



OFFICE OF THE OMBUDSMAN

Ombudsman Building, Agham Road, Diliman, Quezon City

01 April 2014

Ombudsman resolves first batch of PDAF criminal cases

Enrile, Revilla, Estrada, Napoles, et al. face plunder graft raps

The Office of the Ombudsman found probable cause to indict Senators Juan Ponce Enrile, Ramon “Bong” Revilla Jr., Jose “Jinggoy” Estrada, as well as Janet Lim Napoles and a number of government employees and non-governmental organization (NGO) officers with Plunder punishable under Republic Act (R.A.) No. 7080, as amended, and violations of Section 3(e) of R.A. 3019 (Anti-Graft and Corrupt Practices Act) in connection with the Priority Development Assistance Fund (PDAF) controversy or “pork barrel scam.”

By three Joint Resolutions, Ombudsman Conchita Carpio Morales approved yesterday the recommendations of the five-member Special Panel that conducted the preliminary investigation of the separate complaints filed by the National Bureau of Investigation and Atty. Levito Baligod (NBI Complaint) on September 16, 2013 and by the Field Investigation Office (FIO Complaint) on November 18, 2013.

The cases arose from the exposé of whistleblower Benhur Luy about a “pork barrel scam” involving the use of huge amounts of PDAF by alleged “dummy” NGOs for purported “ghost” projects in a scheme supposedly hatched by Janet Lim Napoles.

In the Joint Resolutions, the Special Panel cited the sworn statements of Luy and his co-whistleblowers Marina Sula and Merlina Suñas who detailed the sequence of events, the 2007-2009 Commission on Audit (COA) Report documenting the results of the special audit undertaken on PDAF disbursements, and the reports on the field verification which secured sworn statements of local government officials and the purported beneficiaries of the supposed projects which turned out to be inexistent, which pieces of evidence either remained uncontroverted by mere denials or dovetailed with the affidavits of some respondents.

On the charges for Plunder, the Joint Resolutions concluded that the three Senators took undue advantage of their official position to illegally divert, in connivance with certain respondents, their respective PDAF allocations to the Napoles NGOs, in exchange for kickbacks/commission amounting to more than ₱172 million, ₱242 million and ₱183 million in the case of Senators Enrile, Revilla and Estrada, respectively, with the PDAF-funded projects turning out to be “ghost” projects, under a *modus operandi* of a combination and series of overt criminal acts repeatedly taking place over a number of years.

The crime of Plunder under RA 7080 is punishable by *reclusion perpetua* (to death), and forfeiture of the ill-gotten wealth in favor of the government.

On the charges for violations of Section 3(e) of R.A. 3019, the Joint Resolutions uniformly found that the sets of respondents conspired in causing undue injury to the government in

the amounts of ₱345 million, ₱517 million and ₱278 million from the PDAF of Senators Enrile, Revilla and Estrada, respectively, by receiving, in evident bad faith, kickbacks or portions of the diverted amount, and by being manifestly partial in the selection of the Napoles NGOs and the conduit Implementing Agencies (IAs), which resulted in unwarranted benefit, preference or advantage to the Napoles NGOs which were chosen without the benefit of public bidding and which supposed turned out to be “ghost” projects.

The number of counts (showing commonality of criminal design per set of conspirators) was determined from the common paper trail arising from either (i) each Special Allotment Release Order (SARO) or (ii) every IA/NGO tandem, if one SARO was split and coursed through different IAs and NGOs, regardless of the number of projects.

The corrupt practices under Section 3 of RA 3019 is punishable by imprisonment for not less than six (6) years and one (1) month nor more than fifteen (15) years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth.

Sen. Enrile’s PDAF

The 144-page Joint Resolution on the two criminal cases involving Senator Enrile, *et al.* (OMB-C-C-13-0318 and OMB-C-C-13-0396) found probable cause that Senator Enrile, Jessica Lucila Reyes, Ruby Tuason, Janet Lim Napoles, Ronald John Lim and John Raymond De Asis committed Plunder.

Likewise in these two cases, the Joint Resolution found probable cause to indict the following respondents for fifteen (15) counts of violation of Section 3(e) of R.A. 3019, the material details of which are indicated in the table below:

IA /NGO¹	DISBURSEMENT VOUCHER NO.	TOTAL AMOUNT	RESPONDENTS
TRC-CARED	01-2007-040669, 01-2007-040670, 01-2007-040671, 01-2007-040672	20,000,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Ortiz, Cunanan, Figura, Lacsamana, Espiritu, Jover, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao, Fernando, Palama, De Asis and Encarnacion.
TRC-APMFI	01-2009-040929, 01-2009-051300	22,500,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Ortiz, Cunanan, Figura, Lacsamana, Espiritu, Jover, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao, Pioranto, Fabian, Ditchon, Galay and Uy.
NABCOR-POPDFI	08-04-01201, 08-07-02312	24,250,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Javellana, Mendoza, Munsod, Relevo, Johnson, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez and Cabilao.

¹ See Legend (endnote) for complete names of the IAs and NGOs.

NABCOR-MAMFI	08-09-3575, 09-04-1622	19,400,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Javellana, Mendoza, Cacal, Guañizo, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao and Ornopia.
NABCOR-SDPFFI	08-09-3572, 09-05-1751	29,100,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Javellana, Mendoza, Cacal, Guañizo, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao and Macha.
NABCOR-MAMFI	09-05-1773, 09-06-2025	24,250,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Javellana, Mendoza, Cacal, Guañizo, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao and Ornopia.
NABCOR-SDPFFI	09-05-1774, 09-06-2022	24,250,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Javellana, Mendoza, Cacal, Guañizo, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao and Macha.
NABCOR-MAMFI	09-05-1767, 09-06-2028	14,550,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Javellana, Mendoza, Cacal, Guañizo, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao and Ornopia.
NABCOR-SDPFFI	09-06-1825, 09-06-2027	9,700,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Javellana, Mendoza, Cacal, Guañizo, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao and Macha.
NLDC-CARED	09-10-1530	8,000,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Amata, Sevidal, Ordoñez, Filipina Rodriguez, Cruz, Jalandoni, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao, Fernando, Palama, De Asis and Encarnacion.
NLDC-MAMFI	09-09-1355, 09-10-1443, 09-10-1534	20,000,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Amata, Sevidal, Ordoñez, Filipina Rodriguez, Cruz, Jalandoni, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao and Ornopia.

NLDC-CARED	09-12-1834, 10-01-0004, 10-01-0118, 10-05-0747	44,000,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Amata, Sevidal, Ordoñez, Filipina Rodriguez, Cruz, Jalandoni, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao, Fernando, Palama, De Asis and Encarnacion.
NLDC-AEPFFI	09-091353, 09-10-1444, 09-10-1540	25,000,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Amata, Sevidal, Ordoñez, Filipina Rodriguez, Cruz, Jalandoni, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao, Ogerio and Guadinez.
NLDC-APMFI	09-09-1358, 09-10-1449, 09-10-1535	25,000,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Amata, Sevidal, Ordoñez, Filipina Rodriguez, Cruz, Jalandoni, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao, Pioranto, Fabian, Ditchon, Galay and Uy.
NLDC-CARED	09-09-1354, 09-10-1447	32,000,000	Enrile, Reyes, Evangelista, Tuason, Relampagos, Nuñez, Paule, Bare, Amata, Sevidal, Ordoñez, Filipina Rodriguez, Cruz, Jalandoni, Janet Napoles, Jo Napoles, James Napoles, Eulogio Rodriguez, De Leon, Lim, Ramirez, Cabilao, Fernando, Palama, De Asis and Encarnacion.

Sen. Revilla's PDAF

The 140-page Joint Resolution on the two criminal cases involving Senator Revilla, *et al.* (OMB-C-C-13-0316 and OMB-C-C-13-0395) found probable cause that Senator Revilla, Richard Cambe, Janet Lim Napoles, Ronald John Lim and John Raymond De Asis for Plunder.

Likewise in these two cases, the Joint Resolution found probable cause to indict the following respondents for sixteen (16) counts of violation of Section 3(e) of R.A. 3019, the material details of which are indicated in the table below:

IAs /NGOs	DISBURSEMENT VOUCHERS NO.	TOTAL AMOUNT	RESPONDENTS
TRC-AEPFFI	12007040728 12007040729 12007040730 12007040731 12007040732	25,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Ortiz, Cunanan, Figura, Jover, Lacsamana, Napoles, Ogerio, De Asis, Rodriguez and Uy.
TRC-PSDFI	012007122114 012007122124 012007122127	38,500,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Ortiz, Cunanan,

	012007122126 012007122125 012008151146		Figura, Jover, Espiritu, Lacsamana, Napoles, De Leon, Ogerio, De Asis, Rodriguez and Uy.
NABCOR-MAMFI	08-01-0036 08-05-1695	11,640,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Munsod, Johnson, Cacal, Guañizo, Relevo, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NABCOR-MAMFI	08-09-3208 09-05-1732	24,250,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Munsod, Johnson, Cacal, Guañizo, Relevo, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NABCOR-SDPFFI	08-08-3218-A 09-05-1682	38,800,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Cacal, Relevo, Guañizo, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NABCOR-MAMFI	08-09-3486 09-04-1626	14,550,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Guañizo, Relevo, Napoles, Ogerio, De Asis, Rodriguez and Uy.
TRC-SDPFFI	012009010006 012009030675	44,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule Ortiz, Cunanan, Figura, Jover, Espiritu, Lacsamana, Napoles, Ogerio, De Asis, Rodriguez and Uy.
TRC-SDPFFI	12008122862 12008122861 12008122863 12008122864 12008122865 12008122866 12008122867 12008122868 12009020441	44,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule Ortiz, Cunanan, Figura, Jover, Espiritu, Lacsamana, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NLDC-APMFI	09091357 09101442 09101539	20,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Jalandoni, Napoles, Piorato, Ogerio, De Asis, Rodriguez and Uy.
NLDC-MAMFI	09091356 09101441 09101533	30,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Jalandoni, Napoles, Ogerio, De Asis, Rodriguez and Uy.
			Revilla, Cambe,

NLDC-MAMFI	09081192 09091256 09091320	40,000,000	Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Jalandoni, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NLDC-AEPFFI	09111698 09121746 10010010 10050748	44,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Jalandoni, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NLDC-APMFI	09111664 09121745 10040679	36,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Jalandoni, Napoles, Piorato, Ogerio, De Asis, Rodriguez and Uy.
NLDC-SDPFFI	09040435 09040486 09050583	20,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Jalandoni, Suggang, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NLDC-SDPFFI	09081193 09091255 09091324	40,000,000	Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Jalandoni, Suggang, Napoles, Ogerio, De Asis, Rodriguez and Uy.
NLDC-AEPFFI	09081196 09091254 09091321	45,000,000	Revilla, Cambe, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Ordoñez, Cruz, Suggang, Napoles, Ogerio, De Asis, Rodriguez and Uy.

Sen. Estrada's PDAF

The 120-page Joint Resolution on the two criminal cases involving Senator Estrada, *et al.* (OMB-C-C-13-0313 and OMB-C-C-13-0397) found probable cause that Senator Estrada, Pauline Therese Mary Labayen, Janet Lim Napoles, Ruby Tuason and John Raymond De Asis committed Plunder.

Likewise in these two cases, the Joint Resolution found probable cause to indict the following respondents for eleven (11) counts of violation of Section 3(e) of R.A. 3019, the material details of which are indicated in the table below:

IAs/NGOs	DISBURSEMENT VOUCHERS NO.	TOTAL AMOUNT	RESPONDENTS
TRC-SDPFFI	012008092220 012007092221 012008092222 012009020257	22,500,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Ortiz, Cunanan, Figura, Lacsamana, Espiritu, Jover, Napoles and De Asis.

NLDC-MAMFI	09050655 09060701 09060783	20,000,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Sucgang, Cruz, Jalandoni, Napoles and De Asis.
NLDC-MAMFI	09121838 100110005 10010116 10050855	29,100,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Cruz, Sucgang, Jalandoni, Napoles and De Asis.
NLDC-SDPFFI	10-11-0135 10-12-0141 10-12-0147	25,000,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Cruz, Jalandoni, Sucgang, Napoles and De Asis.
NLDC-SDPFFI	10020266 10030353 10050821	25,000,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Cruz, Jalandoni, Sucgang, Napoles and De Asis.
NLDC-MAMFI	10-09-0099 10-10-0105 10-10-0123	31,000,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Amata, Buenaventura, Sevidal, Cruz, Sucgang, Jalandoni, Napoles and De Asis.
NABCOR-MAMFI	08-07-02436 08-10-3743	24,250,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Relevo, Johnson, Cacal, Guañizo, Napoles and De Asis.
NABCOR-MAMFI	08-09-03381 09-03-1025	18,914,000	Estrada, Labayen, Tuason, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Relevo, Johnson, Cacal, Guañizo, Napoles and De Asis.
NABCOR-MAMFI	09-03-0764 09-04-1395 09-05-1735 09-04-1283	23,460,000	Estrada, Labayen, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Relevo, Johnson, Cacal, Guañizo, Napoles and De Asis.
NABCOR-SDPFFI	09-03-0762	2,910,000	Estrada, Labayen, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Relevo, Johnson, Cacal, Guañizo, Napoles and De Asis.
NABCOR-MAMFI	10-01-0077 10-03-0824	9,700,000	Estrada, Labayen, Relampagos, Nuñez, Bare, Paule, Javellana, Mendoza, Relevo, Johnson, Cacal, Guañizo, Napoles and De Asis.

Modus Operandi

The Joint Resolutions describe the common scheme adopted by respondents in committing the offenses wherein each of the respondent-senators repeatedly received sums of money from Napoles for indorsing her NGOs to implement the projects funded by the Senators' respective PDAF. The scheme may be briefly described as follows:

The Senator or through his authorized representative/s (in the person of his chief-of-staff or deputy by express or implied authority of the Senator) agrees to transact his PDAF with Napoles who, in the case of Senators Enrile and Estrada, acted through Tuason. Once a PDAF allocation becomes available to the Senator, his staff would inform Napoles or her staff directly (or indirectly through Tuason). Napoles or Luy would then prepare a listing of the available projects and the corresponding indication of the specific implementing agencies.

This “listing” comes with a letter from the legislator adopting the program, list of implementing agencies, and the amount of PDAF as to guide the DBM in the preparation and release of the corresponding Special Allotment Release Order (SARO). This is also a formal request of the legislator to the Department of Budget and Management (DBM) for the release of his PDAF.

This listing would be sent to the Senate President who would then forward it to the DBM. After the listing is transmitted to the DBM, Napoles (or her staff or coursed through Tuason) would give a down payment of the kickback/commission for delivery to the Senator through his authorized representative. After the SARO and/or Notice of Cash Allocation (NCA) is released, Napoles would give the balance thereof likewise for delivery to the Senator through his authorized representative.

Significantly, money was paid and delivered to the Senator even before the SARO and/or NCA is released. Napoles would advance the down payment from her own pockets upon the mere release by the Senator’s Office of the listing of projects to the DBM, with the remainder of the amount payable after the SARO is released by the DBM and a copy of the SARO forwarded to Napoles.

After the DBM issues the SARO, the Senator, through his staff, would then write another letter addressed to the implementing agencies. Upon receipt of the SARO, Napoles would *beforehand* direct her staff including witnesses Luy, Sula and Suñas to prepare the PDAF documents, including project proposals by the NGO and indorsement letters, for the signature of the legislator and/or his staff, which reflect the preferred NGO to implement the undertaking.

Along with the earlier PDAF documents, the indorsement letter of the Senator is transmitted to the IA which, in turn, would carry out the Senator’s preferred Napoles NGO and undertake the execution of the MOA (on the project) to be entered into by the Senator’s Office, the implementing agency and the Napoles NGO. Subsequently, the inspection and acceptance reports, disbursement reports and other PDAF documents would be eventually prepared.

Meanwhile, the Office dismissed the criminal charges as against Mark Oliveros, Editha Talaboc, Delfin Agcaoili Jr., Daniel Balanoba, Lucila Lawas-Yutok, Antonio Santos, Lucita Solomon, Susan Victorino, Shyr Ann Montuya in the *Enrile* cases, and Mylene Encarnacion in the *Revilla* and *Estrada* cases, for insufficiency of evidence.##

Legend:

Implementing Agencies:

National Agribusiness Corporation (NABCOR)
National Livelihood Development Corporation (NLDC)
Technology Resource Center (TRC)

Non-Governmental Organizations:

Agricultura Para Sa Magbubukid Foundation, Inc. (APMFI)
Countrywide Agri and Rural Economic Development Foundation, Inc. (CARED)
Agri and Economic Program for Farmers Foundation, Inc. (AEPFFI)
Masaganang Ani Para Sa Magsasaka Foundation, Inc. (MAMFI)
People's Organization for Progress and Development Foundation, Inc. (POPDFI)
Special Development Program for Farmer's Foundation, Inc. (SDPFFI)