

'FG, GMA must explain roles'

By CHRISTINA MENDEZ

Sen. Richard Gordon yesterday called on President Arroyo and her husband Jose Miguel Arroyo to explain their presence at the ZTE main office in China at the height of the controversy surrounding the \$329-million national broadband network (NBN) contract in 2006.

Gordon, chairman of the Senate Blue Ribbon committee, said the First Couple should be cited for impropriety or possible violation of ethical conduct.

Gordon said the Arroyos went to the Shenzhen Golf Club in China, even played golf and had lunch with ZTE officials on Nov. 2, 2006.

A scandal later erupted, with reports alleging that the award of the NBN contract was being rigged to favor several individuals, Gordon said.

Gordon said the President should explain her meeting with ZTE officials at a time when there were supposed efforts by the camps of former House speaker Jose de Venecia Jr. and former elections chief Benjamin Abalos to corner the multimillion-dollar deal.

The senator noted that Mrs. Arroyo and her husband had been exonerated of any liability by the Ombudsman over the signing of the NBN deal with

Turn to Page 6

ZTE amid indications that their visit would formalize the signing of the scandal-ridden contract.

"It's too early to say that (the Arroyos will be cleared of any liability) although in my report, there are issues that the President would have to explain," Gordon told **The STAR** during the sidelights of GMA-7's fun run event held yesterday.

Gordon stressed Mrs. Arroyo should explain why she went to the ZTE headquarters in China, her subsequent actions following her meeting with Chinese officials while Abalos' and De Venecia's groups were competing to bag the contract.

"Well, if you are the President and there is a big contract, you should not be playing golf with those who are pushing the contract. You should not dine with them. That is where the doubts arise," he pointed out.

Gordon explained the Senate is not looking for the criminal aspect of the issue but to point out indications of unethical conduct on the part of the officials involved.

"We can recommend if there are clear evidence of lacking in ethical conduct since we have the code of ethics on people in government like the President, First Gentleman and even Speaker De Venecia, his son, Joey and even (whistleblower Rodolfo 'Jun' Lozada," Gordon said.

Over the weekend, Gordon declared De Venecia and his son and namesake Joey should also be held accountable.

Gordon said the Senate's hearing on the issue set for tomorrow would be the loose ends in the testimonies of witnesses.

The First Gentleman has been invited for tomorrow's hearing to explain his side on the issue. Joey de Venecia and Lozada have so far confirmed their appearance in the hearing.

"We have seen many gaps that needed to be cleared. We want to fill up these gaps (in) re-opening the case," Gordon said.

Gordon though admitted there is not enough evidence to pin down Mr. Arroyo on the criminal aspect.

Gordon added the President's only fault was her apparent failure to pacify the camps of De Venecia and Abalos trying to corner the NBN contract.

Sen. Loren Legarda, for her part, also believes

Mrs. Arroyo should explain what she told then Socio-economic planning chief Romulo Neri when informed about the \$200-million bribe offer by Abalos.

"Really, I don't think Neri and Abalos would act on their own without the go signal of the highers-up," Legarda said.

Senate Minority Leader Aquilino Pimentel Jr. also revealed some members of the Blue Ribbon committee have agreed that the Arroyos should be made to explain their role in the NBN-ZTE project.

Pimentel, however, admitted the absence of any evidence that could criminally pin down the First Couple.

Even if there was evidence, Pimentel said the President could not be prosecuted because she enjoys immunity from suit.

Now that the Ombudsman started its probe, Pimentel said the Senate could simply recommend additional people that should be prosecuted in relation to the case.

Mistake in judgment

Sen. Miriam Defensor-Santiago said President Arroyo might have committed a mistake of judgment when she accepted the invitation from ZTE at the height of the negotiations over the NBN deal.

But Santiago said Mrs. Arroyo could not be charged criminally for that mistake.

"The President, like all presidents, cannot be charged criminally. In the United States, a civil case can be filed against the President. If you recall, President (Bill) Clinton was charged in a civil case or a case for damages filed (by) a woman," Santiago said.

Santiago also revealed the First Gentleman told her that he did not berate the younger De Venecia to "back off" from pursuing the ZTE deal.

"For FG (Mr. Arroyo), he is a private citizen. On the claim that they met at a golf course where he asked Joey de Venecia to back off, it was the First Gentleman who personally told me that he never did that at anytime," Santiago said.

In the earlier stages of the Senate hearing on the issue, the younger De Venecia testified that Mr. Arroyo pointed a finger at him while telling him to "back off" in an effort to discourage him from pursuing the NBN project.

De Venecia went on to testify that Abalos was acting as the broker of the NBN

contract and was fronting for Mr. Arroyo.

Santiago, however, vouched for the Arroyo family and said they usually speak in Spanish even during common conversation.

She said it's not in Mr. Arroyo's personality to use American slang.

"They usually do not use American slang like 'back off,'" Santiago said.

Santiago also saw nothing wrong with the First Couple visiting ZTE headquarters, including a picture of them playing golf. She said the picture could not be used as evidence against them.

"The question remains is what happened when they played golf in China... What we know is that there is a picture that showed that they all played golf... There is no testimony about the picture. A picture is not enough," she said.

The only fault that can be seen, according to Santiago, is that they accepted the invitation from the ZTE officials.

"They claimed they were invited there. They might be (in) a misjudgment because we know they have deals on a certain contract. So that the public would have nothing to say, they should have turned down (the invitation to play golf)," she said.

Face off

Former speaker De Venecia, for his part, challenged Gordon to force the appearance of the First Gentleman before the Senate to clear things up.

De Venecia stressed Gordon should take the first step of looking into the liability of Mr. Arroyo in the NBN deal instead of implicating him and his son Joey over the botched contract.

"How come Senator Gordon (in) all these months never subpoenaed Mike Arroyo and his cronies to appear before the Blue Ribbon committee?" the Pangasinan lawmaker asked in a statement.

"Mike Arroyo says he is sick and is under doctor's orders. How come Mike Arroyo has traveled to Europe many times, to Australia, to Asia and to the United States? Don't tell us Senator Gordon is not aware of this," he said.

De Venecia said the Office of the Ombudsman has cleared him and his son Joey "from this evil ZTE transaction that has bedeviled the nation."

"But the Ombudsman decision and its discharge of justice is incomplete. What about President Arroyo and First Gentleman Arroyo who are clearly behind the ZTE transaction and who met with ZTE headquarters in China?" he asked.

De Venecia pointed out that he should know because he was there.

His colleagues at the House of Representatives, however, scored De Venecia for making the suggestion to Gordon.

Palawan Rep. Antonio Alvarez said it would be "grossly unfair" for the First Gentleman to be summoned and appear before the Senate on the role he supposedly played in the NBN-ZTE scandal.

Alvarez pointed out the Ombudsman has already cleared Mr. Arroyo in the controversy.

"By urging Senator Gordon to push through with the hearing (tomorrow) with Mr. Arroyo in attendance, De Venecia challenges and assails the Ombudsman's ruling indirectly," Alvarez said.

"That would be grossly unfair not only to the First Gentleman, but with the other officials who were already cleared by the anti-graft body," he said.

Cavite Rep. Elpidio Barzaga also slammed the Senate in its effort to revive the NBN-ZTE controversy.

Barzaga said it would be a "waste of time" for the Senate to revive a "dead issue."

"We have had enough of these hearings and what the public is anxious about is for the Senate committee to come up with its long overdue report," he said.

Barzaga asked why the Senate withheld its report even after Gordon had announced the committee already prepared a draft report ready for perusal of its members.

Surigao del Sur Rep. Philip Pichay also raised doubts that the new Senate hearing on the issue would yield new answers.

Pichay questioned the timing of the Senate to revive the issue, particularly at the onset of preparations for next year's elections.

Gordon, on the other hand, explained the Senate hearing on the issue would focus on loopholes in the government procurement process in the light of the scandal left by the NBN-ZTE deal. — With Jess Diaz, Non Alquitran