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REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

FIFTEENTH CONGRESS
First Regular Session

House Resolution No. _____

Introduced by: **Representatives Niel C. Tupas, Jr., Rodolfo C. Fariñas, Reynaldo V. Umali, Romero Federico S. Quimbo, Raul A. Daza, Lorenzo R. Tañada III, Neri J. Colmenares, and Kaka J. Bag-ao**

**RESOLUTION IMPEACHING OMBUDSMAN
MA. MERCEDITAS NAVARRO-GUTIERREZ
FOR BETRAYAL OF PUBLIC TRUST**

RESOLVED, that Ombudsman Ma. Merceditas Navarro-Gutierrez, is impeached for betrayal of public trust pursuant to Article XI, Section 2 of the Constitution and that the following Articles of Impeachment be exhibited to the Senate of the Republic of the Philippines by the House of Representatives of the Republic of the Philippines in its own name and that of the Filipino people against said Ombudsman Ma. Merceditas Navarro-Gutierrez, in maintenance and support of its impeachment against her.

ARTICLE I

THE FERTILIZER FUND SCAM

Ombudsman Ma. Merceditas Navarro-Gutierrez violated her constitutional and statutory duties, as protector of the people, to act promptly on complaints against public officials or employees of the government and enforce their administrative, civil, and

1 criminal liability in every case where the evidence warrants in
2 order to promote efficient service by the Government to the people,
3 and has betrayed the public trust by inexcusably failing (1) to act
4 promptly on the complaints filed and (2) to file the appropriate
5 cases in court against high ranking government officials involved
6 in the anomalous use of the Php728 Million “Ginintuang
7 Masaganang Ani” (GMA) Program or the “Fertilizer Fund Scam”.

8
9
10 Notwithstanding the filing of complaints and the findings
11 and recommendations in the Task Force Abono Reports in 2006,
12 the Senate Committee Report No. 54 in 2006 and the Commission
13 on Audit to file the appropriate charges against then Agriculture
14 Secretary Luis “Cito” Lorenzo and then Agriculture Undersecretary
15 Jocelyn “Joc-Joc” Bolante, among others, Ombudsman Ma.
16 Merceditas Navarro-Gutierrez has inexcusably failed to act
17 promptly on the complaints pertaining to the “Fertilizer Fund
18 Scam” for more than five (5) years and failed to file the appropriate
19 cases in court. This is contrary to the Ombudsman’s duty to give
20 priority to complaints filed against high ranking government
21 officials and/or those occupying supervisory positions, and
22 complaints involving grave offenses and large sums of money
23 and/or properties.

24
25 Ombudsman Ma. Merceditas Navarro-Gutierrez has acted in
26 a manner that violates her oath and constitutional duty, has
27 undermined the integrity of her office, has brought disrepute to the
28 Office of the Ombudsman, and has acted in a manner contrary to
29 the Constitution, law and justice, to the prejudice and manifest
30 injury of the Filipino people rendering her unfit to continue in
31 office.

32
33 Such conduct of Ombudsman Ma. Merceditas Navarro-
34 Gutierrez warrants her conviction for betrayal of the public trust,
35 and removal from office and disqualification to hold any office
36 under the Republic of the Philippines.

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ARTICLE II**EURO GENERALS SCANDAL**

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5 Ombudsman Ma. Merceditas Navarro-Gutierrez violated her
6 constitutional and statutory duties, as protector of the people, to
7 act promptly on complaints against public officials or employees of
8 the government and enforce their administrative, civil, and
9 criminal liability in every case where the evidence warrants in
10 order to promote efficient service by the Government to the people,
11 and has betrayed the public trust by inexcusably failing to file the
12 appropriate cases in court against Philippine National Police (PNP)
13 Comptroller P/Dir. Eliseo De la Paz of the “Euro Generals
14 Scandal,” despite the latter’s public admission under oath of a
15 criminal offense and the findings of criminal liability by various
16 government bodies.

17
18 On 15 November 2008, P/Dir. De la Paz, testified before the
19 Senate Blue Ribbon Committee and Committee on Foreign
20 Relations, and openly admitted therein that he brought an amount
21 equivalent to more than US\$10,000.00 outside the Philippines
22 without declaration thereof to the Philippine Bureau of Customs.

23
24 Despite the lapse of more than two (2) years from the
25 admission made by P/Dir. De la Paz and the submission to
26 Ombudsman Ma. Merceditas Navarro-Gutierrez of the findings of
27 the PNP that P/Dir. De la Paz violated laws, as well as regulations
28 of the Bangko Sentral ng Pilipinas, Ombudsman Ma. Merceditas
29 Navarro-Gutierrez has failed to file the appropriate cases in court
30 against P/Dir. De la Paz.

31
32 Ombudsman Ma. Merceditas Navarro-Gutierrez has acted in
33 a manner that violates her oath and constitutional duty, has
34 undermined the integrity of her office, has brought disrepute to the
35 Office of the Ombudsman, and has acted in a manner contrary to
36 the Constitution, law and justice, to the prejudice and manifest
37 injury of the Filipino people rendering her unfit to continue in
38 office.

39
40 Such conduct of Ombudsman Ma. Merceditas Navarro-Gutierrez
41 warrants her conviction for betrayal of the public trust,
42 and removal from office and disqualification to hold any office
43 under the Republic of the Philippines.
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ARTICLE III**THE MEGA-PACIFIC DEAL**

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5 Ombudsman Ma. Merceditas Navarro-Gutierrez violated her
6 constitutional and statutory duties, as protector of the people, to
7 act promptly on complaints against public officials or employees of
8 the government and enforce their administrative, civil, and
9 criminal liability in every case where the evidence warrants in
10 order to promote efficient service by the Government to the people,
11 and has betrayed the public trust by absolving from any criminal
12 liability the Commission on Elections (COMELEC) officials and
13 private individuals involved in the anomalous billion-peso
14 contracts for the automation of the 2004 elections known as the
15 “Mega Pacific Deal”.

16
17 Notwithstanding the findings of the Senate and the Supreme
18 Court in *Information Technology Foundation of the Philippines, et.*
19 *al. vs. Commission on Elections et. al.* (GR No. 159139, January 13,
20 2004), that “COMELEC and its officials concerned must bear full
21 responsibility for the failed bidding and award, and held
22 accountable for the electoral mess,” Ombudsman Ma. Merceditas
23 Navarro-Gutierrez has absolved from any criminal liability the
24 COMELEC officials and private individuals involved in the “Mega
25 Pacific Deal”.

26
27 Ombudsman Ma. Merceditas Navarro-Gutierrez has acted in
28 a manner that violates her oath and constitutional duty, has
29 undermined the integrity of her office, has brought disrepute to the
30 Office of the Ombudsman, and has acted in a manner contrary to
31 the Constitution, law and justice, to the prejudice and manifest
32 injury of the Filipino people rendering her unfit to continue in
33 office.

34
35 Such conduct of Ombudsman Ma. Merceditas Navarro-Gutierrez
36 warrants her conviction for betrayal of the public trust,
37 and removal from office and disqualification to hold any office
38 under the Republic of the Philippines.
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ARTICLE IV**NBN-ZTE DEAL**

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5 Ombudsman Ma. Merceditas Navarro-Gutierrez violated her
6 constitutional and statutory duties, as protector of the people, to
7 act promptly on complaints against public officials or employees of
8 the government and enforce their administrative, civil, and
9 criminal liability in every case where the evidence warrants in
10 order to promote efficient service by the Government to the people,
11 and has betrayed the public trust by using the powers of her high
12 office, personally and through her subordinates and agents, to
13 wrongfully exclude President Gloria Macapagal-Arroyo from
14 investigation and absolve her husband, Jose Miguel Arroyo, a
15 former classmate of the Ombudsman, from criminal prosecution
16 stemming from the scandalous NBN-ZTE broadband contract (the
17 “NBN-ZTE Deal”).
18

19 Notwithstanding the evidence presented before the Office of
20 the Ombudsman implicating former COMELEC Chairman
21 Benjamin Abalos, National Economic Development Authority
22 (NEDA) Secretary Romulo Neri and Jose Miguel Arroyo, the Office
23 of the Ombudsman indicted Benjamin Abalos and Romulo Neri but
24 absolved Jose Miguel Arroyo in the NBN-ZTE Deal, and displayed
25 gross incompetence by inexcusably failing and refusing to
26 investigate President Gloria Macapagal-Arroyo.
27

28 Ombudsman Ma. Merceditas Navarro-Gutierrez has acted in
29 a manner that violates her oath and constitutional duty, has
30 undermined the integrity of her office, has brought disrepute to the
31 Office of the Ombudsman, and has acted in a manner contrary to
32 the Constitution, law and justice, to the prejudice and manifest
33 injury of the Filipino people rendering her unfit to continue in
34 office.
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36 Such conduct of Ombudsman Ma. Merceditas Navarro-
37 Gutierrez warrants her conviction for betrayal of the public trust,
38 and removal from office and disqualification to hold any office
39 under the Republic of the Philippines.
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ARTICLE V**ENSIGN PHILIP PESTAÑO CASE**

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5 Ombudsman Ma. Merceditas Navarro-Gutierrez violated her
6 constitutional and statutory duties, as protector of the people, to
7 act promptly on complaints against public officials or employees of
8 the government and enforce their administrative, civil, and
9 criminal liability in every case where the evidence warrants in
10 order to promote efficient service by the Government to the people,
11 and has betrayed the public trust, personally and through her
12 subordinates and agents, by failing to act promptly and by
13 wrongfully absolving the Philippine Navy officers and personnel
14 implicated in the death of Navy Ensign Philip Andrew Pestaño,
15 notwithstanding the findings and recommendations of the Senate
16 Committees on Justice and Human Rights and on National
17 Defense and Security, and the United Nations Human Rights
18 Committee.

19
20 The eventual dismissal of the Pestaño case, coupled with the
21 delay in resolving the same, which led to the issuance by the
22 United Nations Human Rights Committee of its Views declaring
23 that the Philippine Government violated its obligations under the
24 International Covenant on Civil and Political Rights (ICCPR),
25 manifests that Ombudsman Ma. Merceditas Navarro-Gutierrez has
26 abandoned the Ombudsman's statutory and constitutional duties,
27 has undermined the integrity of her office, has brought disrepute
28 to the Office of the Ombudsman, has acted in a manner contrary
29 to her oath, the Constitution, law and justice, and has betrayed
30 the public trust, to the prejudice and manifest injury of the Filipino
31 people, rendering her unfit to continue in office.

32
33 Such conduct of Ombudsman Ma. Merceditas Navarro-
34 Gutierrez warrants her conviction for betrayal of the public trust,
35 and removal from office and disqualification to hold any office
36 under the Republic of the Philippines.

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ARTICLE VI**LOW CONVICTION RECORD**

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5 Ombudsman Ma. Merceditas Navarro-Gutierrez violated her
6 constitutional and statutory duties, as protector of the people, to
7 act promptly on complaints against public officials or employees of
8 the government and enforce their administrative, civil, and
9 criminal liability in every case where the evidence warrants in
10 order to promote efficient service by the Government to the people,
11 and has betrayed the public trust by her dismal performance, as
12 shown among others, by the Office of the Ombudsman's low
13 conviction record, manifesting a level of incompetence and
14 inefficiency amounting to a dereliction of duty.
15

16 Upon assumption by Ma. Merceditas Navarro-Gutierrez as
17 head of the Office of the Ombudsman in December 2005, the
18 conviction record for Ombudsman-conducted prosecutions has
19 declined, highlighted by her performance in 2008 up to the filing of
20 the impeachment complaints, and even includes a high number of
21 plea bargaining agreements entered into by the Office of the
22 Ombudsman.
23

24 Ombudsman Ma. Merceditas Navarro-Gutierrez has acted in
25 a manner that violates her oath and constitutional duty, has
26 undermined the integrity of her office, has brought disrepute to the
27 Office of the Ombudsman, and has acted in a manner contrary to
28 the Constitution, law and justice, to the prejudice and manifest
29 injury of the Filipino people rendering her unfit to continue in
30 office.
31

32 Such conduct of Ombudsman Ma. Merceditas Navarro-
33 Gutierrez warrants her conviction for betrayal of the public trust,
34 and removal from office and disqualification to hold any office
35 under the Republic of the Philippines.
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38 Adopted,

NIEL C. TUPAS, JR.
Chairman
Committee on Justice

RODOLFO C. FARIÑAS

ROMERO FEDERICO S. QUIMBO

REYNALDO V. UMALI

RAUL A. DAZA

LORENZO R. TAÑADA III

NERI J. COLMENARES

KAKA J. BAG-AO