

****Title:** Conchita Carpio Morales vs. Court of Appeals and Jejomar Erwin S. Binay, Jr.:
Revisiting the Doctrine of Condonation******

****Facts:****

On July 22, 2014, a complaint was filed with the Office of the Ombudsman against Jejomar Erwin S. Binay, Jr. and several Makati City Government officials for alleged plunder and violation of the Anti-Graft and Corrupt Practices Act, pertaining to the Makati City Hall Parking Building project. A Special Panel of Investigators was created to investigate and, upon finding sufficient cause, filed administrative and criminal cases against Binay, Jr. et al. Before Binay, Jr. and others could file their counter-affidavits, the Ombudsman issued a preventive suspension order against them, premised on strong evidence of guilt and potential prejudice to the investigation. Binay, Jr. then filed a petition for certiorari with the Court of Appeals (CA), asserting his administrative liability had been condoned by his re-election. The CA issued a Temporary Restraining Order and subsequently, a Writ of Preliminary Injunction against the implementation of the preventive suspension order, based on the condonation doctrine.

The Ombudsman filed a petition with the Supreme Court, challenging the CA's actions, arguing the CA had no jurisdiction over the matter due to legislative restrictions and the improper application of the condonation doctrine. The Supreme Court was tasked with determining the validity of the CA's issuance of injunctive writs, the application of the condonation doctrine, and the broader implications of these actions on the principles of public accountability and the separation of powers.

****Issues:****

1. Whether the CA had jurisdiction over Binay, Jr.'s petition for certiorari, questioning the Ombudsman's preventive suspension order.
2. Whether the CA improperly applied the condonation doctrine in enjoining the preventive suspension order.
3. Whether the legislative restriction on courts from issuing injunctions against the Ombudsman's investigations violates the Constitution's separation of powers.

****Court's Decision:****

1. The Supreme Court deemed the CA had jurisdiction over the certiorari petition against the Ombudsman's preventive suspension order, overturning the legislative restriction as an infringement on the judiciary's inherent power and autonomy.
2. The Court invalidated the use of the condonation doctrine, which previously allowed

elected officials to evade administrative liability for misconduct committed during prior terms, upon re-election. It held that the doctrine was incompatible with the current constitutional and statutory framework that emphasizes public accountability and integrity in public service.

3. The Court established that Congress overstepped its bounds by enacting legislation that prevented courts, excluding the Supreme Court, from issuing provisional remedies against actions of the Ombudsman, thereby undermining judicial independence and authority.

****Doctrine:****

The Supreme Court declared the first paragraph of Section 14, RA 6770 unconstitutional insofar as it restricts court authority to issue provisional remedies against the Ombudsman. The decision affirmed that the judiciary's rule-making power, particularly on procedural matters, is exclusive and cannot be hindered by legislative enactments. Additionally, the Court abandoned the condonation doctrine, reinforcing the principle that public office is a public trust and elected officials are accountable for their conduct in office, irrespective of re-election.

****Class Notes:****

- The principle of separation of powers entails that legislative acts cannot encroach upon the judiciary's inherent powers and procedural rule-making authority.
- Jurisdiction vs. Judicial Power: Whereas jurisdiction refers to a court's authority to hear and decide a case, judicial power includes the duty to settle actual controversies involving rights and determine if there has been a grave abuse of discretion on the part of any government branch.
- Remedies like TRO and writ of preliminary injunction are procedural tools that courts may employ to preserve their jurisdiction and ensure effective judicial review.
- The condonation doctrine, which previously absolved re-elected officials from administrative liability for misconduct committed during prior terms, is no longer applicable, promoting accountability and integrity among public officials.

****Historical Background:****

This case arose in a legal and political climate charged with concerns over public integrity and the accountability of elected officials. The abandonment of the condonation doctrine reflects the evolving standards of public service and governance in the Philippines. It signifies a departure from outdated legal principles that no longer serve the nation's democratic values and the constitutional mandate that public office is a public trust. This decision reaffirms the judiciary's commitment to uphold the constitution above all and

emphasizes the principle that elected officials must face the consequences of their actions, promoting a culture of responsibility and ethical conduct in public service.