

# BUSINESS

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## Bulk Handlers warns of legal move vs Poro

THE operator of the Poro Point seaport yesterday warned that a reversal of a government legal opinion on the validity of the contract to operate the facility would have serious implications on the credibility of the Arroyo administration before local and international investors.

Poro Point Industrial Corp. lawyer Brigido Dulay yesterday aired the warning at the Kapihan sa Manila breakfast forum in the wake of reports that government corporate counsel Agnes Devanadera was set to reverse the government position.

The government earlier said the 1999 agreement between private investor Bulk Handlers Inc. and Bases Conversion Development Authority and its subsidiary, Poro Point Management Corp., was legal and binding.

Dulay said a reversal of the seven-year-old government legal position "will be viewed as a last-ditch attempt on the part of BCDA to extricate itself from contractual commitments that it cannot fulfill."

Dulay urged Devanadera "not to betray the ethical standards of the legal profession by taking an action that could be viewed as bereft of sound legal basis."

Dulay made the call in the wake of media statements by BCDA president Narciso Abaya that the PPMC contract was "valid unless the Office of the Government Corporate Counsel declares otherwise."

Dulay said Abaya's statement "merely confirmed reports from

BCDA insiders that Devanadera is preparing a legal position junking an October 2000 ruling by the OGCC.

"We believe that Abaya is now preparing the public for that next move after the BCDA failed to convince everyone that its violent Aug. 5 takeover of Poro Point seaport was not politically motivated," Dulay said.

He cautioned Devanadera against "acting recklessly on a sensitive legal issue," reminding her that BCDA general counsel Arnel Casanova had officially bared a political pressure on him to reverse the current legal position."

Dulay said a legal reversal of opinion could only further confirm the presence of political pressure to rescind the agreement.

He said "BCDA has technically been in breach of its contractual obligation to Bulk Handlers since 1999" after failing to deliver a total of 80 hectares of land inside Poro Point for development into an industrial complex.

Dulay said PPMC virtually admitted the breach in a memorandum submitted to Abaya by former president Juanito Antonio last year. In the memorandum, Antonio said BCDA "cannot deliver the entire 30 hectares of the San Fernando seaport to Bulk Handlers Inc."

Antonio added that "this has always been the reason why no development in our seaport has yet been introduced by Bulk Handlers."



**Poro Point impasse.** Brigido Dulay, lawyer of La Union seaport operator Poro Point Industrial Corp., recounts the forcible takeover of the facility before members of the media attending the 'Kapihan sa Manila' breakfast forum in Manila Hotel. (Story on B2).