

# Flooded Filipinos pay P1.2B for flood-control project that Aquino stopped

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BY RIGOBERTO D. TIGLAO ON JULY 23, 2018 OPINION ON PAGE ONE



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TO my mind, it is one of President Aquino's biggest crimes against the nation, because of the misery and adverse economic impact caused by the yearly flooding of metropolitan Manila, for which he is really to blame. Blood is even on Aquino's hands because of the deaths—over a hundred during this rainy season so far—due to leptospirosis, an infection caused by a type of bacteria found in the urine of rats and other vermin spread by floodwaters.

Aquino's crime is nearly forgotten now, for which he has not been made accountable, but of which I am reminded with the onset of the rainy season each year when floods make metropolitan Manila a hell for many Filipinos.

Prodded by the devastation of two typhoons hitting the country in the space of a few days in October 2009, then President Gloria Macapagal-Arroyo rushed a project to address the flooding in the metropolis, called the Laguna Lake Rehabilitation Project.

Estimated to cost P19 billion, the project proposed to dredge the Laguna Lake so that it could contain more of the rainwater falling on the metropolis. The project would have also dredged the garbage and silt in, and deepened the 7-kilometer Napindan Channel in Taytay so it could better and more quickly draw floodwaters away from the metropolis to the lake.

The P19-billion project was all set to be undertaken by the 150-year-old Belgian dredging firm Baagerwerken Decloedt En Zoon (BDZ), world-renowned in that industry and part of the group that built the below-sea-level Netherlands' canal and dike system.

The Philippine government practically didn't even need to put up money up front to fund the project as it was to be financed by a P12-billion loan from the Belgians' BNP Paribas Fortis bank, with remaining P7 billion to be funded by a grant from the Belgian government — the biggest development aid it would have given the country ever.

### **Arroyo's project**

However, because it was a project of his predecessor Arroyo whom he and his Yellow cult demonized, Aquino abruptly ordered the project stopped in November 2010, a few months after he assumed office, just before it was scheduled to start, with the Belgian firm's initial equipment and engineers already in the country.

If Aquino had not cancelled that milestone project, it would have been completed in July 2012, and would have significantly reduced flooding in metropolitan Manila as rainwaters could have been swiftly channeled to the Laguna Lake. For all of Aquino's promises that Arroyo's project would be replaced by new ones to mitigate flooding in the metropolis, no major initiative was made for such replacements during his entire six-year term.

Aquino claimed it was a midnight project of the Arroyo administration, and was graft-ridden. After six years of Aquino's administration, with his operatives combing every single government document involving the project and reportedly even threatening officials involved in the project to lie about it, not a single instance of graft has been found.

That wasn't surprising: a Congress committee, the Bangko Sentral ng Pilipinas (because it involved a foreign loan), even then Justice Secretary Leila de Lima, and four other government agencies gave the green light for the project.

Even then Belgian Prime Minister Yves Leterme appealed to Aquino not to gullibly believe unfounded claims fed to him. Leterme officially vouched for the project's integrity, and even submitted to Aquino an independent evaluation of the project, by the British dredging expert Anthony D. Bates Partnership.

For some reason nobody could fathom, Aquino stuck to his insanity that the project had to be stopped. He even maliciously lied that the "project would move silt from one area of Laguna de Bay to another." That was so totally false, distorting the project's plan to use the silt as foundation for a high-way along the lake's shores—which would have turned it into a new growth area.

"A much deeper Laguna de Bay would relieve residents of Metro Manila, Rizal and Laguna of the flooding that happened at the height of typhoons 'Ondoy' and 'Pepeng'," then Laguna Gov Jorge Ejercito, an ardent supporter of the project, summed up in September 2010 the aim of the planned massive dredging. For Ejercito's public statements in support of the project, Aquino brought down the full force of his government apparatus against him, removing him as Laguna governor in 2014.

### **Belgians sue**

After trying for months through their government to convince Aquino not to abort the project, the Belgian firm gave up and sued the Philippine government in October 2011 before the World Bank's International Center for the Settlement Investment Disputes, asking for damages of P4 billion.

The ICSID issued its decision five years later in January 2017. While it recognized the right of the Philippines as a sovereign nation to stop a project on its territory, the ICSID did not find any indication of government corruption in the project.

The ICSID ordered the Philippines to reimburse BZD of the P700 million it had already spent for the project when it was stopped, and P40 million for its expenses to hear the case.

The Aquino government also paid P420 million for the legal fees of the US law firm White and Case that handled, and lost, the case. The Commission on Audit (COA) said that the Aquino government had violated regulations for having contracted the law firm's services without the COA's and even the Solicitor General's authorization. The COA, however, did not report the amount of fees paid to the late former Justice Florentino Feliciano, whom the Solicitor General contracted as its attorney to represent it in the ICSID, which I am told could have amounted to at least P20 million.

In sum, government – we taxpayers – spent some P1.2 billion for Aquino's irrational move to stop on his own—without any other government agency or even a court supporting him that decision—a project that could have mitigated the yearly flooding in the metropolis.

Aquino's stopping of this flood-control project certainly ranks high in the crimes he has committed against the nation. The present government must file a case, at a least civil one, to claim that P1.2 billion that taxpayers spent for nothing. As important as that, President Duterte must undertake a flood-control project as important as what Arroyo planned, and Aquino aborted.

For details of this colossal crime, refer to my columns on this: "Aquino axed key flood-control project in 2010," *Philippine Daily Inquirer*, August 15, 2012; "Blame Aquino especially for the Laguna and SLEX flooding," *The Manila Times*, August 22, 2013; and "World court rules Aquino's 2011 cancellation of Belgian dredging project illegal," *MT*, February 1, 2017.

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