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SENATE

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PS Res. No. **196**

Introduced by Senator Alan Peter "Compañero" S. Cayetano

RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (SENATE BLUE RIBBON COMMITTEE) TO APPOINT A SPECIAL INDEPENDENT INVESTIGATOR IN THE PERSON OF FORMER SENATOR PANFILO "PING" LACSON TO LOOK INTO THE ALLEGATIONS OF CORRUPTION IN THE USE AND IMPLEMENTATION OF THE PRIORITY DEVELOPMENT ASSISTANCE FUND(PDAF) BY LEGISLATORS WITH THE INDISPENSABLE PARTICIPATION OF THE IMPLEMENTING AGENCIES AND THEIR BIDS AND AWARDS COMMITTEES, SOME NON-GOVERNMENT ORGANIZATIONS, AND SUPPLIERS AND STRONGLY ENJOINING ALL SENATORS TO OPEN TO THE PUBLIC THEIR PDAF FINANCIAL RECORDS IN THE SPIRIT OF TRANSPARENCY, ACCOUNTABILITY, AND REFORM.

WHEREAS, Article XI, Section 1 of the 1987 Constitution provides that, "Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives;"

WHEREAS, the allegations of PDAF misuse seem to show a systemic and endemic conspiracy and collusion between and among some legislators and/or implementing agencies and their bids and awards committees, some non-government organizations (NGOs), and suppliers;

WHEREAS, the allegations of malversation of P10 billion in the Priority Development Assistance Fund (PDAF) of lawmakers in the past 10 years which implicated some members of the Senate has created public outrage and threatens to destroy the integrity not only of individual lawmakers but the Senate as an institution;

WHEREAS, the Commission on Audit (COA) Special Audit Report covering the years 2007-2009 released on August 16, 2013 showed that at least P6.156 billion of PDAF from 12 senators and 180 representatives were released to 82 questionable NGOs;

WHEREAS, the Senate Blue Ribbon Committee is scheduled to begin investigating these allegations on August 29, 2013;

WHEREAS, the Senate in general and the Senate Blue Ribbon Committee in particular, is known as the last bastion of democracy, of checks and balances, of accountability, and of good governance, especially during the dark years of the Arroyo administration, where it acted as the people's pillar of transparency and reform when it investigated the NBN-ZTE scandal, bribery in the palace, the swine scam, and the fertilizer fund scam;

WHEREAS, this tradition of exacting accountability continued into the Aquino administration when it probed the AFP "pabaon" system, the PNP chopper controversy, and the bridges going to nowhere scam;

WHEREAS, the Senate Blue Ribbon Committee continues to be *primus inter pares* among the Senate committees;

WHEREAS, it is the first time that the Blue Ribbon Committee has been placed in a situation where some or many of its members have been alleged to be involved in the issue it will be investigating;

WHEREAS, the Senate Blue Ribbon Committee should exercise utmost prudence, discretion and sensitivity so as not to allow its proceedings to be plagued with questions and insinuations of partiality and conflict of interest;

WHEREAS, any investigation, especially one that involves allegations of misuse and malversation of Billions of pesos of the people's money, demands the highest standards of fairness, independence and credibility;

WHEREAS, the Blue Ribbon Committee needs an independent and credible special investigator who can assist it to ferret out the truth, pursue leads, make factual findings and find evidence so that the guilty can be charged and the innocent can clear their names, while maintaining its credibility and impartiality;

WHEREAS, the special investigator should be someone who is qualified and experienced and with unquestionable credibility and independence;

WHEREAS, a probe with the aid of former Senator Panfilo "Ping" Lacson, as the special independent investigator will be very credible since Senator Lacson refused to receive and use his PDAF during his incumbency as Senator and he has the necessary skills and excellent track record of an elite investigator;

WHEREAS, former Senator Panfilo "Ping" Lacson is also the choice of Malacanang to lead an independent commission/office to investigate corruption, making him the best person to lead an investigation of this magnitude;

WHEREAS, Article III, Section 7 of the 1987 Constitution provides that, "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law;"

WHEREAS, Section 13 (a) and (b) of the United Nations Convention against Corruption (UNCAC) to which the Philippines is a State Party provides, "Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as: (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes; (b) Ensuring that the public has effective access to information;"

WHEREAS, the PDAF comes from taxpayers' money and taxpayers have a right to know who used it and how it was used;

WHEREAS, while the Department of Justice (DOJ) and the Ombudsman are already conducting their investigations, there remains a strong clamor from civil society, the church, and concerned citizens that there should be an independent investigation open to the public and Philippine media to look into these damaging allegations and reports;

WHEREAS, the proceedings of the investigations should be open to the public, its findings published, and its full report submitted to the Office of the Ombudsman and the Department of Justice so that appropriate charges can be filed should there be evidence to support the same;

WHEREAS, legislators should be strongly enjoined to open to the public their PDAF financial records in order to respect, protect, and promote the right of the public to know the truth; Now, therefore, be it

RESOLVED, as it is hereby resolved by the Philippine Senate, To authorize and direct the Committee on Accountability of Public Officers and Investigations (Blue Ribbon Committee) to appoint former Senator Panfilo "Ping" Lacson as an independent special investigator to look into the allegations of corruption in the use and implementation of the Priority Development Assistance Fund (PDAF) by legislators with the indispensable participation of the implementing agencies and their bids and awards committees, some non-government organizations, and suppliers;

RESOLVED futher, that all Senators be strongly enjoined to open to the public their PDAF financial records in the spirit of transparency, accountability, and reform;

Finally RESOLVED, that the proceedings of the Committee and the Independent Special Investigator be open to the public and the media in the interest of complete transparency and accountability.

Adopted,



ALAN PETER COMPAÑERO S. CAYETANO
Majority Leader