

Ex-Minister Muñoz's Documents Implicate Vivanco, Simpertigue, Lagos, and Vargas in Key Ruling Lifting Eco Egaña Project's Standstill

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A CIPER investigation revealed that in his texts, former Supreme Court Minister Sergio Muñoz stated that Ángela Vivanco requested that Judge Simpertigue join the chamber to consider the key ruling that lifted the construction project by Plaza Egaña SpA, Inmobiliaria Fundamenta, which was facing an environmental dispute that had halted the construction of the Eco Egaña Sustainable building in Ñuñoa.



Original article: [Textos de exministro Muñoz salpican a Vivanco, Simpertigue, Lagos y Vargas en fallo clave que destrabó proyecto Eco Egaña](#)

A CIPER investigation has unveiled irregularities in the ruling by the Third Chamber of the Supreme Court that facilitated the Eco Egaña real estate project by Inmobiliaria Fundamenta in Ñuñoa. Documents from former Minister Sergio Muñoz reveal procedural maneuvers, including the extraordinary inclusion of Minister Diego Simpertigue at the request of the then-president of the chamber, Ángela [Vivanco](#), and the unusual acceleration of processing that benefited the company.

The same lawyers, Eduardo Lagos and Mario Vargas, who later represented Fundamenta in a lawsuit against the State for \$25 billion, are linked through a third lawyer who received a transfer of \$1.5 million from Vargas months before filing the disqualification that removed Muñoz from the case.

CIPER reconstructed the handling of the Eco Egaña project through various judicial instances and confirmed that there were similar anomalies in the Supreme Court as those documented in the case of the Belaz Movitec Spa (CBM) consortium.

According to sworn statements from Supreme Court officials presented by former Minister Sergio Muñoz before the Senate during his constitutional accusation, the then Minister Ángela Vivanco maintained an unusual oversight of the Fundamenta case since September 2022.

Relator Sandra Araya noted that Vivanco instructed her to review the case as the president of the chamber after receiving a complaint from the lawyers involved, emphasizing the need for urgency in the process.

«She instructed me to review the situation and tell her when I could schedule the case, stating that it should be as soon as possible and that I should communicate through her personal phone,» she mentioned.

The case saw a significant acceleration after Muñoz was disqualified. In documents presented for his defense during the constitutional accusation that ultimately led to his dismissal, Muñoz stated that «at the request of the president of the chamber, Ms. Melo was replaced by Minister Simpertigue.» This change in the chamber's composition was crucial to the outcome of the case.

According to the CIPER report, on February 24, the case was heard in the Third Chamber, where not only was the residents' complaint against the project rejected, but the appeal by Plaza Egaña SpA (of Fundamenta) was also upheld. Simultaneously, the ruling validated the RCA that the company obtained after submitting these resources, making it valid.

«In summary, the ruling extinguished any possibility of the environmental tribunal continuing to object to the project,» the investigative outlet noted.

Relator Araya described the speed with which the proceedings were managed after the agreement on February 24, 2023.

«The president [Vivanco] instructed me to finalize the draft as soon as possible, as some ministers involved were going on vacation. I completed the draft on Sunday, February 26, and sent it to the clerk, who approved it on February 27.» The judgment was signed on March 1, and flight records indicated that Vivanco departed for vacation on March 3.

The Eco Egaña Project and Its Unblocking

The Eco Egaña Sustainable project by Inmobiliaria Fundamenta represents a \$300 million real estate development located in Ñuñoa, featuring 1,752 apartments in three towers, a fourth office tower, and nearly 8,000 m² of commercial space. Construction had been halted from April 2022 to March 2023 due to an environmental dispute with neighbors.

The Third Chamber of the Supreme Court, which included Vivanco, Simpertigue, Mario Carroza, Mario Gómez—who voted against—and Dobra Lusic, ruled in favor of the real estate company on February 24, 2023. The ruling dismissed the petition from the complainants and upheld the appeal from Plaza Egaña SpA, extinguishing any chance of the project facing further objections in the environmental court.

Muñoz's Disqualification and Connections with Lagos and Vargas

Minister Sergio Muñoz was disqualified after Inmobiliaria Fundamenta discovered that his daughter, Graciela Muñoz Tapia, had signed purchase agreements for two units in the project. According to a sworn statement from a sales executive at Fundamenta, the minister's daughter mentioned that her father had advised her to «move funds» for that project.

Although Muñoz agreed to withdraw from the case after acknowledging that his daughter purchased a property there, he questioned the executive's statements.

The disqualification was filed by lawyer Marco Fuentes Rojas, a former public defender with close ties to lawyer Mario Vargas. CIPER found that two months before the lawyer represented Fundamenta, he had received a transfer of \$1.5 million from Vargas. Fuentes denied that the payment was related to this case.

«The payment was grounded in a case in the Court of Appeals of Puerto Montt in which I was hired for a matter concerning a sexual offense.»

However, Fuentes acknowledged his strong relationship with both lawyers Vargas and Lagos, both professionally and personally: «(I know Vargas) from the Public Defense. I interned there over 15 years ago. And Eduardo Lagos, a fellow in the master's program in Criminal Law at the University of Talca,» the cited outlet reported.

Plaza Egaña SpA's Billion-Dollar Lawsuit Against the State

Once the project was unblocked, Eduardo Lagos and Mario Vargas became the lead attorneys for two parallel lawsuits—one criminal and one civil—filed by Plaza Egaña SpA, the company of Inmobiliaria Fundamenta that had secured the favorable ruling in the Supreme Court nine months earlier.

The civil action was filed in December 2023 against the State for \$25 billion at that time (equivalent to over 700,000 UF). This extracontractual liability lawsuit sought compensation for damages caused during the project's halt, including emerging damages, moral damages, and lost profits.

«The lawsuit attributed the project's stagnation to State decisions, which had halted nearly 34 months of work at that point. The company claimed that the delays caused severe losses, from demobilization expenses to compensations, technical studies, legal consultations, and demolitions,» detailed CIPER.

The digital outlet confirmed that the company granted judicial mandate to Lagos, Vargas, and Silber on December 5, 2023, ten days before both actions (criminal and civil) were simultaneously filed in court.

To date, neither of the two legal actions sponsored by Lagos and Vargas has yielded results.

Pattern of Irregularities and Links to the «Belarusian Doll»

This case bears similarities to the so-called «CBM case» or «Belarusian Doll,» where former Minister Vivanco is also under investigation.

In this case, the Public Prosecutor's Office accuses Vivanco of having received at least \$57 million from the Belarusian consortium Belaz-Movitec (CBM) through her partner, Gonzalo Migueles, and lawyers Eduardo Lagos and Mario Vargas.

The prosecution describes in the arrest warrant presented to the 7th Court of Guarantee in Santiago that the illicit payments were synchronized with favorable judicial decisions for the consortium in its litigation against Codelco, with the state copper company disbursing nearly \$20 million as a result of these rulings.

Regarding the accusations, Vivanco stated to [CIPER](#): «I not only dismiss this in this case but in any case, because I have not received money from anyone, and my votes, in all decisions, whether from Lagos, Vargas, or Juanito Pérez, were issued based on my judgment, many times without knowing who the lawyers even were.»

She also acknowledged that she expedited both the real estate case and the CBM case to advance processing.

Both Ángela Vivanco and Minister Diego Simpertigue are currently under investigation for their ties with lawyers Vargas and Lagos. Simpertigue is being probed for having traveled on a cruise in Europe with Eduardo Lagos two days

after voting and drafting a ruling in favor of CBM without disclosing his closeness to the penal lawyer.

Fuente: [El Ciudadano](#)