

Palace reminds Erap, Binay they are not above the law

by PAOLO ROMERO
Philstar.com

SAN JUAN, Batangas—Malacañang last March 25 reminded pardoned former President Joseph Estrada and Makati City Mayor Jejomar Binay that they are not above the law and that they should be responsible for their actions.

Press Secretary Cerge Remonde was commenting on the complaints of Estrada and Binay that they are being harassed after Philippine National Police (PNP) officials said they would be investigated for violating a law banning the display and possession of real-looking firearms.

The two opposition leaders were seen riding a restored World War II US army jeep with a mounted .30 caliber machine gun replica during their "Lakbay Pasaalamat" tour in Cebu last March 4.

"Officials in the administration of President Arroyo, the sitting President, when going around the provinces, do not ride vehicles with a .50 caliber machine gun mounted on them," Remonde said in a radio interview.

He said Binay and Estrada should explain their actions instead of crying political harassment.

PNP Director General Jesus Verzosa has said that authorities

are investigating if charges can be filed against the two.

Verzosa said the Central Visayas Police Office (Region 7) in Cebu had confiscated the machine gun replica.

Police revealed that the restored army jeep is owned by the husband of Carmen Mayor Sonia Pua and had recently won in a vintage car show in Cebu.

Verzosa directed PNP-Civil Security Group director Chief Superintendent Ireneo Bacolod to monitor the investigation of the incident.

Bacolod said Estrada's group might have violated Letter of Instruction (LOI) 1264, signed by former President Ferdinand Marcos in 1982, that bans the import, sale and public display of gun replicas.

He said a technical working group would discuss the issue of gun replicas as part of the effort to amend the law on controlling firearms.

The PNP has decided to regulate the proliferation of gun replicas, which are sometimes used by criminals in carrying out illegal activities, including bank robbery.

A case of 'serious sunstroke' However, Binay said Malacañang is just suffering from "serious sunstroke" and that it is not in a position to give him a lecture

on respect for the law.

"There are far larger violations of the law that have been committed right inside Malacañang. Yet they choose to hang us for riding a jeep with a replica machine gun," he said.

The feisty local executive said he is ready to face the charges in court, and even dared Mrs. Arroyo, her husband Jose Miguel and other Palace allies to do the same for violations of the law.

Binay had earlier dismissed the "gun toting" charges as absurd and ridiculous.

"These allegations should be ignored but under Mrs. Arroyo, the absurd and ridiculous are used as evidence in court cases against the opposition," he said, adding the administration has started its demolition job on them.

Estrada, on the other hand, challenged the PNP to file the charges in court, saying its officials are "a bunch of ignoramus."

Political harassment Meanwhile, Muntinlupa Rep. Ruffy Biazon advised the PNP against pressing charges against Estrada and Binay, calling the threat to the opposition stalwarts as "political harassment."

"It (PNP) might only embarrass itself when it finds out that it will not be able to file any

charges against the two," Biazon said, noting that any violation of the LOI, a martial law edict, may only be filed against the owners of guns, real or not.

"The law they are invoking merely prescribes confiscation. If they believe that LOI 1264 was violated, they should have immediately confiscated the replica firearm. But since the PNP in Cebu failed to do that, they should instead pursue a case of negligence against them," he said.

"Binay and Erap are not the owners. You cannot confiscate from someone something which they do not own or possess," he stressed.

He clarified that gun toting is only applicable to real firearms, not toy guns, and that the law has a clear definition of what a firearm is.

He reminded the PNP of its



Former President Joseph Estrada



Makati Mayor Jejomar Binay

guidelines regarding the popular use of air-soft guns nowadays, which, like the mentioned LOI, also "do not provide for penalties except confiscation."

He said LOI 1264 is "being questioned in court for being unconstitutional for prescribing the penalty of confiscation without due process."

"The Constitution says, 'No person shall be deprived of life, liberty and property without due process,'" he said.

Biazon said he filed a bill seeking to repeal LOI 1264 for this

and other reasons.

Senate President Juan Ponce Enrile, for his part, advised the PNP to use common sense lest they become the laughing stock of the Filipino people.

"My advice to them (PNP), don't deal with those things anymore. The machine gun mounted was just a toy. It might only be made of wood. You know in enforcing the law you use your common sense. I think those who say that (filing of charges) only want to show off so they will be recognized," he said. ■

Surveys to decide NPC's top bet in 2010

by LIRA DALANGIN-FERNANDEZ
Philstar.com

DEPENDING on how Senator Francis Escudero and Senator Loren Legarda would rank in the surveys, this would determine who would be the standard bearer of the Nationalist People's Coalition (NPC), a member of the party said last March 26.

Pangasinan Rep. Mark Cojuangco, son of NPC chairman emeritus Eduardo "Danding" Cojuangco, said the two senators would also talk between themselves to settle the issue.

Asked who between Escudero and Legarda would likely make it as standard bearer, Cojuangco said, "Depending on the ranking, *pag malapit na ang deadline ng filing*, they themselves will decide.

Asked how his father would



Senator Loren Legarda



Senator Francis Escudero

figure in next year's election, the congressman said, the elder Cojuangco would respect the consensus.

"Members of the NPC respect my father so whatever

his opinion is will count. But he will also be looking at reality, he need not impose his views, he will look at realities and maybe just go along with the consensus," he said. ■

DPWH executives in World Bank mess face raps—Ombudsman

by MICHAEL PUNONGBAYAN
Philstar.com

FORMER secretary Florante Soriquez and 16 other officials of the Department of Public Works and Highways (DPWH) are facing charges of violating the Anti-Graft and Corrupt Practices Act and other offenses after the Office of the Ombudsman found documentary evidence linking them to alleged anomalous biddings for World Bank-funded road projects.

Assistant Ombudsman Mark Jalandoni told The STAR the anti-graft agency and the National Bureau of Investigation (NBI) will jointly probe alleged collusion between private contractors and government officials in the supposed anomaly.

The investigation of their Field Investigation Office (FIO) covers only the first phase of the fact-finding process since the Office of the Ombudsman does not have jurisdiction over private contractors, he added.

Jalandoni said First Gentleman Jose Miguel Arroyo was implicated in the alleged bid-rigging in a World Bank report based on alleged interviews with unnamed witnesses.

Mr. Arroyo can only be probed based on the testimonies of private contractors in the Senate hearings since the witnesses were never named, and the report was confidential, he added.

Jalandoni said their FIO tried to make use of the copies of the testimonies sent to them by the Senate by asking the World Bank to authenticate them.

The joint probe with the NBI will have to again call on the witnesses and have them testify on Mr. Arroyo's supposed involvement in the anomaly, as well as other government officials mentioned in the Senate hearings, he said.

Jalandoni said Soriquez, now a DPWH undersecretary, leads the list of officials who are being charged for grave misconduct, dishonesty, conduct prejudicial to the interest of the service, and neglect of duty based on provisions of the Anti-Graft and Corrupt Practices Act and the Code of Conduct and Ethical Standards for Government Officials and Employees before the Office of the Ombudsman's Preliminary Investigation and Administrative Adjudication and Monitoring Office.

Soriquez, as acting DPWH secretary when the biddings were held, should have rejected all bids that went beyond the approved budget for the contract, he added.

The strongest evidence against the respondents are documented bidding records that show supposed irregularities or anomalies in the process, he said.

Jalandoni said the World Bank rejected all three winning bidders due to findings that the detailed analysis of the original bids themselves reveal clear patterns of collusions among the bidders, and that in all three occasions, the lowest bids are some 15 percent higher than the estimate cost, which is indicative of alleged bid-rigging.

Graft investigators found sufficient documentary evidence to show that a violation of the Procurement Law has been committed, he added.

All 17 DPWH officials are being charged for approving bids that went beyond the approved budget of the \$150-million National Road Improvement and Management Project-Phase 1, Jalandoni said.

Charged with Soriquez were Undersecretary Manuel Bonoan as chairman of the Bids and Awards Committee (BAC) for Visayas and Mindanao projects; BAC Assistant Secretaries Bashir D. Rasuman, Salvador Pleyto, Juanito Abergas as BAC members; Mocamad M. Raki-in Sr., as Vice Chairman for the Mindanao area; and Rafel C. Yabut as Vice Chairman for Operations for Area III.

The anti-graft agency's investigators also found sufficient grounds to charge BAC members Emerson L. Benitez, who is also a Project Manager III and head of the BAC-Technical Working Group; Baliame P. Mamainte, project director of the International Bank for Reconstruction and Development-Project Management Office (IBRD-PMO); Lope S. Adriano, the project director of the IBRD-PMO; lawyer Joel I Jacob, officer-in-charge (OIC) of the legal service; Camilo G. Foronda, OIC of the Comptrollership and Financial Management Services; Director Walter R. Ocampo of the Bureau of Construction; and Florencio I. Aricheta, a representative of the National Constructors Association of the Philippines and the Philippine Construction Association.

Part of the World Bank-funded project covers the rehabilitation of the Marihatag-Barobo/Tagbina-Hinatuan section of the Surigao-Davao Coastal Road Contract Package, according to Jalandoni.

A bidding was held on Nov. 20, 2002 wherein the BAC recommended the awarding of the project to China Geo Engineering Corporation which had a bid that was 15.59 percent higher than the approved budget for the contract (ABC) worth P967,012,362.15.

Ombudsman Mercedes Gutierrez was not present during the presentation of the initial findings on the World Bank case as she was allegedly out attending to other matters. ■

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