

SENATE
P.S. Res. No. 1472



INTRODUCED BY SENATORS

AQUILINO G. PIMENTEL JR., ALAN PETER S. CAYETANO, PIA S. CAYETANO,
LITO LAPID, GREGORIO B. HONASAN II, JOKER P. ARROYO, MIRIAM
DEFENSOR SANTIAGO, RAMON REVILLA JR., JINGGOY EJERCITO ESTRADA,
LOREN B. LEGARDA, FRANCIS PANGILINAN, MANNY VILLAR

RESOLUTION

EXPRESSING THE SENSE OF THE SENATE TO DISMISS, AS IT
HEREBY DISMISSES THE COMPLAINT AGAINST SENATOR MANUEL
B. VILLAR AND CLEAR AS IT HEREBY CLEARS HIM OF ALLEGED
ACTS OF DISORDERLY BEHAVIOR

WHEREAS, Senator Ma. Ana Consuelo Madrigal filed a Complaint against then Senate President Manuel B. Villar, Jr. for allegedly using his position of power and authority to "influence public officials in relocating the C-5 Road Extension Project to deliberately pass thru his properties and to negotiate the purchase of road rights of way thru several properties also owned by his corporations redounding in huge benefits for him to the detriment of the Filipino people thereby resulting in a blatant conflict of interest.";

WHEREAS, the Ethics Committee Chairman, Senator Panfilo Lacson, moved that the Senate constitute itself as a Committee of the Whole to conduct the investigation in lieu of the Ethics Committee, and over the objections of the Minority Bloc, the Senate President allowed the Committee of the Whole to take over the investigation, conduct the adjudicatory hearing and submit its report and recommendations to the Senate;

WHEREAS, over the continuing objections of the Minority Bloc and without its participation, the Committee of the Whole allegedly found a prima facie case against Senator Villar and proceeded to conduct adjudicatory hearings thereon;

WHEREAS, despite the aforesaid unresolved serious legal and constitutional issues, including but not limited to absence of publication of the final Rules of the Senate Committee of the Whole, the inapplicability of the Rules of the Ethics Committee to the inquiry, the lack of jurisdiction of the Committee, the inadequate quorum requirement, and the unabashed and unprecedented fact that Senator Villar was singled out to be tried by the Committee of the Whole in the first instance;

WHEREAS, the following issues, among others, were presented to the Committee of the Whole for investigation and deliberation:

- A) Whether or not Senator Villar maliciously committed "double insertion" in the 2008 General Appropriations Act (GAA) and whether such act constitutes "disorderly behaviour" within the purview of the 1987 Constitution as to subject him to disciplinary sanctions from the Senate.
- B) Whether or not Senator Villar influenced the alignment of the C-5 Road Extension Project to ensure that the real estate properties of his companies in the Las Pinas – Paranaque area would be taken as ROWs for the Projects; thereby deriving for himself huge personal benefits to the detriment of the Filipino people;
- C) Whether or not Senator Villar caused the sale of the landholdings of his companies to the government at grossly overpriced cost to the disadvantage of the government and the Filipino people.

D) Whether or not Senator Villar, considering the allegations against him of "double insertions" in the 2008 GAA and realignment of the C-5 Road Extension Project, violated Sections 12 and 14, Article VI of the 1987 Constitution, the Anti-Graft and Corrupt Practices Act (RA3019) and the Code of Ethical Standards for Public (RA 6713).

WHEREAS, the Complainant's very own witnesses all testified to the regularity of the C-5 Extension Project, in fact did not support complainant's allegations, in particular:

1. Atty. Yolanda Doblón, LBRMO chief, testified that there was no "double insertion" and that the same were "regular amendments."
2. BIR-Paranaque Revenue Officer Carmelita Bacod testified that the zonal valuation of the questioned real properties were regular and not overpriced.
3. DPWH Special Investigator Carlos Bacolod testified that prior to the payment of ROWs, the requirements or checklist of necessary documents must be submitted or completed: land title, tax declaration, tax clearance, parcellary survey, certification from the Planning Service Office of the Department that the properties are indeed affected by a DPWH project. These were all complied in the questioned transaction.
4. DPWH Regional Director Edilberto Tayao testified that there may be confusion as

regards the C5 Road Project and the Road Project of the Toll Regulatory Board. Tayao noted that there are two different and separate projects.

WHEREAS, as members of the Philippine Senate, and as a matter of duty, we hereby express our thoughts and rectify these unsubstantiated charges against an esteemed peer who has been unjustly pilloried for over six months. We can do no less. This is a bad precedent. We hope these kind of charges and kind of hearing are not repeated in the future;

WHEREAS, after the presentation by Complainant Senator Madrigal of her evidence and witnesses in twenty hearing sessions which proceeded over the continuing objections of, and the absence of the Minority Bloc, and after considering the evidence submitted therein, the undersigned Senators find that there is nothing to hold Senator Villar liable for "disorderly behavior" in the performance of his duties as Senator. More to the point, the allegation against Senator Villar of "double insertion" into the 2008 GAA was not established. On the contrary, the undersigned Senators find that these are not "insertions" but amendments that the Senate approved in the 2008 GAA. These amendments included the P400 million that Senator Villar recommended but which the Senate reduced to only P200 million as its allocation for the C-5 Road Extension Project, in very regular and consistent with standard budgetary procedures. Parenthetically, the entire C-5 project is budgeted at a total cost of 4.2 Billion Pesos.

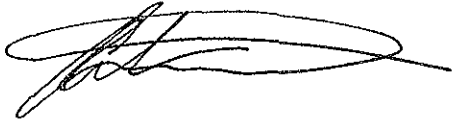
The Senate also finds that there is no realignment of the C-5 Road Extension Project much less one authored or done at the behest of Senator Villar, to secure its passing through the real estate properties of his companies. The records show that there were actually two alignments which are separate and distinct from each other. The first is the C-5 Road Extension Project, which is a public road; and the other is the MCTEP, a toll expressway project, which, if completed, would require the payment of toll for its use.

Finally, the Senate finds that there is no evidence of overpricing

in the lots taken by the DPWH as ROW for the C-5 Road Extension Project as the acquisitions were based on zonal valuations duly and properly certified to by the BIR. Neither did we find any participation on the part of Senator Villar or the officers and staff of his companies in the acquisitions by the DPWH of the lots for public use as to hold him liable for any conflict of interest respecting said ROW acquisitions by the DPWH.

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED by the Senate to dismiss, as it hereby dismisses, the complaint against Senator Manuel B. Villar and to clear, as it hereby clears him of the charges contained in P.S. Resolution 706 dated October 8, 2008 and alleged in the complaint-affidavit filed by Senator Madrigal.

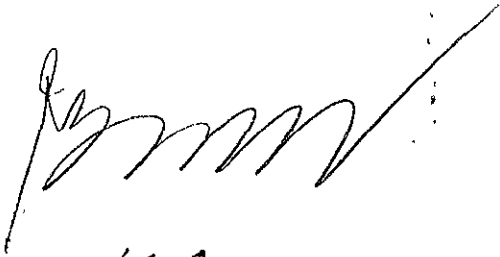
Adopted,



Ric P. Cayat



Many thanks - bilang pagtatanggol sa ating pangalan!



Kevin Defensor Santiago

