

# GMA picks JBC's last choice as SC justice

## Peralta among justices who convicted Erap

By MARVIN SY

One of the two nominees least favored by the Judicial and Bar Council (JBC) for the position of Supreme Court associate justice has turned out to be the choice of President Arroyo.

Malacañang announced yesterday the appointment of Sandiganbayan Presiding Justice Diosdado Peralta as the newest associate justice of the Supreme Court.

Executive Secretary Eduardo Ermita was quick to defend Peralta's appointment following allegations that it was based merely on his being close to Mrs. Ar-



Peralta

royo.

Peralta, along with fellow Sandiganbayan Justice Francisco Villaruz, got the least number of votes from the JBC.

Peralta will take over the post left vacant by justice Ruben Reyes who retired Jan. 3 upon turning 70.

Ermita emphasized that Peralta went through the JBC

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process and is widely considered highly qualified for the post.

"I could imagine that first, in the process being done in the judiciary level we have the Judicial Bar Council. They choose the applicants for such positions as justice of the Sandigan and I believe that a person like justice Peralta will not pass if there are flaws in his past and in his career," Ermita said.

He said almost every appointment attracts skepticism or even opposition and Peralta's is no exception.

The JBC is an independent body mandated by the Constitution to go over the nominees for certain positions such as justices of the Supreme Court.

The JBC screens nominations and provides the President with a shortlist of candidates from which she would make her choice.

Ermita said it was the JBC that promoted Peralta to presiding justice of the Sandiganbayan and that he would not have gotten the post then if he were not qualified.

"The fact that he was chosen made him very, very eligible for higher positions which led to his being the presiding justice of the Sandigan after Justice Tessie de Castro was sent to the Supreme Court," he added.

The JBC gave the president a shortlist of five names to choose from. Court of Appeals Seventh Division senior member Associate Justice Martin Villarama Jr. got the most votes - seven from the eight-member JBC panel.

Trailing Villarama was Ateneo law school dean Cesar Villanueva and CA Second Division chair Portia Alino-Hor-machuelos.

Critics of the appointment of Peralta's have expressed fears that his close ties with the President might influence his judgment on controversial issues, particularly the administration's Charter change bid aimed reportedly at extending Mrs. Arroyo's term.

With a majority of members of the Supreme Court being appointees of Mrs. Arroyo, concerns have been raised

over the institution's independence.

But Ermita moved to assuage critics' fears.

"I think it's not really true," Ermita said of concerns over SC's impartiality. "They are just anticipating this but it is really not as they would like to believe."

Ermita challenged the critics of the President to make an inventory of the cases decided by the Supreme Court under the Arroyo administration to see exactly how many of these were in favor of the administration.

He pointed out that the SC acts as a body and that any decisions rendered are based on the inputs of all its members.

"I happen to know that a few of those appointees really exercise their own discretion as far as cases are concerned and not necessarily in favor of the position that the administration wishes to have so I think that is on record," Ermita said.

## Erap factor

President Arroyo named Peralta presiding justice of the Sandiganbayan in March 2008 following his predecessor's - De Castro - appointment to the SC.

Peralta and De Castro were both members of the three-man special division of the Sandiganbayan that convicted former President Joseph Estrada of plunder.

Born on March 27, 1952, the outgoing Sandiganbayan presiding justice earned his Bachelor of Laws at the University of Sto. Tomas in 1979. He passed the bar in the same year.

He earned his pre-law degree at the Colegio de San Juan de Letran in 1974.

Peralta, son of former Manila Court of First Instance Judge Elviro Peralta, is married to Court of Appeals Associate Justice Fernanda Lampes-Peralta. They have four children.

Since 1999, he has been a member of the planning committee of the Institute on Criminal Law, Remedial Law and Trial Technique at the University of the Philippines Law Center.

Peralta is also a professor, reviewer and lecturer in criminal law and criminal procedure at UST, Ateneo de Manila Law School, University of the East College of Law, Philippine Christian University,

and San Sebastian College.

He is also a member of the sub-committee on evidence of the SC's Committee on the Revision of the Rules of Court.

Peralta also held positions at Cosmos Bottling Corp., Wisdom Management Inc. and Ace Agro-Development Corp. in the 1970s and 1980s.

Before joining the Sandiganbayan, Peralta was a trial court judge of Quezon City during which he gained the reputation as "hanging judge" for sentencing to death more than 40 people.

He was a founding member of the "Gillotine Club" composed of judges who advocate capital punishment.

## No contest from SC, JBC

Despite giving Peralta few votes, the JBC - together with the SC - raised no objection to his appointment saying he is highly qualified anyway.

"He is highly competent. He is highly qualified. He was nominated by the JBC under no cloud of doubt. The Court expects him (Peralta) to exercise his function with independence of mind," said SC spokesman

Midas Marquez.

Justice Secretary Raul Gonzalez, a member of the JBC, also said Peralta is "very qualified."

"He has a good track record in the judiciary," Gonzalez said of Peralta.

Gonzalez claimed he did not know that Peralta is close to the President during the nomination of candidates to the JBC's shortlist.

"I did not know that he is close to the President. I never talked with the President about it," he said.

Sen. Francis Pangilinan, a member of the JBC, said he is optimistic that Peralta will do his job with dedication and independence.

"We trust that Justice Peralta is fully aware that his appointment comes at a time when there is serious concern about ensuring the independence of the judiciary given that six more justices are retiring before the end of the year," Pangilinan said.

"We hope that he will rise up to the occasion to protect the Supreme Court's independence at this crucial juncture in the nation's history." - With Reinir Padua, Aurea Calica and Mike Frialde