

Republic of the Philippines
OFFICE OF THE OMBUDSMAN
MANILA

REPUBLICAN AG OMBUDSMAN
TIRANGGAY
MAR 3 1999
[Signature]

MR. RIZALINO RAMAS
Complainant.

- versus -

OMB CASE NO. _____

For Violation of R.A. 3019.

JUAN O. PENA
BENJAMIN CECILIO
LEOPOLDO BUNGUBUNG
ARISTEDES ALCALDE
VIRGILIO PADUA
ALBERTO SUANSING
ALEX CRUZ
Respondents.

x-----x

COMPLAINT - AFFIDAVIT

I, RIZALINO RAMAS, of legal age, Filipino, married, with postal address c/o United Dockhandlers, Inc. (UDI), Road 10, Capulong Street, North Harbor, Manila, after having been sworn to in accordance with law, hereby state:

1. I am the Assistant General Manager for Operations and Engineering (AGMOE) of United Dockhandlers Inc. (UDI), a domestic corporation duly organized and existing under the laws of the Philippines with principal office at R-10, Capulong Street, North Harbor, Manila and whose main duty, among others, is to direct the business operations of the company.
2. That UDI is engaged in the business of providing cargo handling services at Piers 8, 12, 14, & 16, North Harbor, Tondo, Manila. It has been operating at said piers for twenty two (22) years.
3. Respondents named hereunder are officials of the PHILIPPINE PORTS AUTHORITY (PPA), a government owned corporation, with designation & addresses as follows:

JUAN O PENA
General Manager

Philippine Ports Authority
Marsman Bldg. Muelle De
San Francisco St.
South Harbor, Port Area
Manila

BENJAMIN B. CECILIO
Asst. General Manager-Operation

Philippine Ports Authority
Marsman Bldg. Muelle De
San Francisco St.
South Harbor, Port Area
Manila

LEOPOLDO F. BUNGUBUNG
Manager, Port District Office

Philippine Ports Authority
PNR Building, North Harbor
Tondo, Manila

ARISTEDES ALCALDE
Manager, Port Management
Office, North Harbor, Manila

Philippine Ports Authority
Pier 8, North Harbor
Tondo, Manila

VIRGILIO PADUA
Manager, Port Services Division
Port Management Office (PMO)
North Harbor

Philippine Ports Authority
Pier 8, North Harbor
Tondo, Manila

ALEX CRUZ
Manager PPA North Harbor
Port Services

Philippine Ports Authority
Pier 8, North Harbor

4. Respondent ALBERTO SUANSING is the President of North Star Port Development Corporation (NSPDC), a domestic corporation engaged in the business of arrastre & stevedoring services at Piers 2, 4, and 10, North Harbor, Manila. He may be served with subpoena and other notices at his office at Pier 4, North Harbor, Tondo, Manila;
5. UDI was first granted the sole authority & privilege to manage & operate the arrastre & stevedoring services at Piers 6, 12, 14, & 16, North Harbor, Manila on August 1, 1976 by virtue of a no objection letter/memorandum of PPA, hereto attached as ANNEX "A";
6. On April 15, 1992 UDI & PPA executed a Contract for Cargo Handling Services whereby PPA granted UDI the right to manage & operate the arrastre, stevedoring & related cargo handling services at Piers 6, 12, 14, & 16 & all vessels that berth thereat for a period of five (5) years or until April 14, 1997. A copy of the Contract is hereto attached as ANNEX "B";

7. Aside from UDI, the other companies granted with the same contract to operate in North Harbor were:
 - a. North Star Port Development Corporation - Pier 2, 4, & 10
 - b. Interport Stevedoring & Arrastre Services, Inc. - Isla Puting Bato
 - c. Veteran Shipyard, Inc. - Pier 18
8. When the Contract for Cargo Handling Services between UDI & PPA & the aforesaid other corporations or companies expired on April 14, 1997, UDI & the other companies operations in their respective piers continued to operate in a "hold-over" capacity
9. Sometime late in the evening of April 15, 2000 upon hearing of a takeover by PPA, I posted myself in our areas of operations & I personally saw respondents JUAN O. PENA & ARISTEDES ALCALDE went around Piers 6, 12, 14, & 16, North Harbor, Manila, distributing notices dated 14, April 2000, stating that due to the planned strike of the labor force, the Philippine Ports Authority (PPA) constituted the PPA North Harbor Port Services (PPA-NHPS), as special take over unit (STU) that will manage & operate the cargo handling services in Piers 6, 12, 14, 16, Marine Slipway & Isla Puting Bato, copies of said notices are hereto attached as ANNEXES "C" & "D", respectively;
10. At about midnight of 15, April 2000 & until the following early morning, SWAT members of the Western Police District, PPA Police & Blue Guards accompanied by respondents JUAN O. PENA, BENJAMIN CECILIO, LEOPOLDO BUNGUBUNG, ARISTEDES ALCALDE, VIRGILIO PADUA, ALBERTO SUANSING, with force & intimidation took over the management & operations of arrastre & stevedoring services in said piers, 6, 12, 14, & 16 from the hands of UDI.
11. At about 7:30 A.M. of April 16, 2000, I saw Mr. Pena, PPA General Manager & Mr. Alberto Suansing, President of North Star Port Development Corporation (NSPDC) in front of William Lines Bldg. in Pier 14, North Harbor, Manila, Mr. Pena was telling port workers that PPA has taken over the operations of UDI while Mr. Suansing for his part told the workers that they (workers) should then report to PPA take over unit & not to their employer (UDI). The affidavit of Mr. Teofilo Verlan is hereto attached as ANNEX "E":
12. That PPA did not takeover the operations in Pier 2, 4, & 10 managed and operated by the North Star Port Development Corporation of which respondent Alberto Suansing is the President.
13. That the forcible takeover of the operations of UDI was planned, approved & executed by the respondents, JUAN O. PENA, BENJAMIN CECILIO.

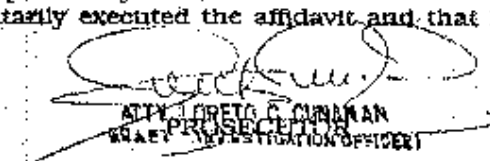
14. Mr. Alberto Suansing a private citizen & whose company's (North star Port Development Corporation (NSPDC) operations at Pier 2, 4, & 10 was spared from the takeover by PPA, acted in conspiracy with respondent officials.
15. All the respondents acting & confederating with one another have forced the employees of UDI to be used by them in operating the piers previously being managed by UDI by issuing a notice dated May 3, 2000, signed by respondent ALEX CRUZ, requiring the employees to submit to him duly accomplished Information Sheet not later than 6 May 2000, failure of which will be interpreted waiver on their right to be absorbed by the Special Take-over Unit (STU) xxx, a copy of said notice is hereto attached as ANNEX "F";
16. That also on the 17 April 2000, at about 8:00 A.M. respondents acting & confederating with one another forcibly took the equipments of UDI which they used & continue using in the operations of the piers which they illegally took over from UDI;
17. That the forcible takeover of the operations of UDI by respondents was done in bad faith and without due process of law, much more, without any basis in fact or law;
18. The forcible takeover of the operations of UDI by respondents have caused UDI undue injury consisting of lost revenues to this day. PPA, through the respondents are now appropriating all revenues from the piers using UDI's equipments facilities & employees in the process. What is worse, is that, PPA through the respondents officials have already paid, without authority, the past services of the employees presumably using government funds, which under the laws, is not allowed. As one proof of the aforesaid payments, a xerox copy of the check paid to one of the employees in the person of Mr. Jesus Baçal, which check was signed by the respondent ALEX CRUZ and the letter of respondent Juan O. Pena to Jesus Baçal dated 15, May 2000, are hereto attached as ANNEX "G" & "H", respectively.
19. Respondent acting & confederating with one another caused undue injury to UDI & it's employees through manifest partiality & evident bad faith in the discharge of their official administrative functions by unlawfully taking over the operations of UDI and gave unwarranted benefits advantage or preference to North Star Port Development Corporation operating in Pier 2, 4, & 10, of which respondent ALBERTO SUANSING is the President, by sparing the latter of the special takeover;
20. Respondent in conspiracy with one another have released government funds amounting to million of pesos in payment of the past services of UDI employees, which disbursement are not allowed nor authorized by law.

21. I am executing this affidavit for the purpose of filing criminal complaints against the above named respondents for violation Sec. 9 (e) of Republic Act No. 3019 and/or any provision of the Revised Penal Code.

Manila, Philippines, May 30, 2000.


RIZALINO A. RAMAS
Affiant

SUBSCRIBED AND SWORN to before me this 31ST day of May 2000 Manila. I hereby certify that I have personally examined the affiant and that I am satisfied & convinced that he voluntarily executed the affidavit and that he understood the contents thereof.


ATTY. LORETA C. CUNANAN
PROSECUTOR
SAAE (INVESTIGATION OFFICER)

ANNEX "E"

Republic of the Philippines)
CITY OF MANILA) S. S.

AFFIDAVIT

I TEOFILO VERIAN, of legal age, married and with postal address at c/o United Dockhandlers Inc., R-10, Capatong Street, North Harbor, Manila, after being duly sworn to in accordance with law, states:

1. I am employed as Operation Data Research Analyst Supervisor at United Dockhandlers Inc. (UDI), a domestic corporation engaged in the business of providing cargo handling services at piers 8, 12, 14, & 16, North Harbor, Manila;
2. That on April 15, 2000 at about midnight and early morning of 16 April 2000, I saw Mr. Juan Pena, PPA General Manager and Mr. Alberto Suansing, President of North Star Port Development Corporation (NSPDC) in front of William Lines Building in Pier 14, North Harbor, Manila. Mr. Pena announced to us port workers gathered therein that PPA has taken over the operations of UDI. Afterwards, Mr. Alberto Suansing told the workers that they should then report to PPA takeover unit;
3. That on the last week of April 2000, Mr. Benjamin Cecilto and Mr. Alberto Suansing barged into the UDI Central Office and directed the employees to report to PPA Special Takeover Unit;
4. That I execute this affidavit to prove the veracity of the foregoing statements and for all legal intents and purposes it may serve.

In WITNESS WHEREOF, I have signed this _____ day of May 2000 at Manila City.


TEOFILO VERIAN
Affiant

SUBSCRIBED AND SWORN TO before me this 31st day of May 2000, at the City of Manila.

PROSECUTOR

I hereby certify that I personally examined the affiant and I am fully satisfied and convinced that he voluntarily executed this affidavit and that he understood the contents thereof.

Manila, May 31, 2000.


ATTY. LORETO S. CURANAN
DRAFT INVESTIGATION OFFICER
PROSECUTOR