



PHILIPPINE PERMANENT DELEGATION TO UNESCO

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VERY URGENT

5 September 2014

Dear Sir,

With reference to your letter dated 17 February 2014, I wish to provide you with updated information received from the Hon. Leila M. de Lima, Secretary of Justice 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. STATUS UPDATES

Please be informed that to date, out of the total eighty-two (82) cases from 2003-2014 cited by the Director-General, the record of the Department of Justice of the Philippines shows that only twenty-eight (28) cases are included in the Administrative Order No. 35¹ (AO35) list of a total of fifty-four (54) verified media killings. The 28 cases include the following journalists:

1. Rubylita Garcia	15. Armando Pace
2. Rogelito "Tata" Butalid	16. Fernando "Dong" Batul
3. Joas Digos	17. Albert Orsolino
4. Fernando Solijon	18. Rolly Cafete
5. Mario Sy	19. Robert Ramos
6. Christopher Guarin	20. Rolando Morales
7. Marlina "Len" Flores-Sumera	21. Herson Hinolan
8. Gerardo Ortega	22. Gene Boyd Lumawag
9. Godofredo Linao	23. Noel Villarante
10. Crispin Perez	24. Roger Mariano
11. Ernesto Rollin	25. Ely (Elpidio) Binoya
12. Aresio Padrigao	26. Ruel Endrinal
13. Martin Roxas	27. Nelson Nadura
14. Robert Sison	28. Juan "Jun" Pala

The remaining fifty-four (54) cases cited by the Director-General were deliberated on by the AO35 Technical Working Group (TWG) on 2 September 2014. The details of the TWG deliberations on the 54 cases resulted in the following dispositions:

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

Validated cases	Excluded cases	For further verification	Ampatuan massacre victims	
1. Vergel Bico	1. Michael Diaz Milo	1. Bonifacio Loreto	1. Benjie Adolfo	17. Santos Gathcalian
2. Roy Bagtikan Gallego	2. Nestor Libaton	2. Richard Kho	2. Henry Araneta	18. Bienvenido Legarte Jr.
3. Niel Jimena	3. Aldion Layao	3. Eddie Jesus Apostol	3. Mark Gilbert Arriola	19. Lindo Lupogan
4. Nestor Bedolido	4. Jojo Trajano	4. Ponciano Grande	4. Rubello Bataluna	20. Ernesto Maravilla
5. Ricardo "Ding" Uy	5. Fernando Lintuan	5. Aquino Aquino²	5. Arturo Betia	21. Rey Merisco
6. Romeo Sanchez	6. George Benaogan	6. Stephen Omais	6. Romeo Jimmy Cabillo	22. Reynaldo Momay
	7. Arnulfo Villanueva	7. Eldy Gabinales	7. Marites Cablitas	23. Marife "Neneng" Montaño
	8. Allan Dizon	8. Rico Ramirez	8. Hannibal Cachuela	24. Rosell Morales
			9. Jepn Cadagdagon	25. Victor Nuñez
			10. John Caniban	26. Joel Parcon
			11. Lea Dalmacio	27. Ronnie Perante
			12. Noel Decina	28. Fernando Razon
			13. Gina Dela Cruz	29. Alejandro Reblando
			14. Eugene Dohillo	30. Napoleon Salaysay
			15. Jhoy Duhay	31. Ian Subang
			16. Jolito Evardo	32. Andres Teodoro

The cases of **Ricardo Uy** and **Romeo Sanchez** are considered by the Inter-Agency Committee (IAC) as verified extralegal/ extrajudicial killing (ELK/EJK) cases because the submissions of AO35-member agencies such as the Philippine Commission on Human Rights, Philippine National Police Task Force USIG, National Bureau of Investigation, and Office of the Presidential Adviser on the Peace Process suggested that they were deliberately targeted because of their membership in *Bayan Muna*, a political party.

The **eight (8) cases were excluded** (see second column of above table) because the motive for which they were killed was not work-related or they were not deliberately targeted by reason of the performance of their profession as media practitioners. The cases did not satisfy any of the criteria in the AO35 Operational Guidelines.

Please note that the cases of journalists killed on 23 November 2009 are being handled by a panel of prosecutors who are actively prosecuting *Andal Ampatuan Jr., et al*, for 58 counts of murder, pending before the Regional Trial Court of Quezon City, Branch 221.

While the reported incidents involving media may likewise be categorized as ELK/EJK, please be informed, however, that the AO35 Secretariat maintains a *separate list of Media Killings*

² Needs verification from source of information.

and treats it as a special category of ELK/EJK cases being monitored by the respective structures of AO35.

As of today, there are fifty-four (54) incidents reported as media killings. A summary is provided as follows:

Work-related Media Killing Cases	
Status	Number of Cases
Under Police/ NBI Investigation	12
Preliminary Investigation	6
Pending Trial	13
Terminated/ Concluded, resulting in:	
Convictions	10
Acquittals	5
Dismissed by Court	3
Provisional Dismissal	1
Archived	1
Death of Suspect/ Accused	3
Total	54

Five (5) of the above-mentioned ten (10) judgments of conviction were achieved during the Administration of President Benigno S. Aquino III. A summary of the 10 cases follows, to wit:

Name, Affiliation of the Victim, and date of Incident	Name and Profile of the Accused	Date of Conviction
1. ROLANO URETA (Broadcaster, DYKR) +Jan. 3, 2001	AMADOR RAZ and JESSIE TICAR (deceased)	CONVICTED for Homicide by Regional Trial Court (RTC) Branch (Br.) 16, Cebu City on January 16, 2014
2. EDGAR DAMALERIO (Radio commentator, DXKP) +May 13, 2002	PO1 GUILLERMO WAPILE and HAWANI ASURI (Former Police Chief)	PO1 Wapile was CONVICTED by RTC BR. 13, Cebu City on November 29, 2005. CC NO. 6662- 2002
3. ROWELL ENDRINAL (Commentator, DZRC) +Nov. 2, 2004	CLARITO ARIZOBAL (No.4 Most Wanted Person in Bicol)	CONVICTED by RTC Branch 3, Legaspi City on November 26, 2012.
4. MARLENE ESPERAT (Columnist, The Midland Review) +Mar. 24, 2005	OSMENA MONTANER and ESTRELLA SABAY and GERRY CABAGAY	Three (3) accused GERRY CABAGAY (CAGAYAG in the court decision), and co-accused RANDY GRECIA and ESTANISLAO BISMANOS were CONVICTED by RTC Br. 21, Cebu City on October 6, 2006.
5. KLEIN CANTONEROS (Radio commentator, DXAA Pagadian City) +May 4, 2005	ROBERT WOO a.k.a. WANGYU and JOHN DOE	Accused CONVICTED on 24 November 2009.
6. ALBERT ORSOLINO (Tabloid Reporter) +May 16, 2006	ROMMEL LIRAZA, ROLANDO MANAUG, FRANKLIN SABE, RAMON RIVERA and two others whose identities remain	Rommel Liraza was CONVICTED on 24 July 2013 by Judge Eleonor Kwong of Caloocan City RTC Br. 128

	unknown	
7. ARMANDO PACE (Blocktimer; radio commentator, DXDS Radio Ukay) +Jul. 18, 2006	JOY ANTICAMARA ENGGANO	CONVICTED for homicide in 2009
8. ARECIO PADREGAO (Blocktimer, Radyo Natin 105.7 FM) +Nov.17, 2008	BENJAMIN PALARCA, et al	Accused CONVICTED in October 2012 (pleaded guilty to homicide)
9. ERNESTO ROLLIN (Production manager and radio commentator, Radyo Natin) +Feb. 23, 2009	RUEL JUMALON and John Doe	CONVICTED last January 29, 2010
10. GERARDO ORTEGA (Commentator, Radio Mo Nationwide, RMN-Palawan) + Jan. 24, 2011	MARLON RECAMATA, JOEL T. REYES (former provincial governor), MARIO REYES (mayor), et al	Marlon Recamata was CONVICTED on May 7, 2013 . While accused Reyes brothers are at-large and with outstanding Warrants of Arrest.

Among the cases specified in the Director-General's Report on The Safety of Journalists and the Danger of Impunity of 2012, please find the following updates, viz:

Name, Affiliation of the Victim, and date of Incident	Status
1. ROLLY CAÑETE (Blocktimer) +Jan. 20, 2006	Accused was ACQUITTED by RTC Br. 18, Pagadian City for failure of the Prosecution to prove his guilt beyond reasonable doubt.
2. AQUINO AQUINO +Jan. 21, 2006	<i>Not in the AO35 list of Media Killings.</i>
3. ALBERTO ORSOLINO (Tabloid reporter) +May 16, 2006	Rommel Liraza was CONVICTED on 24 July 2013 by Judge Eleonor Kwong of Caloocan City RTC Br. 128
4. FERNANDO BATUL (Radio commentator, DYPR; former vice-mayor of Puerto Princesa) +May 22, 2006	Accused was ACQUITTED by RTC Br. 95, Puerto Princesa
5. ARMANDO PACE (Blocktimer; radio commentator, DXDS Radio Ukay) +July 18, 2006	CONVICTION for homicide in 2009
6. PONCIANO GRANDE +Dec. 7, 2006	<i>Not in the AO35 list of Media Killings.</i>
7. BERT SISON, ALMIRA SISON and LIWAYWAY SISON (Contributor to Regional Bulletin and radio host, DZAT) +June 30, 2008	Petition for Bail pending resolution by RTC Br. 150, Makati City. Surviving victims already executed Affidavit that they are no longer interested to pursue the case.
8. MARTIN ROXAS (Program director and host of DYBR Radyo Agong) +Aug. 7, 2008	Pending trial (prosecution evidence) with RTC Br. 17, Roxas City
9. ARECIO PADREGAO (Blocktimer, Radyo Natin 105.7 FM)	Accused CONVICTED in October 2012 (pleaded guilty to homicide)

+Nov. 17, 2008	
10. ERNESTO ROLLIN (Production manager and radio commentator, Rayo Natin) +Feb. 23, 2009	CONVICTION last January 29, 2010
11. JOJO TRAJANO +June 3, 2009	<i>Not in the AO35 list of Media Killings.</i>
12. CRISPIN PEREZ (radio commentator, DWDO; former vice- governor, Mindoro Occidental) +June 9, 2009	Case pending trial before RTC Br. 45, San Jose, Occidental Mindoro
13. GODOFREDO LIAO (Blocktimer; radio commentator of Radyo Natin/ MBC) +July 27, 2007	Case filed with RTC Br. 28, Liangan, Surigao del Sur. Accused is at-large.

Moreover, the AO35-member agencies endeavored to research on the alleged killing of "Aquino Aquino", however, our partner agencies do not have in their records the killing incident of "Aquino Aquino". With this constraint, the TWG recommended that the case be referred back to the source of information with a request that the AO35 Secretariat be provided with the profile of "Aquino Aquino", the circumstances of his death, date and place of incident, and other relevant information, if any, for further TWG deliberation.

II. GOVERNMENT EFFORTS

There have been various government efforts to curb the incidents of killings of media practitioners and members of cause-oriented groups. With the objective of institutionalizing the same, President Benigno S. Aquino III, on 22 November 2012, issued Administrative Order No. 35 entitled "Creating the Inter-Agency Committee (IAC) on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons" for the primary purpose of ending impunity.

The present Administration declares of paramount policy that there is no room for political violence and abuses of power by agents or elements of the State or non-state forces, and towards this end commits to establish an institutional legacy of *an efficient, coherent, and comprehensive government machinery dedicated to the resolution of unsolved cases of political violence in the form of extra-legal killings, enforced disappearances, torture, and other grave violations of the right to life, liberty, and security of persons.*

With this policy in mind, the present Administration has directed the Inter-Agency Committee to "revisit these unsolved cases of grave violations of the right to life, liberty, and security of persons, whether committed as part of an apparent government policy in the past or as recurring cases of unsanctioned individual abuse of power and authority by State and non-state forces under the present".

Pursuant to the above-cited directive, the Operational Guidelines, the Implementing Rules and Regulations of AO35, were approved and signed by the members of the IAC last April 2013. Item 13, Article I thereof provides that a Technical Working Group (TWG) shall serve as the central support system to the Committee in the monitoring and handling of AO35 cases. The TWG is in the process of evaluating and validating various submissions from AO35 member-agencies³ of extra-legal/ extrajudicial killings, enforced disappearance, torture, and other grave human rights violations to comprise the verified list of IAC-approved AO35 cases.

³ Article II of AO35 Operational Guidelines on "Sources of Information"

With regard to the criminal investigation and case build-up, the same is undertaken by dedicated composite teams called Special Investigation Teams (SITs) with a duly designated AO35 Prosecutor as team leader and ably assisted by investigators either from the National Bureau of Investigation (NBI) or Philippine National Police (PNP), by which the membership of the investigator greatly depends on the profile of the suspect/s. Such that, when the suspect is a member of the PNP, the AO35 Prosecutor or the TWG may reorganize the SIT.

As the approach is revolutionary, the IAC has approved orientation seminars for about four hundred (400) AO35 Prosecutors across the country. The first stage of orientation was conducted in December 2013. There are four (4) training dates which are pending implementation. This activity is necessary to capacitate SITs in the conduct of airtight criminal investigation and case build-up.

The judicial activity under the Philippine system is a network of various government structures. There is a need for the IAC to institute and carry-out a seamless procedure in order to hasten the conduct of preliminary investigation and the trial of AO35 cases. The matter of how fast these cases are disposed of is dependent on several factors and challenges which the IAC is working on.

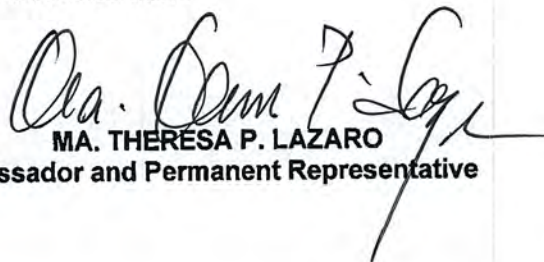
All AO35 activities outlined in the Operational Guidelines are aimed at ensuring convictions of the accused reflective of the Administration's sincerity to end impunity.

We are also pleased to inform you that Retired Major General Jovito Palparan, one of the country's most wanted men, was arrested in Manila last 12 August 2014. He was already arraigned and is currently detained in Bulacan Provincial Jail.

Lastly, the Secretary of Justice has conveyed that senior IAC officials shall attend the 3rd UN Inter-Agency Meeting on the Safety of Journalists and the Issue of Impunity to be held in Strasbourg, France on 3-4 November 2014. Our delegation shall communicate their details to your Office once received.

Please rest assured that our delegation shall continue to provide regular updated information on cases mentioned by the Director General.

With the assurances of my highest consideration.



MA. THERESA P. LAZARO
Ambassador and Permanent Representative

Mr. Getachew Engida
Deputy Director-General

Ms. Sylvie Coudray
Chief of Section
Freedom of Expression in the Communication and Information Sector

Cc: Mr. Ming Kuok Lim
Programme Specialist