

Editorial

Philippine President Gloria Macapagal-Arroyo (PGMA) must explain to the Overseas-Filipino workers (OFWs) and Americans of Filipino descent the case of Marlene Esperat. Perhaps Mrs. Arroyo can explain during her trip this week to the United States why the Ombudsman dismissed the charges filed by Ms. Esperat against her erstwhile protégée, the now-infamous former Agriculture Undersecretary Jocelyn Bolante. Sen. Aquilino Q. Pimentel, Jr., has explained the facts of the case in a press release that his office sent to the media. We are reproducing Mr. Pimentel's report at the end of this editorial. The Esperat case is raising a lot of questions about corruption, justice and due process in the Philippines.

Perhaps PGMA must not only deliver during her stay in the United States the requested "State of the Nation's Corruption Address" (SONCA) but also the perceived white-washing of the Bolante caper. If she refuses to deliver the SONCA and answer Senator Pimentel's questions about the dismissal of the Esperat charges, perhaps the Overseas-Filipino Nation should condemn her actuation by doing an economic boycott of the homeland. And even boycotting her public appearances during her current visit to the United States.

Here is Sen. Nene Pimentel's report on the Marlene Esperat case:

Senator Pimentel Dismayed by Ombudsman's Ruling to Dismiss Esperat's Charges against Bolante

Written by Bobby Reyes

Monday, 10 November 2008 07:07 - Last Updated Monday, 10 November 2008 09:15

Senate Minority Leader Aquilino Q. Pimentel, Jr. (PDP-Laban) today expressed dismay over the reported decision of the Office of the Ombudsman dismissing the graft charges filed against former Agriculture Undersecretary Jocelyn Bolante and 10 other personalities by the late community journalist Marlene Esperat in connection with the multimillion peso fertilizer fund scam.

Senator Pimentel said the Ombudsman's decision is difficult to understand because there was ample evidence of misuse of the fertilizer fund in the form of overpricing, ghost deliveries, purchase of wrong kinds of fertilizer and diversion of funds to the 2004 election campaign of President Gloria Macapagal Arroyo. He said these anomalies were proven and supported by documentary evidence in the Senate's investigation on the fund scandal.

The evidence includes findings of the Commission on Audit and written-and-oral testimonies of farmers who were supposed to receive the fertilizer but failed to do so.

He said he does not think that the dismissal of the charges would be credible and acceptable to the people, especially because Ms. Esperat was slain inside her residence in Tacurong City in March 2005 by mercenary assassins to cover up the fertilizer fraud. Ms. Esperat was a former employee of the Department of Agriculture.

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The fact that Marlene Esperat was killed, so as to prevent her from testifying in court should not be a basis for throwing out the charges by the Ombudsman.

“In criminal law, a public offense such as the misuse of the fertilizer fund can be pursued even if the one who initiated and file the case has already died. The case can be prosecuted and elevated to the anti-graft court if it is supported by documents and other forms of evidence,” Senator Pimentel said.

He said that while he has yet to look at the findings of the Ombudsman, the charges against the suspected perpetrators of the fertilizer scam should not just be disregarded.

Senator Pimentel said the dismissal of the graft charges against suspected culprits, some three years after the Ombudsman sat on the case should all the more prod the Senate to reopen the inquiry on the fertilizer fund scam in order to obtain the testimony of Mr. Bolante, who has been tagged as the alleged mastermind of the fund diversion.

He expressed the hope that majority of the senators will overrule the stand of some of their colleagues opposing the resumption of the probe and the transfer of the case from the Committee on Agriculture, chaired by Sen. Edgardo Angara to the Blue Ribbon Committee, chaired by Sen. Alan Peter Cayetano.

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On the alleged involvement of several congressmen and local government officials in the anomaly, Senator Pimentel clarified that the congressmen whose names appeared in the list of recipients of the fertilizer fund in varying amounts need not personally appear before the Senate.

“We are not saying that they should be compelled to appear at the Senate hearing. What we mean is if their names were mentioned as among the recipients, they should feel obliged to make an explanation. It cannot be that they would just keep quiet as if nothing has happened. I think that is not a right attitude,” he said. # # #

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