

Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Against Gregory S. Ong

Supreme Court of the Philippines, En Banc

Facts

In 2010, a Sandiganbayan case involving Janet Lim Napoles (Napoles) and others implicated in malversation of public funds through falsification of public documents and violation of Section 3(e) of Republic Act No. 3019 was decided (the Kevlar case). The case involved a questionable sale of 500 U.S.-made Kevlar helmets worth P3,865,310.00 to the Philippine Marine Corps. Justice Gregory S. Ong, who was then a member of the Sandiganbayan Fourth Division, concurred in acquitting Napoles due to lack of evidence against the accountable officer and an absence of overt acts suggesting conspiracy on Napoles' part.

In 2013, amidst the Senate Blue Ribbon Committee investigation into the "pork barrel scam," testimonies from Benhur Luy and Marina Sula implicated Justice Ong. They alleged Ong had visited Napoles's office twice, accepted investment offers, and received checks from Napoles.

Following these testimonies, the Supreme Court conducted a motu proprio investigation, during which Ong denied any impropriety. He insisted his visit to Napoles was unrelated to the Kevlar case decision and occurred after the case had been concluded. However, after evaluation, the Court found Ong guilty of gross misconduct, dishonesty, and impropriety, resulting in his dismissal from service, forfeiture of retirement benefits, and permanent disqualification from government reemployment.

Five years later, Ong filed a Plea for Judicial Clemency, requesting the restoration of his retirement benefits and lifting of his disqualification for reemployment in the government. He provided testimonies affirming his good conduct and remorse, mentioned continued socio-civic engagements, and revealed his dire financial and medical condition due to a recurring prostate cancer.

Issues

1. Whether Ong is entitled to judicial clemency, considering the gravity of his past misconduct.
2. What criteria should be considered in evaluating Ong's plea for judicial clemency.

Court's Decision

The Supreme Court examined the plea for judicial clemency by evaluating:

1. **Remorse and Reformation:** The Court found Ong demonstrated remorse and reform through his acceptance of the Court's decision, participation in socio-civic activities, and providing free legal services.
2. **Elapsed Time:** Six years since his dismissal was considered ample time to reflect and reform.
3. **Economic and Medical Condition:** Ong's financial and medical hardships, including recurrence of prostate cancer, favored a compassionate consideration of his plea.

Decision on Issues:

1. **Issue of Judicial Clemency:** The Court partly granted judicial clemency. Ong was found to have shown sufficient remorse and reformation for his actions. The Court granted restoration of his retirement benefits, albeit with the forfeiture of two-thirds of the lump sum benefit. His full pension was restored subject to clearance, and the prohibition against his reemployment in government service was lifted.

Doctrine

- **Judicial Clemency:** Clemency is an extraordinary act of mercy that must not contravene existing laws or public interest. It requires strong proof of reformation, remorse, and must consider the impact on public confidence in the judiciary.
- **Conduct of Judges:** Judges must avoid both impropriety and the appearance of impropriety to maintain public confidence in the judiciary (Canon 4, Section 1 of the New Code of Judicial Conduct).

Class Notes

- **Key Elements:** Judicial misconduct, criteria for judicial clemency, public trust in the judiciary.
- **Legal Principles:** Judges' conduct must be free of impropriety, retrospective evaluation of clemency requires reform and genuine remorse.
- **Statutory Provisions:** Canon 4, Section 1 of the New Code of Judicial Conduct; Section 3(e) of Republic Act No. 3019.

Historical Background

The case emerged in the context of widespread government fund malversation scandals uncovered in the early 2010s, implicating high-profile political and judicial figures, and leading to sweeping judicial and administrative reforms aimed at curbing corruption and restoring public trust in Philippine institutions.