

DATELINE PHILIPPINES

'GMA to abandon post once she files COC'

MANILA—President Arroyo would be abandoning the presidency if she runs for Congress in next year's elections, according to a taxpayer opposing her plan.

Replying to the Commission on Elections' comment to his petition before the Supreme Court, Henry Giron said Mrs. Arroyo was elected president to perform executive functions.

"If she runs for a legislative post that would mean she no longer wants to be in the executive department," read Giron's reply.

"That is already a case of abandonment of people's mandate, and this is why many people are saying that she would already forfeit her seat if she pursues that plan."

Giron, who heads the Article 64 Movement, said the SC must take a second look at the provision of Republic Act 9006, the Fair Elections Act, which repealed Section 67 of the Omnibus Election Code that required elected officials to resign from their posts if they run for other positions—except for president and vice president.

"By repealing Section 67, it only attracts political adventurism among public officials," read Giron's reply.

Giron said campaigning for another position in an election while completing an elective

term of office is against the public accountability clause of the Constitution.

"It has been explained that if the mandate, for instance, the senator is to serve for six years, then in the midway of his term, he ran for other office, then that clearly shows that he has no intention to service the mandate of the people which was placed upon him and therefore he should be considered ipso facto resigned," read Giron's reply.

"He abandoned this solemn duty to uphold this clear and unmistakable mandate given to him by the people."

In its comment to Giron's petition, the Comelec said the SC had already resolved the issues raised and upheld the constitutionality of the repealing clause of RA 9006 on Dec. 29, 2003 in the case of Rodolfo Fariñas vs. Executive Secretary.

However, Giron said the SC had ruled twice in separate cases and upheld the constitutionality of Section 67 of the Omnibus Election Code prior to the Fariñas case.

On Oct. 15, 1991, the SC upheld the constitutionality of Speaker Ramon Mitra Jr.'s, administrative act of removing Rep. Ali Dimaporo's name from the roll of the House of Representatives, he added.

Giron said in that case, the SC pointed out the basic concept

that a public office is a public trust.

"It is created for the interest and benefit of the people," read the SC decision.

"As such, the holder thereof is subject to such regulations and conditions as the law may impose and he cannot complain of any restrictions which public policy may dictate on his office."

'GMA's plan to run known'
BAGUIO CITY—President Arroyo's bid for Congress is well known among her cabalen, according to an Ibon Foundation survey.

At least 76 percent of Kapampangans know Mrs. Arroyo's plan, Ibon said in its latest nationwide survey done on Oct. 2-8 using multi-stage probability sampling scheme.

However, only 16.9 percent were in favor of Mrs. Arroyo's stay in government this way, and almost half (44.6 percent) were not in favor.

Around the country, 61 percent of the total 1,496 respondents "are aware Mrs. Arroyo will run for Congress," said Rosario Guzman, executive director of Ibon who furnished *The STAR* with the results of their survey.

Those not favoring Mrs. Arroyo to stay longer in government even as a Pampangalawmakernumbered 85.8 percent. (*Philstar.com*)

Ayala adopts sustainability as new business strategy

by MARY ANN REYES
Philstar.com

THE Ayala Group of Companies is making significant adjustments to its strategies, business models, products, and operations as it adopts a new way of doing business in a way that puts sustainability above profit-making.

In order for a business to be relevant to society, Ayala Corp. chairman and CEO Jaime Augusto Zobel de Ayala said it has to go beyond measuring its success based on the traditional metrics like financial statements and balance sheets.

Ayala said this would require looking at the bigger picture, as well as the social and environmental impact of the business, instead of just the economic front, meaning profits, capital expenditure, taxes, and employment.

But one does not have to take from the other, Ayala pointed out.

"Being a responsible compa-



Ayala Corp. chairman and CEO Jaime Augusto Zobel de Ayala (right) and president and COO Fernando Zobel de Ayala share their plans for Ayala companies during a discussion with media at their corporate headquarters in Makati City.

Philstar.com Photo by Mike Amoroso

ny does not mean that it will be a financial disaster," he said.

Ayala stressed that sustainability would be as important to the Ayala Group.

This new standard of sustainability in business is being ad-

opted for the first time in the Philippines and is just starting globally, he said.

Growth, he added, is not the only agenda for business.

"Sustainability on the one

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Quezon solon admits discussing with Arroyo possible Congress bid

by LEILA SALAVERRIA
Inquirer.com

A LAWMAKER disclosed last Nov. 5 that he has talked with President Gloria Macapagal-Arroyo about the possibility of her running for Congress.

Quezon Representative Danilo Suarez said that during one of his talks with the President a few months ago,

he brought up the possibility of her joining the House of Representatives after her term ends so that she could push for the legislative measures necessary for fiscal reform that had not been passed during her term.

"We briefly discussed the possibility of her running as member of the House," Su-

arez said at the Serye forum in Quezon City.

But when asked later how the President reacted to his suggestion, he said she did not say anything.

Arroyo is rumored to be running as Pampanga representative, and has made more than 40 trips to the province this year. ■

2,070 floodway families to be evicted

by EVELYN MACAIRAN
Philstar.com

THE Department of Public Works and Highways (DPWH) said yesterday 2,070 illegal settler families living along Napindan Channel and Manggahan Floodway in Pasig City would be evicted as part of measures to improve flood control in Metro Manila.

DPWH Undersecretary for Luzon Romeo Momo said the two waterways overflowed during typhoons "Ondoy" and "Pepeng," endangering the lives of people.

Momo said the order to evict families along the two floodways came from Malacañang.

"This is the marching order given to us by President Arroyo so we have to remove all the obstructions, if necessary, to maximize the utilization of our river banks... so the dredging may eventually take place anytime."

Momo said they have requested affected local government units to help in the removal of the illegal structures that have hampered the flow of the floodwaters.

He said the move is also in preparation for future heavy rains and flooding in the metropolis, adding that the success of the project would greatly rely on the support of local officials.

The floodway of the Napindan Channel acts as a catch basin where accumulated rainwater from Metro Manila streams down, while the Manggahan waterway reduces flooding along Pasig River as it flushes water out of the Marikina River to Laguna de Bay.

At the height of Ondoy last Sept. 26, water in both channels overflowed, flooding Metro Manila. ■

5% campaign tax illegal, parties say

by AUREA CALICA
Philstar.com

AS THEY build up their war chests for next year's elections, political parties are questioning the legality of the five percent tax on campaign spending, saying Congress, not the Bureau of Internal Revenue (BIR), should have a say on the tax measure.

But as questions about the legality of the BIR move pour in, Senate President Juan Ponce Enrile said the measure has legal basis.

Enrile said the BIR order is covered by the Internal Revenue Code of 1997.

"There's a law already... it is being implemented only now. I understand they have already published the regulations," Enrile said.

Acting BIR chief Joel Tan-Torres earlier vowed to start strictly implementing the five percent tax.

Liberal Party campaign manager Florencio "Butch" Abad said the party would have to meet and discuss what action to take on the measure, which he described as discriminatory and impractical.

"Why is the government putting an additional burden on people who want to run for office for its dismal failure to perform the very basic function of collecting taxes?" Abad asked.

"There was no such requirement in the many years that I was involved in elections. And what would be taxed? Only cash? What about time, services, in kind donations? This will be impractical in the long run because people will just donate airtime, lend vehicles and give other non-cash donations. There are ways to avoid this," Abad said.

"In any political exercise, people must be given as much support as possible in the exercise of democracy and promotion of political rights," he said.

In other countries like Europe, Abad said political parties were even subsidized by the governments to make them stronger.

"You're discouraging people

to perform a vital role (in a democracy) if you do this. It's a disincentive. The elections are the very core of democracy because this is the people's way of voicing out their positions," Abad said.

"You should not discriminate by taking money from political parties rather than giving them. Normally, politicians spend for themselves and there are hardly contributions especially on the local level," he said.

"If you impose taxes for the sake of increasing state revenues, you are depriving the parties of their means to be strong with the help of those who want to support them," Abad said.

Congress' business

"Being a new tax, should this not have emanated from Congress and not the Bureau of Internal Revenue? Our Constitution provides that there should be no taxation without representation. Questions also abound regarding the capability of the BIR to collect this tax if implemented," Nacionalista Party spokesman Gilbert Remulla said.

"This new tax might be a disincentive to report and pay the proper taxes," he added.

NP standard-bearer Sen. Manuel Villar Jr., who is perceived to be the biggest campaign spender so far, said he is ready to comply with the BIR ruling provided that it is within the law. "If that is within the law, then we should comply. We have to check on it. I have no problem with that," he said.

"That (tax on campaign contribution) is unconstitutional because all tax measures must emanate from the House of Representatives," lawyer Adel Tamano, also of NP, said.

"The order will also discourage small donors from giving," Tamano added. Tamano is in the NP senatorial slate.

The Nationalist People's Coalition of billionaire businessman Eduardo "Danding" Cojuangco voiced the same concern.

"Tax measures are within the realm of Congress. That is the

legislative power of Congress," NPC spokesman and Valenzuela Rep. Rex Gatchalian said.

The BIR, through Revenue Regulations No. 8-09, requires all political candidates and their supporters to set aside five percent of their campaign kitty for withholding tax.

The order also tasks political parties and their candidates to register with the BIR as "withholding agents."

Bias for Palace bets

For Makati City Mayor Jejomar Binay, the five percent tax would greatly hurt opposition and poorly funded candidates.

Binay, president of the United Opposition (UNO) and running mate of former President Joseph Estrada in the 2010 elections, reminded Tan-Torres that even the Commission on Elections has serious doubts over the legality and the propriety of the measure.

"Aside from questions on its legality, the campaign tax favors moneyed candidates and administration-backed candidates who have access to national government resources," he said.

"It would also cripple the opposition since the national government would now be able to pinpoint opposition donors from the business community," Binay said.

Binay said the business community is very aware of the vindictive nature of the present administration.

"A list of businessmen financially supporting the opposition would be heaven sent for this administration, who can then employ every trick in the book to harass and intimidate our financial backers," Binay said.

He also said the campaign tax would give the administration a means to harass supporters of the opposition.

"Opposition donors will now be vulnerable to harassment, and will think twice about supporting those of us in the opposition," Binay said.

"We do not envy the situation of the new BIR chief. He

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