

**IN THE MATTER OF THE
VERIFIED COMPLAINT FOR THE IMPEACHMENT OF
PRESIDENT RODRIGO ROA DUTERTE FOR CULPABLE
VIOLATION OF THE CONSTITUTION, BETRAYAL OF PUBLIC
TRUST, GRAFT AND CORRUPTION AND OTHER HIGH
CRIMES**

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The Undersigned Member of the House of Representatives, in his own behalf and on behalf of the people of the Republic of the Philippines, hereby files this **VERIFIED COMPLAINT** for the **IMPEACHMENT** of **PRESIDENT RODRIGO ROA DUTERTE** ("**Respondent**" hereinafter) under and pursuant to **Sections 2 and 3, Article XI (Accountability of Public Officers) of the 1987 Philippine Constitution**, to wit:

GROUND:

Respondent Rodrigo Roa Duterte:

- (1) CULPABLY VIOLATED THE CONSTITUTION;**
- (2) ENGAGED IN BRIBERY;**
- (3) BETRAYED PUBLIC TRUST;**
- (4) COMMITTED GRAFT AND CORRUPTION; AND**
- (5) COMMITTED OTHER HIGH CRIMES;**

all of which actions and/or actuations constitute proper grounds for his *impeachment* from the position of President of the Republic of the Philippines, under and pursuant to **Sections 2 and 3, Article XI (Accountability of Public Officers) of the 1987 Constitution**, the text of which reads as follows, to wit:



Section 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

[Underscoring and emphasis supplied]

ARGUMENTS/DISCUSSION

CHARGE NO. 1

BETRAYAL OF PUBLIC TRUST, BRIBERY, CULPABLE VIOLATION OF THE CONSTITUTION AND OTHER HIGH CRIMES

Respondent Rodrigo Roa Duterte betrayed the public trust reposed upon him as President of the Republic and culpably violated the Constitution when, in violation of his constitutional oath to faithfully execute the laws of the land and, to the best of his ability, preserve, protect and defend the Constitution of the Republic of the Philippines, he willfully and culpably committed the High Crimes of bribery, multiple murder and/or Other Crimes Against Humanity, particularly by adopting a state policy of inducing policemen, other law enforcement officers and/or members of "*vigilante groups*" into the Extra-Judicial Killings (EJKs) of more than *Eight Thousand (8,000) persons* who were merely *suspected* of being drug pushers, drug users and/or committing other crimes, including petty criminals, without benefit of trial and without due process of law pursuant to his *War Against Drugs* and/or *Oplan: TokHang* and *Oplan Double-Barrel* of the Philippine National Police (PNP).

In his campaign and policy speeches and public pronouncements even before assuming the Presidency and after assuming the Presidency, Respondent Rodrigo Roa Duterte, by himself and through his subordinates and/or agents, espoused a policy of killing *suspected* drug lords, drug users and other crime suspects, in gross and utter violation of the Philippine Constitution and prevailing laws.

As a result, in just over eight (8) months since he assumed Office last 30 June 2016, more than Eight Thousand individuals (8,000), more or less, have been killed in Respondent Duterte's *War on Drugs*, and the

PNP's *Oplan TokHang* and *Oplan Double Barrel*, particularly in police operations, as well as in vigilante and gangland-style of assassinations and/or executions or "*salvagings*", most of which have gone uninvestigated by the authorities.¹

Respondent Rodrigo Roa Duterte made real his promise of exporting and expanding the dubious and gruesome work of his infamous Davao Death Squad (DDS), which is reported to be responsible for the murder and deaths of at least One Thousand Four Hundred Twenty-Four (1,424) individuals in Davao City from 1998 to 2015,² to the entire country.

Contrary to his Oath of Office and to the Constitution and prevailing laws, Respondent Rodrigo Roa Duterte publicly adopted a policy of promoting, encouraging, as well as aiding and abetting in the extra-judicial killing of persons suspected of being drug-pushers, drug-users and/or committing other crimes, to the extent of:

- (1) Making the killing of drug suspects and other *suspected* criminals as one of the principal bases for the promotion and/or retention of Police Commanders such that Police Commanders in whose areas there are no reported killing of suspects are under threat of being replaced;
- (2) Publicly asking the people to "*kill drug addicts*" in his televised speech after his oath on 30 June 2016, during his so-called Solidarity Dinner in Tondo, Manila,³ where he was directly on video saying:

"Yung mga adik ho diyan, kayo na lang ho ang pumatay. Kung anak niya, ikaw ang pumatay. Kung anak niyang adik, kayo ang pumatay para hindi masyadong masakit. Unahin na lang muna niya kasi darating talagayan. Mamamatay yan!"

¹ See: The Kill List, Philippine Daily Inquirer (PDI), accessed on 26 July 2016 at 1:14 a.m.; See also: Inquirer.Net: <http://newsinfo.inquirer.net/794598/kill-list-drugs-duterte>

² See: The Victims of the Davao Death Squad: Consolidated Report 1998 to 2015 by Fr. Amado Picardal, CSSR; CBCP News; accessed on 26 July 2016; <http://www.cbcnews.com/cbcnews/?p=76531>

³ See: Philippines President Rodrigo Duterte urges people to kill drug addicts, The Guardian, by Guardian Staff and agencies; Guardian staff and agencies; 01 July 2016, Website: <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterte-urges-people-to-kill-drug-addicts> ; Also recorded live on video as published on the YouTube Channel, thus: <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterte-urges-people-to-kill-drug-addicts>



[Emphasis supplied]

- (3) Publicly announcing that he, as President, will issue automatic or pre-signed *pardons* to policemen accused of extra-judicial killings, including pardoning himself for the said killings;
- (4) Publicly encouraging members of the Philippine National Police [PNP] and the Armed Forces of the Philippines [AFP] to execute and kill drug traders and other suspected criminals;⁴
- (5) Acting as virtual “cheerleader”, as one international human rights advocacy group puts it, for the summary killing of drug and criminal suspects, thus, endangering the lives of Filipinos, who now run the risk of falling victims to *state-sponsored murder*,⁵ in violation of basic human rights and/or our fundamental right to life and due process of law; and –
- [6] Dismissing and ridiculing newspaper accounts depicting the pain and anguish of the members of the families of the victims of extra-judicial killings as “melodramatic”, even in his State of the Nation Address (SONA), thus, clearly showing his lack of regard for the undue and unnecessary loss of human lives;
- [7] Publicly declaring, by himself⁶ & ⁷ and through his subalterns,⁸ that criminals are not humanity, or have no humanity and/or they are not humans, thus, effectively claiming or implying that they are not entitled to human rights;



⁴ See: Be not afraid to kill drug traders, criminals, by Marlon Ramos; Philippine Daily Inquirer [PDI] – 21 July 2016, 9:30 p.m.; last accessed on 26 June 2016 at 1:48 a.m.; <http://newsinfo.inquirer.net/798027/duterte-to-troops-be-not-afraid-to-kill-drug-traders-criminals>

⁵ See: Duterte dubbed a ‘cheerleader’ in the killing of drug suspects by: Aries Joseph Hegina; Inquirer.Net, 26 July 2016 at 1:20. p.m.; <http://globalnation.inquirer.net/141902/duterte-a-cheerleader-for-killing-drug-suspects-intl-rights-group>

⁶ See: Duterte slams report: Criminals have no humanity, Philippine Star, 03 March 2017; Also reported in the PhilStar.Com; <http://www.philstar.com/headlines/2017/03/03/1677475/duterte-slams-report-criminals-have-no-humanity>

⁷ See: Duterte: Criminals have no humanity, Philippine Daily Inquirer, by Leila Salverria, 02 March 2017; also published in the Inquirer.Net: <http://newsinfo.inquirer.net/876970/duterte-criminals-have-no-humanity>

⁸ Aguirre: Criminals are not humans, Agence France-Presse as reported in Inquirer.Net, 01 February 2017: <http://newsinfo.inquirer.net/867331/criminals-are-not-human-aguirre>

- [8] Publicly asking, encouraging and urging communist rebels and/or members of the New People's Army (NPA) to kill drug suspects and suspected criminals;⁹
- [9] Publicly asking, encouraging and urging civilians to kill criminals and even promising those who would do so to give them medals and give them reward money, thus, effectively encouraging and promoting *vigilantism* even during his nationally-televised speeches;¹⁰
- [10] Organizing and/or maintaining liquidation squads under the guise of "Anti-Crime Task Forces", special police units like *Davao's Heinous Crimes Unit* and/or vigilante groups like the dreaded *Davao Death Squad ("DDS")* and/or providing funds to the said groups whether in the form of salaries, monthly allowances, bounties, rewards and/or prize money for doing his bidding and/or executing his orders to kill crime suspects, as testified to by Mr. Edgar B. Matobato and SPO3 Arthur B. Lascañas at the Senate.

In doing all these, Respondent Rodrigo Roa Duterte not only committed the high crimes of *multiple murder*, as defined and penalized under *Section 248 of the Revised Penal Code*,¹¹ and/or "*Other Crimes Against Humanity*" as defined and penalized under *Section 6, particularly under Sub-sections (a), (b), (h), (i) and (k) of Republic Act No. 9851*,¹² he likewise committed bribery and/or culpable violation of the Constitution by ordering, instigating and/or inducing others in the killing of well-over Eight Thousand (8,000) persons, who were killed in his bloody and violent "*War on Drugs*", *Oplan TokHang* and/or *Oplan Double Barrel*, particularly in police operations, as well as in vigilante or gangland-type of assassinations and/or executions or "*salvagings*", most of which have gone uninvestigated by the authorities.¹³

In encouraging, aiding and/or abetting in the violation of our laws, Respondent Rodrigo Roa Duterte has undermined the integrity of his office, has brought disrepute upon the Presidency, has betrayed the

⁹ See: Philippines Duterte urges communists to kill criminals, AFP/Cecille Morella; as reported in Yahoo News; 01 July 2016: <https://www.yahoo.com/news/philippines-duterte-urges-communists-kill-criminals-112610651.html>

¹⁰ Philippines' Rodrigo Duterte: Public 'can kill' criminals, CNN/Euan McKirdy, 06 June 2016: <http://edition.cnn.com/2016/06/06/asia/duterte-drug-dealers-lethal-force-vigilantism/>

¹¹ RA No. 3815, As amended.

¹² An Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity, Organizing Jurisdiction, Designating Special Courts, And For Related Purposes, RA 9851.

¹³ See: The Kill List, Philippine Daily Inquirer (PDI), accessed on 26 July 2016 at 1:14 a.m.; See also: Inquirer.Net: <http://newsinfo.inquirer.net/794598/kill-list-drugs-duterte>



trust reposed upon him as President of the Republic and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the Republic of the Philippines.

WHEREFORE, premises considered, such conduct, action and/or actuation of Respondent Rodrigo Roa Duterte, warrant his impeachment, trial and removal from Office and his perpetual disqualification to hold and enjoy any other office of honor and trust under the Republic of the Philippines.

CHARGE NO. 2

BETRAYAL OF PUBLIC TRUST, BRIBERY, GRAFT AND CORRUPTION, CULPABLE VIOLATION OF THE CONSTITUTION AND OTHER HIGH CRIMES

Respondent Rodrigo Roa Duterte betrayed public trust, engaged in bribery, committed culpable violation of the Constitution and Other High Crimes in this wise:

During his terms and tenure as Mayor, Vice Mayor and Congressman of Davao City and now, as President, Respondent Rodrigo Roa Duterte organized certain policemen and/or other law enforcement officers and their force multipliers, including rebel returnees, into an "*Anti-Crime Task Force*", which engaged in the summary and/or extra-judicial killings, assassination and/or execution of more than one thousand four hundred (1,400) persons, more or less, in Davao City and/or thereabouts, particularly those *suspected* of being drug pushers, "drug addicts", and committing other crimes, which group later became the dreaded *Davao Death Squad* ("*DDS*").

Under the patronage, backing and/or support of Respondent Rodrigo Roa Duterte as Mayor, Vice-Mayor or Congressman and now, as President, Mr. Duterte's Group espoused and pursued a policy of killing crime suspects, political and personal enemies, and even innocent civilians, including women and children, sans any trial and/or due process of law, as testified to by both Mr. Edgar B. Matobato and SPO4 Arthur Lascañas at the Senate.

As testified to by Mr. Edgar Matobato and SPO3 Arturo Lascañas and as will be affirmed by other witnesses against him, Respondent Duterte offered and gave, by himself and through his subalterns, prize money, rewards and/or bounties for the killing of suspected drug lords, drug users and other crime suspects, as well as personal and political enemies, in gross and utter violation of the Philippine Constitution and

prevailing laws. Members of the DDS were likewise given positions and/or items and paid salaries and/or given allowances as employees and/or auxiliaries of Davao City and its law enforcement and civil security units without performing the actual work of the positions assigned to them. The DDS is reportedly responsible for the murder and deaths of at least One Thousand Four Hundred Twenty-Four (1,424) individuals in Davao City as of 2015.¹⁴

In doing this, Respondent Rodrigo Roa Duterte not only committed the high crimes of *bribery* as defined and penalized under Article 310 of the *Revised Penal Code*; multiple *murder*, as defined and penalized under *Article 248 of the Revised Penal Code*,¹⁵ and/or *Other Crimes Against Humanity* as defined and penalized under *Section 6, particularly under Sub-sections (a), (b), (h), (i) and (k) of Republic Act No. 9851*,¹⁶ by ordering, instigating, paying and/or inducing others in the killing of well-over one thousand four hundred (1,400) persons, he likewise committed culpable violation of the Constitution, when he encouraged, aided and/or abetted others in the repeated violation of the Constitution and other laws.

Respondent Rodrigo Roa Duterte likewise undermined the integrity of his Office, has brought disrepute to the previous offices he held as well as his present Office as President of the Republic. He likewise betrayed the trust reposed upon him formerly as Mayor, Vice Mayor and Congressman, and now, as President of the Republic, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the Republic of the Philippines.

WHEREFORE, premises considered, such conduct, action and/or actuation of Rodrigo Roa Duterte, warrants his impeachment, trial and removal from Office and his perpetual disqualification to hold and enjoy any other office of honor and trust under the Republic of the Philippines.

CHARGE NO. 3
GRAFT AND CORRUPTION
AND OTHER HIGH CRIMES

¹⁴ See: The Victims of the Davao Death Squad: Consolidated Report 1998 to 2015 by Fr. Amado Picardal, CSsR; CBCP News; accessed on 26 July 2016;
<http://www.cbcnews.com/cbcnews/?p=76531>

¹⁵ RA No. 3815, As amended.

¹⁶ An Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity, Organizing Jurisdiction, Designating Special Courts, And For Related Purposes, RA 9851.

Respondent Rodrigo Roa Duterte, immediately prior to his assumption of the Office of the President and while serving as City Mayor of the City of Davao, and subsequently, while serving as President of the Republic, committed acts amounting to graft and corruption and other high crimes, which can separately serve as basis for his impeachment from the Presidency, as expressly provided in **Section 2, Article XI of the 1987 Philippine Constitution**.

Sometime in 2015, the **COMMISSION ON AUDIT (“COA”)** came up with a report questioning the hiring of 11,000 contractual workers in 2014 by Davao City under now President and former Davao City Mayor Rodrigo Roa Duterte, pointing out that Davao City’s lack of clear policy on hiring fosters patronage.

The COA further claimed:

“The city has no written policy or manual on the hiring of employees particularly under contract of services and job orders. Identification of persons to be hired for such nature rests directly upon the recommendation of the department heads and other officials of the city.”

“These conditions cast doubt that entries in the daily time record of these employees xxx are manipulated, thus regularity and validity of the related expenditures could not be ascertained,” the COA report said¹⁷.

These 11,000 contractual employees, which cost the coffers of Davao City some **P708 Million**, were all hired in 2014, during the incumbency of now President Rodrigo Roa Duterte as then long-time City Mayor of Davao City. Rodrigo Roa Duterte was the Mayor of Davao City for at least seven (7) terms. He started off as OIC-Vice Mayor of the City in 1986 and has served as City Mayor from 1988 to 1992; 1992 to 1995; 1995 to 1998; 2001 to 2010; and 2013 to 2016. When he was not City Mayor of Davao City, Rodrigo Roa Duterte served as Representative of the City, or as Vice Mayor to his daughter, Sara Z. Duterte-Carpio.

When confronted with the issue, instead of properly explaining why he should not be charged for the 11,000 contractual employees found in the payroll of the City under his watch, Respondent Rodrigo

¹⁷ See: *COA questions Duterte’s 11,000 Contractual Employees*, Rappler.com; June 15, 2015; Website: <http://www.newsjs.com/url.php?p=http://www.rappler.com/nation/96573-coa-report-duterte-contractual-employees>; citing the COA Annual Audit Report on the City Government of Davao for the Year Ended December 31, 2014; Pages 97 & 98.



Roa Duterte merely dismissed the charges by claiming in a statement to the media that:

*"The mayor before me did it. De Guzman did it. Why only now? Wala akong ginawa, basta ang pera dumaan sa ganito. If I can produce one worker of the 11,000, magsabi na may piso dumating sa akin, magre-resign ako bukas, at magpapakulong ako."*¹⁸

The records show, however, that Rodrigo Roa Duterte's immediate predecessor was his daughter, Sara Z. Duterte-Carpio, who served as City Mayor from 2010 to 2013. On the other hand, Sara Z. Duterte-Carpio's predecessor was actually Rodrigo Roa Duterte himself, who served for three (3) terms before that, from 2001 to 2010.

The late former Davao City Mayor Benjamin De Guzman, who is being blamed by Respondent Rodrigo Roa Duterte, served as City Mayor of Davao City for a brief period of three (3) years, from 1998 to 2001.

As can be seen from the foregoing, Respondent Rodrigo Roa Duterte's act of passing the blame for the hiring of 11,000 contractual employees by Davao City under his watch in 2014, per the COA report of 2015, to his alleged predecessor, former Mayor De Guzman, is clearly preposterous since the former actually served as City Mayor more than thirteen (13) years before.

In the interregnum, Respondent Rodrigo Roa Duterte himself and his daughter actually served as City Mayor, clearly showing that they cannot escape responsibility for the said anomaly.

Based on the testimonies of Mr. Edgar Matobato and SPO3 Arturo Lascañas at the Senate, included among these supposed 11,000 contractual workers of the City of Davao are the members of the DDS and their *force multipliers*, as well as names of fictitious workers who are used to fund the substantial monthly allowances or the so called "*pakurat*" of DDS members. This clearly constitutes the offenses of *graft and corruption*, as defined and penalized under the *Anti-Graft and Corrupt Practices Act* or RA 3019.

Considering the amount involved, **P708 Million**, and the fact that this anomalous practice of Davao City of hiring thousands upon thousands of contractual workers under his and his daughter's

¹⁸ See: *Duterte blames ex-Davao mayor for hiring contractual worker*, by: Rosette Abel, PhilStar.com; Updated June 21, 2015; Website: <http://www.philstar.com/nation/2015/06/21/1468405/duterte-blames-ex-davao-mayor-hiring-contractual-workers>



incumbency have been going on for years, if not decades, the act of Respondent Rodrigo Roa Duterte clearly constitutes the crimes of:

- [1] "*Malversation of public funds*" under Article 217 of the Revised Penal Code;
- [2] "*Violation of Section 3 [G] of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act*"; and/or
- [3] "*Plunder*", as defined and penalized under Republic Act No. 7080, as amended.

UNEXPLAINED WEALTH

Based on documents given to the Hon. Antonio F. Trillanes IV, an incumbent Senator of the Republic, numerous secret bank accounts as well as properties were reportedly held by a President Rodrigo Roa Duterte and/or his minor child, Veronica Duterte, which the latter failed to report even in his latest *Statement of Assets, Liabilities and Networth (SALN)*.

Copies of the subject documents showing the bank accounts in the name of Rodrigo Roa Duterte, Rodrigo Roa Duterte and Sara Zimmerman Duterte with the Bank of Philippine Islands (BPI) – Julia Vargas Avenue Branch in Pasig City and Edsa Greenhills Branch and at the Banco De Oro (BDO) Unibank in Mandaluyong City were previously made public by Sen. Trillanes.

Sen. Trillanes asked the help of accountants and finance specialists to tally and figure out just how much money was actually deposited and/or transferred into the subject bank accounts. Their final tally shows that **P2.207 Billion**, more or less, flowed into the subject bank accounts from 2006 to 2015.

A copy of the summary of transactions of the bank accounts of Rodrigo Roa Duterte showing the Account Numbers, Bank and Branch where the same are maintained, is hereto appended and made an integral part hereof as **ANNEX "A"**.

Apart and separate from the documents pertaining to the accounts of Rodrigo Roa Duterte, Sen. Trillanes also released separate documents showing the bank accounts and transactions of Rodrigo Roa Duterte's children, namely: [1] Sara Z. Duterte-Carpio; [2] Paolo Z. Duterte; and [3] Sebastian Z. Duterte.



Sara Z. Duterte-Carpio is currently the Mayor of Davao City while Paolo Z. Duterte is currently the incumbent Vice-Mayor of Davao City.

Senator Trillanes likewise asked the help of accountants and finance specialists to tally and figure out just how much money was actually deposited and/or transferred into the subject bank accounts of President Duterte's children. Their tally showed that the total transactions which flowed into the accounts of Mayor Duterte's children amounted to a total exceeding **P360 Million**, broken down as follows:

- [1] Sara Z. Duterte-Carpio – **PhP 121 Million**, more or less;
- [2] Paolo Z. Duterte -- **PhP 104 Million**, more or less;
- [3] Sebastian Z. Duterte -- **PhP 143 Million**, more or less.

Copies of the respective summaries of the transactions of President Duterte's children as listed above are hereto appended and made an integral part hereof as **ANNEXES "B", "C" & "D"**.

Sen. Trillanes likewise released to the media and the public the details of the bank accounts of other persons closely linked to President Duterte, particularly:

- [1] Cielito "*Honeylet*" Salvador Avanceña - The President's common-law-wife and partner, showing that she had nearly **P187 Million**, more or less, worth of transactions from July 2004 to March 2016; and
- [2] Samuel Cang Uy - President Duterte's campaign contributor and alleged business partner, showing that he deposited and/or transferred to the bank accounts of President's children and/or common-law-wife huge amounts totaling to some **P118 Million**, more or less, over the brief period from October 25, 2011 to April 10, 2013.

Copies of the respective summaries of the transactions of President Duterte's common-law-wife and partner, Cielito "*Honeylet*" Salvador Avanceña, and his campaign top contributor and alleged business partner, Samuel Cang Uy, from which he deposited and/or transferred substantial funds to the accounts of the President's common-law-wife and children, are hereto appended and made an integral part hereof as **ANNEXES "E" & "F"**.

PUBLIC ADMISSIONS

President Rodrigo Roa Duterte made several well-publicized public admissions relating to the subject bank accounts, as detailed below, thus:



- [1] When a banner headline report of the subject bank accounts in the name of Rodrigo Roa Duterte first came out in the Philippine Daily Inquirer (PDI) on 27 April 2016,¹⁹ then Presidential Candidate Duterte and his spokespersons *vehemently denied* the existence thereof;
- [2] However, when a number of individuals were able to obtain evidence of the existence of the subject accounts from the bank itself (Bank of Philippine Islands) by depositing funds to the said accounts and obtaining copies of the Deposit Slips clearly showing the names: "*Rodrigo Roa Duterte, Rodrigo Roa Duterte and Sara Z. Duterte*", herein Respondent Rodrigo Roa Duterte was compelled to *publicly admit* the existence of the subject BPI accounts;²⁰
- [3] In fact, on April 29, 2016, during an on-camera interview by several networks, Respondent Rodrigo Roa Duterte *publicly admitted that he had "a little less than" P200 Million in the subject bank accounts*. This admission of Mayor Duterte in fact made it to the banner headline story on the PDI the following day, April 30, 2016;²¹
- [4] Recently, when Sen. Trillanes revived his allegations regarding that massive bank accounts of the President and his family amounting to billions of pesos, Respondent Rodrigo Roa Duterte publicly issued a challenge to Sen. Trillanes that if he could prove that Duterte *amassed P2 Billion illegally* or that if the *bank accounts under his name had a balance of even half a billion (P500 Million) at any one time*, he will resign.²² This challenge is what is called in legal parlance as a *negative pregnant denial* – a denial pregnant with admissions. In effect, Respondent Rodrigo Roa Duterte has impliedly admitted that he may have amassed P2 Billion but *not illegally*; and that the balance of his account have never reached half a billion at any *one time* although the total deposits over time may amount to billions of pesos. The

¹⁹ See: Trillanes: Duterte didn't declare P211M in SALN, by: Nancy Carvajal; PDI April 27, 2016, Page 1; Website: <http://newsinfo.inquirer.net/781831/trillanes-duterte-didnt-declare-p211m-in-saln>

²⁰ See: Duterte admits existence of BPI Accounts, by: Nestor Coralles; PDI, April 28, 2016; Website: <http://newsinfo.inquirer.net/782117/duterte-admits-existence-of-bpi-account>

²¹ See: Duterte: I have less than P200 M in bank, by: Nancy Carvajal, PDI, April 30, 2016; Page 1; Website: <http://newsinfo.inquirer.net/782384/duterte-i-have-less-than-p200m-in-bank>

²² See: Duterte to Trillanes: Prove your allegations, I will resign, CNN Philippines/Ver Marcelo, 17 February 2017; <http://cnnphilippines.com/news/2017/02/17/duterte-trillanes-prove-allegations-resign.html>



problem is not whether or not the Respondent Rodrigo Roa Duterte's wealth is legal or illegal or whether or not it exceeded a certain threshold or not. The fact is that he never reported the same in his SALN, where he claimed to have a *Net Worth* of around **P23.5 Million** only even in his latest SALN filed in 2016, a copy of which is hereto appended as **ANNEX "G"** hereof. Hence, anything in excess of that can rightfully be considered as *illegally acquired* or *unexplained wealth* under the law.

UNREPORTED PROPERTIES

On top of these billions in funds, Sen. Trillanes was also able to uncover at least forty (40) properties, including houses, condominiums and lots, in the names of the children of Respondent Rodrigo Roa Duterte, plus another ten (10) properties publicly known to be owned and/or occupied by Respondent Rodrigo Roa Duterte and/or his children. A copy of the list of the subject properties, which Respondent Rodrigo Roa Duterte and his children failed to report in their respective Statements of Assets, Liabilities and Networth (SALN), is hereto appended and made an integral part hereof as **ANNEX "H"**.

These properties are separate and distinct from the twelve (12) other properties included and reported by Respondent Rodrigo Roa Duterte in the SALN he filed for the Year Ending December 31, 2014, four (4) of which are in the names of his daughter, Veronica A. Duterte, who was a minor of only ten (10) years at that time. A copy of Respondent Rodrigo Roa Duterte's SALN for the Year Ending December 31, 2014 is hereto appended and made an integral part hereof as **ANNEX "I"**.

MORE ADMISSIONS

When Sen. Trillanes publicly disclosed the list of undeclared properties of former Mayor Rodrigo Roa Duterte, he in fact admitted the existence of at least some of these properties, claiming that at least three (3) of said properties were given to him as "*gifts*" or "*donations*" from his friend for 30 years, Pastor Apollo Quiboloy²³ of the *Kingdom of Jesus Christ, The Name Above Every Name Church*, as if such would exempt the same from the requirement of reporting the said properties in his SALN.

²³ See: *DU30 Compounds His Mistakes, Says His Assets Are Gifts* by: Charlie Manalo, The Daily Tribune Online, May 4, 2016; Website: <http://www.tribune.net.ph/headlines/du30-compounds-his-mistakes-says-his-assets-are-gifts?start=10>



Former Mayor Rodrigo Roa Duterte also claimed that Pastor Quiboloy likewise gave him vehicles (i.e., Ford Expedition and Safari) and allowed him to use his aircrafts (jet plane and helicopter),²⁴ thus, publicly admitting that he has accepted gifts of substantial value, which he, as a public official, is prohibited to accept under Section 7 (D) of the “Code of Conduct and Ethical Standards for Government Officials and Employees” (RA 6713).

WEALTH GROSSLY DISPROPORTIONATE TO THE LEGITIMATE MEANS OF PRESIDENT DUTERTE AND HIS FAMILY

As can be seen from all of the foregoing, the more than **PhP 2.2 Billion** in funds which flowed into the accounts of Respondent Rodrigo Roa Duterte and/or those of his children, two (2) of whom are/were public servants like him, as well as the value of his listed and unlisted properties, are clearly *grossly disproportionate* to the salaries and wages and other legitimate means of the former Mayor and his family.

Under Section 8 of the *Anti-Graft and Corrupt Practices Act* (RA 3019), Respondent Rodrigo Roa Duterte’s unexplained wealth could well be considered as “*prima facie evidence of*” as well as basis for, his “*dismissal due to unexplained wealth,*” in accordance with the provisions of RA 1379.

Likewise, the said *unexplained wealth* could be the basis of “*administrative suspension of the public official concerned for an indefinite period*” until the investigation into the unexplained wealth is completed [See: *Section 8 of the Anti-Graft and Corrupt Practices Act, RA 3019, as amended by BP Blg. 195, March 6, 1982*].

PRIMA FACIE PRESUMPTION OF UNLAWFULLY ACQUIRED WEALTH

Likewise, pursuant to **Section 2 of RA No. 1379**, Respondent Rodrigo Roa Duterte’s above-enumerated properties and bank accounts amounting to Billions of Pesos which constitute his unexplained wealth *shall be presumed prima facie to have been unlawfully acquired and shall be forfeited in favor of the State*, thus:

²⁴ See: Duterte says several properties given by Quiboloy, by: Edith Regalado; PhilStar.com, May 4, 2016; Website: <http://www.philstar.com/headlines/2016/05/04/1579686/duterte-says-several-properties-given-quiboloy>

Section 2. Filing of petition. Whenever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, said property shall be presumed prima facie to have been unlawfully acquired. xxx.

[Underscoring supplied]

PREDICATE CRIMES FOR PLUNDER

Needless to state, the proceeds and/or funds derived from the 11,000 Contractual Employees anomaly of Davao City amounting to some P708 Million in 2014 alone have apparently been transacted and/or laundered through the subject bank accounts of Respondent Rodrigo Roa Duterte and/or his children.

Considering the fact that relevant offenses and/or violations committed by Respondent Rodrigo Roa Duterte in his scheme involving the 11,000 Contractual Employees, to wit:

- [1] *“Malversation of public funds”* under Article 217 of the Revised Penal Code;
- [2] *“Violation of Section 3 [G] of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act”*; and/or
- [3] *“Plunder”*, as defined and penalized under Republic Act No. 7080, as amended;

all of which clearly fall within the enumeration of *“unlawful activities”* or *“predicate crimes”* as provided in the *Anti Money Laundering Act of 2001*, RA 9160, as amended by RA 10365, there is clearly a basis for the House of Representatives to direct/order the **Anti-Money Laundering Council (“ALMC”)** to submit and/or open subject bank accounts and properties of Respondent Rodrigo Roa Duterte and/or his children.

As can be seen from all of the foregoing, Respondent Rodrigo Roa Duterte is clearly guilty of:

- [1] *“Malversation of public funds”* under Article 217 of the Revised Penal Code;



- [2] *“Violation of Section 3 [G] of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act”;* and/or
- [3] *“Plunder”*, as defined and penalized under Republic Act No. 7080, as amended;
- [4] *“Violation of the Code of Conduct and Ethical Standards for Government Officials and Employees”*, Republic Act No. 6713; and --
- [5] *“Violation of the Anti-Money Laundering Act of 2001”*, Republic Act No. 10365;

all of which clearly constitute acts amounting to graft and corruption and/or other high crimes, which are proper and specific grounds for impeachment under *Section 2, Article XI of the 1987 Philippine Constitution*.

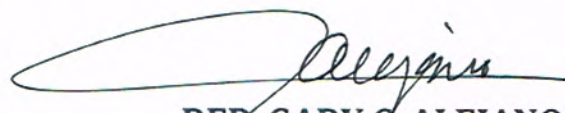
Having committed all of these acts, Respondent Rodrigo Roa Duterte has not only committed graft and corruption and other high crimes, which constitute specific grounds for his impeachment from Office, he has also undermined the integrity of the Office of the President, has brought disrepute on the Presidency, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the Republic of the Philippines.

WHEREFORE, premises considered, the aforementioned conduct, action and/or actuation of Respondent Rodrigo Roa Duterte clearly warrants his impeachment, trial, and/or removal from Office and his perpetual disqualification to hold and enjoy any other office of honor and trust under the Republic of the Philippines.

The Undersigned Complainant hereby expressly reserves the right to amend or supplement the instant **VERIFIED COMPLAINT** for **IMPEACHMENT** as he may deem proper and/or appropriate under the circumstances.

DONE on this 16th day of March 2017 in Quezon City, Metro Manila, Philippines.

RESPECTFULLY SUBMITTED.

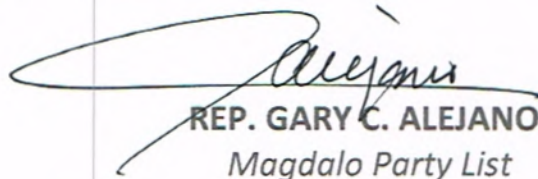

REP. GARY C. ALEJANO
Magdalo Party List

VERIFICATION

I/We, the undersigned Member(s) of the House of Representatives, in my/our own behalf and in behalf of the People of the Republic of the Philippines, under oath do hereby state: That –

1. I/We have caused the preparation of the foregoing **VERIFIED COMPLAINT FOR THE IMPEACHMENT OF PRESIDENT RODRIGO ROA DUTERTE FOR CULPABLE VIOLATION OF THE CONSTITUTION, BETRAYAL OF PUBLIC TRUST, GRAFT AND CORRUPTION AND OTHER HIGH CRIMES** under and pursuant to Section 2, Article XI of the 1987 Philippine Constitution;
2. I/We have read and understood the contents of the afore-said **VERIFIED COMPLAINT FOR IMPEACHMENT**;
3. I/We hereby confirm and affirm that the material allegations made therein are true and correct of my/our own personal knowledge and as culled from authentic records.
4. I/We further attest that I/We have not brought any similar complaint for impeachment against the respondent in any other forum and to my/our knowledge, no such complaint has been filed by any other member of the House of Representatives or of the public against the respondent within a period of One (1) Year prior to the filing of this complaint.

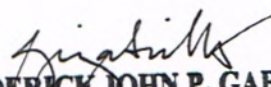
IN TRUTH HEREOF, I/We have signed and filed this **VERIFIED COMPLAINT FOR IMPEACHMENT** this 16th day of March 2017 at Quezon City, Philippines.


REP. GARY C. ALEJANO
Magdalo Party List

SUBSCRIBED AND SWORN to before me this ___ day of March 2017 at the Quezon City; Affiant being known to me and to me known to be the person who verified the enclosed **VERIFIED IMPEACHMENT COMPLAINT** by exhibiting to me his credible proof of identity with the following details:

<u>FULL NAME</u>	<u>NATURE OF ID & SERIAL NO.</u>	<u>DATE OF EFFECTIVITY/EXPIRY</u>
GARY C. ALEJANO	Philippine Passport / No. EB8312593	05 June 2013 / 04 June 2018

DOC. NO. 156 ;
PAGE NO. 33 ;
BOOK NO. I ;
SERIES OF 2017.


ATTY. RODERICK JOHN P. GABRILLO
Notary Public for Quezon City until December 31, 2017
Adm. Matter No. NP-217 / Roll of Attorneys # 44422
12 Salalilla St., Proj. 4 Q.C. / 1BP LR No. 8228