

PCGG chair is under probe

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'Bautista refused to lift the annotations at the back of eight transfer certificates of title covering 432 hectares in Tanay, Rizal where the earth station of POTC was erected.'

IO begin with, Andres Bautista, chair of the Presidential Commission on Good Government hardly has a chinaman's chance to be appointed Chief Justice.

Yet as a matter of duty Bautista will be interviewed today by the Judicial and Bar Council as a nominee to the post.

His chances may have been reduced to zero as a result of an opposition filed with the Ombudsman by lawyer Lorna Kapunan for her client, Philippine Overseas Telecommunications Corporation and its wholly-owned operating subsidiary, the Philippine Telecommunications Satellite Corp.

The complaint alleged that Bautista refused to lift the annotations at the back of eight transfer certificates of title covering 432 hectares in Tanay, Rizal where the earth station of POTC was erected. The annotations prevented the sale or use for any purpose of the land which belongs to Philcomsat Holdings Corp., whose listing in the Philippine Stock Exchange was ordered suspended by the PCGG.

PHC is 80 percent owned by Philcomsat and capitalized to the extent of P800 million by the major stockholder. The money has practically disappeared but with a trace that the PCGG, not living to the meaning of its name, "good government" refused to investigate. There is enough evidence to prove the guilt of the "thieves." The worst part of this long standing anomaly is the belated order of sequestration issued by the PCGG when Camilo Sabio was chairman. Sequestration of so-called Marcos crony companies started in 1986 when Sabio issued the writ only in 2009. It took the PCGG that long to find cause but the clients of Ms. Kapunan do not believe there is any reason to place the companies under sequestration.

By that time, the company has been practically rehabilitated and as in better financial shape as the real stockholders beaded by the scam of Katrina Ponce Enrile and Erlinda Bildner were restored as rightful stockholders.

Bautista continues to refuse to rectify the annotation of the titles of the Pinugay property although PHC may not be considered a sequestered company as proven by the consent of the Securities and Exchange Commission to list its shares in the open market.

Sabio is said to have received P60,000 for blocking the listing (or as it relisting?) of 800 million PHC shares. It would have been the major duty of Bautista to rescind Sabio's order but he does not want to lift a finger.

Understandably, Bautista did not like POTC and Philcomsat filing opposition to his nomination for Chief Justice. He is said to have given his own opinion and swore that henceforth, he or PCGG would never help the two companies again.

What help is Bautista talking about? I am a small stockholder of PHC. We own that land in Pinugay. We want to sell it for money. The developer wanted to have a look-see of the place but backed out when he learned that the back of the titles of the land have annotations ordered by the PCGG.

Bautista does not want to relinquish his seat in Philcomsat and

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POTC.

POTC and its subsidiaries are clearly the biggest victims of the PCGG probably because the company was founded by friends of Ferdinand Marcos.

Little is known about the fact that the biggest profit ever made by the National Development Company, which provided initial funding, came from POTC. Its investments earned about five times or more in profits. Those who have doubts can check with NDC itself or with Senate President Juan Ponce Enrile, whose family owns a large chunk of the company.

It would not be a bad step if the Judicial and Bar Council denies an interview with a nominee - for Chief Justice at that - who has a pending case with the Office of the Ombudsman.

Such denial definitely violates the presumption of innocence of an accused. We remember a member of the Basa-Guidote family objected to the nomination and appointment of Chief Justice Renato Corona who was later convicted in an impeachment trial.

The rule should be a nominee to the Supreme Court must have an image or reputation of being as clean as Caesar's wife. Bautista may be that clean but a cloud of suspicion hangs over his head as he faces charges before the Ombudsman.

Bautista is dean of law in Far Eastern University. He is presumed to know his law.

But knowing law and abusing it do not sit with one another. Bautista has no reason whatsoever not to order the lifting of the annotations on the back of the titles of the property of Philcomsat

Holdings.

If he has reasons to support the decision of his predecessor let us hear from him what those reasons are.

Better still, the members of the JBC should ask him how he complied with the mandate of the PCGG to prevent the assets of sequestered corporations from being dissipated, sold, encumbered or otherwise disposed of.

The POTC story is sad because the late Jose Y. Campos, keeping faith with fairness and justice, surrendered to the PCGG two companies, both stockholders of POTC, as belonging to Marcos and his family.

We do not know how much the Marcos family spent to acquire around 40 percent of the company. The fact, proven by existing records, is that nearly all of the P800 million of Philcomsat money invested in PHC is practically

gone. Where did the money go?

The JBC should ask Bautista to produce the records some of which will show that some officials of the company created private bank accounts from the funds of PHC.

That did not happen during Bautista's time. However, he has a duty to expose it and file a complaint with the Ombudsman or with a proper court to give justice to the stockholders who risked large sums of money in the venture./

The fact that they may have recovered their investments in the form of dividends is not related to the disappearance of large sums without legal justification.

Bautista must explain all these in today's interview by the members of the Judicial and Bar Council.

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