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BPI's delaying tactics

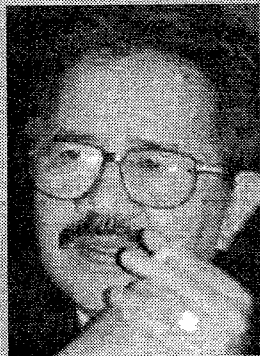
The Bank of the Philippine Islands has so far refused to obey a court ruling ordering the withdrawal by the legitimate board of Philippine Communications Satellite Corp. of close to P100 million in deposits illegally withdrawn by what the court said was an illegal board of directors. The bank now says it is seeking a clarification from the Supreme Court. We non-lawyers do not see anything to clarify. It has been established that some amounts were withdrawn by an illegal board of directors. The declaration of illegality was made by the court.

What is there to clarify?

How Justice Ong delays justice

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'Justice Ong has not made up his mind on what action to take on the motion for reconsideration.'



THE worst example of how a court can delay justice is found in the appeal filed by Chinese-Filipino lawyer Jose K. Lokin.

Lokin and several of his assistants in Philcomsat Holdings were found guilty of indirect contempt by the Sandiganbayan on May 7, 2009. The case arose from findings of the Sandigan that Lokin had a P2 million company check converted into cash. Asked what the money was to be used for he said it was "for TRO, Sandiganbayan." That is in the record of the company.

Acting motu proprio after reading a story about the subject published on Jan. 23, 2007 by this newspaper titled "Philcomsat parent firm paid P2M for Sandigan TRO" the graft court started investigating Lokin.

On May 7, 2009, the First Division of the Sandigan ruled "the court finds Atty. Lokin and Atty. Sikini Labastilla guilty of indirect contempt for causing the subject entry (cash for Sandiganbayan TRO) thereby undermining and/or denigrating the integrity of the Sandiganbayan."

The Court said "judgment is hereby rendered finding Luis Lokin Jr., and Sikini Labastilla guilty beyond reasonable doubt ... and sentencing each of them to pay a fine of P30,000 and suffer six months of imprisonment ..."

On May 27, 2009, Lokin filed a motion for reconsideration and sought the inhibition of Justices Ponferrada and Dela Cruz from participating in the deliberation of the motion for reconsideration.

Lokin sought immediate re-affle of the motion. The Court granted him his motion. The case landed in the division of Justice Gregory Ong.

Five long years have come and gone but Justice Ong has not made up his mind on what action to take on the motion for reconsideration.

Pending ruling on guilt or innocence Lokin and Labastilla are enjoying all civil rights.

It appears that Ong does not have any appreciation for the legal maxim that "justice delayed is justice denied." It took the First Division of the Sandigan less than three years to rule that Lokin and Labastilla are guilty of indirect

contempt.

The motion for reconsideration has been sitting in the division of Ong for the past five years. There are no signals that Justice Ong is in a hurry to make a decision on Lokin's appeal.

The indecision or refusal to make an immediate ruling weighs heavily on the integrity and reputation of Ong considering that the Supreme Court picked retired Justice Helen Sandoval Gutierrez to investigate Ong on another matter that may have bothered the magistrates of the Supreme Court.

Sandoval Gutierrez is reported to have submitted to the Court en banc her findings about the alleged misbehavior of Ong.

We are not privy to the recommendation. We heard from sources in the Supreme Court the findings of Mrs. Sandoval Gutierrez are not exactly flattering to Ong.

Neither should the Supreme Court be flattered by Ong delaying, or refusing to rule on the appeal of Lokin.

The case of Lokin is unusual in the sense that he summoned the courage to put on record of Philcomsat Holdings he needed P2 million presumably to get a TRO from the graft court.

The admission by Lokin of how he would use the money is direct admission that the justices of the Sandiganbayan will or can grant his petition for a TRO in exchange for P2 million.

In any language, there is clear evidence that Lokin would bribe the Sandigan to get the TRO for Philcomsat Holdings.

In fact he got the money for it and have it entered in the books of account of PHC. To our mind, Lokin documented a fraud that he himself committed. The First Division agreed when it said the entry denigrated the reputation of the Sandigan.

Expectedly, the Court found Lokin and his associate Labastilla, guilty of contempt and ordered them to pay a fine and suffer imprisonment for six months.

Being a justice of the Sandigan himself Ong should have felt his integrity or that of his peers was severely damaged by the bribery attempted by Lokin. It matters not that Ong was not at that time a justice of the Sandiganbayan.

It is not his person that is involved in the attempted bribery. It is the integrity of the Sandiganbayan.

Let no one forget that the Sandigan is an anti-graft court. It cannot be involved in any bribery attempt by the likes of Luis K. Lokin or anybody else.

Justice Ong appears to be completely indifferent to the destruction of the reputation of his court and that of his peers. If he was not indifferent, he would have made an immediate ruling on Lokin's appeal.

Whatever Ong's decision might be should somehow mitigate his alleged offense investigated by Justice Sandoval Gutierrez. He is indifferent to that too. Which does not remotely suggest that the Supreme Court will acquit him on the case investigated by Mrs. Sandoval Gutierrez.

Lokin's case and the refusal of Ong to decide on the motion for reconsideration is variously seen as a dark chapter in the history of the Philippine justice system. The delay in making a ruling on a motion for reconsideration has the effect of making people believe that the Sandigan is not in truth an anti-graft court. The court cited Lokin for contempt on what appears to be a failed corruption attempt.

In the law both bribe giver and taker are guilty. In Lokin's case, there is no proof the Sandigan or its justices accepted the bribe Lokin had intended to give it in exchange for a TRO.