

## IBP STATEMENT ON THE POSITION OF CHIEF JUSTICE SERENO

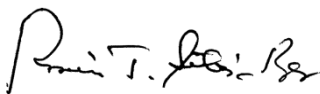
We laud the Supreme Court's swift reaction to the public announcement made by the Government's executive department alleging that some members of the judiciary are involved in the illegal drug trade.

While judges and justices are appointees of the President, it is a basic rule in our Constitutional design as a democratic and republican State that, thereafter, disciplinary power over them is lodged exclusively in the Supreme Court. Separation of powers ensures that no branch of government is controlled or subjected to the influence of another. The principle finds no more cogent application than in the case of our judges who are sworn to be impartial and must resolve cases based only on the facts and the applicable law.

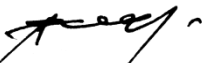
The Supreme Court thus acted well within its powers in directing the Executive Secretary to formalize the charges against the supposedly erring judges, in order to afford the latter the opportunity to propound answers or explanations in their defense, in keeping with the rudimentary rules of administrative due process. It is only when such explanations are found wanting that the High Court exercises its power of discipline over errant members of the judicial department.

The President, as head of the executive department, may have been impelled by urgent considerations in his public censure of government officials under him but, on the other hand, judges perform unique functions so essential in the dispensation of justice that require insulation or protection from all types of unwarranted pressure.

Indeed, in lieu of the perceived divergence of positions between the executive and judicial branches of government, the Filipino people would be best served by cooperation and convergence between them. The IBP thus strongly urges the Executive Branch of Government, including its law enforcement arms, to forward to the Supreme Court the formal complaints or actionable information against erring judges so that the judiciary can perform its duty to police its own ranks whether in an adversarial proceeding or a motu proprio investigation.



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