

**\*\*Title:\*\*** \*In Re: First Indorsement from Honorable Raul M. Gonzalez Requesting Comment on Anonymous Letter-Complaint against Justice Marcelo B. Fernan\*

**\*\*Facts:\*\*** The case originated from a first indorsement dated 16 March 1988, sent by Raul M. Gonzalez, Tanodbayan/Special Prosecutor, forwarding an anonymous letter from “Concerned Employees of the Supreme Court” and a telegram from Miguel Cuenco to Justice Marcelo B. Fernan for comments. The letter referred to disbarment charges filed by Cuenco against Fernan and sought action from Gonzalez. Cuenco’s telegram mentioned pleadings he filed in Administrative Case No. 3135 on 29 February 1988 and urged Gonzalez to intervene despite the pending Supreme Court decision.

Justice Fernan brought this to the Supreme Court en banc due to its policy implications. The Court had previously dismissed Cuenco’s charges against Fernan in a resolution dated 17 February 1988 for lack of merit and required Cuenco to show cause why he shouldn’t be penalized for unfounded accusations. Cuenco requested an extension for his motion for reconsideration, which was granted until 30 March 1988. He filed an omnibus pleading on 28 March 1988, treated by the Court as a motion for reconsideration in Administrative Case No. 3135, which was denied with finality on 15 April 1988.

**\*\*Issues:\*\***

1. Whether a member of the Supreme Court, or any other public officer who is required to be a member of the Philippine Bar as a qualification for office and can only be removed by impeachment, can be charged with disbarment during their incumbency.
2. If such public officers can be criminally charged before the Sandiganbayan or other courts with offenses that carry the penalty of removal from office.

**\*\*Court’s Decision:\*\***

The Supreme Court en banc reasserted that constitutional officers, including members of the Supreme Court, who can only be removed from office by impeachment, cannot be charged with disbarment or criminally charged for offenses that would lead to removal from office during their incumbency. This decision reinforced the principles of judicial independence and separation of powers, holding that such charges must be dismissed *motu proprio* by prosecutors, and any grievances ought to be addressed through impeachment proceedings.

**\*\*Doctrine:\*\***

The resolution of the Supreme Court established the doctrine that members of the Supreme

Court and other constitutional officers who require membership in the Philippine Bar as a qualification for their office and who can only be removed by impeachment cannot be the subject of disbarment proceedings or criminal charges that might lead to their removal from office during their incumbency. This doctrine underscores the principles of judicial independence and separation of powers.

**\*\*Class Notes:\*\***

- **\*Constitutional Immunity of Certain Public Officers:\*** Members of the Supreme Court and other officers removable only by impeachment cannot be subject to disbarment or criminal proceedings that could result in their removal while they are in office.
- **\*Separation of Powers and Judicial Independence:\*** This principle ensures that justices and certain constitutional officers are protected from external pressures and influences, maintaining the integrity and independence of the judiciary.
- **\*Removal through Impeachment:\*** The only mechanism for the removal of these officers is through the constitutional process of impeachment, as outlined in Sections 2 and 3 of Article XI of the 1987 Constitution.

**\*\*Historical Background:\*\*** The case is rooted in a broader constitutional context, emphasizing the protection of judicial officers from proceedings that could undermine the judiciary's independence. By solidifying the immunity of justices and certain high-ranking officers from disbarment and criminal proceedings that could precipitate their removal, the resolution aims to safeguard the democratic principles of checks and balances and the separation of powers. This reflects the constitutional framers' intent to protect the judiciary from political pressures and ensure its capability to operate independently, a fundamental aspect of maintaining the rule of law and democratic governance.