

**“The only thing missing is the mole”**

**Manifestation by Senator Jamby Madrigal**

Mr. President:

The other day a very appropriate quote appeared in a commentary in *The Business Mirror Newspaper*. Let me share it with our people. Samuel Johnson once wrote, “Slander is a coward’s revenge and dissimulation his defense.”

Nothing could be truer and more appropriate in light of recent events.

I would like to enter into the record this brief manifestation concerning the statements of our colleague Senator Allan Peter Cayetano.

He has raised thirteen arguments to uphold his party president’s refusal to submit himself to the kind of scrutiny and accountability that he and his party president once insisted upon in the case of Mrs. Arroyo and her husband. This got Senator Cayetano and his party president both elected as oppositionists.

But now that Senator Villar wants to replace Mrs. Arroyo, he has shown every sign of doing to the country what she has been so far doing to the country: hiding from accountability.

Mr. President, let me therefore manifest the following.

Allan Peter Cayetano boldly claims this chamber does not, and cannot, investigate one of its own, or hold hearings concerning its members, because the courts are the proper venue for this. His assertion is a willful -wilfull, I say, because as a lawyer and a legislator he certainly knows otherwise- setting aside of history, precedent, and Constitutional precepts.

What the Constitution and the laws, our heritage of centuries of constitutional evolution in the Western world, decrees is that there are certain acts and behavior by our members, of which only the fellow members can be the proper judge.

The Constitution and our laws permit very few instances when other institutions may pass judgment or take action concerning the conduct of our members. This is in Article VI, Section 14, subparagraph 3 of the Constitution; and it is in the rules of this chamber.

Even Senator Arroyo pointed out that from the time the Senate was established in 1916, senators have faced, what is, essentially a jury of their peers: I would add to this that this was done even in times that the Nacionalista Party to which Messrs. Cayetano and Villar now belong, dominated the Senate.

The principle is simple: we are shielded from the tyranny of the chief executive, and undue interference by the courts; but we must first foremost be accountable if not to each other than to the institution, the Senate, to which we all belong.

So the duty of upholding ethical behavior necessarily is our own: we must, in a sense, police ourselves because we all belong in turn to an institution with standards, rules, and the duty and obligation to put public service ahead of private gain.

We have privileges -such the right to speak freely- but we have obligations -such as the duty not to abuse our ability to make privilege speeches. Which is why we can and do, take each other to task for unparliamentary language, why we can move to strike things off the record, and sit in judgment over our peers, as equals.

The good senator from Taguig-Pateros should know this because his father, the late Sen. Ranato Cayetano, subjected himself to the jurisdiction of the ethics committee and was cleared by the Senate Committee on Ethics.

**The innocent man has nothing to fear; the tyranny of numbers is precisely only exercised by tyrants uninterested in the truth or who have given up on the possibility of vindication.**

The Senate has a long history of members who have been attacked, by fellow senators and the public, and who stood firm and who vindicated themselves and by so doing, earned the respect of our people.

That is the tradition of this chamber and that is the tradition today's Nacionalistas refuses to live up to.

The distinguished gentleman from Taguig-Pateros also argues that his party president, Senator Villar, shouldn't be charged with acts allegedly committed prior to his entering the Senate.

Did we investigate the collapse and government bailout of Capitol Bank?

Did we inquire into the many disturbing allegations made by then Rep. Joker Arroyo against then Speaker Manuel Villar? We did not.

The Senate has looked into specific projects. There have been appropriations for the Las Pinas-Paranaque Link Road and C5 Road Extension Project since 2002. It must be recalled that Mr. Villar became Senator in 2001; therefore the whole thing from start to finish took place during the Senate career of the Nacionalista Party president.

By necessity, Mr. President, it was logical and reasonable to ask whether the Nacionalista Party President suddenly developed an interest in fostering government projects aligned with his personal financial interests, or whether they are part of a pattern of merging personal gain with political office. This is where his acts as a congressman onwards are of interest and are of relevance.

And let me manifest, at this point, Mr. President, a very simple point.

The former Senate President and current Nacionalista Party president could easily have avoided all of this, if he had followed simple rules that govern all elected officials.

The rules are meant to deliver us from evil, to avoid our being led or leading ourselves into temptation.

Instead, in violation of the Constitution and RA6713, Mr. Villar never divested himself of his interests in his corporations, or notified the Senate of his business interests in the C5 Road Extension Project and Las Pinas-Paranaque Link Road. Surely, Villar was already a Senator when he committed the acts alleged as unconstitutional and unethical and proven as such by the report of the Committee of the Whole.

And because the Nacionalista Party president would not moderate his greed, he adopts the strategy of Mrs. Arroyo and refuses to face the music, insisting it's political persecution. He denies this is the proper venue, insisting on the very same venues Mrs. Arroyo controls and no other.

I have read somewhere that some hold the opinion that the only difference between Mrs. Arroyo and Mr. Villar is the mole on her face and I am beginning to believe it. Their approach to evading accountability have become so identical I wouldn't be surprised if he is, indeed, Mrs. Arroyo's secret candidate.

Mr. President, consider the insidious argument that we cannot, all of us, sit in judgment on one of our own, because of us have dared to level accusations against each other. As Claro M. Recto famously observed, what is sauce for the goose is sauce for the gander.

The same argument was used to oppose the impeachments of Presidents Estrada and Arroyo and both dismissed because of the simple truth that each of us can think for ourselves and our actions are subject to the scrutiny of the electorate.

How can the Nacionalista Party president or his partymates say it's wrong for me to accuse and judge, when he himself absolved himself?

Did he not sign the so-called manifestation of his bloc, which he tried to maneuver through in contemptuous disregard of the operations and traditions of this chamber?

If he says we stooped low to sign what he considers a political death warrant, did he not stoop even lower to sign, in effect, his own pardon?

Mr. President, what we conducted in this chamber -what we are working mightily to conclude in this chamber- was no less than the impeachment of one of our own, because no other body can determine if a senator is still fit to sit in the Senate.

There are very few checks and balances on our behavior as senators except the ultimate check and balance which is ourselves. Our countrymen trust us to make exposes on the floor, knowing that if one of us goes too far, the rest will hold our own to account.

History teaches us chief executives cannot be given the opportunity to be tyrants by being allowed to evict one or all of us from this chamber; the courts, by tradition and practice very rarely intervene in our internal affairs because their interest is only in the constitutionality of the laws we pass.

The Ombudsman can investigate us and charge us but no one can evict us except in electoral cases where we, too, sit in judgment on our peers.

That is how it should be: but then all the more should be it be that we have a zero tolerance policy for unethical conduct by our fellow members.

That is why it is proper and necessary to insist at all times that this is the proper forum to resolve the specific kinds of charges that have been made.

Mr. President, the remaining assertions of the distinguished Nacionalista senator from Taguig-Pateros all revolve around what seems to be the most painful finding of all of the Committee of the Whole: that the Nacionalista Party president, Mr. Villar, is morally bound to return six billion plus pesos to the national treasury.

The Nacionalistas and their friends and allies claim, for example, this is wrong because the old C-5 alignment can still be built; therefore, he owes nothing for something that doesn't exist.

But that ignores two things: first, of course the old alignment won't be built, because there's a new alignment; and second, 1.5 billion has already been spent to purchase the right of way for the old alignment, and for what?

Nothing.

The government has useless lands, which it can't return; and since the Nacionalista Party president maneuvered the new alignment, he is answerable for the government's losses in abandoning the old alignment.

The Nacionalistas claim there is no evidence: selective blindness in the face of 900 pieces of documentary evidence, selective deafness in the face of damning testimony; all matching the selective muteness of the Nacionalista Party president himself in refusing to speak up in his own defense.

On August 25, 2009, Director Doblón admitted that the proponent of the 200 Million double insertion was Sen. Villar. Director Doblón likewise testified that it was Engr. Adriano, ADELFA PROPERTIES' official, who instructed the DPWH on what to do - in the presence of Senator Villar.

Although not all the acts in connection with the C5 Road Extension Project Scam can be directly attributed to Senator Villar, the fact remains that he had knowledge thereof and consented to the acts of his subordinates or business partners.

The distinguished Nacionalista senator from Taguig-Pateros insists his party president had the least exposure in terms of properties affected by the C-5 scheme. Out of the 39 lots affected and paid for RROW of the Las Pinas-Paranaque Link road, 16 lots are owned by Villar companies. 16 out 39 is not minor. And I am not even going to dwell on Mr. Ted Failon's findings where he pinpointed over twenty Villar real estate developments in the vicinity of the C-5 scheme.

Mr. President, this investigation proved a conspiracy to use public office for personal gain, to the detriment of the public and the public coffers.

The government did not voluntarily expropriate the affected properties of Senator Villar. It must be recalled that the Nacionalista Party president used his position as Senator to cause the realignment of the road to traverse his properties.

With the realignment, the government actually had no choice but to pay Senator Villar properties as RROW. The overpriced Villar lots sold at 13,000 Pesos a sq.m. were adjacent to non-Villar lots paid for at 1,500 to 4,000/ Pesos a sq.m. only.

Mr. President, the spectacularly higher payments point to the ethical problem here: Senator Villar is not an ordinary land owner. He is a Senator who is mandated by the Constitution to divest his business interests in any government transaction in which he is involved. He was a landowner who got a magnificent price while ordinary owners got compensated at rock-bottom prices.

Let me emphasize that authentic and official documents show that Senator Villar's properties were overpriced because they were sold at an incorrect and arbitrary zonal valuation. The facts remain that his companies profited from the overpricing of his properties; BIR Director Carmelita Bacod even denied clearing Senator Villar when she categorically said that she disowns the statements she supposedly made in the Inquirer.

And then they insist that no double insertion was proven, which incidentally points to the validity of this whole exercise in accountability. What the Committee on the Whole did was to examine the accusations to determine what really happened.

What happened was worse than a mere double insertion. There was no double insertion, yes; but there was an insertion by Senator Villar to fund again -not once, but twice!- a project already funded. Worse, the said project was proposed by him because it would benefit his properties and he had receivables for the said project.

Just because you pretend to see no evil, hear no evil, or that you said anything evil, doesn't mean you can make a monkey out of the Senate.

May I enter into the record a matrix of the assertions of the distinguished Nacionalista senator from Taguig-Pateros, and the factual answers to those assertions, which I have caused to be reproduced and distributed to our visitors and friends in the media, too.

This is about accountability. A senator who will not even condescend to defend himself before his equals, if elected to the presidency, will be a chief executive who will follow the same dark, twisted path Mrs. Arroyo has already carved out to her everlasting shame.

Let me say it gain: this is about corruption, corruption, corruption!

Thank you.

