

# Postscript

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## What's the going rate for high-value TROs?

JUSTICE delayed is justice denied. Apparently, the Presidential Commission on Good Government can delay or deny justice with impunity for itself or its nominees for an alleged fee of P2 million ostensibly for high-value Temporary Restraining Orders and, if caught, a fine of P20,000-P30,000.

No matter that the plunder, graft and corruption in the PCGG or of its nominees and cohorts have been revealed in a spate of media items, a year of Senate investigation, and a scroll of judicial decisions adverse to, but ignored by, the PCGG, including some from the Supreme Court.

In 2007, for instance, a Senate committee report found "overwhelming mismanagement" and "fraud, abuse and wastage" in the Philcomsat companies attributed to the PCGG.

Yet the "new" PCGG continues to flout the 2015 opinion of its administrative superior, then Justice Secretary Leila de Lima, that the PCGG has lost the authority to be involved in management or representation of Philcomsat (Philippine Communications Satellite Corp.), much less its never-sequestered but PSE-listed subsidiary, Philcomsat Holdings Corp.

The "new" PCGG continues to block the lifting by the Securities and Exchange Commission of the suspension of trading of PHC shares that was caused by reportorial failures of the old PCGG nominees, subjecting 1,400 public shareholders to extreme financial hardship.

### • PCGG same old dog with new collar?

THE SECURITIES and Exchange Commission appears glad to keep the PHC shares frozen, since its Commissioner Ephyro Amatong reportedly attempted, but failed, to obtain a board seat for himself in Philcomsat, the PHC parent.

The "new" PCGG leadership seems to be not inclined to correct the wrongs of its predecessors, so there is no relief in sight.

The going rate of justice in some instances appears to be P2 million, more or less, depending on the considerations.

The 2007 Senate committee inquiry into PHC's accounting entries revealed, for instance, that Atty. Luis Lokin, a cohort of the PCGG nominees to said company, fraudulently used the funds of the publicly-listed PHC.

There was a bookkeeping notation indicating that Lokin ostensibly received P2 million cash allegedly for a Supreme Court injunction. Ten years after the SC "looked into" the matter, Lokin was cited for indirect contempt for "lying through his teeth."

### • P2-M TRO = P20,000 fine + jail time

BUT THE SUPREME Court saw no need to further investigate the possible involvement of members of the court. After the expose of the P500-million plunder of the beleaguered PHC, of which at least P2 million was allegedly removed by Lokin, he was fined a paltry P20,000.



Actually Lokin is not new to the SC. In 2006, the high court slapped him with a three-month suspension from law practice.

In another case that implicated the same Atty. Lokin, a separate and different P2 million was also clearly annotated in the checkbook stub of PHC's books as "Cash for Sandiganbayan TRO, POTC/Philcomsat-case."

For this, Lokin and partner Atty. Sikini Labastilla were each meted P30,000 fines and six months imprisonment. In 2009, Lokin filed a motion for reconsideration which has been pending in the graft court for over six years.

Former Sandiganbayan Associate Justice Gregory Ong, whose dismissal was affirmed last year for involvement in the Janet Lim Napoles pork barrel scandal, was the last magistrate to handle the motion for reconsideration.

Are the fines set that small in the hope that the matter will be dropped or go away? The amount of P20,000 or P30,000 is petty cash compared to P2 million, which is chump change relative to P500 million or so in looted corporate funds.

So, where is the rest of the money? It depends on what court you check with.

### • PCGG misled SC into issuing TRO?

THE SUPREME Court stated in 2005 that it was misled by the PCGG into issuing a Temporary Restraining Order (TRO) on the implementation of the Sandiganbayan resolution based on a 1996 compromise agreement that had been approved by President Fidel V. Ramos.

The resolution, issued in December 1999, granted the government its 35-percent ownership in Philippine Overseas Telecommunications Corp., the mother holding company of Philcomsat.

The implementation in January 2000 and the government's acceptance of its definitive ownership in POTC/Philcomsat should have put an end to PCGG's sequestration over POTC and Philcomsat.

But not really, as far as the old and the "new" PCGG are concerned. The SC's "mistaken TRO" in 2000, issued on a compromise agreement that was already implemented, reportedly cost the POTC/Philcomsat enterprise P2 billion, as the PCGG ravaged the once cash-rich telecommunications company and its hapless subsidiary, PHC.

Based on opposition from the PCGG and the Office of the Solicitor General, the Sandiganbayan denied in 2006 the petition to lift sequestration over the companies. The PCGG and its nominees were in the throes of plundering PHC, so it behooved them to acquiesce to lifting the sequestration over the mother companies.

The case has been elevated to the SC, awaiting decision for what is now going on the tenth year. The past and present PCGG leadership have consistently alleged the term "ill-gotten wealth," even though, after over a quarter-century of searching, nothing "ill-gotten" has been found.

Will the Supreme Court now hasten handing down a decision on the decade-old delay in the lifting of the sequestration of Philcomsat?

After all, the delay has cost a half-billion pesos in plundered funds from PHC alone – plus P2 million that supposedly went to some people in the Supreme Court, and the other P2 million paid allegedly to others in the Sandiganbayan, neither of which anyone can account for.

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