

By FRANK WENCESLAO,

President, Philippine Anticorruption Movement USA, Inc. (Pamusa)

The Philippine Anticorruption Movement USA, Inc. (Pamusa) is a California nonprofit corporation organized by a group of Filipinos in Los Angeles to heed the call of President George W. Bush for NGOs and business community to actively participate in fighting corruption under the mandate of the U.N. Convention Against Corruption (UNCAC) and the President's International Initiative to Combat Kleptocracy, U.S. implementing policy for the UNCAC. The UNCAC was ratified by the Philippine Senate and now part of the law of the land.

Pamusa is registered with the U.S. State Department and recognized by Assistant Deputy Attorney General Barry M. Sabin's letter of Nov. 14, 2007, to submit evidence to FBI and sue as *qui tam* plaintiff in the U.S. on behalf of Philippine Government (GOP) to recover proceeds of corruption from Marcos' to Gloria Arroyo's administrations.

Continuing studies by organizers, supporters and volunteers (anonymous supporters) have fashioned Pamusa's new governance and anticorruption (GAC) strategy and the proposed Philippine Recovery and Anticorruption Fund (PRAF) to reduce corruption in the Philippines to manageable level by 2010 onward.

This depends on corrupt current and former officials, immediate family members and close associates, or private individuals and businessmen that colluded with them and engaged in corruption targeted by the UNCAC to step up and settle the charges they face in the United States pursuant to said presidential initiative and make endowment to capitalize PRAF.

The upsides would make it possible to elect in 2010 the President, Vice President, members of Congress and local government officials with clean slate with manageable government corruption ushering in a new birth of freedom, democracy, rule of law, equal economic opportunities, and national pride and discipline.

The consequences for those that don't settle corruption charges are horrible. Former U.S. Attorneys and state prosecutors as well as Pamusa's volunteer counsels are unanimous the UNCAC and said initiative make RICO (Racketeering Influenced and Corrupt Organizations) Act a preferred tool to prosecute people guilty of corruption. Under RICO, a person or group who commits any two of 35 crimes - 27 federal and 8 state crimes - within a 10-year period and, in the opinion of the U.S. Attorney filing the case, has committed those crimes with similar purpose or results can be charged for racketeering. RICO's predicate crimes of bribery and fraud are inherent in corruption.

Conceivably, most of the officials from Marcos through Arroyo's administration with immediate family members and close associates, or private individuals and businessmen that have been involved in corruption can be charged under RICO and other U.S. laws, to wit:

(a) Past presidents, Arroyo most all, and vice presidents as well as incumbent officials aspiring in 2010 for the presidency and other offices down to provincial, city and municipal governments.

(b) All current and former members of the Cabinet, Supreme Court and the judiciary, constitutional bodies including all appointive officials of the national and local governments.

(c) All current and former elective members of Congress down to provincial, city and municipal governments.

(d) Private individuals and businessmen that sought and obtained government favors for personal and/or corporate aggrandizement whose assets grew and expanded at unprecedented rates that would not have been possible without Marcos' and succeeding presidents' favors and those granted by members of their administrations in conspiracy with well-connected influence peddlers, lawyers, intermediaries and politically exposed persons.

## **SETTLEMENT PROCEDURE**

1. An individual or group ("respondent") before being charged may negotiate with Pamusa the portion of assets he/she would keep and the portion to be turned over to GOP. The turn-over may be deferred under certain conditions and continue in the respondent's custody reasons, e.g. to avoid being squandered by the corrupt Arroyo administration.

2. The U.S. law-prescribed whistleblower reward due Pamusa, a percentage of the amount recoverable by GOP will be considered endowment to capitalize PRAF charged to respondent as agreed upon between the latter and Pamusa.

3. The endowment will be partly in cash, convertible preferred stocks, real properties, and other

negotiable instruments as may be agreed upon.

4. The settlement agreement will be submitted for approval of a U.S. court; thereafter the records will be sealed from the public with the evidence Pamusa has to be returned to the respondent. Pamusa is obligated not to release any evidence to third parties, for publication and other disclosure under penalty of contempt of court.

## **PRAF's CORPORATE FRAMEWORK AND PURPOSES**

PRAF's corporate framework and purposes are being fashioned and will be ready by the end of February or early March. It would be organized as a U.S. corporation to administer the endowments, solicit assistance from the World Bank, USAID, private foundations, etc. and do business to generate returns on investments for purposes provided in the articles of incorporation and by-laws such as but not limited to the following:

(i) Financing Pamusa's GAC strategy which will include having an investigation and prosecution department similar to Judicial Watch that has prosecuted government corruption during the Clinton administration up to the present and will work with FBI and USDOJ to target those that refuse to settle corruption charges;

(ii) Financing information and educational campaigns with fighting corruption a compulsory subject through Philippine accredited educational and church institutions from the barangay to secondary school level;

(iii) Financially assisting social and economic development programs run by NGOs such as Gawad Kalinga and others;

(iv) Financing scholarship program from high school to graduate school for deserving students; and

(v) Such other activities to enhance fighting corruption, promoting moral values, instilling civic consciousness and developing national discipline the board of directors may decide from time to time.

Pamusa will have a Philippine main office and regional offices staffed with retired professionals such as engineers, project managers, CPAs, judges, prosecutors, etc. who know the modus operandi of corrupt bureaucrats and private individuals colluding with them in foreign-assisted, pork barrel-funded and other infrastructure projects, or in revenue collection where the bulk of what should be collected is pocketed in conspiracies with lawyers, fixers and taxpayers.

The retirees will be assisted by FBI-trained investigators to oversee all aspects of government procurement, weed out bureaucratic corruption and red tape, gather evidence and prepare complaints for the Ombudsman to file with Pamusa's private prosecutors.

More importantly, Pamusa will launch an honest-to-goodness, non-compromising and no-nonsense anticorruption campaign against corrupt "big fishes," bureaucrats and

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their private co-conspirators that continue to commit graft and corruption.

Whenever warranted, the evidence may be submitted to FBI to determine if a case can be prosecuted in the U.S.

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