

Opinion

ABOUT THE PARTIAL VETO TO THE ORGANIC LAW FOR THE ORDERING OF PUBLIC FINANCES AND SOCIAL SECURITY

According to the partial objection about the mentioned Organic Law, submitted by the President of the Republic to the National Assembly on June 15, 2020, the directories of the IESS, ISSFA and ISSPOL, shall be subject to and subordinate to the requirements of the Public Finance Code and the Organic Administrative Code for law purposes, since they will form part of the PUBLIC SECTOR ENTITIES.



[By Oswaldo Moreno](#)

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WIX



Tuesday, June 16, 2020.

10:00

Leer en Español

Ler em português

Lire en Français

QUITO – We received the expected partial veto to the Organic Law for the Ordering of Public Finances, I allow myself to make the following reflections in defense of institutional interests in accordance with the statements made by connoted jurisconsultations representing the voice of the majority of affiliates, retirees and successors to these weakened institutions.

Having become unknown that social security comes from private sources (contribution of the salaries of affiliates), and that the alternative texts submitted by the main military and police authorities, give reason for a classification or categorization of the IESS, ISSFA and ISSPOL as Publics entities, it should be mentioned that unfortunately the human right to social security and legal certainty is strictly violated, which is why the imminent intervention of institutional prosecutors is required before the next instance in the Constitution. (First objection)

When considered as PUBLIC SECTOR ENTITIES: the directories of IESS, ISSFA and ISSPOL, must be subject to and subordinate to what is prescribed by the Public Finance Code and what is provided by the Administrative Organic Code, without prejudice to other laws of higher and lower hierarchy. That the Board of Directors will remain autonomous, is an elegy since the Annual Investment Plan and the fixing of the budgetary ceilings according to the *benefits, will always be authorized by the Ministry of Finance*. In addition, it is recalled that the vote

is maintained directly by the delegate of the President of the Republic, who will preside over the National Fiscal Coordination Committee which from now, has an absolute majority of its voters in this newly created Collegiate Corps (Second, fourth and fifth objection).

It was public, notorious and recurrent the encouragement that socialist governments have shown against the Public Force, to the point of having allowed the "old and modern debt" to accumulate in ISSFA in unpayable amounts that have exceeded five hundred million dollars (500'000.000,00 USD) has been accumulated in ISSFA, the payment of which has been offered in the manner of bonds (129'300.000,00 USD) and State Treasury Certificates (\$70'608.490,57) when the same Deputy Minister of Finance; Fabián Carrillo, has recognized that the decrease in the balance of these CETES certificates would last at least 10 years, leaving an outstanding debt of 280'000.000,00 USD. So, how to maintain peace of mind if on the one hand, it is intended to recognize the debt of fiscal years closed with social security entities, and on the other are offered bonuses and certificates of payment that for now has no guarantee of cash financing. Who guarantees the insured that the next socialist government will honor these accumulated and unpayable debts?? I say socialist, because as things go, the National Electoral Council has already begun to shield its computer system to

forge the well-known and perfected electoral fraud (Seventh and Ninth Objection).

Incomprehensible and not unaware was the interinstitutional defence: on the one hand, the Minister of Defence; on the other hand, the Minister of Defense; both with a different interest than the institutional ones; extolling public statements from the directors-general of military and police social security who strongly defended their autonomy, which were then reverted to the political interest; institutional legal sponsorships, initially strengthened "until the last consequences" and then subjected to the legal gifts offered by a modified text, always within the public bodies that are not within their competence or jurisdiction; and, finally, we noticed those personal conflicts that were made public, between the Minister Jarrín and the assemblyman Yandún, who ended up sinking the pretensions before an Assembly whose legislator, Daniel Mendoza, instead of resolving the internal conflict, was looking for a way out to cover up his transgressions of the crime.

The president's long-awaited partial veto puts us back on the tightrope and all themembers, retirees and successors, must remain on MAXIMUM ALERT as the days of social security extinction in Ecuador are numbered.

Lawyers and solicitors of these institutions should NOT defend the indefensible... should represent us before the next instance that we are entitled to, and present to the

CONSTITUTIONAL COURT, the imminent ACTION OF UNCONSTITUTIONALITY to the Draft Organic Law for the Ordering of Public Finances, for contravention of the supreme rule (Constitution) and the corresponding CONSTITUTIONAL CAUTELARS measures to protect the due autonomy prescribed in the Constitution of the Republic, where these rights were recognized even by the directors of socialism of the 21st century: COUNTRY ALLIANCE and CITY REVOLUTION.

Institutional defenders and their respective legal representatives have an ethical, moral and legal obligation to meet the demands of the owners of their resources, who being of private origin (salary of their contributors) should have no set in the public finances.

This is the legal (right) and legal reality (laws) that I allow myself to make as a reflection and I hope to be wrong and as the most, that the decisions taken by the authorities on duty are appropriate and timely since tomorrow will be too late.

I conclude by saying that the rhetoric that the Social Security System would not be considered as public entities was just one mirage, one more lyric and a coming to the flag to which they swore to defend. (O)



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