

WHY THE UNITED STATES GRAND JURY SYSTEM
IS SUITABLE
FOR ADOPTION IN THE PHILIPPINES

(By Atty. Marlowe Camello, Bar Member: Philippines & California, email: mcamello@verizon.com)

The Philippine Constitution has been substantially patterned after the United States Constitution so that their democratic form of government and justice systems as well as their Rules of Court are likewise closely similar in concept. This condition makes it ideal to adopt in the Philippines the U.S. Grand Jury system which is the most powerful and successful anti-graft device that the United States has ever conceived and used to stop abuses of its officials for over 226 years now and still going strong. Slavery in the U.S. could not have been totally abolished without it. This record speaks for itself and also the reason why the U.S. Grand Jury System will effectively and ultimately eradicate graft and corruption in the Philippines. It is easy to install. Just read through all the links in this literature and you will find the convenient chronological steps in a **“TO DO CHECK LIST”**. This list is where your official and real action begins to enact your jury law. You can have that law within 8 months if you actually start doing it in earnest. This law shall serve from generation to generation in your city or province and you will need not have to make another anti-graft device anymore.

If you want to stop government corruption, you must be capable to send grafters and crime offenders to jail. Putting them in prison is the only way to stop corruption. The U.S. type **Grand Jury system is the only means to accomplish that**. Using any other means that will not send them to jail will be meaningless, an exercise in futility and government corruption will continue to become worse than a previous government administration and it is, as you may have observed already since you were born and lived in the Philippines.

If you have a city (or province) in mind where to install the Grand Jury System, please go to paragraph No. 24, below, and look for that city. If you cannot find yours, email the author of this literature. Request for free drafting of the proposed Grand Jury law for your city or province.

**WHY THE GRAND JURY SYSTEM IS A POWERFUL
TOOL AGAINST GOVERNMENT GRAFT AND CORRUPTION**

1. The proposed Grand Jury creation in the Philippines for both local and national application is anchored constitutionally in Article II, Section 1, of the Constitution, the Sovereign People’s Power and Authority Clause. The people’s power ranks higher than the power of any of their public officials in any of the government branches, namely the Congress (in Article VI), the President (Article VII), or the Judiciary/Supreme Court (Article VIII).

Question: If the powers of Congress, the President, or the Judiciary, were meant to be superior in rank than that of the People’s Power, why are their Articles of Authority placed below Article II, the People’s sovereign power? I think the answer is clear that the rank and power of the people is higher and superior than that of government officials of any category. By constitutional law, the People are the master and the government officials are the servants of the people. The constitution says: “All government authority emanates from them” (the people). The people are the source of power of their public servants, the government officials. Unfortunately, most of us Filipinos have been brainwashed by government officials to think that public officials have higher authority than us, the people, but that is not true. We, common people are the master and they are our public servants.

2. The Grand Jury (or GJ) will be formed exclusively by an Executive Judge with highest secrecy who is a non-political official. Although formed by a judge according to the proposed law, said judge will have no further participation in the functioning of the grand jury. Formation of the Grand Jury by the Executive Judge is intended to remove any doubt as to the legitimacy of the system and that its members qualify according to the standard of the law. It is totally independent from any controls from all government branches:

(a) The basic job of a GJ is to make a DECISION whether to investigate and decide to charge or accuse in court a crime suspect and this is THE MOST DIFFICULT JOB for the Ombudsman, Justice Secretaries (like DOJ Sec Leila De Lima in the case vs the Death Squad Masterminds) Fiscals, and Judges to do. They always find excuses not to decide because they are afraid that they might step on the toe of some officials upstairs like the President, Governor, Mayor, et al, and to avoid being disliked, demoted, or even fired from their job if it so happened that the subject of accusation is a friend, compadre, political supporter, etc. of certain a higher rank public official. Not so with the Grand Jury. It can decide without fear or favor and without asking any permission from any public official or politician. Presently, politics and wishes of politicians awkwardly take precedence over justice in the Philippine Government which is an anomaly by itself. **With the action of the Grand Jury plus the aid of the Trial Jury, disposition of a criminal case against an accused suspected crime offender could be completed within one (1) year from start to finish with either conviction or acquittal of the accused.** I think, this is what the Filipino people are clamouring. No justice delay. "Justice delayed is justice denied." No more clogging of court dockets with hibernating politically controlled criminal cases .

(b) The Grand Jury is NOT A COURT. For this reason, it has no power to order the arrest of a crime suspect; It has no power to try or convict a crime suspect. It is not bound by the hearsay rules of evidence. Strict rules of evidence is not necessary. It may take any evidence, hearsay or not, only for the purpose of finding probable cause whether the accused may be guilty in the commission of a crime. Proof beyond reasonable doubt is not required. Finding of probable cause is all that is required for the Grand Jury to decide to indict the crime suspect in court.

(c) Moreover, a GJ is not afraid to decide because its members are the people, the master of society. All, and I mean ALL, public officials and employees are servants of the members of the grand jury. As master and being superior to their public servants, the GJ don't need permission from their servant-government to file criminal charges against any corrupt official as his servant or the crime offender. That's the beauty and power of the Grand Jury.

If a high official, example the President, will interfere in anyway in the function of the Grand Jury, it can criminally charge in court such official for obstruction of justice and thereafter tried by another jury of the people, the TRIAL JURY, the "sister" of the Grand Jury.

3. The GJ is composed of 23 members, all college graduates, must not have been a member of a college or university fraternity or sorority organization and not holding a public office or position.

4. Their qualification is specified in the form as published in the following web site:

<http://www.the-filipino-people.com/support-files/gj-2-membership-application.pdf>

5. Applicants are advised to apply for membership secretly and they are required to remain anonymous during their term of office. They are instructed by the Executive Judge at the moment of their induction to refrain from disclosing their true names with their fellow members or with any other person. Their names shall not be publicized in any media. They will each be given an SIDN or secret identity code number which is the only name they can use in signing officially.

6. The inducting Executive Judge is required to deposit the records with a bank of the chosen Grand Jury members within 24 hours after they are sworn in and it will be illegal for him to personally keep a copy of said records or else he will be subject for grand jury investigation and indictment for obstruction of justice;

7. GJ members conduct their investigation only within the confines of their secret grand jury room and no member of the public is ever allowed to observe their proceeding. Only one witness at a time is admitted to the Grand Jury room for questioning. The witness may not even recognize the grand jury members because they will be wearing dark eye glasses. No one else can accompany the witness in the GJ room - not even his lawyer. A GJ witness is required to refrain from gossiping about his appearance before a grand jury or else he will be charged for obstruction of justice by the GJ if he will disclose to anybody else about his GJ appearance.

8. GJ proceeding is never publicized. No grandstanding proceeding. No "trial by publicity". GJ members are required to take an "Oath of Secrecy" in order to become a member of the Grand Jury. It will minimize the perception that your government is corrupt and this will invite entrepreneurs to invest and put up their business in your community. In turn, those new business establishment will create more employment opportunity in your community. If the Grand Jury system is established in a national scale, it will create tremendous business and employment opportunities for the entire Philippines specially if it will devalue the Philippine currency which is what China has been doing for its currency.

9. The GJ has the power to charge any person or public official in court any act of Obstruction of Justice in violation of its secrecy rules.

10. The only liaison officer between the public or public official and GJ is the Clerk of Court who is bound by the grand jury secrecy rules. The Clerk of Court is the only person authorized to bring in a witness into the Grand Jury Room. If he violates the rules, the GJ can charge him for obstruction of justice.

11. The term of duty of each set of GJ members is limited to 6 months - not enough for a member to develop his own act of corruption. If GJ member turns corrupt, his fellow member after their term of duty ends will have the obligation to report him to the new set of GJ members. This is the reason why GJ members are not allowed to disclose their true names to their fellow members so that they will not be molested with their own wrong doings, if any. If he is charged of crime after the end of his term, that will not affect anymore the grand jury which he was a member of.

12. A Grand Jury acquires knowledge about a crime, crime offenders and witnesses such as their names and addresses by advertising an invitation to tipsters to report crime information to the GJ. The prescribed form for this advertisement is in the following web site:

<http://www.the-filipino-people.com/support-files/gj-9-whistle-blowers.pdf>

You may also find the other Grand Jury forms in the following web site:

<http://www.the-filipino-people.com/GJ-Table-Of-Forms.html>

13. Because GJ members are anonymous, plus the fact that they are not employees of the government which means their employment cannot be sabotaged by any high official, the GJ is not afraid to indict or accuse in court any crime offender, even if he is the President, if such person or public official commits graft and corruption or any serious crime. GJ members are **legally made "UNTOUCHABLE" by law** to counter-act the secret crimes of the criminal illegal "untouchables" of society.

14. It is simply very difficult to retaliate against a GJ members because they are anonymous and can hardly be identified.

15. Any corrupt official or crime offender will never know if he is being investigated because any subpoena or subpoena duces tecum issued by the GJ to a witness to testify does not indicate the name of the object of its investigation. The subpoena form of the GJ can be read at the following web site:

<http://www.the-filipino-people.com/support-files/gj-11-subpoena.pdf>

The only time the subject of investigation shall know of the accusation against him is when he is just about to be arrested by a sheriff upon an arrest warrant issued by a judge in court upon the strength of the GJ complaint.

16. The proposed Grand Jury law will decriminalize the bribe giver from prosecution to encourage bribe givers into reporting to the grand jury every public official he has given a bribe money. This will discourage any public official from accepting a bribe. If no body accepts a bribe, then bribery will stop in its tracks. If a bribe-giver-witness refuses to testify against the recipient of his bribe, the GJ shall charge him for obstruction of justice.

17. A GJ can indict for obstruction of justice any prosecutor or judge who fails to obey rules to speed up the trial of an accused who is facing a jury trial.

18. The GJ is the sovereign "**Whipping Tool**" of the sovereign Filipino people against their indolent and corrupt public officials as well any other serious crime offenders. In the proposed Grand Jury law, a public official who has refrained from accepting bribe and will pay to the public treasury the bribe money or its equivalent value, he can not be prosecuted anymore for bribery after the enactment of the grand jury law under its "**Forgiving Clause**". But if he will continue accepting a bribe after passage into law of the Grand Jury law, not only will he be indicted by the grand for the "after the GJ enactment" but also all his previous acts of taking bribes in violation of the "**Purgatory Clause**" of the proposed GJ Law.

19. For Grand Juries, its members could care less whoever they investigate and indict or accuse in court if he is grafter, a criminal offender, a money launderer, a Bureau of Custom smuggler, a BIR extortionist, OR ANY OF THEIR MASTER MINDS, including a corrupt President, Senator, Congressman, Governor, Mayor, or Barangay Captain, a local councilman, a multi-millionair money launderer, an abusive forest or a mining concessionaire,

a tyrant executioner or a death squad leader, etc., etal. for the reason that the **GJ members are also "untouchables"** for not being easy to know who they are.

20. **WARNING:** Most, if not all, government officials and politicians will never want a Grand Jury to become a law. They don't want to be investigated for their falsified SALNs. So, it is up for the people to enact the system by the Initiative Process using RA 6735 procedures. Any public official who dislike the adoption of the Grand Jury is a high suspect for grand jury investigation and indictment. He will say in so many words he will support any anti-corruption movement but will never agree to support adoption of the jury system. He is a hypocrite.

21. Enacting the Grand Jury system is like a people's revolution or a declaration of war against the established and well entrenched dynasty of corrupt officials and politicians. But there is no choice if the people would really want to put an end to the culture of graft and corruption in their city government. They must adopt the Grand Jury Law. Period.

22. Eliminating government corruption is not dependent on the voluntary will of public officials. The anti-graft ball is NOT IN THEIR COURT. It is in the PEOPLE'S COURT.

23. Preventing and stopping government corruption depends on the coercive power and will of the people through the Grand Jury system and aided by the Trial Jury system also by the will of the people. It's the way democracy works. The people MUST WORK, not just watch grafters drive government vehicles for personal and family uses or live in mansions with the people's money. Did it not say "**PERA NATIN 'TO?**" One thing for sure that will happen: "**GOVERNMENT CORRUPTION WILL NEVER STOP IF THE PEOPLE CANNOT SEND GRAFTERS TO PRISON FOR A VACATION FROM STEALING THE PEOPLE'S MONEY.**" If this is not your principal aim of organizing anti-graft advocacies, then you are in for an exercise in futility.

24. Cities and/or Province with ready and prepared draft for their local Jury Systems:

Baguio-	http://www.the-filipino-people.com/support-files/bu-steps-draft.pdf
Butuan-	http://www.the-filipino-people.com/support-files/bc-steps-draft.pdf
Caloocan-	http://www.the-filipino-people.com/support-files/cl-steps-draft.pdf
Catbalogan-	http://www.the-filipino-people.com/support-files/ct-steps-draft.pdf
Cag de Oro-	http://www.the-filipino-people.com/support-files/cg-steps-draft.pdf
Cebu-	http://www.the-filipino-people.com/support-files/cb-steps-draft.pdf
Cotabato-	http://www.the-filipino-people.com/support-files/cc-steps-draft.pdf
Davao City	http://www.the-filipino-people.com/support-files/dc-steps-draft.pdf
Gen San	http://www.the-filipino-people.com/support-files/gs-steps-draft.pdf
Iloilo	http://www.the-filipino-people.com/support-files/il-steps-draft.pdf
Isabela Prv	http://www.the-filipino-people.com/support-files/is-steps-draft.pdf
Makati	http://www.the-filipino-people.com/support-files/mk-steps-draft.pdf
Malaybalay	http://www.the-filipino-people.com/support-files/ml-steps-draft.pdf
Manila	http://www.the-filipino-people.com/support-files/mc-steps-draft.pdf
Marawi	http://www.the-filipino-people.com/support-files/mr-steps-draft.pdf
Narvacan	http://www.the-filipino-people.com/support-files/nr-steps-draft.pdf
Pasay	http://www.the-filipino-people.com/support-files/pc-steps-draft.pdf

Quezon Ct <http://www.the-filipino-people.com/support-files/qc-steps-draft.pdf>
Zamboanga <http://www.the-filipino-people.com/support-files/zc-steps-draft.pdf>

18 cities and 1 province = 19 (as of 4/22/2012)

The people of anyone of the above cities or province who wish to enact their local jury law are free to use the draft law for their enactment. I just want to ask that they let me know so that I can continue giving them some more advice for any question.

If you have any question about this recommendation, please feel free to email me. I would be delighted to respond. I am a solo anti-graft crusader inside my "**flesh and bones.**" In your email subject, write in CAPITAL letters: GRAND JURY QUESTIONS. I am receiving so many emails each day. This way, I will not miss your message.

Marlowe ... Email: mcamello@verizon.net use the copy/paste technique if link fails.