



28 February 2024

**PHILIPPINE DEALING AND
EXCHANGE CORPORATION**

29th Floor, BDO Equitable Tower
8751 Paseo de Roxas, Makati City

Attention: **MR. ANTONINO A. NAKPIL**
President & CEO

Re: **Clarification of News Report**

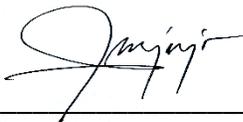
Dear Mr. Nakpil,

In compliance with the disclosure requirements of the Philippine Dealing and Exchange Corporation, please find attached Megawide Construction Corporation's Disclosure on Clarification of News Report entitled "Victory for Saavedra, Ferrer, Tan: Supreme Court clears Megawide in Cebu airport anti-dummy case due to insufficient evidence" posted in Bilyonaryo.com on 27 February 2024.

Should you have any questions or concerns, please do not hesitate to reach out to us.

Thank you and warm regards,

Very truly yours,

A handwritten signature in black ink, appearing to read "San Juan Jr.", written over a horizontal line.

TEODULO ANTONIO G. SAN JUAN JR.

*Corporate Secretary, Assistant Compliance Officer, and
Corporate Information Officer*

SECURITIES AND EXCHANGE COMMISSION

SEC FORM 17-C

CURRENT REPORT UNDER SECTION 17 OF THE SECURITIES REGULATION CODE AND SRC RULE 17.2(c) THEREUNDER

1. Date of Report (Date of earliest event reported)
Feb 28, 2024
2. SEC Identification Number
CS200411461
3. BIR Tax Identification No.
232-715-069
4. Exact name of issuer as specified in its charter
Megawide Construction Corporation
5. Province, country or other jurisdiction of incorporation
Philippines
6. Industry Classification Code(SEC Use Only)
7. Address of principal office
No. 20 N. Domingo Street, Barangay Valencia, Quezon City
Postal Code
SL3
8. Issuer's telephone number, including area code
(02) 8655-1111
9. Former name or former address, if changed since last report
Not Applicable
10. Securities registered pursuant to Sections 8 and 12 of the SRC or Sections 4 and 8 of the RSA

Title of Each Class	Number of Shares of Common Stock Outstanding and Amount of Debt Outstanding
Common	2,013,409,717
Preferred	101,405,880
11. Indicate the item numbers reported herein
Item 9

The Exchange does not warrant and holds no responsibility for the veracity of the facts and representations contained in all corporate disclosures, including financial reports. All data contained herein are prepared and submitted by the disclosing party to the Exchange, and are disseminated solely for purposes of information. Any questions on the data contained herein should be addressed directly to the Corporate Information Officer of the disclosing party.



Megawide Construction Corporation

MWIDE

PSE Disclosure Form 4-13 - Clarification of News Reports

*References: SRC Rule 17 (SEC Form 17-C) and
Section 4.4 of the Revised Disclosure Rules*

Subject of the Disclosure

Please see attached news report entitled "Victory for Saavedra, Ferrer, Tan: Supreme Court clears Megawide in Cebu airport anti-dummy case due to insufficient evidence" posted in Bilyonaryo.com on 27 February 2024 and the Company's attendant clarification to such news report.

Source	Bilyonaryo.com
Subject of News Report	Victory for Saavedra, Ferrer, Tan: Supreme Court clears Megawide in Cebu airport anti-dummy case due to insufficient evidence
Date of Publication	Feb 27, 2024

Clarification of News Report

We write with respect to the attached news article posted in an online site. In the attached news article entitled "Victory for Saavedra, Ferrer, Tan: Supreme Court clears Megawide in Cebu airport anti-dummy case due to insufficient evidence" posted in Bilyonaryo.com on February 27, 2024, it was reported in part that:

"The Supreme Court's Third Division has dismissed the criminal complaint against officers and directors of Megawide Construction Corporation for alleged violations of the Anti-Dummy Law in connection with the operation of the Mactan-Cebu International Airport (MCIA).

The charges, filed against Megawide's president and CEO Edgar B. Saavedra, vice chairman Manuel Louie B. Ferrer, VP for Corporate Finance and Planning Jez G. Dela Cruz, and company director Oliver Y. Tan, were dismissed due to a lack of evidence.

The Supreme Court ruling was issued in response to petitions for certiorari filed by Megawide officers challenging the resolution from the Office of the Ombudsman (OMB), which alleged probable cause that the respondents "acted in conspiracy with one another," in violation of Section 3(e) of Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act.

...."

Please be informed that we confirm the veracity of the information contained in the news article but would like to clarify that this case refers to alleged violations of the Anti-Graft and Corrupt Practices Act and not to the Anti-Dummy Law as referred to in the news article's title and first paragraph.

Other Relevant Information

N/A

Filed on behalf by:

Name	Teodulo Antonio San Juan
Designation	Corporate Secretary

Victory for Saavedra, Ferrer, Tan: Supreme Court clears Megawide in Cebu airport anti-dummy case due to insufficient evidence

 bilyonaryo.com/2024/02/27/victory-for-saavedra-ferrer-tan-supreme-court-clears-megawide-in-cebu-airport-anti-dummy-case-due-to-insufficient-evidence/business/

February 27, 2024

The Supreme Court's Third Division has dismissed the criminal complaint against officers and directors of Megawide Construction Corporation for alleged violations of the Anti-Dummy Law in connection with the operation of the Mactan-Cebu International Airport (MCIA).

The charges, filed against Megawide's president and CEO Edgar B. Saavedra, vice chairman Manuel Louie B. Ferrer, VP for Corporate Finance and Planning Jez G. Dela Cruz, and company director Oliver Y. Tan, were dismissed due to a lack of evidence.

The Supreme Court ruling was issued in response to petitions for certiorari filed by Megawide officers challenging the resolution from the Office of the Ombudsman (OMB), which alleged probable cause that the respondents "acted in conspiracy with one another," in violation of Section 3(e) of Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act.

The Megawide officers were accused of violating the law in their capacity as directors of GMR-Megawide Cebu Airport Corp., the operator of MCIA, the Philippines' second-busiest airport.

The complaint stemmed from claims that Megawide's partner GMR Infrastructure held undue control over the airport's operations.

"To sustain a conviction for violation of Section 3 (e) of RA 3019, the following elements must be established: "(1) the offender is a public officer; (2) the act was done in the discharge of the public officer's official, administrative, or judicial functions; (3) the act was done through manifest partiality, evident bad faith, or gross inexcusable negligence; and (4) the public officer caused any undue injury to any party, including the government, or gave any unwarranted benefits, advantage or preference."

"The OMB, in the assailed issuances, miserably failed to prove the presence of the foregoing elements or even explain how it arrived at such conclusion...Hence, there is no sufficient evidence to prove the allegation that petitioners Ferrer, et al...were accorded unwarranted benefit, advantage, or preference in the operation and management of MCIA..." the Supreme Court said.

“Press briefings, media interviews, and events supposedly attended and presided by petitioners Ferrer, et al... are not evidence of bad faith. Moreso, mere participation in marketing events, media releases, and project launches does not constitute proximate cause for giving GMCAC unwarranted benefit, advantage, or preference,” the High Court added.

The Supreme Court further clarified that, at the time the complaint was filed, the original Public Service Act did not explicitly state that airports fall under the category of public utilities requiring Filipino ownership and operation.

Additionally, the High Court referenced Republic Act 11569 or the amended Public Service Act, which specifically excludes key sectors like telecommunications, domestic shipping, railways, airlines, and airports from the definition of public utilities.

“The enumeration of entities and industries defined as public utilities under RA 11659 is now restrictive, limited, and exclusive. Settled is the rule- in statutory construction that when the law is clear and free from any doubt or ambiguity, there is no room for construction or interpretation. There is only room for application,” the Supreme Court pointed out.