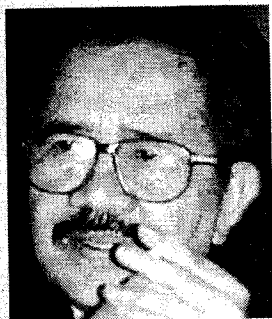


PCGG is also unconstitutional

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AMADO P. MACASAET



'The Supreme Court in a patent show of how loyal it is to Gloria Arroyo made an exception of the Truth Commission by declaring it unconstitutional.'

THE Supreme Court has ruled that the Truth Commission created by executive order is unconstitutional because it denies equal protection of the laws. The Court explains that the commission is explicitly against former President Gloria Arroyo and her cohorts.

If that is the case, the Presidential Commission on Good Government is also unconstitutional as it just as explicitly provides that it will recover alleged ill-gotten wealth of Marcos, his family and so-called cronies and jail them if the evidence so justifies.

The alleged crimes committed by other administrations cannot be investigated by the PCGG. Therefore, the good government body is no different from the Truth Commission.

Therefore the Court itself denies equal protection of the laws by allowing the existence of the PCGG for 28 years. The PCGG was created against Ferdinand Marcos. The Truth Commission was created against Gloria Arroyo.

The Court obviously does not believe that sauce for the goose is sauce for the gander. Its ruling on the Truth Commission is biased for Gloria Arroyo. The PCGG is biased against Ferdinand Marcos.

The Truth Commission, crafted by Executive Secretary Paquito Ochoa is weak in many ways. It does not have the power to issue summonses, least of all warrants of arrest.

It does not have authority to place under sequestration the assets of Mr. and Mrs. Jose Miguel Arroyo.

Why should one of two agencies with reasonably similar functions, although the Truth Commission has no teeth, be declared unconstitutional while the other with nearly full powers be allowed to stay and harass the family of Marcos and his friends?

The simple fact is nearly all commissions that investigate wrong doings of people in government are useless. There have been many commissions that conducted investigations, made full-blown reports, recommended prosecution but they were all a waste of time, effort and money. Nobody for whom a commission was created was ever prosecuted except the PCGG which has not done much in recovering the wealth said to be stolen by Marcos and his friends.

The PCGG has won very few cases. It betrayed its main duty of preserving the assets of sequestered companies. Some companies were bled dry.

The stockholders of sequestered companies were scared to increase capital because there are no rulings that its assets were ill-gotten and therefore belong to the State. Or they were legitimately obtained. They are in limbo.

The Supreme Court in a patent show of how loyal it is to Gloria Arroyo made an exception of the Truth Commission by declaring it unconstitutional.

Following this edict of the Highest Court, the Agrava Commission,

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the Davide Commission and many other such bodies were or are just as unconstitutional

It is better for expediency that the Supreme Court declared the Truth Commission as unconstitutional. It is useless and redundant to begin with.

It is wrong to believe that the ruling will save Gloria Arroyo and suspected thieves during her 9-year no mandate rule from the gallows.

The burden in the fight against corruption in government is an exclusive function of the Office of the Ombudsman which receives complaints and files information for graft and corruption with the Sandiganbayan if the evidence so warrants.

This is how the Anti-Graft and Corrupt Practices Act works. Its functions cannot be usurped or be diminished by a Truth Commission. In this sense, the Supreme Court did not have to declare it unconstitutional.

The only thing the ruling accomplished is the Court showing its undying loyalty to Gloria Arroyo, ignoring the reality that the prosecution of wrong doings or crimes of people in government is covered by the Anti-Graft and Corrupt Practices Act.

That function cannot be usurped by any commission created by Executive Order. The way we see it the PCGG is violates the Constitution because it provides that all wealth recovered from Marcos and his cronies are to be used exclusively to help fund the land reform program.

This provision is actually appropriating funds for government use which is the exclusive function of the House of Representatives. Of course the bigger mistake is pinning hopes for money on wealth that may be available only upon final ruling of the Supreme Court or by actual surrender as was done by the late Jose Y. Campos who told the PCGG that he was keeping about 30 companies for Marcos.

But even the surrender did not immediately translate into funds for land reform. The companies were surrendered. That does not mean cash. On the contrary, the companies and their assets were transferred in the name of the state.

The state now owns 40 percent of Philippine Overseas Telecommunications Corporation representing the two Marcos companies. Who will buy the shares which do not represent money because the sequestration of POTC made it dry as the Sahara?

The PCGG has done more harm than good but it continues to perform its evil functions. Some well-meaning lawyers should go to Court and seek the declaration of the agency unconstitutional.