

## Jimeno: Impeachment bar lowered

Written by MANUEL L. CABALLERO  
Monday, 30 July 2012 11:42

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**ATTY. KAREN O. JIMENO** □

*(File photo by Joe Galvez, GMA News)*

“I think the decision to impeach Renato Corona on the ground of inaccurate reporting in his SALN (Statement of Assets, Liabilities and Net Worth) effectively lowered the bar for what constitutes an impeachable offense,” said Atty. Karen O. Jimeno in an exclusive interview with the **Filipino Reporter**.

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Jimeno also said, "My concern about lowering the bar for what constitutes an impeachable offense is that this may open the door for further abuse of the impeachment process in the future by making it easy to impeach public officers to further political or personal interests."

Upon Jimeno's return to Manila on July 7 from New York where she took an oath to be able to practice law in the Big Apple, the lady lawyer agreed to be interviewed by this writer.

Jimeno was a member of the Corona defense team during the historic impeachment trial in Manila.

She also served as one of three spokespersons of the group.

Below are her answers to questions from the **Reporter**.

**Filipino Reporter:** What lesson(s) did you learn from your experience as member of the defense team in the historic Corona case?

**K.O. Jimeno:** I learned that a historic national event like the impeachment of Chief Justice Corona can bring out the best and the worst in people.

I met people who were not afraid to stand up for what they believed in even if it meant being subject to scrutiny or not getting anything in return.

There were groups of people that offered to help the defense team pro bono because they wanted to uphold the rule of law, or they felt that the impeachment was a threat to judicial independence.

Like me, these were people who had no personal relations with former Chief Justice Corona.

However, in the course of the impeachment case, I also saw how some people can be very

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biased or closed-minded.

I also saw how some people (including some politicians or members of the media) can engage in propaganda to the point of trampling upon the basic rights of the respondent.

I also learned that the impeachment process is a double-edged sword — it can be used to ensure public accountability, or it can be abused to further political or personal interests.

**FR:** If you were to give proposals to amend the Constitutional provision on impeachment, what will those be?

**KOJ:** I would propose that the Constitutional provisions on the impeachment process expressly require the conduct of a preliminary investigation and a determination of probable cause before an impeachment complaint may be filed and heard by the Senate sitting as an impeachment court, even if 2/3 of Congress signs the impeachment complaint.

In the impeachment of Chief Justice Corona, one of the issues raised by the defense at the beginning of the trial was the invalidity of the impeachment complaint for lack of verification by members of Congress, and for failure by Congress to determine the existence of probable cause.

The prosecution argued that as soon as they gathered 188 signatures in Congress, it was no longer necessary to conduct a preliminary investigation and the impeachment complaint could be transmitted to Senate.

The problem with this approach is that it encourages the prosecution to engage in a fishing expedition during the impeachment trial at the Senate level.

If a preliminary investigation is conducted by Congress, evidence can be gathered against the respondent before an impeachment complaint is filed with the Senate.

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---

By the time the impeachment complaint is filed with and heard by the Senate Impeachment Court, Congress (as prosecutors) would only have to lay down their evidence and the Senate would only have to try and decide the case.

I think it goes against the spirit of the law to use the power of the Senate Impeachment Court to gather evidence for the prosecution — which I felt is what happened at certain points during the impeachment trial.

I think it is important to make clear in the Constitution that an impeachment process is a serious, complicated proceeding that cannot be used (or abused) to harass public officers or to pressure them into resigning.

**FR:** Who is Karen Jimeno before and after the impeachment trial?

**KOJ:** I am still the same Karen Jimeno before and after the impeachment trial.

I still enjoy doing the same things — I have a passion for teaching, I enjoy the intellectual challenge of the legal profession (my specialty is banking & finance law), I like participating in advocacies (such as providing free education for the poor, providing pro bono services to indigent clients, training local communities in sustainable livelihood projects to help preserve the environment), I enjoy cooking & baking, I like spending my free time traveling or doing outdoor activities such as running, hiking, scuba diving or wakeboarding.

I still value the same things before and after the impeachment trial — I value the ability to live in a country where legal rights are respected and observed, I value spiritual & intellectual growth, and I place the most value in my relationships with my husband, family & friends.

Perhaps one thing that changed after the impeachment trial is that I became more aware of how far the Philippines is from attaining the political maturity and economic prosperity that other countries now enjoy.

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This awareness has strengthened my resolve to increase my involvement in advocacies which can help improve the Philippines.

**FR:** What do you do now?

Are you practicing your profession in Manila?

**KOJ:** I am doing something I am passionate about, teaching.

I currently teach in two law schools.

I teach property law at the CEU Law School in Makati and legal implications of international finance at the San Beda Graduate School of Law.

**FR:** I read in one of your Twitter notes that you want to serve your country.

In what capacity would you be able to serve best?

**KOJ:** I have been asked several times whether I want to enter Philippine politics after the impeachment.

In my opinion, being a politician is not the only way I can help serve the Philippines.

I can help the Philippines in other ways.

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I plan to help the Philippines by increasing my participation in different types of advocacies.

I want to continue doing pro bono work such as providing free legal services to indigent clients.

I want to continue teaching since this is a way to impart my skills and knowledge to more Filipinos.

I want to advocate for improving the quality of public education in the Philippines & I want to help increase access by poor people to free education.

I also want to increase my involvement in environmental causes, particularly those that involve teaching sustainable living to Filipinos.

**FR:** Now that you are licensed to practice law in New York, do you intend to immigrate to the U.S. in the future?

**KOJ:** I love the Philippines and I'm proud to be a Filipino.

However, I'm married to an American citizen so we might have to move to the U.S. in the medium- to long-term future.

The reality is, it is possible for me to find an equally or a more lucrative career as a lawyer in the U.S.

But it is more difficult for my husband (who's an investment banker working in private equity) to find better opportunities in the Philippines than in the U.S.

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Even if I move to the U.S., I am determined to find ways to continue helping the Philippines.

**FR:** Last question: As far as you are concerned, whose interest was served by the impeachment of Renato Corona?

**KOJ:** The impeachment process was meant to ensure accountability to the people by public officers.

I think public interest is served each time the impeachment process is used to enforce public accountability.

However, I think personal interests are served when the impeachment process is misused or abused.

In the impeachment of Renato Corona, it seemed to me that the impeachment complaint attacked the judiciary as a whole because almost all of the articles of impeachment questioned decisions of the Supreme Court acting as a collegial body.

My thought was, if the Chief Justice could be impeached based on decisions of the Supreme Court, the independence of the judiciary would be endangered because it sends a message to other Justices of the Supreme Court that they can be impeached if they do not vote in accordance with what government executive officials and/or legislative officials want.

I think the decision to impeach Renato Corona on the ground of inaccurate reporting in his SALN effectively lowered the bar for what constitutes an impeachable offense.

The impeachable offenses enumerated in the Constitution all relate to very serious offenses — such as culpable violation of the Constitution, treason, bribery, graft and corruption, other high

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crimes and betrayal of public trust.

I don't think that inaccurate reporting in one's SALN (especially if there is a reliance in law) rises to the same level as the impeachable offenses under the Philippine Constitution.

I would have been more comfortable about the impeachment of Chief Justice Corona if the prosecution properly alleged graft & corruption, or the accumulation of ill gotten wealth in the impeachment complaint and proved the same.

My concern about lowering the bar for what constitutes an impeachable offense is that this may open the door for further abuse of the impeachment process in the future by making it easy to impeach public officers to further political or personal interests.

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Ms. Jimeno received her bachelor of laws degree from the University of the Philippines, College of Law in 2005, where she graduated cum laude and was awarded the Dean's Medal for Academic Excellence.

She was conferred membership in the international honor societies of Phi Kappa Phi and Pi Gamma Mu in 2005.

She received her bachelor of arts major in humanities with professional certificate in management degree from the University of Asia & the Pacific in 2001 where she ranked 2nd out of 199 graduates.

Ms. Jimeno received her master of laws degree from Harvard Law School in 2011.

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She was a submissions reader editor for the *Harvard International Law Journal*.