

February 9, 2010

Board Member Carlo M. Batalla,

I rise on a question of personal and collective privilege on an issue affecting the integrity of this August Body.

In the onset of Governor Villafuerte's complaint at the Ethics Committee against this representation, I mentioned on the floor as a reminder that as mandated by law this August body is independent from the Office of the Governor and it is imperative that we exercise this independence. Our duty as members is peremptory and clear. We took our oath to support and uphold the constitution and the laws.

But as evidenced by the province's annual Commission on Audit [COA] reports laws has been broken and violated by Governor Villafuerte and by some other provincial officials. Thus, using this very same COA reports as evidence, graft and corruption cases have been filed at the Office of the Ombudsman against Governor Villafuerte et al by this representation – cases which the Ombudsman finds not only meritorious but sufficient in form and in substance. Thus, ordering the respondents to submit their counter-affidavits.

The cases I filed against Governor Villafuerte et al are criminal and administrative in nature. If we in this August body are to continue in the capacity of public officials, if this August body is to continue in its very character as legislature, an indispensable pillar in the system of checks and balances, then we must come to the defense and the vindication of the laws. The cases at the Office of the Ombudsman against Governor Villafuerte et al are enumerated below:

CASES FILED AT THE OFFICE OF THE OMBUDSMAN			
By Board Member CARLO BATALLA			
	RESPONDENTS	CASE NUMBER	CHARGES
1	GOV. LRAY VILLAFUERTE JR. FORTUNATO C. PEÑA MARIO T. ALICAWAY EDGAR CUYA BERNADETTE CARLOS	OMB-C-C-08-0357-H	Violation of Republic Act No. 6713 for Non-Disclosure of the Official Report of Expenses incurred by CWC Wakeboard facilities and the Gota, Caramoan Eco-Tourism Project
2	GOV. LRAY VILLAFUERTE JR.	OMB-C-C-08-0315-H	Violation of R.A. 3019 otherwise known as the "ANTI-GRAFT AND CORRUPT PRACTICES ACT" for the anomalous purchase of 25,000 pieces of G.I. sheets in the amount of 7.9 Million pesos
3	GOV. LRAY VILLAFUERTE JR.	OMB-C-C-08-0591-L	Violation of Sec. 3(e) and Sec 3(g) of R.A. 3019; Violation of Sec. 89 and Sec. 338 of R.A. 7160 and violation of Sec 88 of PD 1445 involving P150,000 anomalous fund assistance to Barangay Anib, Sipocot, Camarines Sur
4	GOV. LRAY VILLAFUERTE JR.	OMB-C-C-08-0592-L	Violation of Sec. 3(e) and Sec 3(g) of R.A. 3019; Violation of Sec. 89 and Sec. 338 of R.A. 7160 and violation Sec. 88 of PD 1445 involving P29 million pesos erroneously charged to GENERAL FUND-PROPER instead to GENERAL FUND-LOCAL DEVELOPMENT FUND
5	GOV. LRAY VILLAFUERTE JR.	OMB-C-C-08-0593-L	Violation of Sec. 3(e) and 3(g) of R.A. 3019; Violation of Sec. 89 and Sec 338 of R.A. 7160 and violation of Sec 88 of PD 1445 involving P607,166 pesos unaccounted income from the



			operation of CWC Wakeboard facilities
6	GOV. LRAY VILLAFUERTE JR. VICE-GOV. SALVIO B. FORTUNO SUSAN P. LAQUINDANUM	OMB-C-C-08-0318-H	Violation of Sec. 3(e) of R.A. 3019 and violation of Sec 60[c] and [3] of R.A. 7160
7	GOV. LRAY VILLAFUERTE JR.	FILED AT THE OMBUDSMAN	Violation of R.A. 7080 otherwise known as "AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER" for the anomalous transaction involving 95 Million
8	GOV. LRAY VILLAFUERTE JR. FORTUNATO C. PEÑA MARIO T. ALICAWAY	OMB-C-C-09-0674-K	Violation of R.A. 3019 otherwise known as "ANTI-GRAFT AND CORRUPT PRACTICES ACT" for the anomalous purchase of two(2) shipping vessels in the amount of 24 Million
9	GOV. LRAY VILLAFUERTE JR. FORTUNATO C. PEÑA MARIO T. ALICAWAY	OMB-C-A-09-0687-K	Violation of Sec. 338 of the Local Government Code (R.A. 7160); Violation of Sec 88 of the Auditing Code of the Philippines, as amended (PD 1445) for the anomalous purchase of two(2) shipping vessels in the amount of 24 Million
10	GOV. LRAY VILLAFUERTE JR. FORTUNATO C. PEÑA MICHAELA S. RUIZ MARIEFE N. MARALIT LETICIA L. ALIORDE ERNESTO G. VERDADERO LILIBETH L. SANCHEZ CORNELIO C. ABESA MARIA CARMEN M. TRILLO	OMB-C-C-09-0675-K	For MALVERSATION (Art. 217, RPC) and VIOLATION OF Section 3(e) of R.A. 3019 otherwise known as "ANTI-GRAFT AND CORRUPT PRACTICES ACT" for anomalous fund transfer of 18 million pesos to KAOGMA FOUNDATION
11	GOV. LRAY VILLAFUERTE JR. FORTUNATO C. PEÑA MICHAELA S. RUIZ MARIEFE N. MARALIT LETICIA L. ALIORDE ERNESTO G. VERDADERO LILIBETH L. SANCHEZ CORNELIO C. ABESA MARIA CARMEN M. TRILLO	OMB-C-A-09-0688-K	For MALVERSATION (Art. 217, RPC) and VIOLATION OF Section 3(e) of R.A. 3019 otherwise known as "ANTI-GRAFT AND CORRUPT PRACTICES ACT" for anomalous fund transfer of 18 million pesos to KAOGMA FOUNDATION
12	GOV. LRAY VILLAFUERTE JR.	OMB-C-A-09-0639-K	Violation of Section 5(a) of R.A. 6713 for non-disclosure of the 50 million jatropa project and non-disclosure of TV advertisement starring the Governor with actress SARAH



The suspension order meted out to this representation by this body, however, does not answer the questions nor lay to rest the charges of graft and corruption and other wrongdoing of Governor Villafuerte et al, not in government of laws.

So, drawing a parallel my suspension does not wipe out the offenses of these accused provincial officials. These are charges of illegalities filed at the Office of the Ombudsman, these charges is now being investigated and eventually answered. I am reminded of the cases of Congressman Valencia, then Governor of the province of Mindoro and Governor Tan of Leyte among other government officials found guilty as charged by the Ombudsman for irregularities starkly similar to the charges faced by Governor Villafuerte et al. In other words, there are precedents that there are no more sacred cows in this Government.

I hesitated long and pondered hard whether to raise these questions of integrity – but as public officials, our office is a public trust. The law imposes on us certain conditions which we must follow to the letter. This is how important it is. But, when Governor Villafuerte filed the complaint of disorderly behavior thru un-parliamentary remarks against me before the Ethics Committee chaired by the Honorable Board Member Llaguno, there is no iota of doubt in my mind that the members comprising this committee will violate the oath, this committee will use the most tenuous of evidence to justify their own interpretation of probable cause in order not to displease Governor Villafuerte and in order to justify his political vendetta.

This patina of doubt was even more bolstered when I manifested my intention to deliver a privilege speech in July 14, 2009 to answer the governor's complaint in open session – the people of Camarines Sur were deprived of the truth when these very same committee members staunchly objected to my delivery of the following statement:

---Governor LRay Villafuerte filed a complaint before the Ethics Committee of the Sangguniang Panlalawigan against me for alleged un-parliamentary remarks / disorderly conduct last May 18, 2009. Subject of his complaint were my privilege speeches denouncing Graft and Corruption in the Provincial Capitol. I am not a lawyer, I know little about court procedure, I know only that the committee chaired by 3rd district Board Member Emmanuel Llaguno will hear the evidence of Governor Villafuerte, then the committee will determine their verdict whether I shall be branded with guilt or be consigned, perhaps with suspension.

I do not fear to face the Ethics Committee in this hour of accusation by the Governor, nor do I shrink from the consequences of my utterances or my acts, for in my conscience, in my soul, there is festering no accusation of guilt. Permit me to say in the first place that I am admitting to the truth of all the facts enumerated by Governor Villafuerte in his complaint affidavit. I have no disposition to deny anything that is true. I would not, if I could, escape the results of an adverse verdict. I would not retract a word that I have uttered that I believe to be true to save myself from punitive retaliation.

I cause the reprinting of those speeches for everyone to judge—and I do hereby admit to the accuracy in all of its main features as printed. In what I had to say my purpose was to have the people understand and be enlightened on numerous transactions of the provincial government under the leadership of Governor Villafuerte which the Commission on Audit found out to be anomalous. As you will read through my speeches you will notice words that are harsh, kind, blunt, subtle, angry and hopeful. But every word resonates with the ardent desire for this province to attain progress and prosperity. My speeches resonate an advocacy for transparency, good governance and public accountability.

My speeches were not meant to harm or infuriate sensibilities nor deliberately structured to erode confidence on the leadership and competence of Gov. Villafuerte. Rather, it is a frank exploration of the flagship projects of the province—specifically the CWC Cable Wakeboard facility, the Lago del Rey Boat lake project and the Gota Beach Caramoan Eco-Tourism projects: It showcases the mélange of corruption, unaccounted taxpayers money, discrepancies in the records of the accounting and general services office and for the sounding pretensions and pitiful accomplishments.

My speeches—discipline or contumacious may be ruthlessly honest, but they reflect the willful disregard and rampant violation of the law, and they reflect the direction of our province's future. My speeches capture the notoriety—reminding everyone of all that is impossible, reminding everyone of the wrongdoings and outlining the unique and important challenges that lie ahead. Nobody needs to be taught to hate corruption in government. Everybody knew its



ill-effect and how a brutalizing thing it was and is. I cannot imagine how anyone can support for one moment or for anyone to have the slightest sympathy for the perpetrators of such a monstrous and despicable act.

With every drop of blood in my veins I despised corruption and all that it expresses and implies. I despised it with a passion that was holy. My sympathy is with the struggling, suffering people everywhere. It matters not where they were born, or where they live. They are the victims of these monstrous and despicable acts. They are the victims of the numerous crooks masquerading as government officials. I sympathize with them all, and I would, if I could, establish a social system that would embrace them all...

Now, in the course of this Ethics Committee trial—it is unlikely that I will get a fair judgment. The members are all allied to Governor Villafuerte and judging from their past actions—it is on record that their manner and method of interpellations when I delivered the speeches subject of the complaint they acted nearly as lawyers and inquisitors for Governor Villafuerte and ever since—these gentlemen have drawn the inference of my guilt. I pray that under the weight of their servility, they will wither and embrace truth and justice.

I am the smallest part of this trial. I have lived long enough to realize my own personal insignificance in relation to a great issue that involves the interest and welfare of the people. What Board Member Llaguno's committee may choose to do to me will be of small consequence after all. I am not on trial here. There is an infinitely greater issue, though they may not be conscious of it.

The Sangguniang Panlalawigan as an institution and its independence as a legislative body is the one on trial here—we seek the mandate of the people to champion their cause—never to be lackeys for any Pontius Pilate. The future will render the final verdict. The ballot will disappoint and discriminate all those who betrayed concern. I cannot say more Except be prepared for what could follow.

Barely three days before the clock strikes twelve on Christmas Day last December 25 – had the majority members of this august body including the vice-governor in a hastily convened special session cooked its verdict. Thus, the farce called trial by the Ethics Committee ended with a verdict of one month suspension without pay. Why this is so? I can only guess that they see in me the relentless determination to stand fast against the rampant irregularities in the provincial capitol.

Take for example, the controversial passage last October of a resolution sponsored by BM Hernandez that virtually grants a gambling firm the permit to operate a jueting-like gambling in the whole province. In support for this gambling operation this August Body claimed that it would generate jobs and added income for the province underscoring the fact that gambling is the evil alternative as a source of livelihood.

Another example is the controversial passage last September and December of three (3) supplemental budgets sponsored by BM Oliva without the specific budget explanations except what appears to be an executive summary. Again the approval of this budget without the proper and specific items of expenditure is no different to a plain and simple highway robbery.

And my insistence in inquiring on the status of the 50 million pesos Jatropa Project and the inquiry on the fantastic waste on television advertisements starring the Governor and Sarah Geronimo are only few of the many issues where the integrity of this August body is subject to suspicion.

But in the matter of the 50 million pesos Jatropa project and the television advertisement of the Governor running on air for quite a long time now, a case had already been filed by this representation at the Office of the Ombudsman against Governor Villafuerte. Anent this case, the Ombudsman already ordered the respondent governor to file his counter-affidavit under case number OMB-C-A-09-0639-K.

In the matter of the 3 supplemental budgets passed under questionable circumstances by this body, a complaint-affidavit is now being prepared by my legal counsel.

Looking back, when I first step in this hallowed hall as a duly elected member in July of 2007, our dignified appearance misled me into thinking that we are fair-minded persons who knew something of the law and who would act in accordance with the law. And that I have thought the honorable Llaguno is a stickler for rules and a person who does not easily succumb to pressure. That has not been the case – as it turned out.

And amazing how eleven members of this body who signed my suspension order would be so concerned about Governor Villafuerte whose leadership buried this province in unprecedented debts that has brought so much misery to this province, and whose leadership catapulted this province to be named one among ten worst governed provinces by the National Statistics Coordination Board, but they all are. In this farce called trial the Ethics Committee's conduct leaves no doubt that they will do the bidding of Governor Villafuerte without any hesitation – disregarding the shameful fact that the governor himself is answering string of graft and corruption cases and other wrongdoing at different courts of law.



And by yielding to the temptation of losing control of better judgment and by giving way to prejudice, this Sanggunian have just perform an act which closed one chapter in the history of the failure of the people of Camarines Sur under this body's leadership to curb and eradicate rampant graft and corruption in this province.

if my accusations have been harsh and unfounded the following excerpts from my speeches and official communications will explain why I have reached these conclusions and why I think my criticism has not been harsh enough:

