

# DATELINE PHILIPPINES

## Estrada candidacy splits legal experts

by KRISTINE L. ALAVE, CHRISTINE AVENDAÑO & CHRISTIAN V. ESGUERRA  
Inquirer.net

**C**AN he? Will he? Should he? Joseph Estrada's insistence that he can run again for president in 2010 not only divided legal experts, but drew pieces of unsolicited advice and early warnings.

A spokesperson for the Commission on Elections (Comelec) said Estrada's candidacy, once filed with the agency, would "likely" be met with protests.

The leader of the Catholic Bishops Conference of the Philippines (CBCP) said Estrada, 72, should just settle down as an "adviser" to the next president, and reminded him of how he lost power because of corruption charges.

Even an election lawyer who services the Estrada-backed political party United Opposition (UNO) said the deposed leader should "give others a chance" instead of joining next year's race to Malacañang.

Sixto Brillantes said Estrada might still be enjoying the support of a "mass base, [but] he's not that strong anymore as he was in 1998," the year he garnered the most number of votes in the history of Philippine presidential elections.

For Brillantes, the "man to beat" in 2010 would be Vice President Noli De Castro, especially if the former broadcaster would get the "quiet" support of President Gloria Macapagal-Arroyo in terms of funding and machinery.

### Just be a 'tutor'

"I don't think he (Estrada) should run again. He should think about it well," Brillantes told the Philippine Daily Inquirer Tuesday.

CBCP president and Jaro Archbishop Angel Lagdameo sent a similar message to Estrada: "We do not know what the law says in particular about his situation. But my advice (to him) is give others a chance."

"Be like Presidents Cory Aquino and Fidel Ramos who will act as a kind of adviser, even a tutor to the newly elected president," he added.

Lagdameo reminded Estrada that he did not finish his term in the first place because of the many controversies that hounded his administration.

Comelec spokesperson James Jimenez said that "if Erap (Estrada's monicker) files his COC [certificate of candidacy], we will accept it. But a protest is likely."

Estrada may face a pre-election protest, Jimenez said, like in the case of his late friend, actor Fernando Poe Jr., who ran for the presidency in 2004. A lawyer had questioned Poe's citizenship shortly after he filed his COC.

Jimenez said those who wanted to contest Estrada's candidacy may file a protest either with the Comelec or the Supreme Court.

"It will be a long thing, but hopefully not too long. We have to prepare the ballots by January 2010," he said.

In a report on Tuesday, May 19 Estrada gave the strongest hints yet that he would seek a second term in the Palace should the opposition fail to unite behind a single candidate.

He also said it had become "clear to me that the opposition is 90-percent sure" it will not come up with unifying a standard-bearer.

### Legal study

Citing a "legal study" prepared by his lawyers, Estrada argued that the constitutional ban on the reelection of chief executives applied

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## Estrada: De Castro toughest rival in 2010

Claims VP, like him, has most 'masa' following

by CYNTHIA BALANA & FE ZAMORA  
Inquirer.net

**J**OSEPH Estrada sees a battle royal between himself and Vice President Noli de Castro if they both make a pitch for No. 1 in the 2010 presidential election.

Estrada told the Philippine Daily Inquirer last May 19 that only De Castro could rival him when it came to winning the support of the Filipino poor, who, he claimed, "comprise 80-90 percent of the voters."

"Only Noli and I have *masa* (mass) appeal," the deposed President said in a telephone interview. "I can feel that he also appeals to the D and E sectors."

In case both he and De Castro seek the presidency, "Noli would be a tough candidate to beat," Estrada said, adding:

"He would make for a formidable opponent."

The two men have similar backgrounds. Both enjoyed massive media exposure—Estrada as a movie star and De Castro as a radio/TV journalist—before entering politics.

Estrada started his political career as a mayor of the municipality of San Juan and went on to become a senator. De Castro ran for senator as an independent candidate in 2001. He topped the race with more than 16 million votes.

De Castro was elected vice president in 2004. Like him, Estrada served as vice president for six years before running for president in 1998 and winning by a landslide.

Estrada, who was ousted in 2001, was tried for and convicted of plunder, and was swiftly pardoned by President Gloria Macapagal-Arroyo, has been threatening to run again for president in 2010 if the opposition fails to unite behind a standard-

bearer.

He has commissioned a "legal study" to determine whether he could do so, and was told, he said, that the constitutional ban on the reelection of presidents did not apply to him.

### Substitution

De Castro himself has raised the sinister possibility of candidate substitution in the 2010 polls.

He called on lawmakers to revisit an election law provision that allows for the substitution of any candidate in the event of his/her death, disqualification, or withdrawal from an election.

De Castro cited as an example the possibility of Estrada filing a certificate of candidacy for president in 2010 and being replaced by his son, Sen. Jinggoy Estrada, in case the Supreme Court disqualifies him from running at the last minute.

"What will happen is that the votes for President Estrada will be counted for Jinggoy because the official ballots with Estrada's name on it have been printed," De Castro said in Filipino.

This has happened in local elections, with a candidate from a well-known political clan being killed or deciding to withdraw, and subsequently being replaced by a member of the family, according to De Castro.

"What if a candidate actually has no plan to run, but being more famous than a son or daughter, he files the certificate of candidacy? And then after the official ballots had been printed, he suddenly withdraws, and the votes go to his son or daughter? Is that how it goes?" De Castro said.

### Still looking

Estrada admitted that he was still looking for an opposition candidate with mass appeal.



MASS APPEAL Check out how former President Joseph Estrada and Vice President Noli de Castro look when in tandem as in this photo taken in November 2007, at St. Scholastica's College, Manila, during the funeral Mass for Dulce Saguisag, wife of Estrada's lawyer Rene. Inquirer Photo by Rem Zamora

"Maybe it's too early to say. *Tingnan natin* (Let's see) by August or September," he said, adding that he was also relying on survey results to study the "winnability" of opposition candidates.

If he does decide to run for president again, he has a battery of lawyers who are prepared to defend him from those questioning his eligibility, Estrada said.

"We are prepared [to fight] all the way to the Supreme Court,"

he said.

In the meantime, Estrada said, he would continue with his sorties to the provinces to feel "the pulse of the people."

"It's like [the 1998 campaign] all over again, but even more intense," the man said.

He said the people would weep upon seeing him because they pitied him for being detained without a crime: "They cry, *naawa sila sa akin*. I was in prison, *wala naman*"

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