

Congress won't give GMA 'crisis' powers

By AUREA CALICA
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Congress is not keen on granting emergency powers to President Arroyo to address the emerging food and energy crisis.

Senate President Manuel Villar said Mrs. Arroyo would be able to address the situation without special powers granted by Congress.

Villar said the Chief Executive is inherently equipped with enough powers to ensure the public's welfare in the face of the upward spiral of prices of basic commodities.

"The President is armed with sufficient powers to help alleviate the lives of the poor, while we in the Senate are willing to cooperate with the executive," Villar said.

Speaker Prospero Nograles said the government could weather the impending food and energy crisis even without the President using her powers to address the situation.

"Our government is in full control and we have good economic fundamentals in place. We will weather the economic storm. Think positive," Nograles said.

The two leaders of Congress were reacting to Malacañang's announcement that Mrs. Arroyo has signed an executive order laying the groundwork for exercising her emergency powers under the Constitution

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in the event of a food and energy crisis in the country.

Mrs. Arroyo signed on June 2 Executive Order 728 which would enable her to exercise emergency powers under the National Food and Emergency Council (NFEC).

Albay Gov. Joey Salceda, the President's economic adviser, justified the executive order by saying Mrs. Arroyo might be forced to take pre-emptive measures to prevent a full-blown crisis.

Salceda maintained the President is entitled under the Constitution to make the "pre-emptive strike."

Press Secretary Ignacio Bunye and Deputy Presidential Spokeswoman Lorelei Fajardo, in separate statements, defended the President's move to create the NFEC.

"The President is quick to recognize the impending problems and as such has the foresight to create the Council to deal with the situation," Fajardo said. "Action and governance and not politics are the reason for the Council's creation."

Bunye said the NFEC would make a five-year projection on the prices of food commodities and energy sources.

While the provision on emergency powers was inserted into EO 728, Bunye explained the matter has "to be deliberated upon depending on the situation at a particular time, recommendation will be

made to the President and to Congress."

"The Council (NFEC) shall advise the President and Congress if emergency powers are required. We will have to await advice of the Council," Bunye said.

While the Constitution mandates the President to seek the concurrence of Congress in exercising emergency powers in relation to national security, Chief Presidential Legal Counsel Sergio Apostol explained the Constitution is silent when it comes to emergency powers of the President on economic matters.

Salceda, on the other hand, urged Mrs. Arroyo to implement stronger steps to prevent a full-blown food and oil crisis.

Salceda, however, said he would prefer to give his recommendations first to the President before publicly disclosing it.

When asked to describe a possible scenario in which the President would exercise her emergency powers, Salceda said the government could take over rice warehouses and power firms.

He said government could control the distribution of rice and fuel and later compensate the private sector.

"The problem is we haven't seen this before so it's hard to speculate," Salceda said.

Wrong signal

Villar, however, said Malacañang should take the initia-

tive to talk to Congress on what measures are needed without resorting to emergency powers.

He said granting emergency powers to the President in times like this "is not good for a democracy."

Senators Manuel Roxas II, Pia Cayetano, Miriam Defensor-Santiago and Juan Miguel Zubiri said the use of emergency powers would send the wrong signal to the international community.

Roxas said Mrs. Arroyo has over P1.2-trillion budget and the power to implement laws like the Price Control Act in case of calamities.

Roxas said the situation would not call for a takeover of certain public utilities, which forms part of emergency powers.

Cayetano, for her part, said Mrs. Arroyo "has all the powers at her disposal to investigate and prosecute unscrupulous traders, dismantle food cartels and shield consumers from overpricing and other forms of abuse."

"The rice crisis caught this administration flat-footed, not because it lacked emergency powers but due to its failure to implement a long-term rice sufficiency program," she pointed out.

Cayetano cited the failure of the Energy Regulatory Commission to curb abusive practices of power generators and distributors as one of the reasons why the country has one of the highest electricity rates in Asia.

Santiago, on the other hand, said the economic crisis is a global problem.

"(This crisis) is out of our hands, it is being caused by the higher price of oil and by the international food shortage," Santiago said.

"There is nothing we can do. We are not an isolated island where all of these things are just happening to us," she said.

Santiago though agreed President Arroyo may exercise her emergency powers which is allowed under the Constitution.

"She (the President) should adhere strictly to the conditions of the Constitution and the Senate will be the first to protest if she does it prematurely," Santiago said.

Zubiri, for his part, said granting emergency powers to the President is not justified under the present situation, unlike in other countries where there is massive breakdown of law and order as manifested in food riots.

Zubiri said it would send a wrong signal to the international community even as the government still has other options available to control the situation.

Other options

Congressmen led by Nograles called on Malacañang to discuss other options available, short of exercising emergency powers, to prevent the impending food and energy crunch.

"The President won't need

emergency powers as long as we all work together to defeat any possibility that the situation will escalate into a crisis situation," Nograles emphasized, saying that various subsidy programs of the government that are being carried out will keep the economy afloat.

"(These programs are) positive actions that would cushion the impact of the global economic situation," he said.

Nograles said subsidies the government has been extending to the poorest of the poor should be expanded to include the middle class and lower middle class, since they constitute the biggest bulk of diligent taxpayers.

"We also have to protect the middle class and the lower middle class. The country's survival is largely dependent on their contributions to our economy," he said.

Nograles proposed the government's P2-billion power subsidy for residential users with a monthly consumption of 100 kilowatt-hours should be expanded to P6.5 billion to cover middle and lower middle class power users with 500 kWh consumption per month.

Opposition Rep. Roilo Golez, for his part, expressed support for President Arroyo's exercise of emergency powers.

He said the President must declare in two separate issuances that the nation is facing a food crisis and an energy supply and pricing problem.

"The period of emergency must be limited, at most six months, to enable government to acquire necessary equipment, materials and supplies, and complete the bids and awards process," he said.

His third condition: the administration and implementation of the emergency program must be handled by "capable hands."

Golez, a former Navy officer and national security adviser to Mrs. Arroyo, questioned the capability of Energy Secretary Angelo Reyes to carry out such program.

"There is bipartisan doubt (in Congress) on whether the incumbent energy secretary is capable to run his department in normal times, more so during an emergency. He appears to be part of the problem," he said.

Former President Joseph Estrada, meanwhile, said the emergency powers being cooked by Malacañang for Mrs. Arroyo is merely a "band-aid" solution to the food and oil crises.

Estrada said the Arroyo administration must do away with stopgap solutions to the country's problems.

"The people are now hungry. What they wanted is that the people are hungry and fearful as well. An emergency power for the president is just a band-aid solution. What this administration should do is to improve rice production," Estrada said. — With Paolo Romero, Jess Diaz, Jose Rodel Clapano