

Obstruction raps filed vs GMA

Sen. Ma. Ana Con-suelo "Jamby" Madri-gal yesterday filed with the Office of the Om-budsman charges of obstruction of justice against President Ar-royo and other govern-ment officials for their alleged participation and cover-up in trying to prevent former envi-ronment official Rod-

olfo Noel Lozada Jr. from testifying at the Senate.

A Malacañang offi-cial, however, branded the case as purely a po-litical gimmick.

Deputy Presidential Spokesperson Lorelei Fajardo criticized the senator for jumping the gun on her colleagues

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while the investigation is going on in the Senate.

Press Secretary Ignacio Bunye said he would just leave it up to the respondents to answer the charges.

Aside from the President, named respondents in the complaint were Executive Secretary Eduardo Ermita, Commission on Higher Education (CHED) Chairman Romulo Neri, Environment Secretary Joseflito Atienza, Malacañang Deputy Executive Secretaries Manuel Gata, Marcelino Agaña IV and two John Does; Presidential Adviser for Special

Concerns Remedios Poblador, Philippine National Police Security and Protection Office member Paul Mascariñas, Aviation Security Group (ASG) member Rodolfo "Roger" Valeroso, Manila International Airport Authority (MIAA) Assistant General Manager for Security and Emergency Services Angel Artutubo, MIAA Assistant General Manager for Operations Octavio "Bing" Lina, former presidential chief of staff Michael Defensor, PNP chief Director General Avelino Razon Jr., lawyer Antonio Bautista and PNP-PSPO Director

Romeo Hilomen.

The complaint was filed against the respondents for alleged violation of Presidential Decree 1529 "Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders" and for "Disturbance of the Proceedings of the Senate of the Philippines" under Article 144 of the Revised Penal Code (RPC).

Madrigal was accompanied by lawyer Romeo Capulong in filing the 24-page complaint-afidavit. She also asked for the immediate preventive suspension of the respondents pending investigation by the Office of the Ombudsman.

Madrigal challenged Ombudsman Mercedes Guterrez to inhibit herself from the case, citing that she is closely identified with the President and her family.

The senator said that she is filing the complaint for ob-

struction of justice to thwart further attempts to influence, obstruct, or impede the due administration of justice. She said this covers not only the execution of the Senate's lawful processes but extends to criminal prosecutions and civil proceedings in connection with the alleged highly irregular transactions involving the national broadband network (NBN) project.

"This complaint is an earnest effort to help protect the integrity of legal proceedings and, at the same time, protect those individuals who participate in such proceedings," she said.

Madrigal is a member of the Senate committee on accountability of public officers, national defense and security, and trade and commerce, which are investigating the NBN project.

"The conscious efforts of the respondents in this case to cover up the highly anomalous NBN deal by preventing wit-

nesses from testifying or reporting by Lozada from being arrested at the crime scene was not merely a separate criminal offense but an offense arguably even more serious than the crime they sought to cover up," she said.

The complaint is largely based on the sworn testimony by Lozada in the Senate hearing of Feb. 8, 2008 and the admissions of the respondents in various media interviews as to their respective participation in an orchestrated attempt to prevent witness Lozada from testifying in the Senate.

A copy of the transcript of the Senate proceedings was included in the complaint.

Madrigal said the Arroyo government did not merely attempt to obstruct the Senate hearing, but all other possible proceedings based on the revelations of the testimony. She cited most "especially the reporting of this heinous crime."

"Finding the truth on the NBN/ZTE scandal in the Senate hearing will certainly open the floodgates for the prosecution of violations of the applicable penal laws," she said.

Madrigal said that Section 24 of Republic Act 6770 provides the legal basis of the Ombudsman's power to order preventive suspension of officials and employees, pending an investigation.

Madrigal also included a Motion for Inhibition of Ombudsman Gutierrez.

"In this case, doubt is cast upon the capacity of Honorable Ombudsman Mercedes Gutierrez to prosecute the respondents fairly and objectively. First of all, the Honorable Ombudsman has been widely criticized for having obtained the post because of her close association with First Gentleman Jose Miguel Arroyo," said Madrigal.

'No kidnap'

Meanwhile, Solicitor General Agnes Devanadera yesterday expressed opposition to the kidnapping case filed by the family of Lozada will be dismissed by the court once all the pieces of evidence are presented.

Devanadera made this assessment after she and 17 other lawyers from the Office of the Solicitor General toured the Ninoy Aquino International Airport to see the route taken

by Lozada from his arrival at the airport from Hong Kong last Feb. 5.

She was accompanied by Atutubo, assistant manager Airutubo, NAI 1 terminal manager Lina, and other airport officials. A re-statement was also made where the alleged kidnapping of Lozada occurred, starting from Boarding Gate 7, up to the tarmac when Lozada was whisked away to a waiting car and left NIAA minutes after.

Devanadera and her team of lawyers viewed footage and were convinced that no kidnapping took place.

She added that the writ of habeas corpus filed by the family of Lozada was not upheld by the Court of Appeals, strengthening the government's defense in the case. However, the testimony of the court will be decided by the Court.

Atutubo clarified reports that he was with the security forces that fetched Lozada at the airport.

Meanwhile, PNP chief Razon said he would not resign from his post, saying that he was "just doing his job" in the controversy on "Lozada's kidnapping."

Razon said that being a servant of the people, he will continue to do his job as a police officer.

The Police Cavaliers Association Inc. headed by Deputy Director General Emmanuel Carta and PCAI president Chief Superintendent Romeo Hilomen reaffirmed its support for Razon, an alumni of the Philippine Military Academy.

Razon said he is willing to attend another hearing at the Senate on the controversial NBN deal and the alleged Lozada abduction.

In a related development, the National Bureau of Investigation (NBI) said yesterday, that no raid was conducted at the Philippine Forest Corp. (PFC) office in Taguig, former office of Lozada, relating to the Senate inquiry on the scrapped \$320-million NBN project.

Reacting to a letter sent by the Senate Blue Ribbon committee headed by Sen. Alan Peter Cayetano, NBI Assistant Craft Division head agent Alan Contado said his office cannot send to the Senate the names of agents who purportedly raided the PFC "because no raid took place."

The one-page Senate letter, received yesterday morning by NBI, states: "In this regard, and in pursuit of our investigations into the ZTE-NBN case, may we be supplied with the names of the agents and other personnel who conducted the operations so we may be able to invite them in the succeeding hearings of the Senate on this issue." - Sandy Aranelta, Cecille Suerte Felipe, Evelyn Macaliran, Raul Santos