

PERMANENT DELEGATION OF THE REPUBLIC OF THE PHILIPPINES

TO UNESCO

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Dear Ms. Coudray,

With reference to the letter of Mr. Guy Berger dated 18 February 2015, I wish to provide you with updated information received from the Hon. Leila M. de Lima, Secretary of Justice of the Republic of the Philippines, on the status of legal investigations being conducted in relation to cases cited by the UNESCO Director-General.

It would be highly appreciated if this information could be included in the Director-General's Report on the issue of the safety of journalists and the danger of impunity.

I. Definition under Administrative Order (AO) No. 35

Pursuant to the Operational Guidelines of Administrative Order (A.O.) No. 35 which serve as its implementing rules and regulations, Extra-Legal Killings (ELK) or Extra-Judicial Killings (EJK) refer to killings wherein:

a. The victim was:

- i. A member of, or affiliated with an organization, to include political, environmental, agrarian, labor, or similar causes; or
- ii. An advocate of above-named causes; or
- iii. A media practitioner; or
- iv. Person(s) apparently mistaken or identified to be so.

b. The victim was targeted and killed because of the actual or perceived membership, advocacy, or profession;

c. The person/s responsible for the killing is a state agent or non-state agent;

d. The method and circumstances of attack reveal a deliberate intent to kill;

For purposes of the focused mandate of AO No. 35, killings related to common criminals and/or the perpetration of their crimes shall be addressed by other appropriate mechanisms within the justice system. (Art. I, Definition of Terms)

II. Status Updates

Please be informed that to date, out of the fifty-nine (59) cases for the period 2006-2014 cited by the Director-General and attached in a list to Mr. Berger's letter dated 18 February 2015, seventeen (17) are included in the Administrative Order No. 35¹ (AO35) list of a total of fifty-eight (58) verified media killings. The 17 cases include the following journalists:

Name of the Victims	Status Update
1. Rolly Canete	Closed - Accused was acquitted by Regional Trial Court (RTC) Br; 18, Pagadian City for failure of the Prosecution to prove his guilt beyond reasonable doubt.
2. Fernando Batul	Closed - Accused was acquitted by RTC Br; 95, Puerto Princesa City for failure of the Prosecution to prove his guilt beyond reasonable doubt.
3. Bert Sison, Almira Sison and Liwayway Sison	On 28 June 2013, an Order was issued dismissing the case on the ground of insufficiency of evidence. In the same Order, Almira and Liwayway Sison, daughters of Bert Sison who were with him during the incident, executed an affidavit of Desistance.
4. Martin Roxas	As of 7 November 2014: Scheduled for rebuttal of evidence on 14 January 2015 before RTC Br. 16, Roxas City.
5. Crispin Perez	Case pending trial before RTC Br. 45, San Jose, Occidental Mindoro
6. Godofredo Linao	As of 31 December 2014: The Case was archived by the RTC Br. 28 Lianan, Surigao del Sur since accused is at-large.
7. Desiderio "Jessie" Camangyan	As of 4 February 2015: The case was raffled to RTC Br. 11, Davao City. Reception of prosecution rebuttal evidence on 10 February 2015.
8. Joselito Agustin	As of 4 February 2015: Per order of RTC Br. 27, San Fernando La Union dated 7 May 2013 on cases with docket numbers, CC No. 9337 and 9338 for Murder and Attempted Murder

¹ Otherwise known as "Creating an Inter-Agency Committee on Extra-legal Killings, Enforced Disappearances, Torture, and other Grave Violations of the Right to Life, Liberty and Security of Persons."

	were held in abeyance waiting the Supreme Court's order for change of venue from RTC Br. Laoag City.
9. Nestor Bedolido	As of 18 February 2015: On 24 October 2014, the Court voluntarily inhibits itself from further hearing the instant case. Case of Murder was filed against seven (7) accused with Docket No. CC# 47 (2012) before the RTC 19, Digos City.
10. Marlina Flores Sumera	Letter dated 20 April 2011 from the DOJ – directed to forward the entire records of this case to the Office of the Prosecutor General. Pending Preliminary Investigation.
11. Roy Gallego y Quijada	Crime for Murder was filed against the accused before RTC Branch 28, Lianga, Surigao del Sur docketed as CC# 5202. On 18 June 2012, a warrant of arrest was issued with No Bail recommended.
12. Christopher Guarin	As of 7 October 2014: The case was archived per Order dated 25 June 2013 by RTC Br. 23, General Santos City with Docket No. CC# 23151 on the ground that the accused is still at-large.
13. Mario Sy	As of 7 October 2014: Continuous investigation is being conducted by the General Santos City Police Office to identify the perpetrators. Al Josol and Bario Basilio, KBP and TriMedia Presidents of General Santos City, respectively, stressed that the victim was not connected nor accredited in their organization. John Paul Jubelag, President of Mindanao Media Services, provided a copy of the company's certification that the victim was not connected to his company and was an occasional photo provider only for three (3) years without receiving any salary except incentives ranging from PhP 50 to PhP 100 of every prciture accepted for publication. He is neither a writer/columnist nor a regular employee of the tabloid.

	Source: General Santos City Police Office
14. Fernando "Nanding" Solijon	Under police investigation.
15. Virgilio Bico	On 4 July 2014, a case of Murder was referred against the suspects before the Calapan City Prosecutor's Office docketed under NPS# NPS-IV-13-INV-146-0223.
16. Joas Dignos	Pending preliminary investigation, OP Valencia City, Bukidnon.
17. Rogelio "Tata" Butalid	As of 10 November 2014: Warrant of Arrest was issued dated 31 October 2014 by RTC Br. 1, Tagum City, Davao Del Norte.

Of the remaining forty-two (42) cases, AO35 Technical Working Group (TWG) deliberated seven (7) cases on 2 September 2014, and four (4) cases on 18 September 2014:

	Excluded Cases
2 September 2014	1. Aquino Aquino
	2. Ponciano Grande
	3. Fernando Lintuan
	4. Jojo Trajano
	5. Aldion Layao
	6. Nestor Libaton
	7. Eddie Jesus Apostol
18 September 2014	8. Niel Jimena
	9. Bonifacio Loreto
	10. Richard Kho
	11. Michael Diaz Milo

The eleven (11) cases were excluded because the motives were not work-related, or victims were not deliberately targeted by reason of the performance of their professions as media practitioners. However, the cases of Aquino Aquino, Ponciano Grande and Eddie Jesus Apostol are subject for further investigation.

The remaining thirty (30) cases listed below involve victims of the Ampatuan Massacre. These cases are being referred to as the Ampatuan Maguindanao Massacre Case (AMMC) which is being handled by a panel of Public Prosecutors.

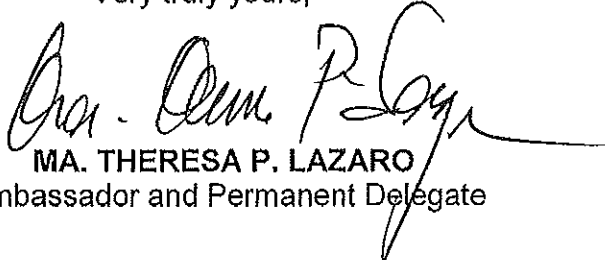
Gina Dela Cruz	John Caniban
Lea Dalmacló	Lindo Lupogan
MARites Cablitas	Napoleon Salaysay

MArife 'Neneng' Montañó	Noel Decina
Alejandro Reblando	Rey Merisco
Andres Teodoro	Reynaldo Momay
Arturo Betia	Romeo Jimmy Cabillo
Rubello Bataluna	Ronnie Peranta
Benjie Adolfo	Rosell Morales
Bienvenido Legarte Jr.	Santos GAtchalian
Jhoy Duhay	Ernesto Maravilla
Fernando Razon	Henry Araneta
Hannibal Cachuela	Eugene Dohillo
Ian Subang	Mark Gilbert Arriola
Joel Parcon	Victor Nuñez

There are fifty-eight (58) counts of murder charging one hundred ninety-four (194) accused before the Regional Trial Court of Quezon City, Branch 221. At present, there are 194 accused officially charged: 110 are currently detained, all of whom have been arraigned, while eighty-four (84) are still at-large.

With renewed assurances of my highest consideration.

Very truly yours,


MA. THERESA P. LAZARO
 Ambassador and Permanent Delegate

Ms. Sylvie Coudray
 Chief
 UNESCO
 Freedom of Expression and Media Development Division

Cc: **Mr. Ming Kuok Lim**
 Programme Specialist
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