

**CAYETANO STATEMENTS (25 JANUARY 2010)**

<b>LIES</b>	<b>TRUTH</b>	<b>BASIS OF THE TRUTH`</b>
<p>SENATOR CAN'T ACCUSE A FELLOW SENATOR =</p> <p>“hindi hinuhusgahan at hindi hini-hearing o hindi inaakusahan ang kapwa senador o kapwa congressman sa Senado o sa Kongreso.....mayroon tayong korte, may Ombudsman, may civil courts at may ibang bodies na sinasabi ng Konstitusyon at ng batas na dapat humarap”</p>	<p>The Constitution expressly provides that the Senate with a 2/3 votes may suspend or expel its member. Hence, a senator can file a complaint against a fellow senator; and the respondent senator may be punished by the Senators acting as one body.</p>	<p>Art. VI. Sec 14(3): “Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days.”</p>
<p>SENATE NOT THE PROPER BODY TO ACCUSE AND PENALIZE SENATOR VILLAR =</p>		
<p>SENATOR CAYETANO SAID THAT VILLAR SHOULD HAVE BEEN CHARGED BEFORE THE OMBUDSMAN OR COURTS AND BUT HE SAID THAT “...kapag disorderly behavior ay puwedeng ang Committee on Ethics o iyong mismong Senado or House of Representatives ang siyang huhusga sa atin.”</p>	<p>Why is Sen. Alan C. complaining? This is exactly what happened in this complaint. The Senate as a Committee of the Whole was the one who heard, received evidence, and resolved the case against Villar for his disorderly behavior of committing unconstitutional act and unethical conduct</p>	<p>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.</p>

<p>VILLAR SHOULD NOT BE CHARGED WITH ACTS COMMITTED WHEN HE WAS NOT YET A SENATOR =</p> <p>“...napakahirap na akusahan natin si Senator Villar ng mga bagay na nagawa o nanyari noong hindi pa siya senador”</p>	<p>PDAF, SARO, and other documents submitted by Atty. Doblón and Engr. Tayaho clearly show that Villar had been appropriating funds for the construction of the Las Pinas-Paranaque Link Road and C5 Road Extension Project since 2002. It must be recalled that Villar became Senator in 2001;</p> <p>Also, in violation of the Constitution and RA6713, Villar never divested himself 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 this unconstitutional and unethical act.</p> <p>Moreover, the unethical conduct may have had started when Villar was still a congressman and continued when he became a Senator;</p>	<p>Exhs. KKKKKK-4, 16, 28, 73, 77 and 122, 125 and 134 submitted by Doblón showing that Villar used his PDAF to fund the Las Pinas-Paranaque Link Road. (pp.69-70 CR)</p> <p>Director Doblón provided a summary as well as requests for the funding of this project in the letterhead of Sen. Villar. See Exh. KKKKKK 146 (p.70 CR)</p> <p>Exhs. ZZZZZZ 7,12, 14, 17, and 20 submitted by Engr. Tayao showing the SARO and SAA as proof that Villar had been funding the Las Pinas-Paranaque Link Road. (pp. 70-71 CR)</p> <p>As to C5 Road Extension Project: The 200M Villar insertion for the 2008 National Budget was admitted by Engr. Adriano and even shown by the GAA2008 to be for the construction of the C5 Road Extension. This was in the</p>

<p>ACCUSERS ARE ALSO JUDGES =</p> <p>“..na si Senador Madrigal at Senador Lacson, na siyang nag-a-accuse na sila rin po ang maghihiring nito”</p>	<p>Sens. Madrigal and Lacson were not the only ones who heard and evaluated the case. It was all the Senators constituting the Senate Committee of the Whole</p>	<p>year 2007 when Villar was already a Senator. See TSN 25 Aug. 2009, 10:48 a.m.. (p. 71 CR)</p>
<p>ALL POLITICS =</p> <p>“huwag gamitin ang Senado sa Pulitika”</p>	<p>Sens. Alan C. and Nene P. were the ones who are making this issue more political because they would always relate the case to the presidential surveys. They are trying to muddle the issue. This is not about politics. This is about corruption and the use of power by Sen. Villar in order to steal money from government coffers and the Filipino people.</p> <p>What do they want? To investigate Villar when he is not anymore a Senator and at the time he knows that he has the number to acquit him?</p>	<p>September 08, 2009 TSN pages 1 to 8 (NG Dizon)</p>

<p>WHY VILLAR SHOULD PAY P1.8B WHEN MCTEP HAS YET TO BE TERMINATED? =</p> <p>“... baket natin sasabihin na dapat bayaran ni Senator Villar iyong alignment ng MCTEP kung hanggang ngayon ay puwede naming ituloy iyon at hindi naman nabalewala”</p> <p>“Iyong P1.8 bilyon na pinababayad kay Senator Villar ay iyong binayad ng MCTEP para sa kanilang alignment...Pang media. Para masabi na talagang corrupt, nilagyan ng amount....someone pays for a project na hindi natuloy because may bagong project when iyong bagong project wala naming kinalaman sa lumang project”</p>	<p>The proponents of the old alignment have not been foolhardy enough to push through with the construction of the old alignment. This is due to the infeasibility of constructing a toll road to compete with a toll free road. It is unlikely that people will use a toll road with a fee when there is another road free of charge.</p> <p>Former DPWH Sec. Ebdane testified during the Senate Committee on Finance hearing that the P1.8B paid for the RROW for the old alignment was wasted because the land became redundant and useless.</p> <p>Sec. Ebdane further testified that the paid RROW is trying to be sold or swapped but that there are no interested parties. This is mainly due to the size and configuration of the property being only suitable the creation of a road. If the project is still</p>	<p>See p.12 of CR. {Engr. Tayao confirmed that the alignment of the C5 Link of the TRB from SLEX to Sucat Road (portion of MCTEP) lies parallel to the alignment of the DPWH C5 Road Extension Project which covers the same route; and that said DPWH project overlap with the alignment of the TRB project} WILL CHECK THE TSN</p> <p>(will look for the TSN)</p>
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	<p>ongoing, why is it that the TRB already selling or trying to swap these properties?</p>	
<p>NO EVIDENCE =</p> <p>“there is no evidence. And then, sasabihin natin, guilty, isoli niya ang pera.”</p>	<p>No evidence? What do you call 900+ pieces of evidence which are certified true or official copies.</p> <p>His companies directly benefitted from this scam and his failure to disclose or divest his financial interest in companies which have dealings or contracts with the government makes him guilty of conflict of interest.</p> <p>On 25 August 2009, Dir. Doblón admitted that the proponent of the P200M double insertion was Sen. Villar. Dir. Doblón likewise testified that it was Engr. Adriano, ADELFA PROPERTIES’ official, was the one who instructed in the presence of Sen. Villar.</p> <p>Although not all the acts in connection with the C5 Road Extension Project Scam can be directly attributed to Sen. Villar, the fact remains that he had knowledge thereof and consented to the acts of his subordinates or business</p>	<p>See TSN, 25 August 2009 at 10:48 a.m. and TSN 3 September 2009 at 10:09 a.m.</p>

	partners.	
<p>THE COMMITTEE PUT WORDS INTO THE WITNESSES' MOUTH =</p> <p>"Nilalagyan ng Committee of the Whole ng salita ang bibig ng mga witnesses. Hindi totoong nagbago ang mag taga-BIR at sinabing mali ang kanilang findings."</p>	<p>There are no records wherein the officials of the BIR and DPWH directly stated that Sen. Villar is free of guilt in connection with the C5 Road Extension Project Scam.</p> <p>On the contrary, authentic and official documents show that Sen. 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;</p> <p>BIR Dir. Carmelita Bacod even denied clearing Villar when she categorically said that she disowns the statements she supposedly made in the Inquirer.</p>	<p>See TSN 29 September 2009 at 12:31 p.m. (p.3) Bacod said "I really cannot remember on what basis I issued this certification, your honor."</p> <p>See TSN 29 September 2009 at 11:51 a.m. (pp. 5-6)</p>
<p>VILLAR'S INTEREST WAS ONLY MINOR =</p> <p>...napaka-minority o napakaliit ng lupa ni Senator Villar dyan compared sa lahat ng mga developers...</p>	<p>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.</p>	<p>List of affected properties submitted by the DPWH</p>

	<p>Besides, for the sake of argument, granting that other developers own bigger parcels of land in the area, they are not senators of the republic and they did not use influence and power to re-align the road in order to pass their properties.</p>	
<p>DOJ Opinion issued by then Justice Serafin Cuevas in 1999</p>	<p>The DOJ Opinion refers to the old alignment as Sen. Cayetano mentioned "Manila-Cavite Road.</p> <p>Surely, there was no full disclosure of facts. Did, then Cong. Villar, disclosed to DOJ that he was funding the road project to pay his properties for RROW? that Villar realigned the original C5 to traverse and benefit his properties?</p>	
<p>IT WAS A VALID EXPROPRIATION BY THE GOVERNMENT AND THERE WAS NO CONFLICT OF INTEREST</p> <p>"ag kayo kinukuha ang lupa ninyo, hindi conflict of interest iyan."</p>	<p>The government did not voluntary expropriate the affected properties of Villar. It must be recalled that Villar used his position as Senator to cause the realignment of the road to traverse his properties.</p>	

	<p>With the realignment, the government actually had no choice but to pay Villar properties as RROW.</p> <p>There is conflict of interest because 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.</p>	
<p>NO DOUBLE INSERTION =</p> <p>“May double insertion ba? Wala”</p>	<p>There was no double insertion but there was an insertion by Villar to fund again a project already funded. Worse, the said project was proposed by him because it will benefit his properties and he had receivables for said project.</p> <p>Villar inserted the P200M amendment to the 2008 National Budget knowing that it will fund the construction of a project that will benefit his properties and in which he still has receivables.</p>	<p>See TSN 25 August 2009 at 10:48 a.m. [Doblon admitted that it was Villar who inserted the P200m funding for the C5 Road Extension Project]</p> <p>See Exh. GGGGGG 6 [Feasibility Study of CX-5 Project showing that Villars were the proponents who conceptualized the project; and that the completion of the project will make the are boom with investment like the</p>

		Fort]  See TSN 9 September 2009 at 10:51 a.m. and TSN 8 September 2009 at 12:46 p.m. [Adriano admitted that Villar companies have receivables when he enumerated Villar's insertions to the budget]
OVERPRICED LOTS AND NON-VILLAR LOTS NOT OVERPRICED ARE NOT ADJACENT =  "Pero noong tinignan naming sa mapa, hindi magkatabi."	They are adjacent. Our powerpoint presentations show that these overpriced Villar lots sold at P13000/sq.m. are adjacent to those non-Villar lots paid for P1500 to 4000/sq.m. only.	NAMRIA Map shown in our powerpoint presentations.