

REPUBLIC OF THE PHILIPPINES)

) S.S.

AFFIDAVIT

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I, EPHRAIM B. CORTEZ, Filipino, of legal age and with office address at c/o 3rd Floor Erythrina Building, Maaralin corner Matatag Street, Central District, Quezon City, under oath, do here depose and states that:

1. I am a lawyer by profession, and a member of the National Union of Peoples' Lawyers. I am also part of the group of lawyers defending the forty-three (43) health workers arrested at Morong, Rizal on February 6, 2010.

2. My services as counsel for the forty-three (43) was engaged on February 6, 2010.

3. At around 9:30 a.m. on February 6, 2010, I received a call from Ms. Olive Bernardo, the head of the Services Department of Karapatan, who requested me to accompany them to Morong, Rizal. Ms. Bernardo, together with Mr. Roneo Clamor, Deputy Secretary General of Karapatan (husband of Dr. Merry Mia Clamor, one of those arrested) picked me up somewhere in Tanda Sora, Quezon City, and proceeded to Morong, Rizal. I was briefed along the way, and was informed that several health workers were arrested.

3.1. We first proceeded to 266 Dela Paz Street, Morong, Rizal, the place owned by Dr. Velmonte where the 43 health workers were arrested. We met Dr. Genevieve Rivera, Dr. Juliet Caguiat and Dr. Edelina Dela Paz at the said place. From there, we rushed to the detachment of the Provincial Mobile Group of the Philippine National Police located at Baras, Rizal. However, we were told that the detainees were not brought there. We then rushed to Camp Capinpin.

3.2.. We arrived at Camp Capinpin at around 2:00 p.m. We were immediately approached by several guards. I identified myself, and told them that I am a lawyer and demanded to see the 43 detainees. I also introduced Mr. Clamor as a relative of one of the detainees who likewise intend to visit his wife. I gave the guard my IBP identification card. The guard told us to wait outside the main gate, and that he will inform his superior of our presence

3.3. At around 3:00 p.m., another lawyer, Atty. Apuhin arrived. He also introduced himself as a lawyer and a relative of one of the detainees, Mr. Gary Liberal.

3.4. During the entire duration of our stay at the camp, we never received any official word whether we would be allowed to see the detainees or not. The only time that an officer came out of the gate was at around 4:30 p.m. to talk to a reporter from ABS-CBN who arrived at the Camp. The officer, who was identified as a certain Capt. Lutero, talked to the reporter, but ignored us.

3.5. During our stay, we were photographed and videos were taken by men in civilian clothes.

3.6. We left the Camp at around 7:00 p.m.

4. On February 9, 2010, I returned to Camp Capinpin together with Atty. Julius Garcia Matibag and the relatives of the detainees.

4.1.. The relatives, speaking through Atty. Matibag demanded to see their detained relatives. The guards and officers who talked to us were sufficiently informed that we are invoking the rights of our client under the constitution and under R.A. 7438.

4.2. The lawyers were not allowed to see the detainees.

5. My next visit to Camp Capinpin was on February 17, 2010.

5.1. I went there to interview the detainees and get their signatures for their Affidavits. The Affidavits were to be attached to the Memorandum which was due for filing with the Court of Appeals on the same date.

5.2. I was accompanied by Dr. Genevieve Rivera, who was supposed to help me facilitate the signing of the affidavits.

5.3. Upon arrival, we immediately informed the guards of the purpose of our visit, and we informed them that Dr. Rivera will be with me during the visit. We arrived at the Camp at around 8:00 a.m., but were allowed entry only at around 9:30 a.m. We were met at the front gate by a certain Col. Maggay who accompanied us to the custodial center.

5.4. Dr. Rivera was allowed to enter the Camp. However, when we were at the holding area inside gate of the custodial center, Capt Tabion informed us that Dr. Rivera would not be allowed to see the detainees, telling us that a separate request should be made for her visit. I immediately informed Capt. Tabion that Dr. Rivera was there to help me facilitate the signing of the affidavits. When Capt, Tabion insisted on his position, I demanded to speak to his superior.

5.5. He called up Col. Zaragosa who told me the same thing. I made it clear to him that I am there as an officer of the Court, and to fulfill my duty to my clients. Dr. Rivera was there to help me fulfill my obligation to my client. I also told him that refusal to allow Dr. Rivera to go with me would be tantamount to preventing me from fulfilling my duty to my clients. Col. Zaragosa also insisted on his position. Due to time constraint, we decided not push the issue. I entered the detention center without Dr. Rivera.

5.6. As a result, I was able to interview 19 out of the 43 detainees.

6. On March 2, 2010, I returned to Camp Capinpin, this time accompanied by Atty. Jun Oliva and personnel from Health Alliance for Democracy (HEAD). We arrived at the camp at around 8:00 a.m.

6.1. Atty. Oliva was initially refused entry into the custodial center because he failed to bring his IBP I.D. This cause an additional delay of about 30 minutes. The matter was reported to Ms. Marie Hilao Enriquez of Karapatan who called Chairman Delima. Apparently, Chairman Delima called up Gen. Segovia. Atty. Oliva was later on allowed entry, with apology from the duty officer.

6.2. We were able to interview only 40 of 43 detainees. The male were separated from the female detainees. I interviewed the male detainees, while attorney Oliva took care of the female detainees. For my part, I demanded from the duty officer to see Valentino Paulino. He told me that he will fetch him from his cell. When I inquired again after thirty (30) minutes, I was told that Paulino went to the Fiscal's Office. They did not give us information as to why he went to the Fiscal's Office.

6.3. Atty. Oliva waited for the three detainees to go back to the camp, but was unable to see them.

I am executing this Affidavit to attest to the truth of the foregoing facts, and for whatever legal purpose it may serve.

IN WITNESS WHEREOF, I have hereunto set my hand on this 7th day of April 2010 in Quezon City.

EPHRAIM B. CORTEZ

SUBSCRIBED AND SWORN to before me on this ___ day of April 2010, affiant exhibited to me his SSS I.D. No. 33-0915300.

Doc. No. ___;
Page No. ___;
Book No. ___;
Series of 2010.