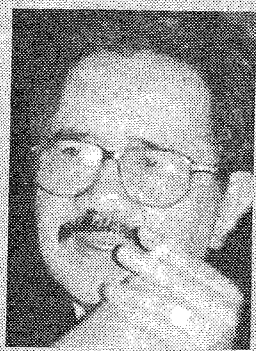


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## Administrative liability

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*'The controversies over the PHC companies continue to catch fire.'*



**T**HE Supreme Court has fined lawyer Luis K. Lokin P20,000 after finding him guilty of "willfully withholding (information) from the court."

The amount is too small a penalty for a light offense of indirect contempt. What should worry Lokin more is the order of the Court saying "this matter is referred to the Integrated Bar of the Philippines for its investigation on Atty. Luis K. Lokin Jr.'s administrative liability as a member of the bar."

The referral does not say possible liability. It concludes Lokin has an administrative liability. We leave to the IBP the action it will take on the SC order.

The court took notice of an investigating committee's report that declared "apparently contemptible, although indirect, are the subject notation 'representation to Supreme Court for the P206,000 and PR for Supreme Court for P2 million, found in the records of Philcomsat Holdings Corp. ... which are, concededly internal records of the company.'"

The probe group created among three members of the Court also claimed "with regard to the P2M check, there is a strong possibility that Lokin is the recipient." Despite his claim he neither received the check nor knew any such Veronica Nepomuceno, the testimony of Casas, Tan and Brodett all support the conclusion that Lokin received, or at the very least knew who received the proceeds of the check. However, although the check allegedly ended up in the hands of a certain Beng Ling Sy who deposited it in Security Bank, the questions why and how the check came into the hands of Beng Ling Sy are matters that go beyond the task for which the committee was created."

The ruling of the Court suggests that Lokin got P2 million from PHC to "bribe" the Tribunal.

Lokin was found to be lying through his teeth "in denying knowledge as to the recipient of Check No. 309381 and that such blatant lying was 'contumacious attitude' the investigating committee recommended that Lokin be required to show cause why he should not be cited for indirect contempt."

The court ordered Lokin to show cause. The court en banc found him guilty of indirect contempt and ordered him to pay a fine of P20,000. The Court ordered that

Lokin's case be referred to the IBP.

It appeared that a certain Veronica Nepomuceno was the payee of the check, a woman Lokin told the court he never knew.

Senator Juan Ponce Enrile declared in a privilege speech "from Jan. 23004 to 2007, PHC was plundered to the extent of P481.2 million. Of this amount, P11.3 million allegedly went to 'direct payments or cash gifts or in kind' to several government agencies such as this court. Enrile further alleged Lokin, legal counsel of PHC, received P2 million 'supposedly for public relations for the Supreme Court injunction.'"

I published a column titled "Buying the Supreme Court" on Jan. 30, 2008. The Supreme Court said "Amado Macasaet claimed that machine copies of documents given to him indicated an accounting entry dated Aug. 16, 2006, whereby the issuance of BPI Check No. 3409381 for P2 million was recorded as "Luis K. Lokin Jr. PR for Supreme Court injunction".

The Court noted the BPI check was issued against the bank deposits of Philcomsat Holdings. It was dated Aug. 16, 2006 and was in the amount of P2 million. It was signed by two of PHC's authorized signatories: Lokin and Manuel P. Andal, a nominee of the state" and a wholly owned subsidiary of Philippine Communications Satellite Corp.

The Court said the name of Lokin was crossed out and the name Veronica Nepomuceno was written in replacement of the lawyer's signature. The change of the name of the payee was countersigned by Lokin himself, according to the ruling of the Supreme Court.

I am a stockholder of publicly-listed PHC. I never wondered why a legal counsel and a member of the board of the company became signatories of the checks of PHC.

Lokin told the Court he is not personally acquainted with Veronica Nepomuceno but he countersigned the change of name from his to that of the woman.

The case arose from a letter sent by Lin Bildner to then Chief Justice Reynato Puno alleging anomalies in the management and operation of PHC. She referred to a Senate investigation where, she said, the body was supposed to have found "through the working papers and accounting entries of PHC auditors that individuals who fraudulently asserted control of the Philcomsat companies have held on to their positions by using PHC funds to obtain favorable judicial decisions."

Ms. Bildner was specific in telling the then Chief Justice "accounting entries showed that this court was listed next to a representation item in the amount of P206,000."

The controversies over the PHC companies continue to catch fire as the original stockholders of the mother company, Philippine Overseas Telecommunications Corp. and their heirs continue to assert the sequestration of the firms were lifted after the state became beneficial owners of 30 percent of the mother company as a result of a compromise agreement.

As of this writing, the boards of the firms are dominated by government nominees. The records of PHC show its funds have been drained. Worse, the titles of the fixed asset of PHC consisting of 75 hectares of land in Tanay, Rizal where the earth station was constructed were annotated.

The nominees also caused the suspension of trading of PHC shares.

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