

Justice secretary to Trillanes: Don't celebrate yet

By: Marlon Ramos

MANILA, Philippines — The battle is far from over.

Justice Secretary Menardo Guevarra on Wednesday said it was premature for former Sen. Antonio Trillanes IV to celebrate as the decision of the Court of Appeals (CA) junking the rebellion case against him "opens a number of legal options to the government," hinting that one of President Rodrigo Duterte's most ardent critics should expect another court battle.

The decision of the appeals court's Sixth Division nullified the two separate orders of Presiding Judge Elmo Alameda of Makati Regional Trial Court (RTC) Branch 150 in 2018 that reopened Trillanes' criminal indictment in connection with the Manila Peninsula siege in 2007.

Guevarra, a former law professor, noted that the March 1 ruling of the appeals court, which was made public on Tuesday, also affirmed the legality of Duterte's Proclamation No. 572, which recalled the amnesty granted to the former senator in 2010.

'Legal options'

"If this is so, it opens a number of legal options to the government," Guevarra said in a Viber message to reporters.

"And if I may say, the battle is certainly far from over," he added.

He said he and Solicitor General Jose Calida would discuss the next legal move of the government.

Reynaldo Robles, Trillanes' lawyer, admitted that the CA decision gave an opportunity for state prosecutors to pursue a new criminal complaint against the rebel soldier turned lawmaker.

He, however, quickly countered that it would only be a "futile exercise" since they had already proven in court that the President's order that voided Trillanes' amnesty had no factual basis.

He was referring to the Oct. 22, 2018, decision of Judge Andres Soriano of Makati RTC Branch 148 that rejected the attempt of the Department of Justice (DOJ) to resuscitate a separate coup d'etat case against his client in the Oakwood mutiny in 2003.

The amnesty was given to Trillanes by former President



Benigno "Noynoy" Aquino in 2010 for his involvement in both the Oakwood mutiny, when he was still a Navy officer, and in the Manila Peninsula siege, when he was already a senator.

"Filing a new case is an option of the government. But we are confident that after the evidence has been appreciated, they would show that (Trillanes) had applied for amnesty and it was legally approved," Robles told the Inquirer.

'Futile exercise'

"Even if they file a new case, it will end with the same result as Soriano's decision. It will be a futile exercise because ... there's absolutely no basis for the revocation of the amnesty," he insisted.

"The CA just said that while the government may file a new case, it should be an original case because the decision in the rebellion case has become final," he said.

More importantly, Robles said, the legal victory of the key opposition figure was a triumph for the country's justice system.

"It's a victory of the justice system because it showed that we still have judges and jurists who do not hesitate to follow the rule of law and to apply justice when the rights of a person are violated despite the political circumstances," the lawyer said.

"This is definitely a legal victory for Trillanes considering that the entire machinery of the government has been stacked

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against him," Robles said.

In its 59-page decision, the appeals court said "there is no dispute" that state prosecutors did not appeal or sought a reconsideration of Alameda's Sep. 7, 2011, ruling that dismissed Trillanes' rebellion case within the 15-day prescriptive period.

"There is no dispute that ...

(the dismissal of the case) has already attained finality," it said, noting previous decisions by the Supreme Court upholding the doctrine of immutability of court judgments.

Double jeopardy

"The trial court, which rendered a judgment or order that has long attained finality, but

subsequently assailed to be void, should not be allowed to review its decision's purported invalidity by mere motion in the same case," the appeals court said in its ruling.

The CA, however, tossed out Trillanes' claim that Duterte's proclamation flouted the constitutional prohibition against double jeopardy, which opened the possibility for the former lawmaker being indicted anew for the same incident.

"Since the dismissal of the rebellion case against the petitioner was by reason of his ex parte motion to dismiss, he is deemed to have expressly given his consent to such dismissal," the appeals court said.

"Considering that the first jeopardy did not attach when ... the rebellion case was previously dismissed, any consequent action against the petitioner for the same crime of rebellion will not expose him to double jeopardy," it added.

In its resolution, Robles said the appeals court clearly declared that "the amnesty grantee should be given due process of law and be given a chance to present his evidence."

'Legally tenable'

He pointed out that Alameda's arbitrary decision to conduct a summary hearing before granting the DOJ's motion was the reason why the CA declared that the judge gravely abused his authority.

He added that the government "must establish evidence showing that the basis for the annulment of the amnesty is legally tenable."

In issuing the proclamation on Aug. 31, 2018, Duterte said the amnesty granted to Trillanes was void from the start since he failed to file a proper application.

The President also claimed that Trillanes did not admit his guilt in his participation in the failed coups against the Arroyo administration, forfeiting the amnesty given to him and other members of the Magdalo group by Aquino.

But Robles said the CA ruling was a "vindication" for Trillanes as it upheld his assertion that he had complied with all the requirements for his amnesty as affirmed by Soriano's decision.

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