

STATEMENT

The Honorable Members of the House of Representatives:

Maraming, maraming salamat po sa pagkakataong ibinigay ninyo sa akin upang linawin ang mga lumulutang na issues kaugnay ng umano's pagkakatanggal sa aking kumpanya mula sa listahan ng mga accredited contractors ng World Bank.

I am grateful for this opportunity to clear my name and to explain the confusion triggered by what I feel is an arbitrary and unjust action on the part of the World Bank. Its unilateral action has already caused a premature judgment of guilt on my part.

Isa lamang po akong maliit na Pilipino mula sa Jaen, Nueva Ecija at wala po akong kakayahang makibaka sa isang higitang tulad ng World Bank. Kaya naman po umaasa na lamang ako sa pagkakataong ito na handog ng inyong kabutihang-loob.

At the outset, I wish to point out that the allegations of the World Bank against my firm and my person are not only blatantly and grossly unjust – they are also bordering on the comic and the insane.

For the record, my firm is officially accredited with a Triple A status and it is one of the biggest in roads ~~and bridges~~ projects in the country.

For the record, its integrity has never been assailed during the many years of its participation in the projects of the Philippine government.

For the record also, I have never been previously awarded any single World Bank-funded project except for the project now under inquiry. I have therefore never received a single centavo from the World Bank. Wala po ni singko sentimos akong nakukuha pa mula sa World Bank.

Sa ilang ulit ko pong pagsali sa bidding ng mga World Bank-funded projects, lagi po akong disqualified o kaya ay talo sa bidding. I have only won in their bidding once – for around P900 million project in question which they nevertheless ended up not awarding to me anyway.

And as if it is not enough of an insult, they have publicly accused me of taking part in a collusion among contractors without – I repeat, without – a transparent, just and fair process. And with characteristic arrogance of a financial giant, they have announced that they are barring me from taking part in any World Bank-funded project in the future.

Sabi ko nga po sa mga kaibigan ko, wala akong pakialam sa World Bank kung ako man ay ayaw na nilang isali. ~~Total, hindi naman ako nakinabang sa kanila kahit kailan. Subalit ang~~ nakasasama po ng loob ay ito : sa kabila ng katotohanang ni singko duling ay hindi po ako kumita sa kanila, yuyurakan pa nila ang aking pagkatao ng walang due process. Ako po ay himiling ng hearing, ako po ay hindi pinagbigyan.

Your Honor, the World Bank Sanctions Board declared that it found no sufficient evidence that my firm has engaged in fraudulent and corrupt acts. Wala raw po itong matibay na ebidensiya para patunayan na ang aking kumpanya ay gumawa ng katiwalian.

However, it has been unjustly declared that my firm was involved in a collusion with other contractors. Sa pagkakaalam ko, ang ibig sabihin ng collusion ay may sabwatan ng lahat ng mga contractors na sumali sa bidding. Dito sa proyektong napalunan ko, humigit kumulang labinlima (15) kami sumali, pito (7) ang naparusahan ng debarment, isa napo ako rito, at walo (8) ang na-abswelto. Ang tanong po, paano magkakaroon ng collusion kung 7 lang ang kasali at 8 walo ay hindi? Hindi po ba dapat lahat ng 15 ay naparusahan kung mayroon mang collusion? Iyan po ang nasa resulta ng desisyon ng WB. Nakapagtataka po.

It is interesting to know where the World Bank Sanctions Board based this conclusion. It was based on the declaration of anonymous and unverified informants with obvious axes to grind, and on the supposed testimony of three so-called confidential witnesses and a few non-confidential witnesses who had no first-hand account of any vital detail that can be subjected to independent verification.

Not one of them testified based on personal account, encounter or experience with me.

In other words, the World Bank Sanctions Board condemned me on the basis of what legal experts would call multiple hearsay. Ang tawag po sa amin sa Jaen, malinaw na sila ay nadala sa tsismis at sulsol.

Your Honor, for the record, not one of the 50 local and foreign participating contractors ever declared that I colluded with them in any effort to defraud the World Bank. Not one of the 13 winning contractors involved in the project under question ever declared that they sought my assistance in order to win the contract. All these, despite the searching questions of the World Bank Sanctions Board.

Therefore, they had to rely on the multiple hearsay, on innuendoes, and on the fertility of their imagination that is obviously biased against this Filipino.

Your Honor, I begged the World Bank Sanctions Board to give me my day in court; to allow me a fair hearing and to confront my accusers.

Your Honor, the World Bank Sanctions Board denied me this basic right to a fair hearing and due process. It refused to furnish this Filipino copies of the submissions of other respondents. It denied me the right to a re-investigation despite the obviously flawed process it followed in the probe of the accusations against my firm.

Ang sabi nga po sa akin ng mga taga-Jaen, aba ay masyado na po akong lugi sa transaksiyong ito sa World Bank. Bakit? Kasi po, kahit kalian ay wala akong makuhang pera sa kanila kahit piso. Pagkatapos, yuyurakan pa ang karangalan ko. Pagkatapos, may magdududa pa na ako daw po ay maaaring nagsasampa ng pera sa mga makapangyarihang tao. Pag nangyari po iyan, hindi lamang po ako lugi – abonado pa.

Your Honor, thank you for allowing this simple Filipino from Nueva Ecija a chance to be heard.

And since this auspicious hearing is being done in aid of legislation, I humbly beg you to examine the legislative options to protect the Filipino businessman from the unfairness and injustices which giant financial institutions are not unlikely to commit.

Maraming salamat po.

EDUARDO C. DE LUNA