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Watchdog group readies suit vs Malampaya deal

By Redempto Anda
Southern Luzon Bureau

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PUERTO PRINCESA CITY, Palawan -- A watchdog organization on Friday vowed to block the national government from pushing through with reported plans to distribute some P6 billion in Malampaya royalty funds to Palawan's top political leaders as pork barrel.

This developed as sources told the Philippine Daily Inquirer, parent company of INQUIRER.net, that the deal was being renegotiated following disagreements among some of Palawan's top local officials on the division of the funds according to political turfs.

Lawyer Harry Roque, director of the UP Institute of International Legal Studies and counsel for the advocacy group Kilusan Love Malampaya (KLM), said they will challenge the government's move before the Court of Appeals.

He claimed that the reported sharing arrangement recently forged by Malacañang with the Palawan leadership "violates the provisions of the Local Government Code pertaining to the disposition of national wealth."

"We are just waiting for the release of the Executive Order to the Office of National Administrative Registry [ONAR] and then we will file a case in the Court of Appeals questioning its legality," Roque said.

The reported arrangement involves the assignment of P2 billion each to the projects to be identified by Palawan's two congressmen and the provincial government. Another P6 billion is to be spent by the national government to fund its own projects in Palawan.

An Inquirer source last week disclosed that the agreement had been reached by national and local government officials after a series of negotiations to utilize the funds currently frozen because of a pending Supreme Court case over Palawan's right to a 40 percent share.

Another source said the deal was being renegotiated after Puerto Princesa City Mayor Edward Hagedorn complained about the exclusion of Puerto Princesa City from the pork barrel.

"We expect a new agreement to be made within a matter of days," a city councilor close to Mayor Edward Hagedorn told the Inquirer.

Meanwhile, Palawan officials have continued to evade questions regarding the existence of the agreement.

"I have not seen an Executive Order. But [there is indeed an] EO, I don't see anything irregular. Dapat matuwa nga tayo [We should be happy]. We've been working together so that finally, matuloy na ang daloy ng biyaya mula sa ka-Maynilaan (the funds from Manila will start pouring in)," Representative Abraham Kahlil Mitra said in a local radio interview today upon arrival from Manila.

The KLM, for its part, points out that Section 292 of the Local Government Code dictates that the sharing should be distributed between the province (20 percent), the municipality where the national wealth is found (45 percent) and the barangay or village (35 percent).

"The local government code provided for the manner by which it [Malampaya share] should be spent. [The] intention [of] LGC in allotting 40 percent to the local government units is such that it should not be spent as if it is a discretionary fund," Roque said.

Roque also questioned the admission made by Mitra that at least P600 million in new infrastructure projects recently allocated by the national government to Palawan will be charged to the Malampaya share of the province ostensibly under the agreement.

"If it is true that some money that had been released to Palawan will be deducted from the Malampaya share, that will be a case of technical malversation because those expenditure items did not go through Congress," Roque said.

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