

Carpio-Morales v. Court of Appeals and Binay, Jr.: Why the Supreme Court Abandoned the Fifty-Six Year-Old Doctrine of Condonation

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In 2014, Makati Mayor Erwin S. Binay, Jr. (Binay, Jr.) found himself entangled in a legal battle involving allegations of corruption against him and his family that resulted in clamors for his suspension and, ultimately, removal from office.

One of his strongest defenses against suspension and eventual incrimination was the so-called “condonation doctrine,” which provides that a re-elected public official cannot be removed for administrative misconduct committed during a prior or previous term. In effect, an elective official’s reelection operates as a forgiveness of the officer’s administrative misconduct during a previous term. But despite the strength of this decades-old doctrine, Binay, Jr.’s legal squabble was, nevertheless, difficult.

The Authors of this Comment discussed the factual and legal antecedents of *Carpio-Morales*. They delved into the *ponencia* of the said Case, including an overview of the extent of legal literature that gave life to the doctrine that the Supreme Court decided to abandon and the procedural limitations pointed out by Justice Lucas P. Bersamin in his dissenting opinion. They pointed out potential issues that may arise in the prospective application of the doctrine and considered inputs that may best resolve them. Finally, the Authors acknowledged the indispensable contribution of legal scholarship to the Ombudsman’s arguments before the Supreme Court and the latter’s justifications in its *ponencia*.