

GMA, FG cleared in ZTE deal

• *Abalos, Neri to face raps*
• *Mendoza, ZTE execs also cleared*

By DELON PORCALLA
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The Office of the Ombudsman has cleared President Arroyo and First Gentleman Jose Miguel Arroyo of graft in connection with the botched \$329-million national broadband network (NBN) deal with ZTE Corp. of China, but indicted former elections chief Benjamin Abalos and Social Security System president Romulo Neri.

The ruling came two years after businessman Jose de Venecia III, son and namesake of the former House speaker, exposed the alleged anomalies in the deal and implicated the First Gentleman and Abalos.

Details of alleged wheeling and dealing, multimillion-dollar bribes, and even a murder attempt surfaced during several tension-filled Senate hearings.

Ombudsman Merceditas Gutierrez, a law school classmate of Mr. Arroyo, inhibited from the case. She is facing impeachment raps for allegedly dragging her feet on the case and on other high-level corruption cases involving ranking

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The 144-page resolution was signed by Emilio Conzales III, deputy ombudsman for the military and other law enforcement

offices; Robert Kallos, deputy special prosecutor; Rodolfo Elman, assistant ombudsman; Cesar Asuncion, director; and Jesus Micalaf, special prosecutor.

The joint resolution was dated April 21, 2009, but was approved only on Aug. 27 by overall deputy ombudsman Orlando Cansino.

A separate case for "corruption of public officials," or a violation of Article 212 of the Revised Penal Code, was likewise recommended against Abalos and Neri to be lodged before the Metropolitan Trial Court of Mandaluyong City.

Cases of violation of Republic Act 3019 or the Anti-Graft and Corrupt Practices Act will be filed against Abalos and Neri before the Sandiganbayan.

Also cleared in the case were Joey de Venecia and Transportation Secretary Leandro Mendoza.

The Akbayan party-list, which filed the case with Ombudsman, said Mr. Arroyo, De Venecia and Mendoza were cleared "due to lack of probable cause." Mrs. Arroyo was not indicted because she is im-

mune from suits as incumbent president. Also dismissed were the complaints filed against ZTE officials Lorenzo Formoso, Eimer Soneja, Yu Yong, George Zhuoying, Fan Yan, and Hou Wei.

Akbayan said at a press conference that it received its copy of the Ombudsman's decision by mail.

Akbayan Rep. Risa Hontiveros-Baraquel said that with the ruling, they are now urging Abalos and Neri to "speak up" and reveal everything they know about the NBN-ZTE deal.

She said the impeachment cases against Gutierrez would be pursued.

'Pleasantly surprised'

Mr. Arroyo's lawyer said he was "pleasantly surprised" by the Ombudsman ruling. "We've always been confident. They failed to show any evidence or proof (of Mr. Arroyo's involvement) and we've properly presented our factual and legal defense," Ruy Rondain told The STAR over the phone.

He said he has yet to receive a copy of



Arroyo



Abalos



Neri

the resolution.

He said there would be no more legal action from his office because of the dismissal.

He said Mr. Arroyo had never shown any worry while the complaint was being investigated by the Ombudsman and even during the emotional Senate hearings on the controversy.

He declined to comment on the cases of the other co-accused.

Denials

Abalos, former chairman of the Commission on Elections, insisted he is innocent.

"I maintain my innocence. I have nothing to do with the pricing (of ZTE project)," he said. Abalos learned of the Ombudsman decision only when called by The STAR.

Abalos resigned from the Comelec on Oct. 1, 2007 amid accusations by the younger De Venecia that he had tried to broker the \$329-million NBN project.

Neri had testified before the Senate about an apparent attempt by Abalos to bribe him to convince him to endorse the project. Neri was then socioeconomic secretary when Abalos made the alleged bribe offer.

According to Abalos, the accusations of De Venecia were baseless and should not be given any weight.

"He was claiming that I was brokering for the project. But he was the one who kept on coming to Wack Wack (golf club). *Kung ako may halangin sa kanya, bakit sya ang punta ng punta sa akin (If I'm the one who needed something from him, then why is it that it was he who kept on coming to me)?*" he asked.

Abalos added the accusation of corruption against him was "based on assumption."

Neri also expressed surprise over the Ombudsman's decision.

"The Ombudsman filed criminal charges against me?" Neri asked, almost incredulously.

"I cannot comment about it. I don't know anything about that," Neri said.

Blue Ribbon elated

Senate Blue Ribbon chairman Sen. Richard Gordon welcomed the Ombudsman's ruling.

"That's good. I'm glad that they finally moved," said Gordon. He said the Ombudsman may have been prodded to act on the issue after senators demanded action on the case.

He agreed that the evidence against Mr. Arroyo was not strong.

De Venecia claimed that during a meeting at Wack Wack Golf and Country Club, Mr. Arroyo allegedly told him to "back off" from the NBN deal.

"The evidence (against Mr. Arroyo) is not really clear. He still needs to clarify the 'back off' testimony, whether it means that because (Joey) was the son of the Speaker or to back off from the deal," Gordon told The STAR.

The First Gentleman evaded the Senate inquiries on the NBN deal, citing health concerns.

The Blue Ribbon will push through with the hearing scheduled on Tuesday next week. Gordon said it would be the last opportunity for witnesses to come out and testify.

Gordon appealed to former Speaker Jose de Venecia Jr. and other witnesses concerned to once and for all appear before the Senate.

"We let them know that we are still waiting for them. They can come here to testify," the senator said.

"I am glad that the Ombudsman is still alive," Gordon added.

The Blue Ribbon chairman has been vocal about the Ombudsman's being unable to act swiftly on the case, saying the Senate has done its part in exposing the anomaly.

Rep. De Venecia had also written Gordon, but merely to urge his committee to release its report.

The decision of De Venecia's son Joey to testify at the Senate triggered the falling out between the former speaker and Mrs. Arroyo. — With Sheila Crisostomo, Christina Mendez, Rainier Allan Ronda, Paolo Romero