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

AMENDED COMPLAINT

Prefatory Statement

> Righteousness exalteth a nation: but sin is a reproach to any people.[1]
>
> Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.[2]
>
> ...A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly- elective. The subjects of its jurisdiction are those which proceeded from the misconduct of public men, or, in other words, from the abuse or violation of some public trust....What, it may be asked, is the true spirit of the institution itself? Is it not designed as a method of NATIONAL INQUEST into the conduct of public men? If this be the design of it, who can so properly be the inquisitors for the nation as the representatives of the nation themselves?...[3]

At stake in this proceeding for the impeachment of Gloria Macapagal-Arroyo, President of the Philippines, is the integrity of the Office of the President, upon which is laid that great burden embodied in the high constitutional principle that a

---

[1] PROVERBS 14: 34 (KJV)

[2]CONST. art. XI § 1.

[3]THE FEDERALIST No. 65, at 396-397 (Alexander Hamilton), (Clinton Rossiter ed., 1961) (1788) [capitalization in the original]

public office is a public trust.

In this proceeding, to expose the criminality, illegality and unconstitutionality of the conduct in office of the Chief Executive - the highest official of the land - is to uphold the Constitution, the Rule of Law, and the accountability of the President to the Filipino People, the true Sovereign of the Republic of the Philippines.

Hence, this proceeding for impeachment, as a constitutional exercise, is a way of honoring the Office of the President and restoring its tarnished reputation.

Nature of the Complaint

1. This is a verified Complaint [hereinafter, *Amended Complaint*] to impeach and bring to trial Gloria Macapagal-Arroyo, President of the Philippines, in the name of the Filipino people and for the Filipino people, for her Culpable Violations of the Constitution, acts of Bribery and Graft and Corruption, and Betrayal of Public Trust.

2. This *Amended Complaint* is filed in accordance with the provisions of § 2 and § 3, Art. XI (on the Accountability of Public Officers), of the Constitution. It amends – and presents alternative arguments and grounds to – the initial and subsequent supplemental Complaints submitted by lawyer Oliver O. Lozano to the House of Representatives, which are hereby reproduced in *toto* as follows:

COMPLAINT FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, **ATTY. OLIVER O. LOZANO**, of legal age, Voter-Leader of FPJ, married and resident of No. 8 Everlasting Street, Roxas District, Quezon City, on oath depose and say:

1. Former Supreme Court Justice Cecilia Muñoz Palma said: ***"I humbly believe that the only way to put an end to this present situation is to go through the process of Impeachment."*** Reps. Exequiel Javier and Aurelio Umali said that ***"Palma's proposal is worth considering and adopting."*** *(Philippine Star, June 26, 2005, Frontpage)*

2. On June 25, 2005, The Coalition of People Empowerment (COPE), allied with the Coalition for National Solidarity headed by Gen. Fortunato U. Abat (Ret.), wrote the Commander-In-Chief, Pres. Gloria Macapagal Arroyo, through the Chief of Staff, to go on leave pending investigation of the "GLORIAGATE", without prejudice to resignation if the :HELLO GARCI" tape shall have been authenticated.

The Letter states:

June 25, 2005

THE COMMANDER-IN-CHIEF
PRES. GLORIA MACAPAGAL-ARROYO
Malacañang, Manila

THRU: **THE CHIEF OF STAFF**
Armed Forces of the Phils.
Camp Aguinaldo, Quezon City

Dear Mrs. President:

In behalf of the Coalition of People Empowerment, we earnestly urge you to honorably go on INDEFINITE LEAVE pending investigation of the "GLORIAGATE", without prejudice to resignation if the "HELLO GARCI" tapes shall have been authenticated, order to prevent COUP D'ETAT and Military Junta or Violent Communist Take Over; and thus, preempt civil war and bloodshed FOR GOD, COUNTRY AND PEOPLE. (Extremists in and out of Malacañang are reportedly plotting extreme measures.)

You advised Your son Mikey Arroyo to go on leave pending investigation of the JUETENG SCANDAL. We salute You for that Act of Nobility Therefore, You may nobly do the same to practice what You preach.

The legitimacy of Your Presidency is under serious question. You are now called a **"BOGUS PRESIDENT", "FAKE COMMANDER-IN-CHIEF", "IMPOSTOR", "KAPIT-TUKO", "A BIG JOKE", and "SALOT NG BAYAN".**

You have inflicted public and international ignominy upon our people. Your credibility and moral ascendancy have been seriously damaged. You have lost the capacity to govern effectively.

Consequently, the nation is in turmoil. There is an impending coup and military junta or violent communist takeover, food riots, civil war and assassinations. The economy is steadily collapsing. The Republic now stands on quicksand. The motherland weeps. He people are mourning. Our soldiers and policemen are raring to strike to protect the people and save the Republic.

The enraged people all over the country are set to launch, in their respective places, People's March II for Truth, Justice, Bread and Freedom.

The Senate and House of Representatives, business communities, churches, multi-sectoral groups, veterans, students, the U.S., Foreign Diplomatic Corps–all seek the truth wherever it will lead; whoever gets hurt.

Mrs. President, Your silence is admission. The flight of GARCI is guilt.

Your leave will prevent bloodshed among our people. Your leave will wash away the so much shame, so much abomination, so much pain inflicted upon the AFP-PNP and the entire nation.

Your dignified departure will leave a legacy of nobility and patriotism. It will ensure Your safety and that of Your family.

Our soldiers and policemen have been shamed and demoralized. Our patriotic military-police officers and men ache for radical reforms within legal bounds. As Matter of Honor, and Duty they support any Constitutional and radical means to establish a government of National Unity through a Multi-Sectoral Executive Council without prejudice to a better set-up.

Premises considered, we a\earnestly suggest that You submit this MESSAGE TO THE PEOPLE.

"MY BELOVED CONTRYMEN:

"The Congress and the Supreme Court have spoken. I, among others, believe that I won the election. It is unfortunate that the protest died with my worthy opponent.

"The issues of illegitimacy and corruption raised against my Presidency have raged into proportions that threaten the stability of the Republic.

"To avoid senseless bloodshed, I hereby go on indefinite leave/ resign and let God judge me."

Very truly yours,

ATTY. OLIVER O. LOZANO
Counsel – Coalition for National Solidarity
Concurrently Chairman – Coalition of People Empowerment (COPE)

3. Premises considered, this Complaint for Impeachment is hereby filed as an alternative people's remedy; that is, without prejudice to the other people's sovereign actions, in order to resolve the current controversy or "present situation".

I hereby charge MADAME GLORIA M. ARROYO for Betrayal of Public Trust committed as follows:

She is accused of having **"CHEATED IN THE PRESIDENTIAL**

ELECTIONS" or of having **"ROBBED THE SOVEREIGN WILL;"** hence, she is called **"AN IMPOSTOR"** or **"BOGUS PRESIDENT"** and **"FAKE COMMANDER-IN-CHIEF"**.

The "GLORIA or HELLO GARCI TAPE" was presented to the people as evidence of massive electoral fraud allegedly committed by the respondent.

Her silence is admission. Garci flight is guilty. What is admitted does not need proof. **"THE GUILTY FLEES EVEN IF NO MAN PURSUETH. THE RIGHTEOUS IS AS BOLD AS A LION."**

Sen. Panfilo Lacson publicly asserted that the tape is authenticated based on expert finding. Justice Palma rendered an expert opinion: The respondent should be impeached. Sen. Lacson and Justice Palma are cited as witnesses in this Complaint.

Reps. Javier and Umali publicly admitted that the **"PALMA PROPOSAL IS WORTH CONSIDERING AND ADOPTED. THESE ARE WORDS OF HONOR"** Accordingly, they shall endorse the Impeachment Complaint.

Premises considered, we respectfully submit that the GLORIA-GARCI PROHIBITED CONVERSATION, amounting to conspiracy to cheat in the Election is a glaring betrayal of the public trust which is an impeachable offense against the sovereign people and repudiation of **"GODS SUPPORT".**

IN WITNESS WHEREOF, I have set my hands this 27th day of June 2005, in Quezon City.

OLIVER O. LOZANO

SUPPLEMENTAL COMPLAINT
FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, **ATTY. OLIVER O. LOZANO**, on oath depose and say:

1. Madame Gloria Macapagal-Arroyo publicly admitted that due to "LAPSE IN JUDGMENT" she called a COMELEC Official. She publicly stated:

"I was anxious to protect my votes and during that time had conversations with many people, including a COMELEC official. My intent was not to influence the outcome of the election, and it did not."

For that public admission and apology she deserves a Christian acceptance thereof. However, the public apology does not erase her offense against the sovereign people; that is, BETRAYAL OF PUBLIC TRUST.

"BETRAYAL OF PUBLIC TRUST' is a new ground added by the Constitutional Commission as a CATCH–ALL TO COVER ALL MANNER OF OFFENSES UNBECOMING A PUBLIC FUNCTIONARY but not punishable by the criminal statutes, like 'inexcusable negligence of duty,

tyrannical abuse of authority, breach of official duty by malfeasance or, misfeasance, cronyism, favoritism, obstruction of justice." *(Records of the Constitutional Convention, Vol. 2, p. 272, cited in Justice Isagani A. Cruz, Philippine Political Law, 1998 Edition, p. 357)*

Since the President admitted the UNBECOMING CONDUCT of calling the COMELEC Commissioner without justifiable reason (for which she publicly apologized) then on that basis alone, she is guilty of BETRAYAL OF PUBLIC TRUST WITHOUT PREJUDICE TO OTHER EVIDENCE.

Madame Arroyo took her oath, thus: ***"I do solemnly swear that 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. So help me God."*** *(Article VII, Section 5, Constitution)*

"The power to take that the laws be faithfully executed makes the President a dominant figure in the administration of the government.

"The law he is supposed to enforce includes the Constitution itself, statutes, judicial decisions, administrative rules and regulations and municipal ordinances, as well as treaties entered into by our government." *(Justice Isagani A. Cruz, Philippine Political Law, 1998 Edition, p. 216)*

2. Premises considered, delay in Impeachment means stupidity. Suppression of Impeachment means **People Power**. Vacillation is capitulation. Inaction is dereliction. False imputation is intellectual bankruptcy. Stupidity, suppression, vacillation and inaction constitute CONSPIRACY TO BETRAY THE PUBLIC TRUST.

3. The Impeachment Complaint is not a bar to other Impeachment Complaints pending endorsement. The Impeachment Complaint is not a bar to other alternative modes of redress like **Constitutional Peaceful People Power.** Loquacity and inaction betray profitable alliance with the disgraced political leadership.

IN WITNESS WHEREOF, I have set my hand this 28th day of June 2005, in Quezon City.

OLIVER O. LOZANO
Complainant

SECOND SUPPLEMENTAL
AFFIDAVIT OF COMPLAINT
FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, **ATTY. OLIVER O. LOZANO**, on oath depose and say:

1. The respondent admitted and apologized for improper conduct or "**CONDUCT UNBECOMING**" of a President by calling a COMELEC Official to protect her vote which is **"BREACH OF OFFICIAL DUTY BY MALFEASANCE."**

2. She also admitted "**LAPSE IN JUDGMENT**" which is **"BREACH OF OFFICIAL DUTY BY MISFEASANCE".**

3. She lied when she said "**LAPSE IN JUDGMENT**" because she called several times. Hence, there were **'BREACHES OF OFFICIAL DUTY BY MISFEASANCES**."

4. She admitted "**DELAY IN EXPLAINING"** her actuations that caused public recriminations. The delay is **"INEXCUSABLE NEGLIGENCE OF DUTY"**.

5. Finally, she admitted **"BETRAYAL OF PUBLIC TRUST"** by claiming that the faith or trust of the public was shaken and diminished by her actuations; hence, she promised to work double time to regain the lost trust of the people. She said:

"I recognize that making any such call was a lapse in judgment. I'm sorry. I also regret taking so long to speak before you on this matter. I take full responsibility for my actions and to you and to all those good citizens who may have had their faith shaken by these events. I want to assure you that I have redoubled my efforts to serve the nation and earn your trust.

"Nangangamba ako. Maliwanag na may kakulangan sa wastong pagpapasya ang nangyaring pagtawag sa telepono. Pinagsisisihan ko ito nang lubusan ang aking mga ginawa, at humihingi ako ng tawad sa inyo, sa lahat ng mga butihing mamamayan na nabawasan ng tiwala dahil sa mga pangyayaring ito. Ibig kong tiyakin sa inyo na lalo pa akong magsisikap upang maglingkod sa bayan at matamo ang inyong tiwala."

6. Premises considered, the respondent is guilty of betrayal of public trust; hence, the mounting public clamor for her to resign which is a matter of public knowledge or judicial notice.

7. What is admitted no longer requires proof. (Incidentally, I may be able to produce COMELEC Commissioner Virgilio Garcillano as witness in due time to tell the truth, the whole truth and nothing but the truth.)

Betrayal of Public Trust is catch–all. It includes any conduct unbecoming of a President.

"BETRAYAL OF PUBLIC TRUST' is a new ground added by the Constitutional Commission as a CATCH–ALL TO COVER ALL MANNER OF OFFENSES UNBECOMING A PUBLIC FUNCTIONARY but not punishable by the criminal statutes, like 'inexcusable negligence of duty, tyrannical abuse of authority, breach of official duty by malfeasance or, misfeasance, cronyism, favoritism, obstruction of justice." *(Records of the Constitutional Convention, Vol. 2, p. 272, cited in Justice Isagani A. Cruz, Philippine Political Law, 1998 Edition, p. 357)*

8. The respondent vowed to "take full responsibility for my actions." So be it.

9. The **FIRST IMPEACHMENT COMPLAINT** is without prejudice to **OTHER BETTER IMPEACHMENT COMPLAINTS** in accordance with Article XI, Section 3(5) Constitution, that bars **SUBSEQUENT PROCEEDINGS** only after the **FIRST PROCEEDINGS** shall have been initiated.

Article XI, Section 3(5) Constitution provides:

"No impeachment proceedings shall be initiated against the same official more than once within a period of one year."

IN WITNESS WHEREOF, I have set my hand this 29th day of June 2005, in Quezon City.

OLIVER O. LOZANO
Complainant

THIRD SUPPLEMENTAL AFFIDAVIT OF COMPLAINT FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, **ATTY. OLIVER O. LOZANO**, on oath depose and say:

10. The respondent Pres. Gloria Macapagal-Arroyo allowed her husband Mike Arroyo to leave the country although he is scheduled to answer charges for being involved in the Jueteng Scandal. Flight is guilt. **"THE GUILTY FLEES EVEN IF NO MAN PURSUETH. THE RIGHTEOUS IS AS BOLD AS A LION."**

Allowing her husband to leave, under the circumstances, amounts to cover-up or obstruction of justice in common parlance. Allowing her husband to leave is a **BREACH OF OFFICIAL DUTY BY MISFEASANCE OR MALFEASANCE WHICH IS AN ACT OF BETRAYAL OF PUBLIC TRUST**.

"BETRAYAL OF PUBLIC TRUST' is a new ground added by the Constitutional Commission as a CATCH–ALL TO COVER ALL MANNER OF OFFENSES UNBECOMING A PUBLIC FUNCTIONARY but not punishable by the criminal statutes, like 'inexcusable negligence of duty, tyrannical abuse of authority, breach of official duty by malfeasance or, misfeasance, cronyism, favoritism, obstruction of justice." *(Records of the Constitutional Convention, Vol. 2, p. 272, cited in Justice Isagani A. Cruz, Philippine Political Law, 1998 Edition, p. 357)*

IN WITNESS WHEREOF, I have set my hand this 30th day of June 2005, in Quezon City.

OLIVER O. LOZANO
Complainant

FOURTH SUPPLEMENTAL AFFIDAVIT OF COMPLAINT FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, **ATTY. OLIVER O. LOZANO**, on oath depose and say:

11. The **DAILY TRIBUNE** published the Position Paper *(Annex "A" – Fourth Supplemental Complaint)* of the **FREE LEGAL ASSISTANCE GROUP (FLAG)**, thus:

"A prominent lawyers group yesterday said President Arroyo violated the law when she talked to a Commission of Elections (Comelec) official over the phone while the canvassing of votes for the presidential and senatorial elections were underway last year.

"xxx Flag believes it is improper for a Chief Executive to call a Comelec Commissioner while Congress is still canvassing the votes, especially were the discussion concerns her votes as a presidential candidate in that election, the group said.

"xxx The group moreover said the illegally obtained voice recordings of the President and Garcillano are admissible in impeachment proceedings, given

its inherent political nature.

"'Impeachment, being in class of its own, is therefore neither a judicial, nor quasi–judicial, nor legislative nor administrative proceeding. Hence, these appears to be no legal bar to the admissibility of wiretapped recordings in impeachment proceedings,' Flag said."

2. As previously shown in my Impeachment Complaint, First and Second Supplemental Complaints, the respondent's damaging admissions have established **BETRAYAL OF PUBLIC TRUST**. The admissions are corroborated by her subsequent admission **"TO RECOVER PUBLIC TRUST**." *(Annex "B")* By way of alternative evidence, the mounting clamor of the people, which is a matter of public and judicial notice shows loss of public trust as a result of the respondents' admitted acts of **BETRAYALOF PUBLIC TRUST** and **ADMISSION OF BETRAYAL OF PUBLIC TRUST ITSELF.** *(Annexes "C" and "C-1"- Fourth Supplemental Complaint)*

3. I ask that Madame Gloria Macapagal–Arroyo and COMELEC Commissioner Virgilio Garcillano be subpoenaed to formally clarify or authenticate in a proper forum the **"GLORIAGATE TAPE"**. Likewise, Senator Panfilo Lacson and John Doe be subpoenaed to testify on the expert authentication of **"GLORIAGATE TAPE"** as publicly announced by Senator Lacson. Justice Cecilia Muñoz–Palma, UP Professors Pacifico Agabin and Antonio Bautista to render Expert Legal Opinions on the sufficiency of the Complaint.

IN WITNESS WHEREOF, I have set my hand this 1st day of July 2005, in Quezon City.

OLIVER O. LOZANO
Complainant

FIFTH SUPPLEMENTAL AFFIDAVIT OF COMPLAINT FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, **ATTY. OLIVER O. LOZANO**, on oath depose and say:

12. The **DELIBERATE REFUSAL** of the respondent to positively confirm or deny the entire taped conversation, that is causing National Turmoil, is a **BREACH OF OFFICIAL DUTY BY MALFEASANCE OR MISFEASANCE WHICH CONSTITUTES BETRAYAL OF PUBLIC TRUST**.

13. The **PROHIBITED AND UNETHICAL CALL** is also **BREACH OF OFFICIAL DUTY BY MALFEASANCE OR MISFEASANCE WHICH IS LIKEWISE A BETRAYAL OF PUBLIC TRUST**.

The fact that the prohibited and unethical call was made **BEFORE** respondent's proclamation is not absolutory. The Impeachment Clause of the Constitution **DOES NOT DISTINGUISH**. **THEREFORE, NO ONE SHOULD DISTINGUISH**. Consequently, any act of betrayal **BEFORE OR AFTER** the respondent's proclamation is punishable **AFTER** proclamation since there is **ABSOLUTELY UNINTERRUPTED CONTINUITY** of office of the **SAME OFFICIAL.**

The Country's Law Experts in the University of the Philippines (UP) College of Law said that President Arroyo committed Impeachable offenses of Betrayal of Public Trust. *(Philippine Daily Inquirer, July 3, 2005, p. A-2)*

To absolve the respondent due to her proclamation is absurd. Any interpretation that leads to absurdity shall not be avoided. *(Black on Interpretation of Laws, 2nd Edition, pp. 129-130 cited in Francisco, Statutory Construction, 1959 Edition, p. 249)* Besides, proclamation is not a defense provided by the Constitution in Impeachment.

Moreover, acts of betrayal of public trust **BEFORE** proclamation are evidence of habit to commit the other similar acts of betrayal **AFTER** proclamation.

14. The respondent approved the passage of the E-VAT Law despite the strong protests of the public against it for being anti–poor and counter-productive in economic recovery.

The Supreme Court stopped its implementation; thereby, repudiating the misleading pretension that E-VAT is the immediate solution to the economic crisis.

The respondent's approval of the E-VAT Law is a **BREACH OF OFFICIAL DUTY BY MALFEASANCE OR MISFEASANCE. THEREFORE, THE OPPRESSIVE E-VAT LAW IS ANOTHER ACT OF BETRAYAL OF PUBLIC TRUST**, especially considering the arbitrary, arrogant and persistent refusal of the respondent to make good her commitment to meet one-on-one with Madame Imelda R. Marcos for the purpose of **RE-NEGOTIATING THE 75-25 COMPROMISE AGREEMENT ON THE MARCOS WEALTH AS AN ALTERNATIVE SOLUTION TO THE ECONOMIC CRISIS THAT IS THE ROOT CAUSE OF THE CURRENT POLITICAL CRISIS AND NATIONAL TURMOIL.**

4. The current revolutionary situation is due to respondent's breaches of official duty by misfeasance or malfeasance amounting to culpable violation of the Constitution and Betrayal of Public trust.

The public trust in the President to fairly execute the Election Law and to respect the Constitutional Independence of the Commission on Elections [COMELEC] ***(Article IX, Section 1, Constitution)*** as a matter of official duty, was betrayed. Hence, the mounting demands for her resignation.

15. The respondent publicly admitted and apologized that she talked to a COMELEC OFFICIAL allegedly to protect her vote.

The managed public confession, incredible repentance and apology, due to half–truths, heightened public distrust. The intensified righteous indignation of the people as result of the managed public admission and feigned apology further showed **BETRAYAL OF PUBLIC TRUST FOR LACK OF FULL DISCLOSURE AMOUNTING TO BREACH OF OFFICIAL DUTY BY MISFEASANCE.**

IN WITNESS WHEREOF, I have set my hand this 4th day of July 2005, in Quezon City.

OLIVER O. LOZANO
Complainant

SIXTH SUPPLEMENTAL AFFIDAVIT OF COMPLAINT FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, ATTY. OLIVER O. LOZANO, on oath depose and say:

16. I have been filing Supplemental Affidavits based on supervening events by way of alternative CAUSES OF ACTION; meaning one act of BETRAYAL OF PUBLIC TRUST, among the array of betrayals, is enough ground for removal by IMPEACHMENT. (For further clarification, please refer to Annex "A")

17. The following are additional alternative grounds for IMPEACHMENT DUE TO BETRAYAL OF PUBLIC TRUST:

First, COMELEC Commissioner Virgilio Garcillano is a vital witness in the "GLORIAGATE" or "HELLO GARCI" SCANDAL to tell the whole truth.

The respondent merely admitted half–truths. She has the official duty and the Military–Police–NBI resources to produce Garcillano in response to the public clamor to do so in the INTEREST OF TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.

HOWEVER, THE RESPONDENT BREACHED HER OFFICIAL DUTY BY MALFEASANCE AND MISFEASANCE. IT IS HER DUTY AS PRESIDENT TO ORDER THE MILITARY–POLICE–NBI AUTHORITIES TO PRODUCE GARCILLANO.

HOWEVER, SHE HAS DELIBERATELY AND MISERABLY FAILED TO DO SO OBVIOUSLY TO PERPETUATE THE HALF–TRUTHS OR LIES THAT SHE PEDDLED. HENCE, THE MOUNTING PEOPLE'S CLAMOR FOR HER TO RESIGN.

A LYING PRESIDENT THRIVING ON HALF–TRUTHS LOSES CREDIBILITY, MORAL ASCENDANCY AND CAPACITY TO GOVERN EFFECTIVELY.

Second, the people protested against what they believed as railroaded Congressional Canvass. Also, the people went to protect Samuel Ong.

The people were beaten black and blue by the police with military support to stop the peaceful protests.

THE RESPONDENT BREACHED HER OFFICIAL DUTY TO ENFORCE THE SUPREME COURT DECISIONS IN THE CASES OF ATTY. OLIVER LOZANO VS. CORAZON AQUINO, G.R. NO. 73748, MAY 22, 1986, PRES. ESTRADA VS. DESIERTO, 353 SCRA 402 AND AQUINO VS. MAYOR BAGATSING, G.R. NO. 68318, AUGUST 18, 1984.

In these Cases, the Supreme Court has superseded the "NO PERMIT, NO RALLY" REGULATION: Permit is not necessary in Peaceful and Constitutional People Power as well as Peaceful Assembly for redress of grievances.

3. **PARENTHETICALLY AND BY WAY OF SOLOMINIC SOLUTION, THE RESPONDENT MAY NOBLY GO ON INDEFINITE LEAVE PENDING INVESTIGATION OF THE "GLORIAGATE" or "HELLO GARCI" SCANDAL AND IMPEACHMENT PROCEEDINGS. THIS SHE MUST DO BEFORE THE ARMED FORCES OF THE PHILIPPINES (AFP) ASSERTS ITS CONSTITUTIONAL DUTY TO PROTECT THE PEOPLE. (ANNEX "B")**

She advised her son to take a Leave of Absence pending investigation of the JUETENG SCANDAL. I salute her for that noble act. She should also go on leave to practice what she preaches. FOR GOD. FOR COUNTRY. FOR PEOPLE. FOR TRUTH.

IN WITNESS WHEREOF, I have set my hand this 5th day of July 2005, in Quezon City.

OLIVER O. LOZANO
Complainant

SEVENTH SUPPLEMENTAL AFFIDAVIT OF COMPLAINT FOR IMPEACHMENT

-VERSUS-

MADAME GLORIA MACAPAGAL-ARROYO

I, ATTY. OLIVER O. LOZANO, on oath depose and say:

18. Ex-Governor Antonio Villanueva gave me a CD VIDEO TAPE.

19. It shows a FALSIFIED; HENCE, VOID CERTIFICATE OF CANDIDACY AND ELECTION OF MADAME GLORIA MACAPAGAL – ARROYO AMOUNTING TO BETRAYAL OF PUBLIC TRUST.

3. **The TRANSCRIPT of the CD VIDEO TAPE will follow shortly.**

4. **Ex-Gov. Villanueva's Affidavit is hereto attached as ANNEX "A".**

IN WITNESS WHEREOF, I have set my hand this 21st day of July 2005, in Quezon City.

OLIVER O. LOZANO
Complainant

3. Rep. Rolex Suplico, who is a co-complainant in this impeachment proceeding, has endorsed the Complaint of lawyer Oliver O. Lozano, as amended, to the House of Representatives.

The Parties

4. The lead complainant is lawyer Oliver O. Lozano, married, of legal age, and a resident of No. 8, Everlasting Street, Roxas District, Quezon City;

5. His co-complainants are the following Honorable Members of the House of Representatives:

5.1. Rep. Francis G. Escudero, 1st Dist. Sorsogon;

5.2. Rep. Ronaldo Zamora, Lone Dist. San Juan;

5.3. Rep. Rolex Suplico, 5th Dist. Iloilo;

5.4. Rep. Darlene Antonino-Custodio, 1st Dist. South Cotabato;

5.5. Rep. Imee Marcos, 2nd Dist. Ilocos Norte;

5.6. Rep. Erico Basilio Fabian, Lone Dist. Zamboanga City;

5.7. Rep. Roilo Golez, 2nd Dist. Paranaque City;

5.8. Rep. Teofisto Guingona, 2nd Dist Bukidnon;

5.9. Rep. Eulogio Magsaysay, AVE Party List;

5.10. Rep. Agapito Aquino, 2nd Dist. Makati;

5.11. Rep. Juan Edgardo Angara, Lone Dist. Aurora;

5.12. Rep. Jacinto Paras, 1st Dist. Negros Oriental;

5.13. Rep. Florencio Noel, An-Waray Party List;

5.14. Rep. Satur Ocampo, Bayan Muna Party List;

5.15. Rep. Rodolfo Plaza, Lone Dist. Agusan del Sur;

5.16. Rep. Allan Peter Cayetano, Lone Dist. Pateros-Taguig;

5.17. Rep. Ruy Lopez, 3rd Dist. Davao City;

5.18. Rep. Rafael Mariano, Anak Pawis Party List;

5.19. Rep. Crispin Beltran, Anak Pawis Party List;

5.20. Rep. Joel Virador, Bayan Muna Party List;

5.21. Rep. Teodoro Casino, Bayan Muna Party List;

5.22. Rep. Liza Maza, Gabriela Party List;

5.23. Rep. Loretta Ann Rosales, Akbayan Party List;

5.24. Rep. Mario Aguja, Akbayan Party List; and,

5.25. Rep. Ana Theresa Hontiveros-Baraquiel, Akbayan Party List.

5.26. Rep. Joel Villanueva, CIBAC Party List; and

5.27. Rep. Mujib Hataman, AMIN Party List.

6. Also joining as co-complainants are the organizations:

6.1. *Bayan Muna*, represented by its Chairman, Dr. Reynaldo Lesaca;

6.2. *Kilusang Magbubukid ng Pilipinas*, represented by Danilo Ramos;

6.3. *Migrante International*, represented by Concepcion Bragas Regalado*;*

6.4. *Counsels for the Defense of Liberties* (CODAL), represented by lawyer Remedios Balbin;

6.5. *Anakpawis*, represented by Carmen Deunida;

6.6. *Gabriela*, represented by Emerenciana De Jesus;

6.7. *Gabriela Women's Party*, represented by Cristina Palabay;

6.8. *Plunderwatch*, represented by Dr. Carol Pagaduan-Araullo;

6.9. *Karapatan* represented by Marie Hilao Enriquez;

6.10. The *National Peace Conference,* represented by its Secretary General, Elizabeth Yang.

6.11. *Kasapian ng Dukha at Maralitang Mamamayan ng Meycauyan* (KADAMAY), represented by Laura B. Cas;

6.12. *Kasapian ng Pagkakaisa at Ugnayan sa Longus*, represented by Joel Lacsamana;

6.13. *Buklod ng Maralitang Tagalungsod ng Malolos*, represented by Felisa Pattugalan;

6.14. *Samahan ng Maralitang Biñan 1 & 2 Taga-riles ng Bocaue,* represented by Victoria Mendoza;

6.15. *Lamparang Tanglaw sa Kinabukasan* (LATAK), represented by Remegio Dela Cruz;

6.16. *Sama-samang Kapitbahayan* (SAMAK), represented by Teresita Mamaril.

6.17. *Laban ng Abang Tagariles ng Guiguinto* (LATAG), represented by Lizamar Estimar;

6.18. *Federation of Informal Settlers in Malabon*, represented by Clarita Eneria;

6.19. *Neighborhood Association for Integrity*, represented by Edwin Lacsina.

7. Likewise joining as co-complainants are the following individuals, all of legal age and citizens of the Republic of the Philippines:

7.1. Dr. Melba Padilla Maggay, PhD., award-winning writer, social anthropologist, activist and President/Chief Executive Officer (CEO) of the Institute for Studies in

Asian Church and Culture (ISACC) – a progressive evangelical think-tank on culture, faith and politics – for her own behalf;

7.2. Nicanor Perlas, noted environmentalist, for his own behalf;

7.3. Fr. Robert Reyes, noted activist and Roman Catholic priest, for his own behalf;

7.4. Dr. Jonathan V. Exiomo, ThD., President of the Alliance Graduate School, an evangelical seminary, for his own behalf;

7.5. Prof. Averell U. Aragon, Professor of Theology and Church History, the Alliance Graduate School, for his own behalf;

7.6. Rev. Winston Pinzon, resident minister of an evangelical church, the Christ Our Life Fellowship of the Christian and Missionary Churches of the Philippines (CAMACOP) and trainer for Mission Ministries Philippines (MMP), a wholistic ministry for the urban poor; and his wife,

7.7. Prof. Mary Janette L. Pinzon, Department of Speech Communication and Theater Arts, University of the Philippines-Diliman campus, for their own behalf and on behalf of their minor children Asher Micah L. Pinzon, 13; Ariel Lev, 11; and Anya Dara, 9;

7.8. Mifflin Ann A. Garcia, staff, ISACC, for her own behalf and on behalf of her minor children, Leesha, 13; and Ethan Luke, 6;

7.9. Raquel Arpojia, staff, ISACC, for her own behalf and on behalf of her minor child Luke, 16;

7.10. Dr. Ma. Dominga Padilla, M.D., for her own behalf;

8. The lead complainant and his co-complainants may be served with summons and other legal processes of the Senate of the Republic of the Philippines sitting as an Impeachment Court through their counsel,

8.1. H. Harry L. Roque, Jr., Joel Ruiz Butuyan 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;

8.2. Dr. Pacifico Agabin, *Agabin, Versola, Hermoso and Layaoen Law Office*, 36/F Pacific Star Bldg., G. Puyat Avenue, Makati City City, Metro Manila, 1200;

8.3. Neri Javier Colmenares, *Bayan Muna*, Room 416, Mitra Building, House of Representatives, Quezon City;

8.4. Ibarra M. Gutierrez III, *Economic and Social Rights Legal Advocacy Center (ESLAC)*, 54-D Mapagbigay Street, Central District, Quezon City;

8.5. Napoleon J. Poblador, *Zamora Poblador Vasquez and Bretaña, Attorneys-at-Law*, 5th Floor, Montepino Bldg, No. 138 Amorsolo St., Legaspi Village, Makati City;

8.6. Eugenio H. Villareal, Penthouse 3 Manila Luxury Condominium Pearl Drive, cor. Goldloop, Ortigas Center, Pasig City; and

8.7. Reynaldo Bustos Robles, *Chan Robles & Associates*, Suite 2205-B, 22nd Floor, PSE Centre Textite East Tower, Exchange Road, Ortigas Centre, Pasig City, Metro Manila.

8.8. Remedios Balbin, *Counsels for the Defense of Liberties*(CODAL), 3rd Erythrina Bldg., No. 1 Matatag cor. Maaralin Streets, Barangay Central District, Quezon City;

9. The subject of this impeachment complaint, Gloria Macapagal-Arroyo, is the President of the Philippines, who may be served with summons and other legal processes of the Senate of the

Republic of the Philippines sitting as an Impeachment Court at her official residence, the Malacañang Palace, Manila.

General Allegations

10. Gloria Macapagal-Arroyo formally took her oath of office as President of the Philippines on June 30, 2004 with the declaration that:

> ...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...[4]

11. Thereafter, she immediately assumed office as President of the Philippines.

12. Today, the Complainants accuse Gloria Macapagal-Arroyo, President of the Philippines, of violating her oath of office and charge her thus:

I

THAT GLORIA MACAPAGAL-ARROYO, PRESIDENT OF THE PHILIPPINES, COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION, MAKING A MOCKERY OF THE PEOPLE'S RIGHT OF SUFFRAGE AND TRAMPLING ON THE BASIC CONSTITUTIONAL PRINCIPLE THAT THE PHILIPPINES IS A DEMOCRATIC STATE, WHEN SHE COMMITTED ACTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

---

[4]CONST. art VII § 5.

A. **SHE UNDERMINED THE INDEPENDENCE OF THE COMMISSION ON ELECTIONS (HEREINAFTER, COMELEC).**

B. **SHE DIRECTED AND/OR KNOWINGLY ALLOWED THE COMMISSION, AND IS THE CHIEF BENEFICIARY, OF ELECTORAL FRAUD IN NUMEROUS VOTE-RICH AREAS IN THE COUNTRY, CONNIVING OR CONSPIRING WITH, IF NOT COERCING, OR AT THE VERY LEAST KNOWINGLY ALLOWING, IN VIOLATION OF HER SWORN DUTY TO UPHOLD THE CONSTITUTION AND EXECUTE ITS LAWS, OFFICIALS OF THE COMELEC, THE POLICE AND THE MILITARY TO ENSURE HER VICTORY IN THE MAY 2004 PRESIDENTIAL ELECTIONS, AND ALL, TO PERPETRATE ELECTORAL FRAUD.**

II

THAT GLORIA MACAPAGAL-ARROYO, PRESIDENT OF THE PHILIPPINES, BETRAYED THE PUBLIC TRUST, WHEN SHE COMMITTED ACTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

A. **SHE OBSTRUCTED JUSTICE BY ATTEMPTING TO DELAY, IMPEDE, COVER UP AND CONCEAL OR OTHERWISE IMPAIR THE VERITY, AUTHENTICITY, ADMISSIBILITY OR LEGIBILITY, OF EVIDENCE IN THE CONGRESSIONAL INVESTIGATION, 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 THE LAW ENFORCEMENT AGENCIES FROM APPREHENDING PERPETRATORS OF CERTAIN CRIMES; OR FABRICATING AND DISSEMINATING INFORMATION TO MISLEAD OR IMPEDE THE PROCESS OF SUCH INVESTIGATIONS.

B. SHE DELIBERATELY CONCEALED OWNERSHIP OF VARIOUS PROPERTIES – LOCATED IN THE PHILIPPINES AND OVERSEAS – AND BUSINESS INTERESTS PERTAINING TO HER AND HER SPOUSE, FIRST GENTLEMAN JOSE MIGUEL "MIKE" T. ARROYO, AND KNOWINGLY AND WILLFULLY FAILED TO PAY THE TAXES DUE ON THESE PROPERTIES AND THE INCOME DERIVED FROM THEM, IN CLEAR AND FLAGRANT 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.

C. AS THE COMMANDER-IN-CHIEF OF THE ARMED FORCES AND CHIEF EXECUTIVE WITH THE POWER OF CONTROL AND SUPERVISION OVER HER SUBORDINATES, SHE VIOLATED HER DUTY AND OATH UNDER THE CONSTITUTION AND ITS PROVISIONS REQUIRING PROTECTION OF HUMAN RIGHTS WHEN SHE ACQUIESCED IN AND PROVIDED IMPUNITY TO THE KILLINGS OF POLITICAL DISSENTERS, OR INFRINGED THEIR FREEDOMS OF

EXPRESSION AND ASSEMBLY.

III

THAT GLORIA MACAPAGAL-ARROYO, PRESIDENT OF THE PHILIPPINES, INCURRED LIABILITY FOR BRIBERY AND GRAFT AND CORRUPT PRACTICES, WHEN SHE COMMITTED ACTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

A. SHE APPROVED CONTRACTS THAT WERE MANIFESTLY AND GROSSLY DISADVANTAGEOUS TO THE GOVERNMENT, CAUSING THE GOVERNMENT UNDUE INJURY OR GIVING UNWARRANTED BENEFITS TO HERSELF AND/OR FAVORED PARTIES THROUGH MANIFEST PARTIALITY AND/OR EVIDENT BAD FAITH. THESE CONTRACTS INCLUDE, BUT ARE NOT LIMITED TO, THE NORTHRAIL AND THE PIATCO NAIA TERMINAL III PROJECTS.

B. SHE ACCEPTED JUETENG PAYOLA FROM JUETENG OPERATORS, DIRECTLY AND/OR INDIRECTLY, THROUGH HER FAMILY MEMBERS AND OTHER AGENTS, IN EXCHANGE FOR POLITICAL PROTECTION. SHE ALSO USED THE JUETENG PAYOLA TO BANKROLL HER PRESIDENTIAL CAMPAIGN, AND TO BRIBE OFFICIALS SUCH AS COMELEC COMMISSIONER VIRGILIO GARCILLANO AND HIS COHORTS TO RIG THE RESULTS OF THE MAY 2004 PRESIDENTIAL ELECTIONS IN HER FAVOR.

C. SHE USED, ACQUIESCED IN OR KNOWINGLY ALLOWED THE USE, IN THE GUISE OF

LEGITIMATE GOVERNMENTAL PURPOSES, OF GOVERNMENT OFFICES, AGENCIES AND FUNDS IMMEDIATELY BEFORE AND DURING THE ELECTION PERIOD IN THE MAY 2004 PRESIDENTIAL ELECTIONS, TO BUY VOTES AND UNLAWFULLY PROMOTE HER CANDIDACY, AS ILLUSTRATED IN, BUT NOT LIMITED TO, THE PHILHEALTH AND ROAD USERS' TAX PROJECTS, THE ABOLITION OF THE SOUTHERN PHILIPPINES DEVELOPMENT AUTHORITY AND THE DOWNSIZING OF THE NATIONAL ELECTRIFICATION ADMINISTRATION.

Specific Allegations

I. GLORIA MACAPAGAL-ARROYO, PRESIDENT OF THE PHILIPPINES, COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION, MAKING A MOCKERY OF THE PEOPLE'S RIGHT OF SUFFRAGE AND TRAMPLING ON THE BASIC CONSTITUTIONAL PRINCIPLE THAT THE PHILIPPINES IS A DEMOCRATIC STATE, WHEN SHE COMMITTED ACTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

A. She undermined the independence of the Commission on Elections.

13. Gloria Macapagal-Arroyo, President of the Philippines, violated her own oath of office and committed a culpable violation of the Constitution when, on various dates, she appointed to the Comelec as Commissioners, among other personalities, Mr. Virgilio Garcillano and Mr. Manuel Barcelona, Jr., – persons identified with partisan politics or with electoral anomalies, or who do not possess the qualifications laid down for the high public office.

14. The public uproar[5] that followed their appointments was due to their questionable integrity, probity and independence, owing to their association, relation or ties with the family of the President, her political allies or the dominant political party Lakas-NUCD.[6]

15. The controversial appointments sparked a chain of events that reveals a premeditated design to defraud voters of their right of suffrage in the May 2004 presidential elections and destroy whatever is left of the integrity and independence of the Comelec.

16. Moreover, Gloria Macapagal Arroyo, President of the Philippines, deliberately made the appointments while Congress was in recess.[7]

17. It was clear that Commissioner Garcillano would never get the CA's confirmation, as he in fact did not when the CA bypassed him in June 2004. Indeed, Garcillano was not to go through the process of confirmation only to be rejected, and not when the May 2004 presidential elections was in the offing, when his services were needed most by the President.

18. Commissioner Garcillano was given such a free hand in the administration of the Comelec that close to the May 10 elections, Commissioner Garcillano reshuffled election officers in Mindanao and put in their place his own men, and this despite the fact that

---

[5] Sen. Aquilino Pimentel Jr. objected to the appointments, denouncing Garcillano as a "Comelec operator," whom he believed to have been behind the massive electoral fraud of vote shaving and padding in Mindanao during the 1995 Elections. Sen. Pimentel also questioned the manner by which Garcillano had been appointed. The Senate President himself, Franklin Drilon, went as far as calling on Commissioner Garcillano to resign. Sen. Drilon, as did Sen. Pimentel, pointed to allegations that Garcillano had been involved in *dagdag-bawas* in Mindanao.

[6]See Sheila S. Coronel, *The Unmaking of the President*, I Report Special Edition, July 2005 at 4 and Alecks P. Pabico, *The Comelec's Fall From Grace*, I Report Special Edition, July 2005, at 14-15. Copies of whicb are attached to this *Amended Complaint* and made an integral part hereof as **ANNEXES A** and **B** respectively.

[7]*See* Sammy Martin and Maricel V. Cruz, *Poll Appointments Hit*, available at http://www.manilatimes.net/national/2004/feb/13/yehey/top_stories/20040213top1.html <last visited, July 20, 2005>. Attached to this *Amended Complaint* and made an integral part hereof by reference as **ANNEX C**.

officially, he was supposed to be the Comelec officer in charge of another area – Regions 4 and 5 – and not of Mindanao.[8]

19. Consequently, while ostensibly attending to Regions 4 and 5, Commissioner Garcillano[9] was in actual control in Mindanao as revealed in the ensuing scandal over what came to be known as the "Hello Garci?" audio tapes, although on paper, two other Comelec Commissioners were supposed to be the Comelec Officers in Charge over the region.

20. Indeed, this is the backdrop against which the ensuing controversies occasioned by the "Hello Garci?" audio tapes, and the charge that Gloria Macapagal-Arroyo undermined the independence of the Comelec, must be viewed.

21. From May to June 2004, various telephone conversations of Gloria Macapagal-Arroyo with Commissioner Garcillano were recorded. A three-hour stretch of these conversations were recorded on tape [10] that in fact, is the so-called "mother of all tapes." [11]

22. Snatches of the conversations, traced to some 15 calls, dealt with a concerted and coordinated effort to rig the 2004 presidential elections in favor of Gloria Macapagal-Arroyo, President of the Philippines.

23. After learning that copies of the tape had been leaked to the members of the Opposition, Press Secretary Ignacio Bunye [hereinafter, Press Secretary Bunye] informed Gloria-Macapagal-Arroyo, President of the Philippines, that her conversations with

---

[8]Aries Rufo, *The Shoe Fits*, NEWSBREAK, July 18, 2005, at 16, a copy of which is attached to this *Amended Complaint* as **ANNEX D** and made an integral part hereof.

[9]*Id.*,For a full-length discussion of Commissioner Garcillano's record as Comelec official, *see* Sheila S. Coronel, *Master Operator*, i Report Special Edition, July 2005 at 18-20, a copy of which is attached to this *Amended Complaint* as **ANNEX E** and made an integral part hereof.

[10]*See* Sheila S. Coronel, *There's Only One Tape*, available at http://pcij.blogsome.com/2005/07/07/theres-really-only-one-tape/ (posted on June 7, 2005) <last visited July 18, 2005>. Attached to this *Amended Complaint* by reference as **ANNEX F** and made an integral part hereof.

[11]*Id.* the full text transcript of the three-hour recordings can be found at I Report Special Edition, July 2005, at 39-51, attached to this *Amended Petition* as **ANNEX G** and made an integral part hereof [hereinafter, ***PCIJ "Hello Garci?" transcripts***]

Commissioner Garcillano during the May 2004 presidential elections had been caught on tape – conversations which happen to contain incriminating admissions of bribery, graft and corruption, electoral fraud and even kidnapping.

24. In an attempt to deflect, if not prevent the potentially disastrous consequences of these recordings to her now beleaguered presidency, Gloria Macapagal-Arroyo authorized and/or consented to the presentation of false or tampered versions of the audio recordings to the media and the National Bureau of Investigation (hereinafter, NBI).

25. Hence, on June 6, 2005, with her prior knowledge and consent, Press Secretary Bunye presented to the Malacañang Press Corps and subsequently, to the public, two compact discs (hereinafter, CD recordings).[12]

26. Press Secretary Bunye identified one as the "original" version (hereinafter referred to as the *Malacañang original*) and the other, as the "tampered" version [hereinafter referred to as the *Tampered CD*].[13]

27. The truth is that the *Malacañang original* is actually a fake – as it substitutes Commissioner Garcillano's voice with that of an Arroyo campaign operative, Edgardo Ruado, who is referred to in the *Malacañang original* as "Gary" – while the supposedly *Tampered CD* was actually a cut from an abridged version of the "mother of all tapes."

28. Press Secretary Bunye claimed that the political Opposition had spliced the second CD – the *Tampered CD* – in a fresh attempt to destabilize the Arroyo administration.

29. He also vehemently denied that the alleged conversations between the President and Commissioner Garcillano on subjects

---

[12]See Christine O. Avendaño and Gil C. Cabacungan Jr., *Palace Releases 2 Cds of "Bugged" Phone Call of the President*, available at http://news.inq7.net/nation/index.php?index=1&story_id=39468 <last visited July 22, 2005>. Attached to this *Amended Complaint* by reference as **ANNEX H** and made an integral part hereof.

[13]*Id.*

pertaining to the May 2004 presidential elections ever took place.

30. Subsequently, Edgardo Ruado went to the NBI and executed an affidavit claiming that the voice in the CD recording presented as the *Malacañang original* by Press Secretary Bunye sounded like his.

31. At about this time, recordings of several conversations between a man and a woman – the "Hello Garci?" audio tapes – were now circulating in various places, virtual and otherwise. The conversations recorded in the "Hello Garci?" audio tapes revolved around the conduct of the May 2004 presidential elections. The man and the woman conversing in the recordings were widely believed to be – and are in fact – Commissioner Virgilio Garcillano and Gloria Macapagal-Arroyo.[14]

32. The public demanded of both of them to affirm or deny their involvement in the recorded conversations. But instead of doing so, they maintained an eerie and damning silence on the matter for weeks on end. And yet, by their silence, they, in fact, admitted the genuineness of the recorded conversations.

33. Gloria Macapagal-Arroyo, President of the Philippines, would only make her official statement on the issue in a speech aired over national radio and television on June 27, 2005 – no doubt, because of mounting public pressure that neither she nor members of her Cabinet could contain any longer. [15]

---

[14] See official transcripts and other documents and materials of the hearings of the Committee on Public Information Joint with Committees on Public Order and Security, National Defense and Security, Information Communication Technology and Suffrage and Electoral Reforms, 13th Congress (June to July 2005), [hereinafter, ***House of Representatives inquiry on the "Hello Garci?" recordings***], attached to this *Amended Complaint* by reference as **ANNEX H** and made an integral part hereof.

[15] The full text of her statement is presented here thus:

> For the last several weeks, the issue of the tape recordings has spun out of control. Tonight, I want to set the record straight.
>
> You deserve an explanation from me, because you are the people I was elected to serve.
>
> As you recall, the election canvassing process was unnecessarily slow even after the election results were already in and the votes had been counted. I was anxious to protect my votes and during that time had conversations with many people, including a

Comelec official. My intent was not to influence the outcome of the election, and it did not. As I mentioned, the election had already been decided and the votes counted. And as you remember, the outcome had been predicted by every major public opinion poll, and adjudged free, fair and decisive by international election observers, and our own Namfrel.

That said, let me tell you how I feel personally. I recognize that making any such call was a lapse in judgment. I am sorry. I also regret taking so long to speak before you on this matter. I take full responsibility for my actions, and to you and to all those good citizens who may have had their faith shaken by these events. I want to assure you that I have redoubled my efforts to serve the nation and earn your trust.

Nagagambala ako. Maliwanag na may kakulangan sa wastong pagpapasya ang nangyaring pagtawag sa telepono. Pinagsisisihan ko ito ng lubos. Pinananagutan ko nang lubusan ang aking mga ginawa at humihingi ako ng tawad sa inyo, sa lahat ng mga butihing mamamayan na nabawasan ng tiwala dahil sa mga pangyayaring ito. Ibig kong tiyakin sa inyo na lalo pa akong magsisikap upang maglingkod sa bayan at matamo ang inyong tiwala.

I took office with a mandate to carry out a plan for the nation. Since that time, I've focused on making the tough but necessary decisions to make up for years of economic neglect. We passed a comprehensive fiscally responsible national budget; raised new and necessary revenues to reinvest in the people, and implemented new anti-corruption measures that have led to the highest collection of taxes in history.

Nothing should stand in the way of this work, or the next phase of my reform agenda, which includes new investments in education and social services with our new revenues, and an expansion of our successful anti-corruption and lifestyle checks.

That is why I want to close this chapter and move on with the business of governing.

I ask each and every one of you to join hands with me in a show of unity, to help forge One Philippines, where everyone is equal under the law, and where everyone has the opportunity to use their God-given talents to make a better life.

Our nation is strong and getting stronger. The progress is steady and I ask you to walk with me on this journey to rebuild our great nation.

I remain your humble servant and promise you that I will fulfill my constitutional oath of office to serve the people to the best of my ability.

God Bless the Philippines!

This text of the statement has been lifted from the official website of the Office of the President, available at http://www.op.gov.ph/speeches.asp?iid=668&iyear=2005&imonth=6 <last visited, July 12, 2005>. Attached to this *Amended Complaint* by reference as **ANNEX I** and made an integral part hereof.

34. She would also apologize to the nation for taking so long to confirm the authenticity of the recordings. In her speech, she asked for the nation's forgiveness for her "lapse in judgment". Her admission of the genuineness of the "Hello Garci" audio recordings which she had denounced as a fake, conversely, also constitutes an admission that the *Malacañang original* containing her supposed conversation with Edgardo Ruado had actually been fabricated.

35. Meanwhile, Press Secretary Bunye would also retract his earlier claim that the *Malacañang original* contained the recorded conversations between Gloria Macapagal-Arroyo, President of the Philippines, and one Edgardo Ruado. This time, he would say that he does not anymore know which of the two CD recordings was real and which was faked.[16]

36. As Chief Executive, Gloria Macapagal-Arroyo was supposed to ensure that laws are faithfully executed,[17] and to "strictly avoid conflict of interest in the conduct of [her] office."[18] Moreover, her charge under the Constitution is to keep the Comelec an independent constitutional body.[19] Her oath of office also commands her to observe justness and sincerity, as well as a commitment to democracy – values which are also embodied in Republic Act 6713, otherwise known as the Code of Conduct of Code and Ethical Standards for Public Officials and Employees.[20] As President, Gloria Macapagal-

---

[16] See Fel V. Maragay, et al., *Bunye Now Says Voice on Tape Not the President's*, available at http://www.manilastandardonline.com:8080/mnlastd/iserver?page=news02_june10_2005 <last visited July 22, 2005>. Attached to this *Amended Complaint* by reference as **ANNEX J** and made an integral part hereof; see also ***House of Representatives inquiry on the "Hello Garci?" recordings,*** *supra* note 13**.**

[17]CONST. art. VII , § 17. Restated identically in Book III, Title I, Chap. I, § 1 of Executive Order no. 292, otherwise known as the Administrative Code of 1987, which mandates the President to "ensure that the laws be faithfully executed."

[18]CONST. art. VII , §13

[19]CONST. art. IX , § 1.

[20] which are really nothing but restatements of CONST. art. VII § 1. The law provides thus:

> ...Norms of conduct of Public Officials and Employees – (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:...

Arroyo was also sworn to uphold the Constitution and execute the laws of the land.[21]

37. All of these solemn constitutional duties[22] Gloria Macapagal-Arroyo, President of the Philippines, violated when she made a mockery of the basic constitutional principle that the Philippines is a democratic state by undermining the independence of the Comelec.[23] This is clearly established by the following facts of the charge:

37.1. First, she appointed as commissioners of the Comelec persons of questionable integrity, probity and independence;

37.2. Second, that she undermined the independence of the Comelec comes into sharper focus when she admitted to calling a Comelec official, whom she refuses to name until now, while the national electoral canvassing in the 2004

> ...Justness and sincerity. – Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest...
>
> ...Commitment to democracy. – Public officials and employees shall commit themselves to the democratic way of life and values, maintain the principle of public accountability...They shall at all times uphold the Constitution and put loyalty to country above loyalty to party...[underlining supplied].

[21] Which is really nothing but a restatement of CONST. art. VII § 17.

[22] To quote the Supreme Court in *Villena v. Secretary*, as Chief Executive, Gloria Macapagal-Arroyo is "the authority in the Executive Department [and] assumes the corresponding responsibility." 67 Phil. 451 (1939)..

[23] There is a certain history to it that must be taken into account. Justice Cortes has thus written in her book, THE PHILIPPINE PRESIDENCY: A STUDY OF EXECUTIVE POWER (1966):

> ...Originally, the functions of the Commission [on Elections] were performed by one of the executive departments under the president's control. The Constitution was amended [in 1940] and the independence of the Commission on Elections safeguarded in order to eliminate politics from the enforcement and administration of laws having to do with the conduct of elections.."[underlining supplied] at 100.

elections was still going on;

37.3. Third,– and this, even granting *arguendo* that the call had nothing to do with any plan to rig the results of the 2004 presidential elections and that she had no intention to influence the Comelec official – she admitted that making that call was tantamount to breaking the public trust.

37.4. Fourth, it is clear from her June 27, 2005 statement that she was in fact, addressing the issue of the "Hello Garci?" audio tapes, which had been hounding her for weeks before she finally spoke to the public on national radio and television.

37.5. Fifth, it is clear in the factual circumstances narrated above that the "Garci" in the controversial audio tapes was none other than the benighted presidential appointee, Commissioner Garcillano, who expected to be re-nominated after the elections.

B. She directed and/or knowingly allowed the commission, and is the chief beneficiary, of electoral fraud in numerous vote-rich areas in the country, conniving or conspiring with, if not coercing, or at the very least knowingly allowing, in violation of her sworn duty to uphold the constitution and execute its laws, officials of the Comelec, the police and the military to ensure her victory in the May 2004 presidential elections, and all, to perpetrate electoral

fraud.[24]

38. **On May 26, 2004** at about 11:25 in the morning, Gloria Macapagal-Arroyo, President of the Philippines, directed Commissioner Garcillano to "delay" the "senatorial canvassing until after the voting on the rules tonight..."[25]

38.1. Delaying the canvassing is an election offense. Under Batasang Pambansa 81, as amended, otherwise known as the Omnibus Election Code, [hereinafter, OEC] the canvassing should be continuous, subject only to the availability of election documents. Her conduct in this case violated § 231 of the OEC, which strictly prohibits the disruption or delay of election processes.

38.2. She also violated Article 210 of the Revised Penal Code (on Direct Bribery) which punishes a public official and the person who induces him to "perform an act which constitutes a crime, in connection with the performance of his official duties, in consideration of an offer, promise, gift..." The offer or promise in this case is the reappointment of Commissioner Garcillano to the Comelec if he is once again bypassed by the CA.

38.3. Her conduct also transgressed § 3 (a) of Republic Act 3019 or the Anti Graft Law for "persuading or influencing another public officer to perform an act constituting a violation of rules and regulation" promulgated by the Comelec.

39. On **May 27, 2004** at about 7:29 in the morning, Gloria Macapagal-Arroyo, President of the Philippines, asked Commissioner Garcillano whether the Election Returns and the Statement of Votes

---

[24] For purposes of this section of the *Amended Complaint*, please refer to the full transcripts of the three-hour "mother of all tapes" as reproduced in the ***PCIJ "Hello Garci?" transcripts***..

[25] ***PCIJ "Hello Garci?" transcripts*** at 40**.**

in Sulu "correspond" with each other and whether they are complete;[26]

39.1. In this instance, she violated Article 210 of the Revised Penal Code (on Direct Bribery), which punishes a public official and the person who induces him to "perform an act which constitutes a crime, in connection with the performance of his official duties, in consideration of an offer, promise, gift..." The offer or promise in this case is the reappointment of Commissioner Garcillano to the Comelec if he is once again bypassed by the CA.

39.2. Her conduct also transgressed § 3 (a) of Republic Act 3019 or the Anti Graft Law for "persuading or influencing another public officer to perform an act constituting a violation of rules and regulation" promulgated by the Comelec.

40. **On May 28, 2004,** at about 10:13 in the evening, Gloria Macapagal-Arroyo, President of the Philippines, authorized, approved, or acquiesced to the use, or an attempt to make use, of the military, particularly, a certain Gudani, and Generals Esperon and Kyamko, in partisan political activity favoring the President; [27]

40.1. These acts violated § 4 (b) in relation to § 3 (e) of RA 3019 or the Anti-Graft Law which provides that "[i]t shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses" defined in the law.

40.2. An additional offense is the violation of § 1 (a), of PD 1829, which provides that "[a] penalty of *prision correccional* in its maximum period shall be imposed upon any person who knowingly and willfully obstructs, impedes or delays the apprehension of suspects and the investigation of criminal cases by... (a) preventing

---

[26] ***PCIJ "Hello Garci?" transcripts*** at 41.

[27] ***PCIJ "Hello Garci?" transcripts*** at 41.

witnesses from reporting the commission of any offense..."

41. **On May 29, 2004,** at about 9:43 in the morning, Gloria Macapagal-Arroyo, President of the Philippines, made it clear to Commissioner Garcillano that her lead "cannot be less than one M" to which the latter replied thus: "Pipilitin ho natin yan". She was actually asking Commissioner Garcillano to ensure that her lead did not go below one million.[28] This is electoral fraud. Clearly, She directed Commissioner Garcillano to ensure that her lead over her nearest rival, the late actor Fernando Poe, Jr., did not go below one million votes and Commissioner Garcillano promised to do so. Since the casting of votes had already been completed at that time, there was no other way for Commissioner Garcillano to increase the lead of Ms. Arroyo except to manipulate the results.

41.1. As a public official it is unlawful for her not to report Commissioner Garcillano's offense to the proper authorities and institute the necessary legal action. Since the election is over, there was no other way for Commissioner Garcillano to increase her lead. Since she was asking or at the very least acquiescing to the padding of her votes, she is liable for violating the OEC, particularly Section 261 (j) on exercising *Undue Influence on a Public Official* and Section 261 (Z) (21) on *Violating the Integrity of Election Returns and Other Election Documents and Other Electoral Fraud*.[29]

41.2. She is, however, mainly criminally liable as a conspirator in the commission of an electoral fraud.

41.3. And even if she does not admit to being a conspirator in the offense, she will still be guilty of abetting or tolerating the commission of a crime when she allowed Commissioner Garcillano to commit an election offense without reporting the same to the Comelec. She is

---

[28] ***PCIJ "Hello Garci?" transcripts*** at 41.

[29]Should Commissioner Garcillano claim that he is being coerced, Gloria Macapagal-Arroyo is still liable under Section 261 (f) *on Coercion of Election Officials*, Section 261 (g) on *Coercion of Subordinates* under the OEC.

therefore liable under Art. 208 of the Revised Penal Code which imposes a penalty of *prision correccional* on a public official who in dereliction of his duties, "shall maliciously refrain from instituting prosecution or the punishment of violators of the law or shall tolerate the commission of offenses."

42. **On May 31, 2004,** at 11:17 in the evening, Gloria Macapagal-Arroyo, President of the Philippines, uttered the words "yung dagdag, yung dagdag"[30] in her conversation with Commissioner Garcillano with respect to the Namfrel copies of certain Certificates of Canvass;

42.1. Her act violated RA 6713 or the *Code of Conduct and Ethical Standards for Public Officials and Employees* particularly Section 4 (C) which requires public officials to refrain from "committing acts contrary to law, morals, public policy and public interest."

42.2. She also violated § 3 of RA 3019 or the anti graft law for "persuading and influencing a public official" to commit an offense in connection with his official duty.

42.3. Moreover, she is also criminally liable under Art. 212 in relation to Art. 210 (Direct Bribery) of the Revised Penal Code.

43. **On June 2, 2004,** at about 10:29, Gloria Macapagal-Arroyo verified from and instructed Commissioner Garcillano to make sure that the Statements of Votes and the Certificates of Canvass in Basilan "match"; [31]

43.1. In this case, she is a criminally liable under Art. 212 in

---

[30] ***PCIJ "Hello Garci?" transcripts*** at 43. See also the amplification of that particular portion of the recording, as detailed by Sheila Coronel of the PCIJ, available at http://www.pcij.org/blog/?p=241 <last visited July 22, 2005>. Attached to this *Amended Complaint* by reference as **ANNEX G-1** and made an integral part hereof.

[31] ***PCIJ "Hello Garci?" transcripts*** at 42.

relation to Art. 210 (Direct Bribery) of the Revised Penal Code.

43.2. She also violated RA 6713 or the *Code of Conduct and Ethical Standards for Public Officials and Employees* particularly Section 4 (C) which requires public officials to refrain from "committing acts contrary to law, morals, public policy and public interest."

43.3. She also violated § 3 of RA 3019 or the anti graft law for "persuading and influencing a public official" to commit an offense in connection with his official duty.

44. **On June 6, 2004,** at about 7:00 in the evening, Gloria Macapagal-Arroyo, President of the Philippines, was informed by Commissioner Garcillano that "Gen. Lomibao" is already in Zamboanga and that Commissioner Garcillano "ha[s] all the people around us talk to him (Lomibao) so that they will be able to prevent who is going to work..."[32]

44.1. She violated § 4 (b) in relation to § 3 (e) of RA 3019 or the Anti-Graft Law which provides that "[i]t shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses" defined in RA 3019.

44.2. She violated § 1 (a) of PD 1829, which provides that "A penalty of *prision correccional* in its maximum period shall be imposed upon any person who knowingly and willfully obstructs, impedes or delays the apprehension of suspects and the investigation of criminal cases by... (a) preventing witnesses from reporting the commission of any offense...",

44.3. She is also liable for violating the OEC, particularly § 261 (j) on exercising Undue Influence on a Public Official and § 261 (Z) (21) on Violating the Integrity of Election Returns and Other Election Documents and Other

[32] ***PCIJ "Hello Garci?" transcripts*** at 46.

Electoral Fraud.[33]

44.4. She is also criminally liable as a conspirator in the commission of an electoral fraud.

44.5. Otherwise, she is still guilty of abetting or tolerating the commission of a crime when she allowed Commissioner Garcillano to commit an election offense without reporting the same to the Comelec under Art. 208 of the Revised Penal Code, which provides for a penalty of *prision correccional* upon a public official who in dereliction of his duties, "shall maliciously refrain from instituting prosecution or the punishment of violators of the law or shall tolerate the commission of offenses."

45. **On June 7, 2004,** at about 4:10 in the afternoon, Gloria Macapagal-Arroyo, President of the Philippines, was informed by Commissioner Garcillano of the efforts to abduct a certain Rashma Hali from Tipo-Tipo, Basilan who was set to testify for the opposition "so that we can control her;"[34] at about 7:17 in the evening of the same date, the Gloria Macapagal-Arroyo followed up on whether Commissioner Garcillano has already located Ms. Hali.[35]

45.1. She violated § 4 (b) in relation to § 3 (e) of RA 3019 or the Anti-Graft Law which provides that "[i]t shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses" defined in RA 3019.

45.2. She is also liable for violation of §1 (a) of PD 1829, which provides that "a penalty of *prision correccional* in its maximum period shall be imposed upon any person who knowingly and willfully obstructs, impedes or delays the apprehension of suspects and the investigation of criminal cases by... (a) preventing witnesses from

---

[33] Should Commissioner Garcillano claim that he is being coerced, Gloria Macapagal-Arroyo is still liable under Section 261 (f) *on Coercion of Election Officials*, Section 261 (g) on *Coercion of Subordinates* under the OEC.

[34] ***PCIJ "Hello Garci?" transcripts*** at 46.

[35] ***PCIJ "Hello Garci?" transcripts*** at 46.

reporting the commission of any offense..."

45.3. She is liable for violating the OEC, particularly § 261 (j) on exercising *Undue Influence on a Public Official* and Section 261 (Z) (21) on *Violating the Integrity of Election Returns and Other Election Documents and Other Electoral Fraud*.[36]

45.4. She is also criminally liable as a conspirator in the commission of an electoral fraud.

45.5. Otherwise, she is still guilty of abetting or tolerating the commission of a crime when she allowed Commissioner Garcillano to commit an election offense without reporting the same to the Comelec under Art. 208 of the Revised Penal Code, which imposes a penalty of *prision correccional* upon a public official who in dereliction of his duties, "shall maliciously refrain from instituting prosecution or the punishment of violators of the law or shall tolerate the commission of offenses."

46. **On June 10, 2004,** at about 9:26 in the evening, Gloria Macapagal-Arroyo, President of the Philippines, informed Commissioner Garcillano of a problem in the canvassing in "South Upi" and instructed the latter to make sure that "ang importante, na hindi madamay yung sa taas..."[37]

46.1. She violated § 4 (b) in relation to § 3 (e) of RA 3019 or the Anti-Graft Law, which provides that "[i]t shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses" defined in RA 3019.

46.2. She violated § 1(a) of PD 1829, which provides that "[a] penalty of *prision correccional* in its maximum period shall be imposed upon any person who knowingly

---

[36] Should Commissioner Garcillano claim that he is being coerced, Gloria Macapagal-Arroyo is still liable under Section 261 (f) *on Coercion of Election Officials*, Section 261 (g) on *Coercion of Subordinates* under the OEC.

[37] ***PCIJ "Hello Garci?" transcripts*** at 49.

and willfully obstructs, impedes or delays the apprehension of suspects and the investigation of criminal cases by... (a) preventing witnesses from reporting the commission of any offense..."

46.3. She is liable for violating the OEC, particularly § 261 (j) on exercising *Undue Influence on a Public Official* and Section 261 (Z) (21) on *Violating the Integrity of Election Returns and Other Election Documents and Other Electoral Fraud*.[38]

46.4. She is also criminally liable as a conspirator in the commission of an electoral fraud.

46.5. Otherwise, she is still guilty of abetting or tolerating the commission of a crime when she allowed Commissioner Garcillano to commit an election offense without reporting the same to the Comelec under Art. 208 of the Revised Penal Code, which imposes a penalty of *prision correccional* on a public official who in dereliction of his duties, "shall maliciously refrain from instituting prosecution or the punishment of violators of the law or shall tolerate the commission of offenses."

47. She also directed the employment of such other similar mechanisms and machinations to perpetrate electoral fraud in the course of the aggregation and transposition of results from the precinct level up to ensure a victory in the May 2004 Presidential Elections.

II. GLORIA MACAPAGAL-ARROYO, PRESIDENT OF THE PHILIPPINES, BETRAYED THE PUBLIC TRUST, WHEN SHE COMMITTED ACTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

A. She obstructed justice by

[38] Should Commissioner Garcillano claim that he is being coerced, Gloria Macapagal-Arroyo is still liable under Section 261 (f) *on Coercion of Election Officials*, Section 261 (g) on *Coercion of Subordinates* under the OEC.

attempting to delay, impede, cover up and conceal or otherwise impair the verity, authenticity, admissibility or legibility, of evidence in the congressional investigation, 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 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 the law enforcement agencies from apprehending the perpetrator of certain crimes; or fabricating and disseminating information to mislead or impede the process of such investigations.

48. Gloria Macapagal-Arroyo, President of the Philippines, is liable under Section 2 (f) of PD 1829 for having consented to, authorized, or at the very least, acquiesced in, the preparation and presentation by her Press Secretary of the *Malacañang original*, despite knowledge that it is false, in order to affect the outcome of any official inquiry or proceeding regarding her conversations with Commissioner Garcillano during the election period.

49. Moreover, Gloria Macapagal-Arroyo, is guilty of violating Section 2 (i) of Pres. Decree No. 1829 for having authorized and consented to the presentation of the *Malacañang original* knowing it

to be false, to the NBI to mislead or prevent the NBI and other law enforcement agencies from apprehending the real offender, who is no other than herself. Were it not for the massive public protest that compelled Gloria Macapagal- Arroyo to confess that it was her voice on the tape, she would have succeeded in misleading the NBI to believe that she was only talking with her campaign operative and not to a Comelec Commissioner, thereby evading criminal liability completely.

50. Gloria Macapagal-Arroyo, President of the Philippines, authorized Press Secretary Bunye to make these false claims before the public evidently to conceal evidences of criminal wrongdoing or to trump up false charges against innocent persons, all to derail or sidetrack any future proceedings involving the recordings.

B. She deliberately concealed ownership of various properties – located in the Philippines and overseas – and business interests pertaining to her and her spouse, First Gentleman Jose Miguel "Mike" T. Arroyo, and knowingly and willfully failed to pay the taxes due on the said properties and the income derived from the same, in clear and flagrant 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.[39]

[39] For purposes of this section, reference is made to the official proceedings, transcripts, and records of the Senate of the Philippines on the Jose Pidal controversy, including all documents in the custody of the Senate relating to the same; and by which

51. In her Statement of Assets and Liabilities and Net worth (SALN) filed in February 2001, just after she assumed her office, President Gloria Macapagal-Arroyo indicated that as of December 31, 2000, she and her spouse, Jose Miguel "Mike" T. Arroyo, owned real properties with an acquisition and improvement cost of PhP 3,537,837.00 and personal and other properties totaling PhP 58,375,239.03.

52. The real properties she declared in her SAL were a House and Lot in Baguio, a residential lot in Antipolo, a commercial lot in Tayabas, Quezon, and agricultural lots in San Rafael, Bulacan and Nasugbu, Batangas.

53. She also declared that her spouse had business interests in three (3) companies: LTA, Inc. and LTA Realty both based in Makati City, and JJ Agricultural Corporation based in Bacolod City.

54. Far from being a full and complete declaration of the assets, liabilities, net worth, business interests, and financial connections of Gloria Macapagal-Arroyo and her spouse, the SALN filed by Gloria Macapagal-Arroyo deliberately omitted various real and personal properties to which she and her spouse held title, as well as numerous business interests that her spouse maintained.

55. Some of the properties that she deliberately omitted from the SALN she filed include –

55.1. Various real properties and the money realized from the re-sale of several of the same located in California, USA, acquired and managed though 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.

---

reference these official proceedings, transcripts, records, and documents are attached to this *Amended Complaint* as **ANNEX K** and made an integral part hereof.

55.2. 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.

55.3. 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 Mike Arroyo.

56. The business interests of Mike Arroyo that were deliberately omitted from the SAL she filed include –

56.1. As incorporator/stockholder: DM Press Inc., Raco Trading Phil. Inc., Trans Realty Co. Inc., Aviatica Travel and Management Corp., Eva Development Corp. (where Gloria Macapagal-Arroyo is likewise a stockholder), and Pacific Mint International Corp.

56.2. As lawyer: JMA Agricultural Development Corp. and Alaja Agro-Industrial Corp.

57. These deliberate omissions are in clear and flagrant violation of the disclosure requirements under Section 8 of the Code of Conduct and Ethical Standards of Public Officials and Employees (RA 6713) and the mandate of Article XI, Section 1 of the Constitution, and as such, constitute acts of graft and corruption and betrayal of public trust.

58. The concealment of the ownership of these properties and business interests furthermore facilitated the knowing and willful failure of Gloria Macapagal-Arroyo and Mike Arroyo to pay the taxes due on the same and the income derived from the same, in violation of the National Internal Revenue Code and other applicable tax statutes.

C. As the Commander-in-Chief of the Armed Forces and Chief Executive with the power of control and supervision over her

subordinates, she violated her duty and oath under the Constitution mandating respect for human rights when she acquiesced in and provided impunity to the killing of political dissenters, or infringed their freedoms of expression and assembly.

59. As Commander-in-Chief, Gloria Macapagal-Arroyo has **control and supervision** over members of the Armed Forces of the Philippines. She has the power to investigate abuses of the AFP and discipline erring members of the military. Gloria Macapagal-Arroyo holds supreme military authority and is the ceremonial, legal, and administrative head of the armed forces.[40]

60. Since she assumed the presidency in January 21, 2001, the human rights organization KARAPATAN has recorded two hundred ninety-three (293) cases of killings of four hundred eleven (411) persons through assassinations, summary executions and indiscriminate firing. In the same period, one hundred thirty (130) persons became victims of involuntary disappearance, two hundred forty-five (245) persons were subjected to torture in the hands of government authorities and one thousand five hundred sixty three (1,563) persons fell victim to illegal arrest. The vast majority of these cases were allegedly perpetrated by members or agents of the AFP.

61. Gloria Macapagal-Arroyo, President of the Philippines, has **knowledge of the pattern of human rights abuses** not only because of the publicity it generated in the media but also because the victims' kin and/or the survivors themselves have directly informed her of the same on two occasions. In fact, a two-page ad was published in the *Philippine Daily Inquirer* signed by members of Congress and other concerned citizens regarding the killings.

---

[40] JOAQUIN BERNAS, S.J., THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES, 866 (2003 ed.,)

62. Gloria Macapagal-Arroyo, President of the Philippines, despite her authority over the military and knowledge of the pattern of abuse, failed to take the appropriate action to stop the killings and human rights violations.

63. Then Colonel Jovito Palparan, who was implicated in the killing of Eden Marcellana and Eddie Gumanoy and who would subsequently become one of the most notorious Army general under the Arroyo administration, was charged with massive human rights violations when he was assigned as Brigade Commander of Oriental Mindoro in 2001. Eighteen (18) Bayan Muna members were killed while Palparan was the local military commander.

64. Despite his human rights records and the withdrawal of the Commission on Human Rights of his "human rights clearance", Gloria Macapagal-Arroyo, as Commander-in-Chief, not only failed to investigate Col. Palparan for culpability in the human rights violations, she even promoted him to Brigadier General in violation of her obligations to protect and promote human rights under the Constitution. It is apparent that Gloria Macapagal-Arroyo tolerates, encourages or abets the human rights abuses of the Armed Forces of the Philippines.

65. In 2005, Gloria Macapagal-Arroyo gave Gen. Palparan a bigger command by designating him the Commanding General of the 9th Infantry Division in Eastern Visayas. She also promoted Gen. Palparan to Major General despite his unlawful public pronouncements that he will rid his area of responsibility "*of anti-government rallies*" in six months, and despite the more than 100% increase in human rights violations in Eastern Visayas since his designation as Commanding General of the 9th Infantry Division. The promotion she granted to General Palaparan is a clear act of ratification and approval of his actions, including those which constitute human rights abuses.

66. The massive human rights violations under her presidency show her failure to fulfill her constitutional obligations to respect human rights. Bayan Muna and other progressive party-list groups directly informed Gloria Macapagal-Arroyo on two occasions of the attacks and asked for her to put a stop to the attacks but respondent not only failed to stop said attacks, but has even refused to publicly condemn it.

67. Her act of promoting military officers with record of human rights abuse such as Gen. Jovito Palparan and her failure to seriously investigate their reported abuses, further violates constitutional provisions on accountability of public officials and her oath under § 5, Art. VII to "preserve and defend the Constitution, execute its laws and do justice to every man."

68. She likewise violated Section 11, Article II which provides that 'the State values the dignity of every human person and guarantees full respect for human rights' and abused her constitutional function as Commander-in-Chief with command responsibility over the abusive members of the AFP.

69. These acts constitute betrayal of public trust and culpable violation of the Constitution as they trample upon the Bill of Rights, her Oath of Office under the Constitution, and her mandate as Commander-in-Chief of the Armed Forces of the Philippines and Chief Executive.

III. GLORIA MACAPAGAL-ARROYO, PRESIDENT OF THE PHILIPPINES, INCURRED LIABILITY FOR BRIBERY AND GRAFT AND CORRUPT PRACTICES, WHEN SHE COMMITTED ACTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

A. She approved contracts that were manifestly and grossly disadvantageous to the government, causing the government undue injury or giving unwarranted benefits to herself and/or favored parties through manifest partiality or evident bad faith. These contracts include, but are not limited to, the NorthRail and the Piatco NAIA Terminal III projects.

70. On February 26, 2004, the Department of Finance acting under the explicit direction of Gloria Macapagal-Arroyo, President of the Philippines, through her then Secretary of Finance, Juanita D. Amatong, entered into a Buyer Credit Loan Agreement (No. BLA 04055) with the Export-Import Bank of China, which granted the Republic of the Philippines a loan facility in the amount of Four Hundred Million US Dollars (US$400,000,000.00). [41]

71. The purpose of the Agreement was to finance the construction of the NorthRail Project – Phase I, Section I in the Philippines. The NorthRail Project is aimed at providing mass transport services between Metro Manila and Central and Northern Luzon, and is a major component of the Strong Republic Transit System initiative that Gloria Macapagal-Arroyo has repeatedly and publicly declared to be one of her priority projects. Phase I, Section I of the Project deals specifically with the development of a 32.2 kilometer rail line from Caloocan City to Malolos, Bulacan.[42] After her state visit to the People's Republic of China in September 2004, Gloria Macapagal-Arroyo publicly declared that one of her biggest accomplishments during the trip was the finalization of the financing Agreement for the NorthRail Project.

72. The Agreement is grossly disadvantageous to the Republic of the Philippines, and hence violative of the Anti Graft and Corrupt Practices Act (RA 3019) on several counts, which include –

72.1. It is based on a grossly inflated estimate of the project cost in the amount of US$503,000,000, for a 32.2 kilometer length of rail line, or an average of nearly US$16 million (around PhP 900 million) per kilometer,

---

[41] A copy of the loan agreement**, ANNEX L**, is attached to this *Amended Complaint* and made an integral part hereof.

[42] Attached as **Annex M**, and made an integral part hereof, is an Executive Summary of the Phase I, Section I of the Project.

exclusive of the costs for clearing, relocation, and resettlement of informal dwellers occupying the railroad Right of Way.

72.2. 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.

72.3. 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, without prejudice to the Export-Import Bank of China commencing any action, at its option, against the Republic of the Philippines or its property in any other jurisdiction. This one-sided concession unduly favors the Export-Import Bank of China and is extremely onerous to the Republic of the Philippines.

72.4. Article 5 of the Agreement 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.

73. In addition, the Agreement was entered into in culpable violation of several provisions of the Constitution, notably –

73.1. Article VII, § 20, which requires the *prior concurrence* of the Monetary Board before any foreign loan can be contracted. The record does not show that such prior concurrence from the Monetary Board was obtained.

73.2. Article XII, § 10 and § 12, which give preference to Filipino labor and investment. Under the Agreement, the China National Machinery and Equipment Corporation (Group) (CNMEG), a Chinese corporation, is designated as the prime contractor for the Project. This designation was made without providing qualified Filipino

contractors and corporations the opportunity to bid for the Project, not to mention that the Agreement also violates Philippine laws on public bidding.

74. Gloria Macapagal Arroyo, through her agents headed by Presidential Adviser for Strategic Projects Gloria L. Tan Climaco, solicited on several occasions, 20 million US dollars from German airport operator Fraport AG as an obligatory condition for the Arroyo administration's support for the operation of Ninoy Aquino International Airport Terminal III (NAIA III) by the Philippine International Air Terminals, Co. (PIATCO).

75. Furthermore, Gloria Macapagal-Arroyo, through Presidential Adviser Climaco, in an exchange of communications, offered to settle its dispute with Fraport AG in exchange for US$410 million documented or receipted compensation for the government's takeover of the NAIA III facility, but that only US$310 million shall actually be turned over to the German company, with the US$100 million to be retained by Gloria Macapagal-Arroyo for her own disposal.[43]

B. She accepted jueteng payola from jueteng operators, directly and/or indirectly, through her family members and other agents, in exchange for political protection. She also used the jueteng payola to bankroll her presidential campaign, and to bribe officials such as Comelec Commissioner Garcillano and his cohorts to rig the results of the 2004 presidential election in her

[43] Copies of the correspondences between the two parties , **ANNEXES N** and **O,** are attached to this *Amended Complaint* and made an integral part hereof.

favor.

76. Upon Gloria Macapagal-Arroyo's assumption to the Office of the President, jueteng operations that were previously stopped resumed. Law enforcement officials, with her blessing, and in conspiracy with the jueteng operators, allowed the proliferation of jueteng nationwide.

77. First Gentleman Arroyo and Congressman Mike Arroyo, with her prior knowledge and consent, ordered and /or influenced officers of the law enforcement agencies, to restore jueteng operations in various provinces in the Philippines.

78. The direct hand of Gloria Macapagal-Arroyo, President of the Philippines, in the jueteng operations is evident in her appointment and assignment of many high ranking officials of law enforcement agencies to various provinces, who acted as conduits in the payment of jueteng payola.

79. In exchange for her silent approval of the jueteng operations, she received, through Mr. Mike Arroyo and Congressman Mikey Arroyo, and other individuals, monthly jueteng payola amounting to at least ONE MILLION PESOS (PhP 1,000,000.00) per region. On one occasion, the jueteng bribe was delivered by hand to Congressman Mikey Arroyo inside the Halls of Congress.

80. Worse, not only did Gloria Macapagal-Arroyo, President of the Philippines, accept jueteng payola, she also used this illegal money to bankroll her presidential campaign in 2004 and finance massive electoral fraud including vote buying, bribery of COMELEC officers and personnel. First Gentleman Mike Arroyo, with her prior knowledge and consent, bribed Commissioner Garcillano, to rig the results of the election in favor of his wife, Gloria Macapagal-Arroyo, President of the Philippines.

81. The act of receiving jueteng money to protect illegal activities constitutes Direct Bribery, a crime punishable under Art. 210 of the Revised Penal Code, which penalizes a public officer for agreeing to perform an act constituting a crime, in connection with his performance of duties, in consideration of a gift.

82. Such conduct is also deemed corrupt, punishable under § 3(a) of RA 3019, which penalizes the act of "persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense."

83. Moreover, her approval of, and indirect participation in the, jueteng operation renders Gloria Macapagal-Arroyo, President of the Philippines, criminally liable under Presidential Decree No. 1602 which penalizes any person, who in any manner, shall directly or indirectly take part in any illegal or unauthorized jueteng.

C. As the principal beneficiary thereof, she used, acquiesced in or knowingly allowed the use, in the guise of legitimate governmental purposes, of government offices, agencies and funds immediately before and

during the election period of the 2004 regular elections, to buy votes and unlawfully promote her candidacy as illustrated in, but not limited to, PhilHealth and Road Users' Tax Projects, the abolition of the Southern Philippines Development Authority (SPDA) and the downsizing of the National Electrification Administration (NEA).

84. Gloria Macapagal-Arroyo, President of the Philippines, issued to voters during the campaign period, PhilHealth cards bearing her name and picture. [44]By placing her picture and name in the PhilHealth cards, she transformed said cards, which previously did not contain the name or face of any public official into a prohibited campaign material using public funds.[45]

85. On or about October 2003, Gloria Macapagal Arroyo, President of the Philippines, started a project that is nationwide in scope and of such visibility never before seen in the history of the Philippines. The project, estimated to have cost the government from 4 to 6 Billion Pesos for the relevant period stated herein, involved the purported maintenance of the country's national highways from Aparri to Jolo employing hundreds of thousands Filipinos of voting age not one of whom is supposed to be related to each other by affinity or consanguinity in case they belong to the same barangay which hosts a national highway.

86. The visibility of the project is of such scale that there is no national highway throughout the country where one could not find the advertisements for such project, either though the t-shirts and

---

[44] A copy of the PhilHealth Card distributed during the elections is attached as **ANNEX P** and made an integral part hereof.

[45] A copy of a Phil-Health card before the 2004 elections attached as **ANNEX Q** and made an integral part hereof.

raincoats given to the hundreds of thousands road sweepers, and hundreds of thousands placards and billboards made for such purpose – all of which either contained the face or the name of Gloria Macapagal Arroyo. The enormity of the amount involved AND THE SCALE OF this public relations campaign designed to promote the candidacy of Gloria Macapagal Arroyo is such that Gloria Macapagal Arroyo herself cannot claim not to have seen those promotional materials in her provincial sorties.

87. What makes all the expenditures on these projects anomalous is not the fact that they have all been undertaken at all, but the fact that in the years prior to and after the 2004 elections, the expenditures for these projects, if at all there was any, were so miniscule compared to the expenditures immediately before and during the 2004 elections.

88. On November 18, 2002, Gloria Macapagal-Arroyo issued Executive Order No. 149 directing the deactivation of the Southern Philippines Development Authority (SPDA) ostensibly to "streamline the functions of the bureaucracy";

89. This was done notwithstanding the fact that the budget for this particular agency was already submitted to Congress as part of the general appropriations act for year 2003 which was re-enacted as the budget for year 2004 when Congress failed to enact the budget for the said year;

90. Thus, the budget intended for the SPDA remained part of the national budgets for 2003 and 2004 but became effectively part of the "savings" of the Office of the President that is at her sole disposal.

91. The same thing happened to the National Electrification Administration's (NEA) "early retirement" of virtually all its employees in 2003, an agency with a PhP3.1 billion annual budget as of year 2003, when the latter's budget became part of the re-enacted national budget for 2004.

92. The budgets for these agencies, among other things, were all used or consumed by Gloria Macapagal-Arroyo for her presidential campaign fund as evidenced by the national government becoming nearly bankrupt in 2004.

Concluding Statement

By her conduct, Gloria Macapagal-Arroyo, President of the Philippines, has undermined the integrity of her office, has brought disrepute on the Presidency, has committed culpable violations of the Constitution, bribery and graft and corruption, and betrayed the public trust. By so flouting justice and the Rule of Law, she has committed an unforgivable outrage against the Filipino people to whom she must answer under the Constitution.

Indeed, by such conduct, Gloria Macapagal-Arroyo 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.

In a government of laws, existence of government will be imperiled if the President fails to observe the law scrupulously. Our President is the potent, the omnipotent teacher. For good or for ill, the President teaches the whole people by her example. If the President becomes a lawbreaker, she breeds contempt for the law; she invites every person to become a law unto herself; she invites anarchy.[46]

The fundamental law of the land, the Constitution, requires of Gloria Macapagal-Arroyo, President of the Philippines, her utmost fealty to her oath of office. If she fails to live up its high ideals and instead commits culpable violations of the Constitution and graft and corruption, and betrays the public trust, the same high ideals require– after impeachment and trial – no less than her removal from office and her disqualification to hold and enjoy any office of honor, trust or profit under the Republic of the Philippines.

---

[46]To paraphrase a memorable section of the opinion written by United States Justice Louis D. Brandeis in the landmark case of Olmstead v. United States 277 US 433, 485, 48 S.Ct. 575 (1928).

Wherefore, premises considered, Complainants pray that Congress act with urgent constitutional dispatch on this *Amended Complaint* and grant it due course.

Makati City, for Quezon City Philippines, July 14, 2005.