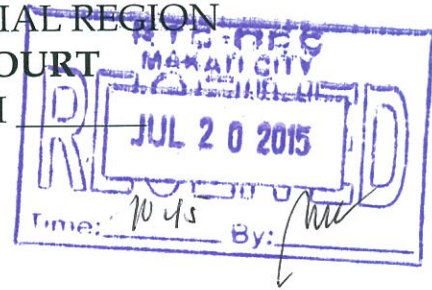


# OFFICE COPY

REPUBLIC OF THE PHILIPPINES  
NATIONAL CAPITAL JUDICIAL REGION  
REGIONAL TRIAL COURT  
MAKATI CITY, BRANCH



JEJOMAR C. BINAY,

*Plaintiff,*

- versus -

CIVIL CASE NO.

ERNESTO S. MERCADO, MARIO U.  
HECHANOVA, RENATO L.  
BONDAL, NICOLAS ENCISO, VI,  
ALAN PETER S. CAYETANO,  
ANTONIO F. TRILLANES, IV,  
EDGAR R. ERICE, PHILIPPINE  
DAILY INQUIRER, INC., AMANDO  
M. TETANGCO, JR., EMMANUEL F.  
DOOC, TERESITA J. HERBOSA,  
JULIA C. ABAD and CONCHITA  
CARPIO-MORALES,

*Defendants.*

X-----X

For: Damages  
**15-692**

## COMPLAINT

Plaintiff JEJOMAR C. BINAY, by counsel, most respectfully states:

### I THE PARTIES

1.1. Plaintiff JEJOMAR C. BINAY (the "Plaintiff") is of legal age, Filipino, with address at No. 8514 Caong Street, San Antonio Village, Makati City. For purposes of the instant *Complaint*, the Plaintiff may be served with notices and legal processes of the Honorable Court through the undersigned law firm at its address provided below.

1.2. Defendant ERNESTO S. MERCADO ("Mercado") is of legal age, Filipino, and a losing candidate for the position of Mayor of Makati City in the May 2010 Elections. For purposes of the instant *Complaint*, defendant Mercado may be served with summons and other processes of the Honorable Court at his address at 23 Arellano St., West Rembo, Makati City.

1.3. Defendant **MARIO U. HECHANOVA** (“Hechanova”) is of legal age, Filipino, and a losing candidate for the position of councilor of the 2<sup>nd</sup> District of Makati City in the May 2010 Elections. For purposes of the instant *Complaint*, defendant Hechanova may be served with summons and other processes of the Honorable Court at his address at 7862 Progreso St., Guadalupe Viejo, Makati City

1.4. Defendant **RENATO L. BONDAL** (“Bondal”) is of legal age, Filipino, and a perennial loser in several local elections for several positions in Makati City. For purposes of the instant *Complaint*, defendant Bondal may be served with summons and other processes of the Honorable Court at his address at Unit B, 5487 Boyle Street, Palanan, Makati City.

1.5. Defendant **NICHOLAS ENCISO, VI** (“Enciso”) is of legal age, Filipino, and a perennial loser in the local elections in Makati City. For purposes of the instant *Complaint*, defendant Enciso may be served with summons and other processes of the Honorable Court at his address at c/o Bondal Law Offices, Unit B, 5487 Boyle Street, Palanan, Makati City.

1.6. Defendant **ALAN PETER S. CAYETANO** (“Cayetano”) is of legal age, Filipino, a Senator of the Republic of the Philippines, and a self-declared aspirant for a higher office in the May 2016 Elections. For purposes of the instant *Complaint*, defendant Cayetano may be served with summons and other processes of the Honorable Court at his address at No. 209 Paso Street, Bagumbayan, Taguig City.

1.7. Defendant **ANTONIO F. TRILLANES, IV** (“Trillanes”) is of legal age, Filipino, a Senator of the Republic of the Philippines, and a self-declared aspirant for a higher office in the May 2016 Elections. For purposes of the instant *Complaint*, defendant Trillanes may be served with summons and other processes of the Honorable Court at his address at No. 42 N. Virginia Street, BF Homes, Barangay 169, Caloocan City.

1.8. Defendant **EDGAR R. ERICE** (“Erice”) is of legal age, Filipino, a Representative for the 2<sup>nd</sup> Legislative District of Caloocan City, and a member of the Liberal Party, who as a staunch supporter of DILG Secretary Manuel A. Roxas III (“Mar Roxas”), is advocating the latter’s candidacy for President in the May 2016 Elections. For purposes of the instant *Complaint*, defendant Erice may be served with summons and other processes of the Honorable Court at his address at 133 Bulacan Street, Grace Park, Caloocan City.

1.9. Defendant **PHILIPPINE DAILY INQUIRER, INC.** (“Inquirer”) is a corporation<sup>1</sup> organized and existing under Philippine laws, and owns and publishes the Philippine Daily Inquirer. For purposes of the instant *Complaint*, defendant Inquirer may be served with summons and other processes of the Honorable Court at its office address at 1098 Chino Roces Avenue corner Yague and Mascardo Streets, Makati City.

1.10. Defendant **AMANDO M. TETANGCO, JR.** (“Tetangco”) is a Filipino, of legal age, with office address at *Bangko Sentral ng Pilipinas*, A. Mabini Street corner P. Ocampo Street, Malate, Manila, where he may be served with summons and other processes of the Honorable Court.

1.11. Defendant **TERESITA J. HERBOSA** (“Herbosa”) is a Filipino, of legal age, with office address at the SEC Building, EDSA, Greenhills, Mandaluyong City, where she may be served with summons and other processes of the Honorable Court.

1.12. Defendant **EMMANUEL F. DOOC** (“Dooc”) is a Filipino, of legal age, with office address at the Insurance Commission, 1071 United Nations Avenue, Ermita, Manila, where he may be served with summons and other processes of the Honorable Court.

1.13. Defendant **JULIA C. ABAD** (“Abad”) is a Filipino, of legal age, with office address at *Bangko Sentral ng Pilipinas*, A. Mabini Street corner P. Ocampo Street, Malate, Manila, where she may be served with summons and other processes of the Honorable Court.

1.14. Defendant **CONCHITA CARPIO-MORALES** (“Carpio-Morales”) is a Filipino, of legal age, the incumbent Ombudsman, with office address at Ombudsman Building, Agham Road, North Triangle, Diliman, 1101 Quezon City, where she may be served with summons and other processes of the Honorable Court.

---

<sup>1</sup> Attached as Annex “A” is a copy of the 2014 General Information Sheet of the Philippine Daily Inquirer, Inc.

## II ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

### *a. The Target of the Defamatory Statements*

2.1. The Plaintiff is the incumbent Vice-President of the Republic of the Philippines, having won the Vice-Presidency race over Secretary of Interior and Local Government Manuel A. Roxas, II in the May 2010 Elections.<sup>2</sup>

2.1.1. In July 2010, the Plaintiff accepted his appointment as Chairman of the Housing and Urban Development Coordinating Council as well as Head of the Task Force for Overseas Filipino Workers under the Aquino Administration.

2.2. The Plaintiff was a student activist and a human rights lawyer before becoming a public servant. As a public servant during the last 28 years, Plaintiff worked very hard to establish his reputation as a competent, compassionate, pro-poor, law-abiding and hardworking public official.

2.2.1. In 2010, the Plaintiff, being honest and forthright to a question posed by a reporter, said that it has always been his dream to serve the country as President.

2.2.2. The Plaintiff's honesty, hard work, competency and service with compassion, previously as Mayor of Makati City and now as Vice President, were rewarded by the high public trust rating and net satisfaction rating he consistently enjoyed for the last five (5) years. Until recently and as a result of the relentless, orchestrated and well-funded attacks of the defendants, the Plaintiff consistently led by a wide margin in all the Presidentiable surveys conducted by polling companies such as Pulse Asia and Social Weather Station (SWS).<sup>3</sup>

---

<sup>2</sup> Congress Joint Resolution No. 01, 2010, "APPROVING THE REPORT OF THE JOINT COMMITTEE, DECLARING THE RESULTS OF THE NATIONAL ELECTIONS HELD ON MAY 10, 2010, FOR THE OFFICES OF PRESIDENT AND VICE PRESIDENT, AND PROCLAIMING THE DULY ELECTED PRESIDENT AND VICE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES"

<sup>3</sup> Attached as Annex "B" is the Summary of the Pulse Asia and SWS Reports.

*b. The Plan: Destroy the Name and Reputation of the Plaintiff*

2.3. Due to (i) the political ambitions of the defendants in the upcoming May 2016 Elections; (ii) the disdain and personal animosity of the defendants toward the Plaintiff; and/or (ii) the insatiable greed of the defendants for power and money, the defendants, acting in conspiracy and in collusion with one another, decided to blatantly and publicly malign the good name and reputation of the Plaintiff, which the Plaintiff has worked so hard for, all in the hope that through their devious and conniving scheme and machinations, the Plaintiff will no longer run as President in the May 2016 Elections, or, the Plaintiff's name and reputation will be so blackened from the baseless and fabricated accusations against him that he will lose the trust and confidence of the voters in the next presidential elections.

2.4. The succeeding narration of facts will plainly demonstrate that the defendants, acting with gross and evident bad faith, connived and colluded with one another in destroying the name, goodwill and reputation of the Plaintiff through a well-funded and well-orchestrated campaign that would maliciously accuse the Plaintiff of crimes and defects, which, as will be clearly shown below, are mere fabrications and outright lies. Worse, the defendants, acting in concert, have caused much publicity of these false and baseless accusations – precisely to malign and discredit the Plaintiff before the public for the upcoming May 2016 Elections.

*c. The Roles of the Defendants*

2.6. Defendants Cayetano, Trillanes and Erice, are the designated talking heads who will publicly persecute the Plaintiff, malign his name and reputation in public as well as cast aspersions on his person and his family. Simply stated, defendants Cayetano, Trillanes and Erice are the designated “*attack dogs*”.

2.7. Defendants Mercado, Hechanova, Bondal and Enciso (the “Mercado Group”), on the other hand, are the “*paid witnesses*” who will maliciously accuse the Plaintiff in public of crimes and defects that are mere fabrications and outright lies.

2.8. Defendant Inquirer is the “*biased media outlet*” that will relentlessly bombard the public with lies and innuendo spewed by the Mercado Group through the malicious articles it published. As the Nazi propagandist Goebbels once said – “If you repeat a lie often enough, it becomes the truth.” – the Big Lie Theory.

2.9. Finally, defendants Tetangco, Herbosa, Dooc, Abad and Carpio-Morales are the designated “*government inquisitors*” tasked to undertake a general fishing expedition using government resources against the Plaintiff and to maliciously persecute the Plaintiff even if the allegations against him have no basis both in fact and in law.

2.9.1 Defendants Tetangco, Herbosa, Dooc and Abad, who are members and/or officers of the Anti-Money Laundering Council (collectively, the “AMLC Officials”) with defendants Tetangco and Herbosa having direct links to high ranking members of the Liberal Party and/or the latter’s legal counsel, were tasked to illegally examine the bank accounts of the Plaintiff, maliciously prepare a report based on this illegal examination (the “AMLC Report”) that would make it appear, even if not true and supported by documents, that the Plaintiff is engaged in illegal activities such as graft and corruption and money laundering, and release and/or cause the unlawful release of the AMLC Report to unauthorized parties such as defendant Cayetano for maximum media mileage.

2.9.2. Defendant Carpio-Morales, on the other hand, was tasked to use her office in conducting a preliminary investigation on a criminal complaint instituted against the Plaintiff, even if he is an impeachable officer, for the purpose of determining the existence of probable cause for criminal indictment, and after said preliminary investigation, to file with the Sandiganbayan an Information against the Plaintiff, with both acts of defendant Carpio-Morales to be done prior to the Plaintiff going through the process of impeachment.

*d. The Personal Motives of the Defendants*

2.10. To further put things in their proper perspective, aside from the obvious political agenda, it is important to note the personal motives of the defendants in conniving and colluding with one another to collectively malign and destroy the name and reputation of the Plaintiff.

2.11. Defendant Cayetano is driven to destroy the name and reputation of the Plaintiff due to his fear that if the Plaintiff, who until

recently consistently topped all presidential surveys, is elected President in 2016, the primary and biggest source of revenues for Taguig City (and possibly the incumbent officials of Taguig City based on the recent findings of the Commission on Audit) will be lost.

2.11.1. Defendant Cayetano belongs to a political clan in Taguig City. His wife, Ma. Laarni “Lani” Lopez Cayetano, is presently the Mayor of Taguig City; while his younger brother, Lino Edgardo S. Cayetano, is the incumbent Representative of the Second District of the City.

2.11.2. Only recently, the Court of Appeals issued a *Decision*<sup>4</sup> stating, among others, that Makati City, where the Plaintiff served as Mayor for nearly 20 years, has jurisdiction over the more than 729-hectare Fort Bonifacio, formerly called Fort William McKinley.

2.11.3. As a result of the Court of Appeals’ finding that Fort Bonifacio belongs to Makati City, there have been several skirmishes that highlighted the tension not only between Makati City and Taguig City, but also between the local chief executives of both cities, *i.e.*, the Plaintiff’s son, incumbent Mayor Jejomar Erwin S. Binay, Jr. (“Junjun Binay”) and defendant Cayetano’s wife, Mayor Lani Cayetano. Among which were (i) the incident where members of the Makati police and personnel of Taguig’s Public Order and Safety Office (POSO) reinforced by Taguig policemen and a SWAT team figured in a stand-off in the Fort Bonifacio area, and (ii) a Bantay Bayan team from Taguig surrounded and threatened members of the Makati Engineering Department, who were conducting a land survey in Barangay Southside. These incidents have led the Plaintiff’s son, Mayor Junjun Binay, to publicly express his dismay over the “gestapo-like” actuations of the Cayetano political clan in connection with the Fort Bonifacio dispute.

2.12. Defendant Trillanes, on the other hand, publicly admitted his deep and personal animosity against the Plaintiff when he accused the Plaintiff of allegedly backing out on his commitment to join him in the rebellion defendant Trillanes will lead against former President

---

<sup>4</sup> Municipality of Makati v. Municipality of Taguig, CA-G.R. CV No. 98377, 30 July 2013. Copy of the *Decision* is attached as Annex “C” of the *Complaint*.

Gloria Macapagal-Arroyo in 2007.<sup>5</sup> The rebellion was repelled by the government when defendant Trillanes failed to get public support.

2.13. With respect to defendant Mercado, the Plaintiff incurred his ire because the Plaintiff did not endorse the candidacy of defendant Mercado for Mayor of Makati City in the May 2010 Elections. Worse, the Plaintiff's political party decided to field the Plaintiff's son, Jun-Jun Binay, which Defendant Mercado further considered a personal affront committed by Plaintiff.

2.13.1. In the latter part of 2009, defendant Mercado already turned his back against the Plaintiff and directly challenged the Plaintiff's son in the mayoralty race under the Nacionalista Party, the same political party of defendants Cayetano and Trillanes. Defendant Hechanova, who admitted being a loyal supporter of defendant Mercado, resigned from his position as Head of the General Services Division of Makati City to join defendant Mercado and run for councilor under defendant Mercado's ticket.

2.13.2. Eventually, Plaintiff's son won by a landslide vote over defendant Mercado and became the Mayor for Makati City. Defendant Hechanova suffered the same humiliating fate as he also lost in his election bid. Both defendants suffered substantial financial losses due to their failed bids.

2.14. Defendant Bondal is a political nuisance, being a perennial loser for several positions in several Makati City local elections. In the May 2013 elections, he was adopted as the Nacionalista Party's candidate for Mayor in Makati City. Similar to defendant Mercado, he was overwhelmingly defeated by the Plaintiff's son. Defendant Bondal now sees his participation in the orchestrated persecution as a means to becoming politically relevant.

2.15. On the other hand, defendant Enciso admitted in public that he is also a perennial loser to the Plaintiff and the latter's party, having been defeated in his political bid way back in the late 80's and the early 90's. Since then, defendant Enciso sided with any political party and personality who went against the Plaintiff and his family in

---

<sup>5</sup> Attached as Annex "D" is the video entitled "Trillanes Kay Binay: Duwag Walang isang salita," downloaded from youtube.com. Abs-cbn News. <https://www.youtube.com/watch?v=OPfHqhRNCFU> last accessed on 24 January 2015.



the local elections. Similar to defendant Bondal, defendant Enciso's participation in the orchestrated persecution is a means to become politically relevant.

2.16. Clearly, defendants Mercado, Hechanova, Bondal and Enciso, out of spite against the Plaintiff and his family and in their desperate attempt for political mileage, have consistently maligned the name and reputation of the Plaintiff and his family. However, they were not believed by the residents of Makati City as shown by their consistent resounding defeats therein.

*e. The Orchestrated Persecution in Motion*

2.17. The orchestrated persecution developed and/or to be implemented by the defendants against the Plaintiff basically has four (4) phases:

a. *First*, bring out the Mercado Group to testify in a Senate inquiry. The Senate inquiry will not only give a semblance of credibility and sensationalism to the Mercado Group's fabricated and baseless accusations against the Plaintiff, but it will also provide the free media platform to launch the lies against the Plaintiff without any repercussion of making perjurious statements.

b. *Second*, make defendants Cayetano, Trillanes and Erice speak out publicly against the Plaintiff as if the accusations hurled against him in the Senate investigation are true and duly supported by evidence, when in truth, these accusations are bereft of any legal and/or factual basis.

c. *Third*, engage the active participation of defendant AMLC Officials and defendant Carpio-Morales, who will use the baseless accusations made by the paid witnesses, namely: defendants Mercado, Bondal, and Enciso, and purveyed by defendants Cayetano, Trillanes, and Erice to the public, as purported basis to illegally conduct a fishing expedition that would purportedly support the perception that the Plaintiff has accumulated ill-gotten wealth and leak their unsubstantiated findings to unauthorized third parties for maximum media mileage and mind-conditioning.

d. *Fourth*, launch a well-orchestrated and massive media offensive against the Plaintiff to publicly destroy his name and reputation thereby lessening his chances of winning the presidency.

a. *Bringing out the Mercado Group*

2.18. In the middle of June 2014, defendant Erice accused the Plaintiff of graft and corruption in several media interviews involving, among others, the Makati City Hall Building II. In these interviews, defendant Erice said that he “would leave it up to local politicians to file complaints against the Binays.”<sup>6</sup>

2.19. A few weeks later, or on 22 July 2014, defendants Bondal and Enciso, local politicians in Makati City, who are perennial losers to the Plaintiff and the latter’s party, filed a complaint with the Office of the Ombudsman for Plunder, Violation of RA 3019 (Anti-Graft and Corrupt Practices Act, and RA 9184 (Government Procurement Act) against, among others, the Plaintiff for the alleged overpricing of the Makati City Hall Building II.

2.20. Like clock-work, on 11 August 2014, defendant Trillanes filed P.S. Resolution 826 calling for a Senate investigation predicated solely on the criminal complaint filed by defendant Bondal before the Office of the Ombudsman, *viz*:

“**SEN. TRILLANES:** Thank you, Mr. Chairman. **Ang pangunahing basis** ng aking resolution ay ang plunder case na naifile ni **Attorney Bondal sa Ombudsman**. So I will ask first Atty. Bondal ano po ang basis ng inyong plunder case na naifile sa Ombudsman?”

2.21. Having created the stage for the Mercado Group to spew its lies, defendant Bondal proceeded to publicly accuse the Plaintiff of personally earning Two Billion Pesos (P2,000,000,000.00) in the Makati City Hall Building II project without substantiating said accusation with any evidence recognized under the Rules of Court:

“**ATTY. BONDAL:** Sa una pong slide, ‘ganito kami sa Makati’. Kami po ni kasamang (inaudible) Enciso ay matagal na pong miyembro ng oposisyon. Kami po ay mamamayan ng Makati at rehistradong botante. Dahil kami po ang nakakaalam sa **mga pagnanakaw na ginawa ng mga Binay sa Makati**, halimbawa pa lang po itong building na ito, **kailangan pong malaman ng buong bansa ang**

---

<sup>6</sup>Available at: <http://newsinfo.inquirer.net/611650/national-local-rivals-ganging-up-on-us-says-mayor-binay#ixzz3Q0scP5ce> last accessed on 2 February 2015. Copy of the news printout is attached as Annex “E” of the *Complaint*.

sistema ng pagnanakaw ng mga Binay sa Makati na maaaring, marahil kung magkakaroon po ng pagkakataon ang Bise Presidenteng maging pangulo ay ganyan din po ang sasapitin.”<sup>7</sup>

xxx

“**ATTY. BONDAL:** Next slide please. Kaya nga po kahit saan magpunta, kahit magpunta tayo dun sa figures ng sinasabing construction book o kaya dun sa Cuervo na analysis lalabas pa rin po na **dalawang bilyon ang bukol at kinita ng mga Binay sa mga building na ito.**”<sup>8</sup>

2.22. Upon the urging of defendant Trillanes, defendant Bondal also publicly accused the Plaintiff of earning kickbacks from the alleged overpriced cakes given by Makati City to senior citizens residing in the city, again without any supporting documents or evidence, to wit:

“**SEN. TRILLANES:** Sige po. Please proceed.

**ATTY. BONDAL:** Next slide.

Kaya po naming isinama itong slide na ito upang patunayan sa inyo na magmula sa pinakamalaking building na proyekto ng mga Binay sa Makati hanggang sa mga serbisyong kanilang ipinagmamalaki ay mayroon pong mga nangyayaring overprice. Pahintulutan ninyo po akong ipakita sa inyo ito, mga kagalang-galang na senador.

**THE CHAIRMAN (SEN. PIMENTEL).** Ano po iyan?

**SEN. TRILLANES:** Iyan iyong cake, Mr. Chairman. Their time to show us itong cake ng Makati.

**ATTY. BONDAL:** Ito po, Mr. Chairman –

**THE CHAIRMAN (SEN. PIMENTEL).** Bakit napunta ang usapan natin diyan?

**ATTY. BONDAL:** Kasi po proyekto rin po nila ito. Ipaliliwanag ko lang po.

**THE CHAIRMAN (SEN. PIMENTEL).** Tama, precisely nga, that proves that may project nga sila na cake sa Makati.

**ATTY. BONDAL:** Opo. Ito po iyong senior citizens. Pansilaw po ito sa lahat ng mga matatanda sa buong bansa. Ito po ang cake ng Makati na ipinamimigay tuwing may birthday po ang senior citizen. Kung ikukumpara po ninyo, ito po ay galing sa Red Ribbon at ang

---

<sup>7</sup> Transcript of Stenographic Notes (TSN), Blue Ribbon Committee Hearing, 20 August 2014, p. 10. (Pertinent portions of the TSN are attached as Annex “F” of the *Complaint*.)

<sup>8</sup> *Id.* at p. 16.

halaga po niyan ay 570. Ito po iyong pinakamahal na cake na kasinlaki po ng cake ng Makati.

Iyong cake po ay galing po sa Goldilocks. Iyan po ay nagkakahalaga lang ng P390. Iyong pang-senior citizens cake po ng Makati nagkakahalaga po ito ng mahigit isang libong piso. Sa katunayan po wala na kahit isang anino sa Makati ang nakakaalam kung magkakano talaga ito.”<sup>9</sup>

2.23. Defendant Enciso publicly parroted the same baseless and malicious accusations of defendant Bondal on (i) the Makati City Building II, and (ii) the cakes given to senior citizens residing in Makati City:

**MR. ENCISO:** .... The Binays have complete control of Makati for almost three decades and have created a family organization. This resulted to a local government unit with no check and balance, dahil sa mahigpit na control nila sa pamamalakad ng pamahalaan, nagagawa nila kahit ang mga illegal na bagay nang walang kwestiyon, isa lamang ang Makati parking Building sa mga maanomalyang proyekto na kinasasangkutan ng mga Binay. Nagawang pagtakpan ng mga Binay ang anomalyang ito sa pamamagitan ng pagbibigay ng mga Mumo sa mahihirap na mamamayan ng Makati tulad ng pagbibigay ng libreng birthday cake, kabaong, libreng pasine para sa matatanda, ang mga abuloy na ito ang nababalita, hindi ang bilyong bilyong pondo na nawawala sa kaban ng Makati.<sup>10</sup>

2.24. On 11 September 2014, it was the turn of defendant Mercado to brazenly accuse the Plaintiff of allegedly earning thirteen percent (13%) from every project in Makati City without presenting any supporting evidence, to wit:

**MR. MERCADO:** Alam po ninyo, sa bawat project po sa Makati, ang aming pong mayor (referring to the Plaintiff) ay nakikinabang ng thirteen percent (13%) sa bawat proyekto.”<sup>11</sup>

2.25. The lackey of defendant Mercado, defendant Hechanova promptly tried to support the claim of his patron by claiming that upon orders of the Plaintiff, all biddings for projects in Makati City are allegedly rigged, and for being a member of the Bids and Awards Committee, defendant Hechanova allegedly receives a regular allowance from the Plaintiff, to wit:

---

<sup>9</sup> *Id.* at pp. 39-42.

<sup>10</sup> *Id.* pp. 120-121,

<sup>11</sup> TSN, Blue Ribbon Committee Hearing, 11 September, 2014, p. 137. (Pertinent portions of the TSN are attached as Annex “G” of the *Complaint*.)

**MR. HECHANOVA.** Ni singkong duling ho, Senador, wala akong kinita diyan. Pero kami naman ho bilang bids and awards committee, may natatanggap ho kami kay mayor na allowance buwanbuan.

**SEN. TRILLANES.** Magkano iyang allowance na iyan?

**MR. HECHANOVA.** Halos dalawang daang libo kada buwan po.

**SEN. TRILLANES.** Dalawang daang libo. Okay. So bilang miyembro ng bids and awards committee, iyan ang tinatanggap niyong allowance mula kay former mayor now Vice President Jojo Binay, ganoon po ba?

**MR. HECHANOVA.** Opo, Senador.

**SEN. TRILLANES.** Sa paniniwala mo, para saan itong allowance na ito?

**MR. HECHANOVA.** Siguro po, Senador, para gawin lang namin kung ano po iyong dapat naming gawin?

**SEN. TRILLANES.** Which is?

**MR. HECHANOVA.** Which is, ako, on my part, ayusin namin iyong lahat ng bidding namin.

**SEN. TRILLANES.** Ayusin. Meaning, lutuin?

**MR. HECHANOVA.** Opo.<sup>12</sup>

2.26. On 8 October 2014, the defendants continued with their piece-meal revelation of irregularities allegedly committed by the Plaintiff in the hopes of drumming up public interest. Thus, in said investigation, defendant Mercado sought to sow public contempt and disdain against the Plaintiff by falsely claiming that the Plaintiff, through his purported illegal activities, allegedly owns a 350 hectare property in Rosario, Batangas, where, among others, there is allegedly an air-conditioned piggery, a 40-car garage and two (2) mansions with an English kew garden, to wit:

**MR. MERCADO.** ...Ayan ho, umiikot iyong chopper diyan kaya medyo gumagalaw. Iyan hong property na iyan ay binubuo ng 350 ektaryang lupain. Three hundred fifty hectares na matatagpuan iyan sa Barangay Maligaya noong kami ay nagsisimula. Pero ang balita ko po ngayon, apat na barangay na ang nasasakop niyan. Bigyan niyo lang ng kaunting oras dahil kailangang matapos iyong ikot na

---

<sup>12</sup> TSN, Blue Ribbon Committee Hearing, 4 September 2014, pp. 24-32, (Pertinent portions of the TSN are attached as Annex "H" of the *Complaint*.)

ginawa para ma-view natin iyong buong lupa na nasasakop ng 350 hectares.

Pero diyan ho sa 350 hectares na iyan, ang nade-develop pa lang diyan ay 150 hectares. Makikita niyo ho iyong mga road network, puro po konkreto iyan. Hindi po basta kalsada iyan, iyan po ay konkreto, two-way at sadyang – kung hindi ko ho sinasabi sigurong sa Batangas iyan ay hindi po niyo iisipin na dito sa Pilipinas iyan, mga Senador, at sa ating mga mamamayang sumusubaybay.

Alam po ninyo, ang pagkukumpara ko po nga diyan, para maunawaan po ninyo, iyon pong Luneta ay mayroon po iyong 58 hectares, kapag ginooogle (Google) ninyo. Katumbas po iyan ng anim na Luneta. At kung ikukumpara naman po natin sa Cubao Araneta Center, sampung laki po ng Cubao Araneta Center ang laki niyan. At kung ikukumpara naman po natin sa isang siyudad sa Kalakhang Maynila, katulad po ng San Juan City, kalahati po iyan ng San Juan dahil ang nasa record po natin, 700 hectares lamang ang siyudad ng San Juan dito po sa Metro Manila.

Paki-hintay lang po natin dahil ipo-focus ko po kasi diyan iyong mga susunod para ganap ninyong maunawaan. Ipapakita ko po one by one anu-ano bang facilities ang mayroon diyan at gaano po ba talaga kaganda iyan. Napapaganda ho si Commissioner. Sana magkaroon din po tayo niyan. Ayan ho iyong mas malapit na view. Iyan ho ang view na hindi na umiikot.

Paki-forward mo lang, please.

Isa-isa hong lumalabas iyong inilagay naming marking. Mayroon ho diyang air-conditioned piggery na 20 bahay. Mayroon po diyang mansion with resort pool, nandiyan din po iyong mga imported orchids ni Doktora Elenita Binay. Mayroon po diyang horse ranch, mayroon pong mansion with British palace garden na kagaya po nuong nakalabas kanina sa first page ng Inquirer. Iyon hong garahe diyan ay makikita po ninyo, ang kaya hong pumarada diyan ay 40 sasakyan at mayroon pong sariling tirahan ang kanilang mga staff.

Paki-forward mo na, please.

Diyan po ay mabu-view niyo na, iyan po ang nandodoon kanina sa diyaryo, sa Inquirer at maganda ho ang kasaysayan niyan. Iyan po ay kinopya ni Doktora Binay – doon sa kasunod na slide ay makikita po ninyo, noon hong 2007 – ayan po. Ayan po ang Kew Gardens sa London. Na ako ho ay pinilit niyang makadalaw diyan – hindi ko naman alam na gusto pala niyang kopyahin. Iyon pong bahay diyan na makikita ninyo, iyong na sa bandang kanan, sangayon po sa kasaysayan, iyan po ay ginawa ng mga prinsesa at queen ng England at naging kagawian ho nilang pasyalan iyan sa kanilang kapanahunan. At kung sila ho ay medyo napapagod na, nagpapahinga ho sila diyan sa maliit na bahay.

Pero tingnan ho naman natin doon sa nakaraang slide kung gaano kalaki iyong ginawa ni Doktora Binay doon sa ganyang garden, hamak na mas malaki sa London. At iyon hong kanyang bahay ay hamak na mas malaki din sa ginawang pahingahan ng mga prinsesa at reyna sa bansang Inglatera. Ayan po ay mga iba't ibang view kung paano ninyo mai-imagine iyong kanilang mansion.

Mayroon din hong isang mansion at mayroon swimming pool na makikita niyo diyan, mansion with resort pool. Iyon pong building na nakikita niyo na iyon, iyon ho ay pavilion. Habang sila ay naliligo sa swimming pool, makikita po ninyo na puwede silang kumain, mag- meryenda doon sa pavilion na tinatawag. Iyon hong sa bandang itaas, makikita rin po ninyo iyong kanilang guest house. Kung sila ho ay may mga bisitang kasama na namamasyal diyan sa hacienda na iyan o kaya baka maimbita kayo, doon kayo puwedeng magpahinga, mga kagalang-galang na Senador, kung sakali.

Iyan ho ay mas malaking view nung kanilang swimming pool. Ayan, isa-isa pong ipinakikita natin kung ano ang hitsura sa magkabilang side.

Ayan ho ulit iyong isang mansion with resort pool. Iyan ang pinaka-second floor, sa likod po banda kinuha iyan. Iyon hong natatanaw ninyo, iyong mga puti na iyon—maya-mayang kaunti, pupuntahan ho natin iyan. Pero kaya ko ho ipinapakita iyan, iyang dalawang parang kulay blue na iyon, iyon ay man-made lagoon. Sadyang lumikha po ang ating kagalang-galang na mayora ng Makati ng lagoon sa loob ng kanyang farm. At hindi po nag-iisa iyang lagoon na iyan. Ayan po, ipinapakita diyan. Iyon hong isa, sa bandang kaliwa, ay man-made lagoon din po iyon pero mayroon nga pong tulay doon, ayun. Iyon pong makikita niyo, puro man-made po iyan, hindi po sadyang lagoon iyan. Ginawa po talaga iyan dahil mataas ang pangarap nuong ating mayora dahil ang feeling yata ay magiging first lady na siya ng Pilipinas sa darating na halalan. Mayroon din ho siyang aviary, iyon hong nasa bandang kanan. Iyon ho ang garahe at saka staff house.

Alam po ninyo, masyado hong kontrobersiyal ngayon iyong issue kay General Purisima, mga kagalang-galang na Senador. Pero iyon lang hong garage at saka iyong staff quarters ay puwede na nating ikompara diyan iyong controversial na issue para kay General Purisima. Kapag in-imagine niyo, 350 hectares; iyon hong kay General Purisima, 4.5 hectares lang, Senador. Kapag iyong 350 dinibayd (divide) po natin iyon ng 4.5 hectares ay 100 ulit na mas malaki ang hacienda ni Binay sa Rosario, Batangas kaysa po doon kay General Purisima. Kawawa naman si General, napagpipiyestahan ng media. Dapat ito ho ang pagpiyestahan ng media.

At iyan ho, maya-mayang kaunti, ipapakita ko sa inyo kung paano kayo pupunta nang napakadali.

Bakit ho ba air-conditioned iyong piggery? Ayaw kasi ni Doktora ng nakakaamoy ng mabaho at ayaw din hong may langaw na lumilipad-lipad doon sa kanilang mansion. Ayan iyong buong view nung piggery.

At iyan ho, nakakatuwa iyan. Ini-isyuhan nila ako na ako'y sabungero. Si Mayor Junjun ay mas maganda iyong kaniyang fighting cock farm. Ayan makikita ninyo. Hindi nila puwedeng itanggi iyan, libo po ang manok nila diyan kung kayo ay makakapasyal. Mayroon silang breeding area at mayroon silang rueda o training area na tinatawag naming mga sabungero. Diyan ho ipina-practice iyong manok.

O, mayroon pa silang kabayo. Akala ko ba ay sila ay hindi nagbibisyo. Iyan hong mga kabayong iyan ay imported, hindi breed iyan sa Pilipinas. Iyan ang naging libangan ni Mayor Junjun Binay, kasama niya si Konsehal Eusebio at iyong administrator ng Makati na si Jun Mendoza. Sila ang magkaka-partner sa kabayo at sa manok.

Iyan ho ang pinakamahalaga, Senador. Kung kayo ay gusto niyong makakita ng iba't ibang klase ng orchids—alam niyo kapag pumunta kayo ng Hawaii, may orchids pong magaganda roon. Kapag pumunta ho kayo ng Vietnam, mayroon din. Pupunta po tayo ng Thailand, mayroon din o iyong iba't ibang bansang puwede ninyong puntahan. Pero diyan ho, kapag binigyan kayo ng pagkakataon ni Doktora Binay, lahat ng klase ng orchids na nanggaling sa iba't-ibang bansa, makikita po ninyo diyan. At kung iyon hong ibang asawa lang ng mga mayors ng Metro Manila and nearby provinces ay magkakaroon ng lakas ng loob na magsalita...

— Marami na po sa kanila ang naipasyal diyan ni Doktora Binay. Pero palagay ko ngayon, hindi na magpapapasyal. Dati ho regular, halos linggo-linggo nagyayaya siya diyan ng asawa ng mga mayors ng iba't-ibang bayan. Pero palagay ko ho, bukas hindi na puwedeng puntahan iyan dahil diyan ho ay talagang napakaganda.<sup>13</sup>

2.27. On 6 November 2014, defendant Bondal again publicly accused the Plaintiff of yet another criminal wrongdoing, this time in relation to the construction of the Makati Science High School, despite the absence of any relevant and material evidence, to wit:

**MR. BONDAL.** Salamat po, Senator Koko. Bago po kami magsimula, ito po ang pangalawang building na amin pong ipinangako sa taongbayan ng Makati na isisiwalat po namin. At pagkatapos po na makumpleto ang mga dokumento ay amin pong isasampa ulit sa Ombudsman sapagkat ito po ay pangalawang building na makikita ang pattern o *modus operandi* ng mga

---

<sup>13</sup> TSN, Blue Ribbon Committee Hearing, 8 October 2014, pp. 104-110. (Pertinent portions of the TSN are attached as Annex "I" of the *Complaint*.)



naghaharian sa Makati po ngayon kasama na po ang mga alipores.

Makikita po ninyo sa akin pong presentasyon na pare-pareho lamang po ang mga—

**THE CHAIRMAN (SEN. PIMENTEL).** Atty. Bondal, kasi napupuna tayo at naki-criticize din tayo doon sa mga side comments. Bawas-bawasan natin ang side comments. Stick to the facts.

**MR. BONDAL.** O, sige po. Okay po.

Di iyon pong naging mayor na Vice President ngayon at dala na rin po ang kanyang anak—Kasi katulad po noong Makati Parking Building na pinakamahal na parking building sa Pilipinas, ito naman pong high school building na ito ang pinaka rin na pinakamahal na high school building sa buong Pilipinas po.

Let's go to the next slide.

Ayan po ang Makati Science High School. Ito po ay matatagpuan sa Kalayaan Avenue, diyan po sa Barangay Cembo sa Makati.

Gaya po ng Makati Parking Building, sinimulan din ito noong 2007 at na-inaugurate lamang po noong February 14, 2014. Kaya po katulad din nung Makati Parking Building, sa amin pong karanasan, hindi namin maisampa agad itong demanda o plunder case laban sa mga kinauukulan sapagkat nainagurahan lang at natapos noong February 14, 2014. Kaya po ang sinakop nito ay yung panahon na si Vice President Binay ay mayor noon ng Makati at ngayon po ay Vice President na, tapos namana na at itinuloy naman ng kanyang anak na si Mayor Junjun Binay.

Ito pong proyektong ito ay sampung palapag o 10 floors at may isang basement parking. Ang floor area po niyan, ayon sa mga dokumento pong ating nakalap at naisumite na po sa Committee, ay 18,373 square meters. Ang dami po ng classroom diyan ay 54 classrooms. Sa nakita po ninyo sa ngayon, ang nagastos po ng Makati na ay 1.333 billion sa pinaloloob po sa appropriations na 1.5 billion. Ngayon, kung inyo pong idi-divide yun pong 1.333 billion sa dami ng classroom na 54, makukuha po natin na ang average cost per square meter nitong building na ito ay 72,500 per square meter. Wala pa pong gastos sa mga gamit, mga silya, upuan, laboratory equipment excluding po iyon. Ito po building na building lang.

Ngayon po, kung natatandaan po natin gaya nung hearing po natin tungkol sa Makati Parking Building, mayroon pong ipinapakita na bibliya ng construction industry. Ito po yung laging iwinawagayway ni Senator Alan Cayetano, yun pong handbook, iyon pong *Davis Langdon Seah Construction Handbook*. At ano po ang sinasabi nung construction handbook na iyon? Iyan pong cost na 72,500, hayan po, sa *Davis Langdon Seah Handbook 2013 prices*, 25.60 lang po ang per square meter ng isang classroom, 2013 prices po iyan. Tatandaan po natin na iyang proyektong iyan ay nagsimula noong 2007 pero ang

atin pong parameter na ginagamit for comparison purposes ay 2013 prices kaya po malaki na po ang diperensiya niyan.

Next slide, please. Iyan po, ito po ang aming naging computation.

**SEN. TRILLANES.** Atty. Bondal, ano yung 208—yung previous slide, please.

**MR. BONDAL.** Previous slide.

**SEN. TRILLANES.** So, ano yung 283 percent na iyan, ano ba iyan?

**MR. BONDAL.** Aba, kung gagamitin po natin yung halaga po na 25,620 per square meter, ayon po doon sa handbook, the *Construction Standard Handbook* po ng Davis Langdon Seah ay makikita po natin na ang overprice po o ang naging presyo ng building na iyan ay 283 percent overprice o three times ang bukol ng mga Binay sa building na ito. Iyan po kalaki.

Susunod na slide po.

Mas detalye pong komputasyon. Ito po, so kung ang ginamit ng Makati City officials ay 72,500 at ayon sa dokumento iton pong proyektong ito ay mayroong 18,373 square meters, ang nagastos na po—at ayon po naman sa mga dokumentong ito ay P1.333 billion. Ngayon, sa kabila naman po nung computation iyon po yung 25,620 ayon doon sa handbook based on 2013 prices at imu-multiply natin ng 18,373 square meters, ang makukuha po natin ay P470 million lamang. Ngayon, ang diperensiya po ng actual na nagastos ng Makati daw sa dapat lang na halaga ng gusaling iyan ay P862 million at halos isang bilyong piso na rin po.

Next slide, please.

Ito po ay paulit lamang na 862 million po ang sobra-sobrang presyo at naging bukol at kinita ng mga namumuno ngayon sa aming lungsod sa Makati po.

**THE CHAIRMAN (SEN. PIMENTEL).** Iyan po ang dapat i- prove. Hindi pa po prove yan. Hindi pa po proven.

**MR. BONDAL.** Opo.<sup>14</sup>

2.28. On the same day, defendant Hechanova repeated in public his malicious and defamatory statement that all the biddings in Makati City are allegedly rigged upon the purported instructions of the Plaintiff.

---

<sup>14</sup> TSN, Blue Ribbon Committee Hearing, 6 November 2014, pp. 71-75. (Pertinent portions of the TSN are attached as Annex “J” of the *Complaint*.)

2.29. On 18 November 2014, defendant Mercado again publicly spewed lies against the Plaintiff when he falsely and maliciously said during the Senate inquiry that the Plaintiff owns one (1) unit in at least sixty percent (60%) of all condominium buildings located in Makati City in exchange for a reduction in developers' taxes and permit fees, with a certain Ariel Olivar as the purported dummy of the Plaintiff to whom said units were registered.

2.30. On 22 January 2015, defendant Mercado continued to malign the name and reputation of the Plaintiff through baseless and utterly false criminal imputations. In the Senate inquiry held on the said date, defendant Mercado publicly declared, with malice and bad faith, that the Plaintiff allegedly earned at least P200 Million as "kickback" from the transaction of the Boy Scouts of the Philippines with Alphaland Corporation, *viz*:

**MR. MERCADO.** xxx

Ako ho ay natutuwa kapag nakikita ko ho si VP Binay noong araw. Katulad po niyan, nakikipagkamay sa bata, iyon pong nandoon sa likod, mga foreign scout po iyon na dumadalaw dito sa ating bansa ng Pilipinas. Pero makikita po niyo diyan na sinabi ko diyan na, "Ang malaking kasalanan at kapabayaan ni VP Binay sa Boy Scout of the Philippines."

xxx

Kinuhanan ni VP Binay ng 5 percent ang mga Boy Scout sa Alphaland deal para gamitin niya sa kanyang kampanya noong 2010 election sa pagka-presidente.

xxx

Ang 5 percent na ito ay initial po lamang. Pero ito po ay umabot na ng halos dalawang daang milyong piso habang ang Boy Scout po ng ating Pilipinas ay wala pa ring natatanggap ni singko hanggang ngayon. Pero siya ho, kumita na, nagamit na, napakinabangan na.

xxx.<sup>15</sup>

2.31. Clearly, the defendants accomplished their objective of providing the Mercado Group with a public forum where they were able to make public their lies, innuendos and baseless accusations against the Plaintiff.

**b. Getting Maximum Media Mileage**

2.32. After each weekly hearing of the Sub-Committee, defendants Cayetano, Trillanes and Erice would go on a media tour where they will publicly and maliciously describe the Plaintiff as being corrupt and accuse him of irregularities in the Makati City Hall

---

<sup>15</sup> TSN, Blue Ribbon Committee Hearing, 22 January 2015, pp. 62-64. (Pertinent portions of the TSN are attached as Annex "K" of the *Complaint*.)

Building II, overpriced cakes and amassing ill-gotten wealth. Worse, disregarding the Constitutional rights of the Plaintiff to due process and presumption of innocence, defendants Cayetano, Trillanes and Erice, following the same script, would make public pronouncements that the Plaintiff is already guilty of plunder as well as graft and corruption even without the benefit of trial. All these to create a public perception that is against the Plaintiff.

2.33. On 25 August 2014, in his interview on ABS-CBNnews.com. defendant Erice claims that the Vice-President is corrupt because of the alleged overpriced Makati City Hall Building II, to wit:

No government administrator or private sector executive will dare spend P2.7 billion for an 11-floor parking and office building unless they are crazy or absolutely corrupt.<sup>16</sup>

2.34. On 10 September 2014, defendant Erice appeared in the program of Daniel Razon in UNTV where he imputed a crime against the Plaintiff and called the latter "*mandarambong*", to wit:

**Razon:** Sa nangyayari na eto naniniwala kayo na, may pandarambong dun.

**Erice:** Yes

**Razon:** At naniniwala kayo na ang may kinalaman dun ay ang bise presidente.

**Erice:** Yes, it's a common knowledge in Makati..

**Razon:** So ang tinutumbok ninyo ngayun, ang gusto nyong sabihin ay mandarambong yung bise presidente.

**Erice:** Yung, the act itself is mandarambong.

**Razon:** Na ang gumawa ay...

**Erice:** Ay ang pangalawang pangulo, bilang sya ay alkalde.

**Razon:** So kaya nga, in a straight way of saying it, sinasabi nyong mandarambong ang bise presidente...

**Erice:** Yun ang lumalabas.<sup>17</sup>

---

<sup>16</sup> Attached as Annex "L" is a copy of the article available at: <http://www.abs-cbnnews.com/nation/08/26/14/erice-vp-binay-stop-hiding-behind-your-kids>.

<sup>17</sup> Attached as Annex "M" is a copy of the video available at: [www.youtube.com/watch?v=eKxtjed2IcM](http://www.youtube.com/watch?v=eKxtjed2IcM)

2.35. On 14 October 2014, defendant Erice again labelled Plaintiff as corrupt in his interview with GMA's NewstoGo's Howie Severino:

At tsaka, kahit nga ako, halimbawa may control ako, kung lumapit sa akin si Vice-Mayor Mercado, kailangan ng chopper, pahihiramin ko eh, kahit ano, gusto ng tulong ng Vice Mercado, tutulungan ko! Bakit? **Gusto ko malaman ang katotohanan dahil ayoko maging pangulo yung nag papractice ng dynastic politics at nakikita yung maliwanag na ebidensya ng korapsyon.** Yung Makati Building City Hall signage, mahigit isang milyon yun, isang letra, P 43,000.00 bawat isa, binayaran ng gobyerno ng Makati, sa Caloocan maraming gumagawa nun, wala pang limang libo. (Emphasis supplied)<sup>18</sup>

2.36. On 6 November 2014, defendant Trillanes was also interviewed by UNTV's Daniel Razon where he said, in no uncertain terms, that the Plaintiff is a thief who stole billions of pesos, to wit:

Ang sa akin dito, direcho na sya sa kulungan, ah dahil ho ang ginawa ano, kasi pag impeachment ho, tatanggalin ka lang sa pwesto, pero not necessarily ikukulong ka, pero ho bilyon bilyon po ang ninakaw ni Vice-President Binay.<sup>19</sup>

2.37. On 11 November 2014, defendant Trillanes again said in his interview with Anthony Taberna, in the latter's *Punto por Punto* program, that the Plaintiff is a thief who stole billions of pesos, to wit:

Ah, siguro po mga Abril o Mayo matatapos eto hindi dahil pinapahaba natin kung hindi **talagang napakaraming anomalyang ginawa etong pamilya Binay dito sa Makati for the past 28 years**, at kita naman ng taong bayan, hindi naman kami paulit-ulit kada hearing eh, bago po ang nilalabas ano, so kung ineembento namin eto, yung kababayan din po natin ang maghuhusga at sa amin din po babalik yan.

Basi po sa ating nakita at narinig sa mga testigo at mga dokumento, kelangan po natin ipakulong si Vice President Binay kasi po sa **bawat piso na binibigay sa mahihirap sa Makati, bilyon-bilyon po ang binubulsa nya.**<sup>20</sup>

2.38. Applying the Big Lie Theory, defendant Trillanes kept repeating the same libelous remarks in several other interviews

---

<sup>18</sup> Attached as Annex "N" is a copy of the video available at: [www.youtube.com/watch?v=0U-mYM6Vio0](http://www.youtube.com/watch?v=0U-mYM6Vio0)

<sup>19</sup> Attached as Annex "O" is a copy of the video available at: [www.youtube.com/watch?v=d3c2dgMP7d8](http://www.youtube.com/watch?v=d3c2dgMP7d8)

<sup>20</sup> Attached as Annex "P" is a copy of the video available at: [www.youtube.com/watch?v=YbqxcmhYTbw](http://www.youtube.com/watch?v=YbqxcmhYTbw)

including the one he had with GMA News Unang Balita also on 11 November 2014, to wit:

Ang aking objective na at this point is to make sure na makulong po si Vice President Binay, dahil bilyon-bilyon po ang ninakaw nito ano, nagpapanggap siya na makimahirap sya, pero yun pala bawat pisong ibinibigay nya sa mahihirap sa Makati, bilyon-bilyon yung nilalagay nya sa bulsa nya.<sup>21</sup>

2.39. In his interview with Winnie Monsod on her show, “Bawal ang Pasaway” on 25 November 2014, defendant Trillanes showed his commitment to the defendants’ orchestrated persecution, to wit:

Ngayun kay Vice-President Binay, well hindi po kami hihinto, hanggang malagay sya behind bars.<sup>22</sup>

2.40. On 6 January 2015, true to their orchestrated persecution, defendant Trillanes continued the bombardment of lies against the Plaintiff in his interview with GMA’s 24 Oras:

Ang impormasyon diyan ay yung mga mass housing projects ay binibigay niya (referring to the Vice President) sa mga favored contractors na nang arrangements with Pag-IBIG.

xxx

Bagung anumalya ito.

xxx

Kung magkano yung kita, eh ‘di hati-hati sila. ‘Pag komisyon, you get the percentage which is less than half. Pero pag partnership, or at worse, kung dummy lang, you get the bulk of the profits.<sup>23</sup>

2.41. Meanwhile, on 31 December 2014, defendant Cayetano, in his interview with GMA News accused the Plaintiff of being engaged in “systematic” corruption, thus:

Nakikita [natin] yung pattern ng dummies na parang mala-Mafia. Bawat nakasama niya, naka-kontrata o naging close ay gagawing director o may-ari ng lupa at doon itatago [ang yaman]

xxx

---

<sup>21</sup>Attached as Annex “Q” is a copy of the video available at: <https://www.youtube.com/watch?v=YsyyqXJWnN4>

<sup>22</sup> Attached as Annex “R” is a copy of the video available at: [www.youtube.com/watch?v=exOf8AImJ3g](http://www.youtube.com/watch?v=exOf8AImJ3g)

<sup>23</sup> Attached as Annex “S” is a copy of the video available at: <https://www.youtube.com/watch?v=YsyyqXJWnN4>

So far plunder ang pinakamabigat na lumalabas kasi systematic na pangungurakot nya ng mahigit P50 million [ang halagang involved]

xxx

Slowly it is being validated in the Senate, slowly parang tama yung theory na between 2010 and now [sinubukan] nilang i-laundry o itago ang mga kayamanan. Kaya lang dahil ayaw ng pamilya Binay na mawalan ng control sa kanilang pag-aari kaya palpak yung pagtago nila.

xxx

Tingin ko kung tutoo yung ill-gotten wealth, ang problema ng mga Binay, on one hand, gusto nilang i-deny [yung property], on the other hand, ayaw nilang bitawan itong mga property na ito. The preponderance o yung bigat ng ebidensya is now against them.<sup>24</sup>

2.42. Defendant Cayetano also publicly declared in no uncertain terms that the Plaintiff has amassed ill-gotten wealth while in public service, to wit:

Pag nabuksan yung mga bank accounts ni VP Binay, makikita na yung sinasabi niyang mayayaman o sobrang yayaman, lalabas at lalabas na ang bilyonaryo sa mga presidentiables ay walang iba kung hindi si Jojo Binay.<sup>25</sup>

2.43. Also in his interview with Karen Davila of ANC's Headstart on 10 September 2014, defendant Cayetano blatantly accused the Plaintiff of corruption, thus:

Can I just start out with a biblical principle no, kung anong itanim natin, yun din ang ating aanihin. So if people want good governance, no, all these issues, kailangan mailabas, if he can clear his name [referring to the Vice-President], why not diba? Baka sumama pa kami sa kanya, kung talagang magaling syang Mayor before and magaling na Vice-President, pero kung corrupt, pag tinanim natin ang corrupt sa 2016, ano ba ang aanihin natin no? So going back merong bang evidence, Yes! 2.2 Billion pesos worth of concrete na evidence.<sup>26</sup>

---

<sup>24</sup> <http://www.gmanetwork.com/news/story/386114/news/nation/cayetano-binay-scheme-mafia-like>, last accessed on 2 February 2015. Copy of the news printout is attached as Annex "T" of the *Complaint*.

<sup>25</sup> Cayetano dares Binay to allow Senate to look into his bank accounts, <http://www.gmanetwork.com/news/story/387122/news/nation/cayetano-dares-binay-to-allow-senate-to-look-into-his-bank-accounts> last accessed 9 January 2015. Copy of the news printout is attached as Annex "U" of the *Complaint*.

<sup>26</sup> <https://anc.yahoo.com/video/cayetano-calls-binay-face-senate-063208978.html> last accessed on 2 February 2015.

2.44. In making the foregoing libelous statements, the defendants have declared in public that the Plaintiff is a plunderer who has amassed ill-gotten wealth, a corrupt politician who does not deserve to be elected President but instead should be thrown in jail. Suffice to state that the baseless and defamatory allegations made by the defendants outside the halls of Congress are intended to malign the integrity and character of the Plaintiff for the sole purpose of diminishing, if not outright destroying, his chances of being elected President in the May 2016 Elections.

*c. Mind Conditioning and Public Perception*

2.45. On script, defendant Inquirer caused the malicious publication of a series of front-page stories in the Philippine Daily Inquirer newspaper (PDI) headlining the baseless accusations against the Plaintiff and his family before and after each hearing of the Sub-Committee. These acts of defendant Inquirer further bolster the fact that there was indeed a well-orchestrated plan and coordination amongst the defendants, otherwise defendant Inquirer would not have known in advance the false and baseless accusations that would be hurled by the Mercado Group in the scheduled hearing of the Sub-Committee.

2.46. From the period of 21 August 2014 to 26 September 2014, the following were the screaming headlines published in the PDI that cast aspersions on the person of the Plaintiff and his family:

Date	PDI Headline <sup>27</sup>
21 August 2014	Makati Building: COA sees red flags
27 August 2014	Binay made money from Makati Building
5 September 2014	Building contracts rigged
12 September 2014	'He got 13% for each deal'
23 September 2014	Lifestyle checks up for Binay Purisima
26 September 2014	Binay dummies run realty, security firms

2.47. Worse was the period between 8 October 2014 to 24 November 2014 where defendant Inquirer was relentless in bombarding the public with defamatory statements against the Plaintiff. The screaming headlines of defendant Inquirer during said period were clearly intended to destroy the name and reputation of the Plaintiff by treating the latter as a common convicted criminal.

Date of Publication	PDI Headline <sup>28</sup>
---------------------	----------------------------

<sup>27</sup> Attached as Annex "V" are the photos of the Inquirer Frontpages for these dates.

<sup>28</sup> Attached as Annex "W" are the photos of the Inquirer Frontpages for these dates.



October 8, 2014	'Binay farm 350-ha estate' Mercado: Batangas property in dummies' names
October 9, 2014	Binay's P1.2B estate behind overpricing Mercado: Dr. Elenita didn't pay Hilmarc's for work on farm
October 10, 2014	Village folk readily say Binays own hacienda... JCB Farm ceased operations in Batangas in 2010, LGU records show
October 11, 2014	P4B shared by Makati execs
October 13, 2014	Binay to cooperate with De Lima probe UNA slams justice secretary for bias
October 14, 2014	Binay rating hits record low-SWS But 52 net grade still highest among execs
October 15, 2014	Aquino-Binay break looms VP: Arroyo mistreated, Purisima protected
October 16, 2014	All's well again for now P-Noy, Binay hold 3-hour 'secret' meeting
October 17, 2014	NBI starts probe of Binays VP's camp questions De Lima's authority
October 18, 2014	Binay fails to stop probe
October 21, 2014	Binay to bring case to the people
October 22, 2014	Binay denies Mercado rap he acquired P15M log cabin
October 25, 2014	Binay: Rich out to get me 'They don't want me to lead the fight against poverty'
October 26, 2014	Binay hits P-Noy admin Allies mobilize forces for embattled VP
October 27, 2014	Palace: Binay's feud is with solons, not us Escudero: VP offensive leaves charges unexplained
October 27, 2014	Veep plays rich vs poor card
October 31, 2014	Alan cites IG post as proof of ownership

November 2, 2014	Binay wanted Makiling site VP tried to take 57.7 ha for Boy Scouts, say UP execs
November 4, 2014	Aquino tells Binay: You're free to leave VP staying put, says he is a team player
November 5, 2014	Binay: I'm being crucified VP briefs bishops on Senate inquiry
November 6, 2014	Binay: To be or not to be  VP at tense Cabinet meet; will he go to Senate Thursday?
November 6, 2014	Busy, busy Binay free only on Nov. 27 for Trillanes debate
November 7, 2014	Who's footing 'Binay' farm's bills? Cayetano learns ex-Binay firm pays for electricity
November 7, 2014	VP skips Senate, flies to Cebu
November 11, 2014	Drilon: No stopping Senate probe of Binay
November 12, 2014	Trillanes links Binay to coup plot vs Arroyo
November 13, 2014	P-Noy told: Back of probe
November 19, 2014	Only Ayalas didn't give Binay condos-Mercado Engineer admits he fronted for 'real owner'
November 21, 2014	UNA exposé vs Mercado doesn't clear Vice President Binay
November 24, 2014	4 Aurora lots linked to Binay

2.48. To further highlight the participation of defendant Inquirer in the grand, malevolent and orchestrated persecution of the Plaintiff, defendant Inquirer again maliciously made it appear as a fact that the Plaintiff has been indicted by defendant Carpio-Morales for graft and corruption, when in truth no such resolution has been officially released by said Office:

**"Binay faces graft indictment**

A special panel of investigators from the Office of the Ombudsman has found probable cause to indict Vice President Jejomar Binay, his son Makati Mayor Junjun Binay, and 22 others, including the owner of building contractor Hilmarc's Corp. for various criminal offenses in connection with the allegedly overpriced P2.2-billion Makati parking building." [Emphasis supplied]<sup>29</sup>

2.49. The malicious coverage given by defendant Inquirer were so unusual that Rigoberto Tiglao, a well-respected journalist, wrote an article in Manila Times entitled "*The Inquirer vs. Binay*" narrating how defendant Inquirer was unduly conditioning the minds of the public through fraudulent and manipulative machinations:

We have a huge media industry, and print media is dominated by three broadsheets, the Philippine Daily Inquirer (PDI), the Manila Bulletin and the Philippine Star. Broadsheet articles are also believed to be uncritically repeated in radio stations all over the country.

At least in the case of Binay's ratings, the PDI has demonstrated its awesome power in molding people's perceptions and assessments of political personalities.

I have analyzed the coverage of the Binay issue, particularly on his so-called Batangas estate from October 8 to November 20 last year. The reason for these dates is first, it was on Oct 8 that PDI started its remarkable, nearly unbroken, series of banner stories and front-page photos on the allegations against Binay.

Secondly, the major poll, that by Pulse Asia, which obviously was positioned to determine the impact of the investigation (or that of media coverage), was undertaken from Nov 14 to 20. (Banner stories are those in very large letters across the first page of a newspaper. These are normally what the editors consider to be the most important news that happened the previous day. Some newspapers though, the PDI most prominently, devote such banner stories to their scoops or to articles that the editors want their readers not to miss.)

The results of my analysis are astonishing, maybe shocking, but not really unusual for the PDI, as they have launched similar campaigns against Chief Justice Renato Corona and the three senators now in jail for alleged plunder involving pork barrel funds. There was actually a less intensive barrage against Binay a few weeks earlier involving the alleged overprice of Makati City Hall Building II in September.

In the 44 issues from Oct 8 to Nov 20, PDI had 29 banner-stories on

---

<sup>29</sup>Available at: [newsinfo.inquirer.net/690232/binays-face-graft-indictment](http://newsinfo.inquirer.net/690232/binays-face-graft-indictment), Last accessed on 11 June 2015. Copy of the news printout is attached as Annex "X" of the *Complaint*.

the allegations against Binay.

On four consecutive days starting Oct 8, PDI had such screaming headlines that virtually convicted Binay of corruption: 'Binay farm a 350-ha. estate'; Binay's P1.2-B estate behind overpricing; Village folk readily say Binays own hacienda, (with a huge photo of the mansion allegedly owned by the Vice President); and 'P4B shared by Makati execs.'

Note that the editors didn't even bother putting the second headline between single quotation marks to indicate "as alleged."

What were the banner headlines of the two other broadsheets with the biggest circulations on those days? The Manila Bulletin had the following: Ombudsman probing Purisima's wealth; Yolanda victims cry out for help; Widespread Ebola contagion feared; and Aquino abandons term extension bid.

The Philippine Star, on the other hand, had the following banner headlines: Ratings plummet but Binay still the most trusted; 4 out of 5 MM police chiefs sacked for crime rate; Noy wants better China ties.

Compared with the PDI's 29 banner headlines that reported on the Senate investigation on Binay's corruption charges, how many did the other two papers have?

The Bulletin had only two: 79 percent want Binay to face Senate, and, Binay snubs Senate probe.

The Star had only four: Binay wants to face Senate; Binay snubs Senate probe; Binay backs out of debate; and PNoy told to keep hands off VP probe. The Star had more banner stories on the Ebola epidemic scare (8) and the killing of a "Subic transgender" (11).

It was as if the three of our biggest newspapers were covering different countries. The two newspapers, of course, did report the Senate investigation, but not as banner stories as the PDI did.

In that 44-day period, one would even suspect that the PDI had some unwritten policy of publishing some "Binay corruption" story every single day. There was only one issue in that entire period, on Nov 10 that, in fact, didn't have a Binay corruption article.

There were articles in that period that were not banner stories but were on the front page or inside pages that weren't really news, as in novel information, but only provided an excuse for repeating the allegations against the Vice President.

Three weeks after the "hacienda" issue was raised, and even after the main whistle-blower Ernesto Mercado had corrected his figures - the alleged farm was only 150 hectares in size - the PDI routinely

repeated the phrase “a 350-hectare property dubbed Hacienda Binay.” It was a classic Hitler propaganda technique: Repeat a big lie again and again until it sounds like truth.

That was not the first time the PDI had engaged in such coverage by which it produced its banner stories. The three-step manufacture of public opinion, as I have written before, is as follows:

First, some whistle-blowers’ allegations are published as banner headlines for a period of days. Second, Pulse Asia and the Social Weather Stations undertake their polls that confirm the demonization of the target by the whistle-blower, with the pollsters’ numbers providing the accusations with some veneer of objectivity. Third, charges are filed, in Corona’s case, in the impeachment court and for the three senators, in the Sandiganbayan.

But President Aquino’s camp was able to get away with this SOP when his popularity ran high and his incompetence had not yet been exposed. This regime, though, is at its twilight, and it would be too late to take out Binay in this manner.

So far in this 2016 election contest, and believe you me, it started in October with the first broadside involving the alleged overpriced Makati City Hall II, it is not Mar Roxas versus Binay, since Aquino’s guy has been hopelessly stuck.

It is not Grace Poe, who’s merely the newest but less qualified political incarnation of Loren Legarda (remember her, the vice running mate of Fernando Poe and then Manuel Villar with astronomical popularity ratings?). Of course it’s not Francis Escudero, nor Miriam Santiago.

It is the Inquirer against Binay.<sup>30</sup>

*d. Deodorizing the Lies Against the Plaintiff*

2.50. To *deodorize* the lies hurled against the Plaintiff and to accord the same with a semblance of validity, defendants AMLC Officials shamelessly adopted the unsupported allegations of the paid witnesses and used the same as basis for: (a) applying for an *Ex Parte* order with the Court of Appeals to examine the bank accounts of the Plaintiff, members of his family, and other parties alleged to be close to him; and, (b) filing an *ex parte* petition with the Court of Appeals to “freeze” said bank accounts.

2.50.1. Clearly acting in concert with the other defendants to derail the candidacy of the Plaintiff,

---

<sup>30</sup> <http://www.manilatimes.net/inquirer-vs-binay/155669/> last accessed on 3 February 2015. Copy of the article is attached as Annex “Z” of the *Complaint*.

defendant AMLC Officials filed and/or caused the filing of an *Ex Parte* Petition with the Court of Appeals<sup>31</sup> to freeze the bank accounts of the Plaintiff, knowing fully well that the same has no factual and/or legal basis.

2.50.2. Worse, in their filings with the Court of Appeals, defendant AMLC Officials deliberately withheld from the Court of Appeals official filings and other public documents such as the Income Tax Returns and Statement of Campaign Contributions and Expenses of the Plaintiff duly filed with the Bureau of Internal Revenue and the Commission on Elections that will plainly show that Plaintiff's bank transactions are fully justified and have clear underlying legal basis.

2.51. In line with the orchestrated persecution of the Plaintiff, notwithstanding the fact that (i) the application to examine bank accounts and bank transactions, (ii) the AMLC Report prepared in relation to said examination, and (iii) the *Ex Parte* Petition to "freeze" Plaintiff's bank accounts, are all, by mandate of law, to be kept strictly confidential, defendant AMLC Officials allowed and/or caused their uncontrolled dissemination such that defendants Cayetano, Inquirer, and Mercado obtained copies thereof to be used to malign and destroy the name and reputation of the Plaintiff despite the fact that the Plaintiff has not yet been given the opportunity to respond to the ridiculous and baseless findings made by the AMLC Officials.

2.51.1. As *coup de grâce*, defendant AMLC Officials allowed unauthorized access to the AMLC Report and/or other papers relevant thereto, knowing fully well that they are to be treated as confidential, such that defendants Cayetano and the Inquirer, had a field day publicly demonizing the Plaintiff - without Plaintiff being given the opportunity to respond, based on these one-sided, baseless and malicious report/documents.

Date of Publication	PDI Headline <sup>32</sup>
May 13, 2015	Court freezes Binay assets
May 14, 2015	AMLG: Binay, allies deposits reach P 11B

<sup>31</sup> C.A. G.R. AMLA No. 00134.

<sup>32</sup> Attached as Annex "AA" are the photos of the Inquirer Frontpages for these dates.

May 17, 2015	2 Binay aides billionaires
May 22, 2015	Mercado to return 'loot', 'I challenge Binay to do the same'

2.52. Defendant Carpio-Morales likewise showed her complicity in the grand malevolent scheme when she brazenly violated the constitutional rights of the Plaintiff, basic rules of evidence, and disregarded well-settled jurisprudence for the sole purpose of maliciously persecuting the Plaintiff and his family. These acts of defendant Carpio-Morales were then used to further defame the name and reputation of the Plaintiff in various publications, such as, the Philippine Daily Inquirer.

2.53. Clear from the foregoing is that the damaging and ruinous claims elaborately spewed out by the defendants to gain maximum media mileage are mere concoctions and fabrications with no other purpose than to malign the Plaintiff, ruin his reputation and besmirch his good name before the bar of public opinion. In fact, it bears noting that the intensity of the defamatory statements made against the Plaintiff by the defendants is at its highest during the period where political survey or polling companies perform their field work; further evincing a unison in agenda and action among the defendants.

2.54. Defendants Cayetano, Trillanes and Erice cannot cowardly hide under the cloak of parliamentary immunity to shield themselves from being held accountable for their shameful conduct considering that they made the malicious and false accusations of criminal wrongdoings against the Plaintiff outside the halls of Congress. As narrated above, the statements of defendants Cayetano, Trillanes and Erice imputing crimes and blackening the name of the Plaintiff were made in various media outlets (print, television and radio), during various press conferences or interviews.

2.54.1. In *Jimenez vs. Cabangbang*, 17 SCRA 876 (1966), the Supreme Court stated that the immunity enjoyed by members of Congress from being questioned for speech and debate covers only:

. . . utterances made by Congressmen in the performance of their official functions, such as speeches delivered, statements made, or votes cast in the halls of Congress, while the same is in session, as well as bills introduced in Congress whether the same is in session or not, and other acts performed by

Congressmen, either in Congress or outside the premises housing its offices in the official discharge of their duties as members of Congress and the congressional Committees duly authorized to perform its functions as such, at the time of the performance of the acts in question. [Emphasis supplied]

2.54.2. Clearly, when defendants Cayetano, Trillanes and Erice authored, mouthed, disseminated and distributed the proven lies of the Mercado Group to the media and the public outside the session halls of Congress, they shed any pretense of acting in the official discharge of their duties. It is a fact that their repeated lies were not addressed to colleagues for any legislative duty but only to media for purposes of maligning the name of the Plaintiff and blackening his reputation.

2.55. Defendants Inquirer on the other hand, in publishing the defamatory articles and screaming headlines, have been acting with bad faith and malice. Defendant Inquirer, together with the other defendants, cannot escape liability by invoking freedom of speech or freedom of the press to shield them from being held accountable for their shameful conduct considering that they made the defamatory, malicious and false accusations of criminal wrongdoings against Plaintiff in utmost bad faith and in utter disregard for justice, truth and fairness.

2.56. The malicious imputations of criminal wrongdoings against the Plaintiff made by the defendants pursuant to their grand malevolent plan are evidently attended with actual malice as said accusations have no factual basis whatsoever, and were made with reckless disregard for the truth, and with no good intention or justifiable motive.

2.56.1. With respect to the Makati City Hall Building II and the Makati Science High School Building, it cannot be denied that a mere comparison of the prices of the materials used in the projects such as cement, steel and form works, as stated in the project cost versus the prevailing market prices for the same materials at the time they were purchased, would readily show that there was no overprice in the projects. It is for this reason that in all phases of the construction of the buildings, there were no adverse findings or notice of disallowance made by the Commission on Audit. As aptly noted by the Supreme



Court in *Caunan v. People*, G.R. No. 181999 & 182001-04, 02 September 2009, a finding that a government procurement is overpriced can only be made if there is an identical comparison of the item procured versus its market value at the time the procurement was made, *viz*:

Notably, however, and this the petitioners have consistently pointed out, the evidence of the prosecution did not include a signed price quotation from the *walis tingting* suppliers of Parañaque City. In fact, even the *walis tingting* furnished the audit team by petitioners and the other accused was different from the *walis tingting* actually utilized by the Parañaque City street sweepers at the time of ocular inspection by the audit team. **At the barest minimum, the evidence presented by the prosecution, in order to substantiate the allegation of overpricing, should have been identical to the *walis tingting* purchased in 1996-1998. Only then could it be concluded that the *walis tingting* purchases were disadvantageous to the government because only then could a determination have been made to show that the disadvantage was so manifest and gross as to make a public official liable under Section 3(g) of R.A. No. 3019.**

xxx

The reasoning of the Sandiganbayan is specious and off tangent. The audit team reached a conclusion of gross overpricing based on documents which, at best, would merely indicate the present market price of *walis tingting* of a different specification, purchased from a non-supplier of Parañaque City, and the price of *walis tingting* purchases in Las Piñas City. Effectively, the prosecution was unable to demonstrate the requisite burden of proof, *i.e.*, proof beyond reasonable doubt, in order to overcome the presumption of innocence in favor of petitioners.

As pointed out by petitioner Caunan, not all of the contents of the audit team's report constituted hearsay. Indeed, as declared by the Sandiganbayan, Bermudez could very well testify thereon since the conclusions reached therein were made by her and her team. However, these conclusions were based on incompetent evidence. Most obvious would be the market price of *walis tingting* in Las Piñas City which was used as proof of overpricing in Parañaque City. **The prosecution should have presented evidence of the actual price of the particular *walis tingting* purchased by petitioners and the other**

accused at the time of the audited transaction or, at the least, an approximation thereof. Failing in these, there is no basis to declare that there was a glaring overprice resulting in gross and manifest disadvantage to the government.

We are not unmindful of the fact that petitioners failed to conduct the requisite public bidding for the questioned procurements. However, the lack of public bidding alone does not automatically equate to a manifest and gross disadvantage to the government. As we had occasion to declare in *Nava v. Sandiganbayan*, the absence of a public bidding may mean that the government was not able to secure the lowest bargain in its favor and may open the door to graft and corruption. However, this does not satisfy the third element of the offense charged, because the law requires that the disadvantage must be manifest and gross. After all, penal laws are strictly construed against the government.” [Emphasis supplied]

2.56.2. With respect to the cakes given to senior citizens residing in Makati City, defendant Bondal, the person who made the baseless accusation, admitted under oath that his claim of overprice is not based on any document or any other evidence, but rather based on mere guesswork or “*hula*”.<sup>33</sup> However, contrary to the “*hula*” of defendant Bondal, the price of the cakes given to senior citizens residing in Makati City was in fact even lower than the prices of the cakes presented by defendant Bondal in the Senate inquiry as shown by contracts and official receipts.

2.56.3. With respect to the property in Rosario, Batangas, documents as early as 1994, e.g., Business Registration as well as the Income Tax Returns and the Statement of Assets and Liabilities of the Plaintiff, readily show that the Plaintiff was operating a piggery business therein within a leased area of only 9 hectares. Even the Secretary of Agrarian Reform stated that there is no evidence that the Plaintiff owned or owns the property. If only to highlight the propensity of the Mercado Group to fabricate lies against the Plaintiff, the ocular inspection of the property readily showed that there was no air-conditioned piggery, there was no 40-car garage, the area

---

<sup>33</sup> TSN, Blue Ribbon Committee Hearing, 26 August 2014, p. 55. (Pertinent portions of the TSN are attached as Annex “BB” of the Complaint.)

of property was not 350-hectares, and there were no luxurious mansions as claimed by the Mercado Group.

2.56.4. With respect to the condominium units purportedly owned by the Plaintiff thru, among others, a certain Ariel Olivar, the absurdity of the claim is apparent. It bears noting that Ariel Olivar is a relative, lackey and dummy of defendant Mercado who had no personal interaction or dealings with the Plaintiff. In fact, Ariel Olivar admitted that the condominium unit purportedly owned by the Plaintiff was actually being used by defendant Mercado and it was the latter who asked him if his name can be used to own the condominium unit, to wit:

**SEN. PIMENTEL:** So kung hindi ikaw ang owner, sino ang tunay na owner?

**MR. OLIVAR:** Ang atin pong Vice President ang tunay na nagmaymay-ari nito.

**SEN. PIMENTEL:** Paano mo nasabi iyon?

**MR. OLIVAR:** Kasi noong panahon na magkasama pa sila ni Vice Mayor Mercado, **sinabi sa akin ni Vice Mayor Mercado na kung pwedeng gamitin ang pangalan ko para ipangalan itong condominium unit na ito... pumayag naman po ako.**

xxx

**SEN. PIMENTEL:** So yung allegasyon mo na si Vice President Binay ang may ari ng unit mo ay galing lang sa information ni Vice Mayor Mercado, siya lang ang nagsabi sa iyo?

**MR. OLIVAR:** Noon po kasi ginamit po ito ni Vice Mayor Mercado ito pong yung unit na ito. So after po nun, pagkatapos nya magamit yung unit, sinurender nya kay Vice President Binay.

**SEN. PIMENTEL:** Paano mo alam?

**MR. OLIVAR:** Yun po ang pagkakasabi sa akin ni Vice Mayor Mercado.

xxx

**SEN. PIMENTEL:** From your testimony, never naman kayo nagharapan ni Vice President Binay when he was mayor to talk about this unit?

**MR. OLIVAR:** Hindi po kami nagkaharap ni Vice President Binay, si Vice Mayor Mercado lang...

**SEN. PIMENTEL:** Yun nga ang information mo ay galing kay Vice Mayor Mercado."<sup>34</sup> [Emphasis supplied]

2.56.5. Moreover, several well-known and reputable developers such SM Development Corp., Megaworld Corp., Robinsons Land Corp., Rockwell Land Corp., and Eton Properties issued statements expressly denying the bare allegations of defendant Mercado that the Plaintiff allegedly has at least one unit in at least 60% of all condominium buildings in Makati City in exchange for a reduction in developers' taxes and permit fees.

2.56.6. With respect to the alleged thirteen percent (13%) kickback that the Plaintiff allegedly received from all infrastructure projects in Makati City, a mere perusal of the testimony of defendant Mercado would readily show that said accusation is based only on what Engr. Nelson Morales allegedly told him (defendant Mercado). However, said testimony of defendant Mercado has no probative value whatsoever, as in fact, it is inadmissible for being hearsay evidence and worse, attributes statements and acts on a person who is already deceased. Several reputable persons who have dealt with Makati City have likewise belied the bare allegations of defendant Mercado.

2.56.7. Finally, with respect to the alleged P200 Million kickback earned by the Plaintiff from the transaction between the BSP and Alphaland, the facts as supported by documents clearly show that the transaction is above board and in fact beneficial to the BSP. Moreover, it was defendant Mercado, who was then the Senior Vice President and Head of Asset Management Committee of BSP, who negotiated and dealt directly with Alphaland. And it was defendant Mercado, as disclosed by Alphaland, who made hints of requesting some "benefits" for concluding the transaction, but was refused by Alphaland.

2.57. Clearly, therefore, the false imputations of the defendants were prompted by sheer malice, ill will and spite to discredit the

---

<sup>34</sup> TSN, Blue Ribbon Committee Hearing, 18 November 2014, pp. 105-106. (Pertinent portions of the TSN are attached as Annex "CC" of the Complaint.)

Plaintiff thereby diminishing, if not destroying, his chances of winning in the May 2016 Elections. They were not made in response to duty but with the obvious intention to injure the reputation of an innocent person in order to attain their objectives. Worse, they were done in total breach and utter disregard of the Constitutional rights of the Plaintiff. As such, the defendants are liable for defaming the name and reputation of the Plaintiff as well as violating his Constitutional rights.

2.58. Based on the foregoing acts and omissions of the defendants, they are clearly jointly and severally liable for damages pursuant to Articles 20, 21 and 2176 of the Civil Code.

2.58.1. By mouthing in public and/or publishing and/or causing the publication of the concocted and fabricated claims, which maliciously impute the crime of graft and corruption as well as other illegal activities against the Plaintiff, thereby attacking and attempting to ruin his name and reputation, the defendants caused damage to the Plaintiff through fault and/or negligence.

2.58.2. Moreover, in view of said acts, the defendants wilfully and/or negligently caused damage, loss and injury upon the Plaintiff in a manner that is clearly contrary to law, morals, good customs and public policy.

2.59. Even assuming *arguendo* that the defendants had the right to make the defamatory statements and/or caused the undue publication thereof, the exercise of said right by the defendants still constitute an abuse of right under Article 19 of the Civil Code. Resultantly, the defendants are still liable for damages.

2.59.1. Under Article 19 of the Civil Code, the exercise of a right ends when the right disappears, and it disappears when it is abused, especially to the prejudice of others. The mask of a right without the spirit of justice which gives it life is repugnant to the modern concept of social law. It cannot be said that a person exercises a right when he unnecessarily prejudices another or offends morals or good customs. It is well settled that the absence of good faith<sup>35</sup> is essential to abuse of right.<sup>36</sup>

---

<sup>35</sup> Good faith connotes an honest intention to abstain from taking undue advantage of another, even though the forms and technicalities of the law, together with the absence of all information or belief of facts, would render the transaction unconscientious. [Tolentino, New Civil Code of the Philippines, Vol. I, (1960 ed.) *citing* Wood v. Conrad, 2, S.B. 83, 50 N.W. 95.]

<sup>36</sup> Sea Commercial Company, Inc. vs. Court of Appeals, et al., 25 November 1999

2.59.2. Tested behind the underlying principle of the “abuse of rights” doctrine, the acts of the defendants in maliciously making the concocted and false claims and causing much publicity thereto purely for the purpose of harassing, prejudicing, vexing and discrediting the Plaintiff is a clear abuse of rights. [cf. Tolentino, Civil Code of the Philippines, 1991 Edition, page 64]

2.60. Alternatively or cumulatively, by publicly and maliciously imputing to the Plaintiff, in furtherance of their grand and malevolent orchestrated persecution, the commission of the crimes of graft and corruption and other illegal activities such as amassing ill-gotten wealth, in order to cause dishonor, discredit or contempt to the Plaintiff, the defendants are civilly liable for defamation under Articles 33 of the Civil Code in relation to Articles 353, 355 and 358 of the Revised Penal Code.

### III FIRST CAUSE OF ACTION

3.1. The Plaintiff repleads all the forgoing and further alleges that:

3.1.1. Because of the defendants’ grossly negligent and/or fraudulent acts of falsely and maliciously imputing the crime of plunder, graft and corruption and other illegal activities against the Plaintiff based on unreliable if not fabricated sources, and worse stating the alleged criminal imputations as if they are matters of fact, and worst, causing undue publicity thereof, the Plaintiff suffered mental anguish, fright, serious anxiety, wounded feelings and moral shock. All these could not be compensated by any amount of money, but the amount of at least One Hundred Million Pesos (P100,000,000.00) may perhaps alleviate Plaintiff’s sufferings.

3.1.2. Being joint tort-feasors, the defendants should thus be held solidarily liable for the total amount of at least One Hundred Million Pesos (P100,000,000.00) as moral damages.

**IV  
SECOND CAUSE OF ACTION**

4.1. The Plaintiff repleads all the foregoing and further alleges that:

4.1.1. The defendants acted in a clearly wanton, reckless, oppressive and malevolent manner. In view of the foregoing and considering the consistent and public repetition of unsubstantiated criminal imputations against the Plaintiff solely to adhere to the "Big Lie" theory, and by way of example or correction for the public good, the defendants should be made solidarily liable to pay the Plaintiff the amount of at least One Hundred Million Pesos (P100,000,000.00) by way of exemplary damages.

**V  
THIRD CAUSE OF ACTION**

5.1. The Plaintiff repleads all of the foregoing and further alleges that:

5.1.1. In order to protect the rights and interests of the Plaintiff against the wrongful, fraudulent and/or grossly negligent acts or omissions of the defendants, the Plaintiff was constrained to engage the services of counsel and to pay attorney's fees in the amount of at least One Million Pesos (P1,000,000.00), as well as incur litigation expenses as may be proved during trial, for which amounts the defendants should be made solidarily liable.

**PRAYER**

**WHEREFORE**, premises considered, it is most respectfully prayed that after due hearing, judgment be rendered for the Plaintiff against the Defendants ordering the latter, *in solidum*, to pay the Plaintiff, the following:

a. **ON THE FIRST CAUSE OF ACTION** -  
Ordering the Defendants, solidarily to pay the Plaintiff the amount of at least **ONE HUNDRED MILLION PESOS (P100,000,000.00)** as moral damages;

b. **ON THE SECOND CAUSE OF ACTION** -  
Ordering the Defendants, solidarily to pay the Plaintiff the

amount of at least **ONE HUNDRED MILLION PESOS (P100,000,000.00)** by way of exemplary damages;

c. **ON THE THIRD CAUSE OF ACTION -**  
Ordering the Defendants, solidarily to pay the Plaintiff the amount of at least **ONE MILLION PESOS (P1,000,000.00)** as attorney's fees as well as the amount of litigation expenses as may be proved during trial, and costs of suit.

Other reliefs, just and equitable are likewise prayed for.

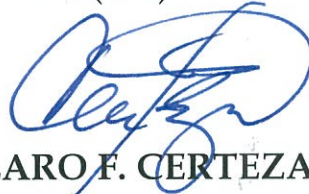
Makati City, 16 July 2015

**SUBIDO PAGENTE CERTEZA  
MENDOZA & BINAY**

*Counsel for Plaintiff*

5/F Prince Bldg., 117 Rada St.  
Legazpi Village, 1129 Makati City  
Tel. Nos.: (632) 893-4115; (632) 817-5116  
Fax No.: (632) 845-0151

By:



**CLARO F. CERTEZA**

Roll of Attorneys No. 33002  
IBP No. 852816/Lifetime/Manila II  
PTR No. 4760026/1-8-15/Makati City  
MCLE Exemption No. IV-000445/12-7-12/Pasig City



**MARY CHRISTINE CHARISSE G. CATRE**

Roll of Attorneys No. 57330  
Lifetime IBP No. 960974/Surigao City  
PTR No. 4760046/1-09-15/Makati City  
MCLE Comp. No. V-0007134/04-01-15/Pasig City



**FRANCIS PAUL U. BACLAY**

Roll of Attorneys No. 64082  
IBP No. 1008085/Iloilo/Lifetime  
PTR No. 4890028/Makati City/05-04-15  
Admitted to the Bar in 2015



REPUBLIC OF THE PHILIPPINES)  
MAKATI CITY, METRO MANILA ) S.S.

**CERTIFICATION OF NON-FORUM SHOPPING**

I, **JEJOMAR C. BINAY**, of legal age, Filipino with residence address at 8514 Caong Street, San Antonio Village, Makati City, after being sworn in accordance with law, hereby depose and state:

1. I certify that I have not commenced any action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, Regional Trial Court, Metropolitan and Municipal Trial Courts, or any other tribunal or agency.

2. To the best of my knowledge, no other similar action involving the same issues is pending in the Supreme Court, Court of Appeals, Regional Trial Court, Metropolitan and Municipal Trial Courts, or any other tribunal or agency.


3. If I should hereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, Regional Trial Court, Metropolitan and Municipal Trial Courts, or any other tribunal or agency, I hereby undertake to report such fact within five (5) days therefrom to this Honorable Court.

  
\_\_\_\_\_  
**JEJOMAR C. BINAY**

**SUBSCRIBED AND SWORN** to before me this 16 July 2015 in the City of Makati, by the affiant who exhibited to me his Philippine Passport No. DE 0002013 valid until 30 Sept 2017, issued by the Department of Foreign Affairs - Manila, as competent proof of his identity.

Doc. No. 72 ;  
Page No. 16 ;  
Book No. 1 ;  
Series of 2015.



  
**ATTY. JOSE JULIUS R. CASTRO**  
Notary Public  
Until December 31, 2016  
Roll of Attorneys No. 63216  
IBP Lifetime No. 968794  
PTR No. 4760049/01-08-2015/Makati City  
Notarial Commission No. M-263/Makati City  
TIN 408-264-287  
5<sup>th</sup> Floor, Prince Building, 117 Rada Street  
Legaspi Village, Makati City