

# GMA cancels MOA-AD

By PAOLO ROMERO

President Arroyo has cancelled the agreement on ancestral domain that would have given large tracts of land in Mindanao and virtual independence to the Moro Islamic Liberation Front (MILF).

"She (Mrs. Arroyo) will seek a new agreement within the boundaries of law set within the Constitution," deputy presidential spokeswoman Lorelei Fajardo told reporters yesterday. "Furthermore, the President will not allow adventurism by MILF forces to pressure government to sign any agreement even if it is for peace."

Fajardo said Mrs. Arroyo was "sensitive" to the objections of Christian leaders in Mindanao, who have branded the Memorandum of Agreement on Ancestral Domain (MOA-AD) as a "sell-out."

"The President is committed to peace," she said. "The administration is sensitive to public sentiment and the President is also committed to upholding the Constitution."

Peace efforts would now focus on "authentic consultations with the people, (not) negotiations with armed groups," Fajardo said.

However, Mohagher Iqbal,

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MILF chief peace negotiator, warned Malacañang that they would defend with their lives the MOA-AD.

"For us it's a done deal," he said. "Now if Malacañang will violate that (agreement), *lalaban kami*," Iqbal said the agreement is now "part and parcel" of the official documents of the Mindanao peace process.

The MOA-AD became official following the initialing of the document by representatives of the government and MILF peace panels in Kuala Lumpur, he added.

Ghadzali Jaafar, MILF vice-chairman, said attempts to renegotiate the MOA-AD were unacceptable.

"As far as the MILF leadership is concerned, the (agreement) is already a done deal," he said.

The MILF would not re-negotiate the agreement, "even if it means an indefinite postponement of the 11-year-old peace process," Jaafar said.

Meanwhile, presidential political adviser Gabriel Claudio told reporters peace talks with MILF have not been abandoned, but that more emphasis would be given to consultations with the affected communities.

The MOA-AD had called for the establishment of what amounted to a state within a state with its own "basic law," police and internal security force.

The planned Bangsamoro homeland would have been allowed to run its own banking and finance system, civil service, education and legislative and electoral institutions.

It would also have been given full authority to develop and dispose of minerals and other natural resources within its territory.

It would have been governed by the Bangsamoro Juridical Entity (BJE), with full authority to send trade missions and strike economic cooperation agreements with other countries and send representatives to UN agencies and the Association of Southeast Nations.

## OSG told to clarify stand

Solicitor General Agnes Devanadera must clarify the government's position on the MOA-AD with the MILF in today's oral arguments before the Supreme Court.

SC spokesman Midas Marquez said even if the agreement would be canceled by the government, the Court would still decide the case.

"In some cases, the Court does that," he said.

"In some cases, even if it is already declared moot, the Court proceeds to rule because the issues have been presented before the Court and there is an issue to resolve for guidance, to guide everyone."

Marquez said it is unclear to the Court the government's actual stand on the issue.

"If you read the motion of the Solicitor General, there is no categorical statement there," he said. "The SolGen would have to convince the Court if that is the real intention of the government. She will have to convince the Court that the (agreement) in its present form will no longer be signed. Not only the Court but also the petitioners."

Marquez said based on news reports, it appears that the government is no longer pushing through with the MOA-AD.

"That is something which has not yet been relayed to the Court formally," he said.

"We have read newspaper accounts, but I think there has to be a formal manifestation of that intention to the Court."

## 'SC must review agreement'

Former Senate president Franklin Drilon, Sen. Manuel Roxas II and United Opposition spokesman Adel Tamano opposed yesterday the OSG's motion to quash their petitions questioning the legality of the MOA-AD before the SC.

"A statement by Solicitor General Devanadera said that the government will review the terms of the (agreement) or will renegotiate its terms is not tantamount to a commitment that they will not sign the same," Drilon said in a statement.

"The results of the intended review or renegotiation of the MOA include among its distinct possibilities a decision to adopt the exact or equivalent MOA in contention, thus leaving very much alive, ripe and intact for adjudication the claims and prayers of the Petitioners as well as the Petitions-in-Intervention."

As intervenors, Drilon, Roxas and Tamano asked the SC last Aug. 11 to permanently bar the Philippine panel from signing the agreement with the MILF on grounds that it violated the Constitution.

"For the reason that the claims or demands of the Petitioners and Intervenors have not been satisfied or addressed, the Consolidated Petitions must be allowed to proceed," Drilon said.

In their joint opposition, Drilon, Tamano and Roxas said there is no legal basis for the dismissal of the consolidated petitions.

"It is clear that the government is now attempting to render moot the issues raised by the petitioners and intervenors by a weakly undertaking to conduct a review of the MOA," read the petition. "If the Consolidated Petitions are summarily dismissed on the strength thereof, there will be no complete determination of Respondents' grave abuse of discretion and unconstitutional actions in excess of or without jurisdiction in agreeing to bind the government to provisions constituting grave constitutional violations."

"In order to put into rest the issue of the constitutionality of the (agreement), and prevent the government from entering into the same, or similar unconstitutional agreements in the future, the Supreme Court, must once and for all, subject the MOA to judicial review."

## No surrender for Kato, Bravo

Iqbal told reporters yesterday the MILF will not surrender Ameril Umbra Kato alias Commander Kato and Abdullah Macapaar alias Commander Bravo, the MILF commanders who led their men on a rampage in Cotabato and Lanao del Norte provinces.

Kato is commander of the MILF's 105th Command based in Liguasan Marsh and Bravo is commander of the MILF's 102nd Command in the two Lanao provinces.

The government had demanded that MILF surrender the two after their men attacked and plundered several barangays in Cotabato and Lanao del Norte and killed civilians last Monday.

Kato and Bravo each carry a P5 million bounty on their head. — With Jaime Laude, Mike Frialde, Christina Mendez