

# No man or woman should be above the law!

[SHOOTING STRAIGHT By Bobit S. Avila](#) (The Philippine Star) | Updated December 8, 2016 - 12:00am

Before Pres. Rodrigo “Digong” Duterte opens up a second front in his war against corruption he must first acknowledge or validate what many of us believe... using the words of my friend and fellow columnist, Mr. Tony Lopez who wrote in his Op-Ed column in the Manila Times last August 20,2013 that “Congress is the Philippines’ Biggest Criminal Syndicate.”

Let me extract what Mr. Tony Lopez wrote when he said, *“The biggest criminal syndicate in the Philippines is not any of those crime groups listed regularly by the Philippine National Police. It is Congress. As a syndicate, Congress is really massive 24 Senators and 289 Congressmen. This group of con men and women help themselves with money called the Priority Development Assistance Fund (PDAF) to the tune of P25 billion, if not more, a year. The simple word for PDAF is pork barrel.”*

Many pundits believe this to be true and it is the very reason that despite the fact that the elected position doesn’t really pay much, it is the reality that the corrupt members of Congress (it is also true that there are incorruptibles amongst their ranks) often retire rich beyond their dreams and it can only happen because of the Pork Barrel which was exposed to the hilt when the Supreme Court (SC) declared the Pork Barrel and its evil twin the Development Assistance Program (DAP) were both declared as unconstitutional by the SC.

The PDAF was declared unconstitutional last Nov.17, 2013 with a vote of 14-0, the entire Budget for the Year 2013 was also declared unconstitutional. Then on July 1, 2014 the SC ruled on the highly-controversial Disbursement Acceleration Program (DAP) and voting by 13-0-1 declared this as unconstitutional also. It was a double whammy for the administration of then Pres. Benigno “PNoy” Aquino, III who kept telling the Filipino people that he was in the forefront in the fight against corruption. Tony Lopez’s observations were right on the dot!

This brings me to discuss what I read yesterday in the **Philippine Star** and let me extract that piece of news for your appreciation. *“The Senate has voted against implementing the dismissal order on Sen. Joel Villanueva by the Office of the Ombudsman stemming from his alleged misuse of pork barrel funds when he was still a member of the House of Representatives. Upon the motion of Senate Majority Leader Vicente Sotto III, the chamber voted on Monday not to recognize the dismissal order of the ombudsman.*

*The senators adopted the opinion of the Senate legal counsel that the dismissal of Villanueva “cannot and should not be implemented on both procedural and substantive*

*grounds.” The ombudsman ordered the immediate dismissal of Villanueva for allegedly misusing his congressional funds in 2008, which the senator strongly disputed. Villanueva has filed a motion for reconsideration before the ombudsman.”*

We got a legal opinion of the Senate, penned by Ma. Valentina Cruz who declared, *“The doctrine of separation of powers necessitates that only the Senate, acting in accordance with its rules of procedure, can impose a penalty of either a suspension or expulsion on any one of its members. The authority of the Senate to discipline and punish its members is an inherent power. She also stated the ombudsman has no disciplinary authority over members of Congress in accordance with Section 21 of Republic Act 6770 or the Ombudsman’s Act of 1989 and its Rules of Procedure (Section 2, Rule III).”*

So by virtue of the Separate Powers of the Executive Branch, the Legislative Branch and the Judiciary, this controversy is dead in the water and the Office of the Ombudsman can’t do anything about this brazen attempt to “interfere” with the workings of Congress. But what about the case of former Senator Ramon “Bong” Revilla, Jr. was it no longer under the authority and therefore the protection of the Senate by virtue of his returning back to civilian life?

Apparently we read that Star report which said, *“The SC junked former Sen. Revilla’s bid to dismiss the P224-million plunder case for the alleged misuse of his pork barrel fund that the SC has declared as unconstitutional. The high court justices voted 13-1 in full session and decided to dismiss the petition filed by Revilla in June 2014 seeking to stop his trial in the Sandiganbayan and dismiss the plunder and graft cases filed against him by the Office of the Ombudsman, a court insider revealed to The STAR.”*

For as long as our present Justice system cannot be speeded up because of legitimate issues like the separation of powers amongst the three separate and independent branches of the government, the least we should expect from the Legislative Branch is to come up with ways for crooks in Congress to be brought to Justice. After all, we believe in that dictum that “No man is above the law” and it should also mean that our Senators and a Congressmen and women are not above the very laws they enact.

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