

PLUNDER RAPS FILED VS NAPOLES, 5 SENATORS

by David Dizon, ABS-CBNnews.com

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23 former and current congressmen also face graft complaints

MANILA (1st UPDATE) - A private group filed Friday graft and plunder complaints against businesswoman Janet Lim Napoles, 5 incumbent senators and 23 former and current members of the House of Representatives in connection with the P10 billion pork barrel scam.

Included in the lawsuit filed by Citizens Crime Watch are Napoles, Senators Juan Ponce Enrile, Jinggoy Estrada, Bong Revilla, Bongbong Marcos and Gringo Honasan, Customs chief Ruffy Biazon and TESDA chief Joel Villanueva, and incumbent congressmen Amado Bagatsing, Rufus Rodriguez and Victor Ortega.

Lawyer Jose Malvar Villegas and Carlo Batalla of Citizens Crime Watch said they filed the 6-page complaint before the Office of the Ombudsman because they cannot wait for the Department of Justice to file a plunder complaint against those linked to the scam.

Villegas said they used several newspaper reports as basis for the complaint.

Napoles is accused of masterminding the pork barrel scam, which involved the funneling of Priority Development Assistance Fund (PDAF) allocations to fake non-governmental organizations (NGOs).

Benhur Luy, Napoles' former personal assistant, revealed Thursday that Napoles offered a 50% cut to lawmakers who allocated their pork barrel funds to her NGOs.

A Commission on Audit report earlier said nearly P2 billion in lawmakers' pork barrel funds went to Napoles-linked NGOs from 2007-2009.

No effect on DOJ case

Lawyer Levito Baligod, counsel of Luy, said the filing of the case against Napoles and lawmakers linked to the scam will have no effect on the case to be filed by the Department of Justice (DOJ).



The lawyer said any case that is similar to the plunder case to be filed before the Ombudsman will have to undergo preliminary investigation.

"It is the Ombudsman that will determine if there are valid grounds to ask the respondents to comment on the complaint," he told radio dzMM.

A Philippine Daily Inquirer report earlier, said at least 14 people will be charged with plunder. The 14 include Napoles, Senators Juan Ponce Enrile and his former aide Gigi Reyes, Senator Jinggoy Estrada, Senator Ramon "Bong" Revilla Jr., Ruby Tuason, Pauline Labayen, Richard Cambe, Jose Antonio Evangelista, Rodolfo "Ompong" Plaza, Rizalina Seachon-Lanete, Edgar Valdez, Prospero Pichay and Samuel Dangwa.

In the interview, Baligod said it is the DOJ that will evaluate the pieces of evidence and finalize the list of individuals to be included in the charge sheet. He confirmed that Justice Secretary Leila de Lima has been given instructions to file the plunder case by Monday.

He also said the Ombudsman has the authority to suspend government officials who are linked to the scam.

"The suspension is to prevent the respondent from using the influence of his or her office from affecting the process of investigation," he said.

Baligod said some of the documentary evidence that may be used in the case are letters from the offices of legislators telling implementing agencies which foundations should get their pork barrel funds.

He said the letters can be seen as "an attempt to circumvent the law on procurement since there is no bidding."

The lawyer said bank records will also show how Napoles-linked NGOs made credit transfers to the accounts of legislators.

He said the presidents of the NGOs, who are all Napoles aides, write the banks "to debit the account of the foundation and credit the account of the lawmaker."

"Once the bank inquiry of the Anti-Money Laundering Council comes out, you will see the money coming out of the foundation accounts and going to the account of the legislator," he said.

Baligod also noted lawmakers could be found guilty of plunder for being negligent with taxpayers' money. "To prove plunder, you only need to prove beyond reasonable doubt certain covert acts that may not be criminal in nature but are indicative of a scheme to siphon the money," he said. -- With a report from Jon Ibañez, DZMM

