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Postscript

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PHC REJOINDER: Replying to the comments of lawyer Rene Saguisag on the Senate committee report on the alleged looting and mismanagement of the Philippine Communications Satellite Corp. and the Philcomsat Holdings Corp., counsel Federico R. Agcaoili of PHC sent in a rejoinder:

"Atty. Rene Saguisag chose to merely assail the Senate Committee Report No. 312 approved by the Senate in its June 7, 2007, session as a 'midnight' resolution.

"However, Atty. Saguisag miserably failed to raise any factual or legal argument against the findings arrived at by the Senate committee on government corporations and public enterprises and the committee on public services.

"The findings point to Atty. Saguisag's clients, Enrique L. Locsin, Manuel Andal, Julio Jalandoni, Luis K. Lokin, Johnny Tan and Philip Brodett, among others, as culpable in mismanaging PHC and raiding its financial coffers by: (1) highly questionable soaring operating expenses, (2) questionable advances to affiliates, (3) accounting fraud, (4) creation of suspicious bank accounts, (5) reported bribery to government agencies, (6) tax fraud, and (7) various questionable investments."

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REPORT DEFENDED: Agcaoili continued: "After 11 public hearings conducted by the Senate committees, Atty. Saguisag's clients failed to substantiate their allegations against the Africa-Bildner Group, who are themselves stockholders of record of the Philippine Overseas Telecommunications Corp., Philcomsat and PHC.

"In fact, Enrique L. Locsin, who styled himself as the chairman of the PHC board, before his election was nullified by the court, could not answer simple questions of the committee regarding the affairs of the corporation he chairs. The records of the Senate committees as well as the transcript of stenographic notes of the hearings are replete with the familiar 'I don't know' and 'I am not in charge' answers of Atty. Saguisag's client, Enrique L. Locsin.

"On the other hand, it was uncalled for and unfair for Atty. Saguisag to state that the report 'was passed unanimously without anyone understanding what they did' as copies of the committee report were circulated to the members of the committees prior to its presentation to the plenary.

"The report could not have been presented to the plenary for approval if the same did not have the requisite signatures of the committee members. The senators who approved the report studied it before they affixed their signatures. Nine senators out of 16 members of the committees signed and adopted the report.

"They were senators Richard Gordon, Mar Roxas, Ralph Recto, Edgardo Angara, Sergio Osmeña III, Pia Cayetano, Franklin Drilon, Juan Flavier and Francis Pangilinan. In fairness to Sen. Juan Ponce Enrile, he did not sign the committee report."

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S.C. RULING: Agcaoili added: "Atty. Saguisag, a former senator, knows the practice and procedure for the circulation, presentation and approval of committee reports. The absence of Sen. Miriam Defensor-Santiago, author of Senate Resolution No. 455, from the committee hearings did not invalidate or render the hearings improper or illegal as Sen. Santiago is not a member of the committees that conducted the investigation.

"Suffice it to say that all the other complaints by Atty. Saguisag on the conduct of Senate's power of inquiry have already been passed upon with finality by the Supreme Court in an en banc 15-0 decision in the case of Camilo Sabio et al. vs. Senator Richard Gordon et al. in G.R. No. 74340 promulgated on Oct. 17, 2006.

"Finally, the Bildner group was not included among those to be investigated as they were able to present their evidence to the committees amidst the bare allegations of improprieties by Atty. Saguisag's clients.

"The Senate Committee Report No. 312 which became Senate Resolution No. 455 is available on the Philcomsat website www.philcomsat.com.ph for all the world to read. Enclosed, too, is the Legislative History of Senate Resolution No. 455 which belies Atty. Saguisag's insinuation of Senate impropriety."

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