorities, and the illegal arrest of hundreds of persons. The list of political dissenters who were killed from the time the Respondent assumed the presidency in January 21, 2001, among other information, is attached as **Annex A**. Copies of pictures of victims of the killings are attached as Annexes **B to B-5**.

10.2. Since the Respondent assumed the presidency in January 2001 and joined and declared the so-called "war on terror," Respondent authorized, allowed, abetted and countenanced the baseless and arbitrary arrests and detention of Muslim Filipinos as the usual suspects and fall guys in such "war on terror" and the hamletting of urban Muslim centers and communities;¹⁷

10.3. She authorized, allowed, abetted, encouraged and

¹⁷ See *supra* note 11.

countenanced the illegal arrest, detention, and/or prosecution of Representatives Crispin Beltran, Liza Maza, Satur Ocampo, Joel Virador, Teodoro Casino and Rafael Mariano;¹⁸

10.4. On February 24, 2006 or thereabouts, the Respondent allowed, abetted, and countenanced the illegal arrest of Randy David and Ronald Llamas, among many others, and the illegal raid, search and forcible entry of the premises of, and violation of the freedom of the Daily Tribune to perform its functions as a member of the press;¹⁹

10.5. The Respondent encouraged, approved and ratified the perpetration of massive human rights violations by refusing to cause the investigation of and instead promoting General Jovito Palparan who has consistently been the subject of human rights violation complaints, whose provincial/regional assignments have been characterized by exponential increases in summary killings and human rights abuses, whose “human rights clearance” was withdrawn by the Commission on Human Rights, and who made unlawful public pronouncements that he will rid his area of responsibility “of anti-government rallies;”²⁰

III. RESPONDENT ENGAGED IN GRAFT AND CORRUPTION, ENTERED INTO ILLEGAL GOVERNMENT CONTRACTS AND CRIMINALLY CONCEALED HER CONJUGAL ASSETS.

11. Notwithstanding the Respondent’s fraudulent election victory and questionable mandate, the Respondent persists in staying in office

¹⁸ See *supra* note 11.

¹⁹ See *supra* note 11.

²⁰ See *supra* note 11.

and in holding on to power at all costs, in the process enriching herself, her family, friends and allies at the expense of the government and the public. Respondent also approved, allowed, and countenanced contracts that were manifestly and grossly disadvantageous to the government, violative of bidding and government contracts laws, thereby causing the government undue injury or grave unwarranted benefits to herself and/or favored parties through manifest partiality and/or evident bad faith.²¹

11.1. Respondent appointed Mr. Jocelyn Bolante as Undersecretary of Agriculture to orchestrate and implement, as he did in fact orchestrate and implement, on Respondent's behest and for Respondent's benefit, the use of 2.806 Billion Pesos released shortly before the 2004 elections, of which 728 Million Pesos were allocated for the fertilizer fund, by, among others, overpricing the supply and acquisition of fertilizers, granting Millions of Pesos of the funds as allocations to highly-urbanized, non-agricultural congressional districts and, in some instances, releasing the funds to non-existent entities, foundations or non-government organizations;²²

11.2. On February 26, 2004, the Respondent, acting through her agents, caused the Republic of the Philippines to enter into an agreement for the construction of the North Luzon Railway Project (Northrail), in the process obliging the government to contract a loan of Four Hundred Million US Dollars (US\$400,000,000.00) from the Export-Import Bank of China whereby Respondent, together with and through her agents, obtained a twenty five percent (25%) kickback out of the whole contract price and obligated the Republic of the Philippines to agree to terms and conditions which are grossly disadvantageous to the government and in blatant violation of the Constitution, the Anti Graft and Corrupt Practices Act (RA 3019), bidding statutes, government contract laws, and other applicable statutes.²³ Following are examples of the violations and disadvantageous terms and conditions:

²¹ The budget and vouchers for and other official documents and communications in relation to these expenditures, as well as transcripts of LEDAC meetings, are incorporated herein by reference and made an integral part hereof and, being official acts of the executive department of the government, are matters the may be taken judicial notice of.

²² Id., see also *supra* note 11.

- i. it is based on a grossly inflated estimate of the project cost in the amount of US\$503,000,000;
- ii. it provides for an interest rate of three percent (3%) per annum on the amount of the loan, which is much higher than the rate on other loan packages that the Republic of the Philippines could have availed of;
- iii. it provides that the Agreement will be governed by and construed in accordance with the laws of the People's Republic of China, and that any suit, legal action or proceeding arising from the Agreement may be brought before the courts of that country;
- iv. it provides that control over the proceeds of the loan is not placed with the Republic of the Philippines but is retained by the Export-Import Bank of China. This prevents the funds from becoming part of the National Treasury in contravention of the Constitution and applicable laws;
- v. it was not approved with the *prior concurrence* of the Monetary Board as required by the Constitution for any foreign loan, and;
- vi. it violates Philippine laws on public bidding of government projects and Constitutional provisions on preference to Filipino labor and investment because the construction project was awarded to a Chinese Corporation, China National Machinery and Equipment Corporation (Group) (CNMEG), without providing qualified Filipino contractors and corporations the opportunity to bid for the Project;

12. When the Respondent filed her Statement of Assets and Liabilities and Net worth (SALN) in February 2001, she concealed ownership of various properties and business interests pertaining to her and her spouse, and willfully failed to pay the taxes due on these properties and the income derived from them, in violation of the disclosure requirements under the code of conduct and ethical standards for public officials and employees, applicable tax laws, and the constitutional provisions on the accountability of public officials. Said concealed conjugal properties and business interests include as follows:

- 12.1. various real properties and the money realized from the re-sale of several of the same located in California, USA, acquired and managed through LTA Realty Corporation, which include: a five-storey apartment building on 737 Bush Street, San Francisco, CA; a condominium unit on 1176 Sacramento Street corner Van Ness Avenue, San Francisco, CA; a residence on 2425 Tipperary Avenue, San Francisco, CA; a building on 727 Gellert Boulevard, Daly City, CA; and a 24-room building on 151 Austin Street, San Francisco, CA;
- 12.2. a 60,758 square meter parcel of land located in Caloocan City covered by TCT No. 153151 and titled to Jose Miguel T. Arroyo married to Gloria M. Arroyo;
- 12.3. cash in BPI Family Bank Makati-Perea Branch Account No. 661-5-00497-7 in the name of Jose Pidal but actually owned and controlled by her husband, Jose Miguel T. Arroyo;
- 12.4. business interests in the following companies: DM Press Inc., Raco Trading Phil. Inc., Trans Realty Co. Inc., Aviatica Travel and Management Corp., Eva Development Corp., and Pacific Mint International Corp., JMA Agricultural Development Corp. and Alaja Agro-Industrial Corp.;

13. After the Jose Pidal account of Jose Miguel T. Arroyo was exposed, which account was claimed by Respondent's brother-in-law, Mr. Ignacio T. Arroyo, the Respondent failed and refused, as she continues to fail and refuse, to cause the prosecution of Jose Pidal for tax fraud for failure to report his income subject of the Jose Pidal account;²⁴ Her mis-declaration of assets and liabilities continues.

14. Upon the Respondent's assumption to the Presidency in 2001, she restored and allowed the proliferation of jueteng nationwide, and appointed law enforcement officials who acted as conduits in the payment to her of jueteng payola. Respondent received monthly jueteng payola amounting to at least ONE MILLION PESOS (PhP 1,000,000.00) per region through her spouse/Congressman-son/brother-in-law. The Respondent used jueteng proceeds to bankroll her 2004 presidential campaign, to finance massive electoral fraud, and to bribe government officials;²⁵

Relief Prayed For

16. The foregoing unconstitutional acts of the Respondent constitute culpable violations of the Constitution, bribery, graft and corruption, other high crimes and betrayal of public trust;

17. By her conduct, Respondent warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the Republic of the Philippines;

PRAYER

²⁴ See *supra* note 10.

²⁵ See *supra* note 10.

WHEREFORE, premises considered, Complainants respectfully pray for the Respondent's impeachment and trial, removal from the Office of the President of the Republic of the Philippines, and disqualification to hold and enjoy any office of honor, trust or profit under the Republic of the Philippines.

Makati City, for Quezon City Philippines, June 2006

By the Counsel for the Complainants:

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