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24 MAR 2010

*Republika ng Pilipinas***Komisyon ng Karapatang Pantao ng Pilipinas***(Commission on Human Rights of the Philippines)*

IN THE MATTER OF THE ALLEGED HUMAN RIGHTS VIOLATIONS COMMITTED AGAINST THE FORTY THREE (43) INDIVIDUALS, INCLUDING DOCTORS, NURSES AND COMMUNITY HEALTH WORKERS, ARRESTED IN MORONG, RIZAL (MORONG 43), AND NOW DETAINED IN CAMP CAPINPIN, TANAY, RIZAL,

RAY-OM AMONG, JANE BALLETA, JOHN MARK BARRIENTOS, ELENOR CARANDANG, EULOGIO "ELY" CASTILLO, SAMSON CASTILLO, MERCY CASTRO, DR. MERRY MIA CLAMOR, RAMON DELA CRUZ, ROMEO DELA CRUZ, LEAH CRISTINE "RIA" DE LUNA, EDWIN DEMATERA, ANGELA DOLORICON, LILIBETH DONASCO, JULIUS DUANO, MARK ESCARTIN, RONILO ESPERA, JACQUELINE GONZALES, JANICE JAVIER, SYLVIA LABRADOR, GARY LIBERAL, REYNALDO MACABENTA, EMELIA MARQUEZ, EMILY MARQUEZ, PEARL IRENE MARTINEZ, ACE MILLENA, DR. ALEXIS MONTES, GLENDA MURILLO, LYDIA "DEL" OBERA, DELIA OCASIA, CARINA "JUDILYN" OLIVEROS, JOVY "MARVIN" ORTIZ, MIANN OSEO, LINDA OTANEZ, VALENTINO PAULINO, DANNY PIÑERO, JENELYN PIZARRO, MA. TERESA QUINAWAYAN, FRANCO ROMEROSO, LORELYN SALIGUMBA, MARIA ELENA SERATO, CHENILYN TAWAGON AND YOLANDA YAUN, as represented by the PUBLIC INTEREST LAW CENTER and the NATIONAL UNION OF PEOPLE'S LAWYERS,

Complainants,

-versus-

CHR-NCR Q-10-0020

PRESIDENT GLORIA MACAPAGAL-ARROYO, SEC. NORBERTO GONZALEZ, SEC. RONALDO PUNO, SEC. AGNES DEVANADERA, GEN. VICTOR IBRADO,

Dul 3/22/10
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DIR. GEN. JESUS VERZOSA, LT. GEN.
DELFIN BANGIT, LT. GEN. ROLAND
DETABALI, BRIG. GEN. JORGE
SEGOVIA, COL. AURELIO BALADAD,
LT. COL. JAIME ABAWAG, P/SUPT.
MARION BALONGLONG, JUDGE
CESAR MANGROBANG, STATE
PROSECUTOR II ROMEO SENSON, AND
SENIOR ASSISTANT CHIEF STATE
PROSECUTOR SEVERINO GANA,
Respondents.

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ORDER

Introduction/Premises

In its 26 February 2010 Order, the Commission ordered respondent AFP and PNP officials as well as respondent Judge and DOJ prosecutors, to submit their respective Answer to the letter-complaint, within an inextendible period of ten (10) days from receipt thereof. Respondent AFP and PNP officials were further ordered to, among others, submit certified true copies of all documents and papers relative to the arrest and detention of complainants as well as a detailed list of all properties and evidence seized from the premises of Dr. Velmonte and the persons of the complainants within the same period. The other respondents were likewise directed to submit their respective Comment on the letter-complaint.

Respondent PNP officers promptly filed their respective Answer, but without the documents and papers required in the Order. Respondent AFP officers, assisted by the Office of the Judge Advocate General, AFP, filed a Consolidated Answer within the extended period granted them. They also did not submit the required documents and papers stated in the Order.

Also filed is a Manifestation of the Court-Designated AFP Custodian of the complainants/detainees, assisted by the Office of the Judge Advocate General, AFP, expressing willingness to produce the complainants/detainees before this Commission "provided that an order allowing the movement be secured from and issued by the Regional Trial Court, Branch 78, of Morong, Rizal, where criminal cases against the complainants are pending."

For his part, State Prosecutor II Romeo Senson belatedly filed his Answer, essentially taking issue on this Commission's cognizance of the instant case, arguing that the instant proceedings is "subjudice to the three

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(3) judicial proceedings already being tried by the judiciary xxx.¹ Such position, shared by the respondent AFP officers in their Consolidated Answer, echoes that advanced in Prosecutor Senson's Petition for Prohibition lodged before the RTC-Quezon City.

No answer was filed by respondent Judge, Hon. Cesar Mangrobang. Respondent Senior Asst. Chief State Prosecutor Severino Gana, while directed also under the February 26 Order to file an Answer, was not served with a copy of the Order.² The other respondents, namely, President Gloria Macapagal-Arroyo, DND Secretary / National Security Adviser Norberto B. Gonzales, DILG Secretary Ronaldo V. Puno and former DOJ Secretary Agnes VST Devanadera, who were directed to file their Comment on the letter-complaint, did not file such Comment.

During the 18 March 2010 public hearing, the following appeared: lawyers from Public Interest Law Center and National Union of Peoples' Lawyers (NUPL), representing the complainants/detainees.; respondent AFP officials Col. Aurelio Baladad and Lt. Col. Jaime Abawag, assisted by lawyers from the Office of the Judge Advocate General, AFP led by Atty. Ser-men Ayuyao; respondent PNP officer, P/Supt. Marion Balonglong, assisted by Atty. Ramy Taguntong, PNP Legal Service, and; State Prosecutor II Romeo Senson.

Atty. Hilda Sacay-Clave of Jurado Law Office,³ entered her appearance purportedly for five (5) complainants/detainees, namely, John Mark Barrientos, Elenor Carandang, Valentino Paulino, Jenelyn Pizarro, and Cherilyn Tawagon all of whom according to Atty. Clave, had replaced their original counsels, and executed new statements.

Atty. Roberto "Argee" Guevarra also appeared, in representation of Dr. Melecio A. Velmonte who, like her son, Mr. Jose Manuel Velmonte, did not appear at the 18 March proceedings. Atty. Guevarra explained that the Velmontes never received copy of the February 26 Order. Per the records, the Velmontes were served a copy of the Order at their farm house at #266 E. Dela Paz St., Brgy. Maybangel, Morong, Rizal, and not at their Metro Manila residence. An Affidavit of Dr. Melecia Velmonte was submitted by Atty. Guevarra.

Brig. Gen. Jorge Segovia and Judge Cesar Mangrobang, who were among those summoned in the Feb. 26 Order, did not appear.

¹ Referring to the habeas corpus case, CA-GR-SP No. 112695, now before the Supreme Court; petition for prohibition and injunction before the Regional Trial Court of Quezon City; criminal case for illegal possession of firearms and explosives, as well as violation of COMELEC Resolution No. 18714, in relation to Art. 261(9), Omnibus Election Code, before the RTC and MTC of Morong, Rizal.

² Prosecutor Gana's name was inadvertently omitted in the "Copy Furnished" pages/portion of the Order.

³ Another lawyer from Jurado Law Office, a certain Atty. Cyrus Jurado, was allegedly present but did not formally enter her appearance.

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Finally, the 43 complainants/detainees, collectively known as the "Morong 43", were not produced and brought before the Commission.

Ruling on the Legal Issue
- CHR's Authority to
Continue with the Instant Case

In elaboration of our verbal ruling in the course of the March 18 public inquiry, we first herein rule on the legal objections interposed by respondent AFP officials and Special Prosecutor II Senson in their respective Answer.


Such Answers, as well as the Manifestation filed by the AFP Custodian of the complainants/detainees, seek to amend the 1987 Constitution through a pleading when they propose that the power of this Commission ends where the jurisdiction of the criminal trial courts begin. An amendment of the Constitution, including Article XIII, Sec. 18, mandating the Commission on Human Rights to investigate all forms of violations of human rights involving civil and political rights, can only be made in accordance with Article XVII thereof, and definitely not through a mere pleading.

The power of the Commission under Article XIII Section 18(1) of the 1987 Constitution does not qualify whether or not the individual whose rights were allegedly violated are already charged criminally before a court of law. It does not distinguish whether the individual whose rights were allegedly violated is already an accused in a criminal case or not. It is a broad power which embraces all matters and incidents of human rights violations and does not end at the doorstep of criminal prosecution in a court of law.

The crux of a CHR investigation/public inquiry is the protection and promotion of human rights through the determination of possible violations of civil and political rights, not the prosecution of criminal cases. The latter is just one of many remedies the State can provide against human rights violations. It is but a part of the Commission's responsibility to look into such incidents.

In addition to the protection of victims, a CHR probe seeks to recommend the appropriate systemic cures. This is accomplished by looking into gaps in policy and practice that lead to human rights violations, as well as identifying wrong doers and providing all possible remedies for justice and truth as required by the International Covenant on Civil and Political Rights, to which the Philippines is a State Party.

The ruling of Supreme Court in the case of *Standard Chartered Bank, et al. vs. Senate Committee on Banks, Financial Institutions and Currencies* (541 SCRA 456, 2007), upholding the power of Congress to

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conduct an investigation, is instructive. It was therein declared that "the mere filing of a criminal or an administrative complaint before a court or a quasi-judicial body should not automatically bar the conduct of a legislative investigation. Otherwise, it would be extremely easy to subvert any intended inquiry by Congress through the convenient ploy of instituting a criminal or an administrative complaint."

Quoting the decision in *Arnault vs. Nazareno* (87 Phil 29, 1950), the Court further states that "the power of inquiry - with process to enforce it - is an essential and appropriate auxiliary to the legislative function. A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information - which is not infrequently true - recourse must be had to others who possess it."

Like Congress, the CHR's tasks seek objectives different from those of the judiciary. The Constitution endows the CHR with its multi-faceted mandate; the very same one which gives courts judicial authority. The judiciary and the Commission are two separate agencies, each with its own unique set of powers. There is no overlap. No arrogation.

Respondents in this case have been named in a letter-complainant as having committed or committing human rights violations consisting of an illegal search, illegal arrests, incommunicado detention, torture, and violation of rights of persons arrested, detained and under custodial investigation. They cannot sweep these serious charges under the rug of a pending criminal action against those whose very rights were allegedly violated. Criminal culpability for human rights violations is not extinguished by the mere filing of criminal charges against the very victims of the alleged human rights violator.

Respondent AFP officials seek to turn the basic principle of criminal law on its head by proposing that the alleged crimes they have committed cannot be investigated by this body, or any tribunal for that matter, because the alleged crimes they have committed can only be tried by the same court where their victims stand accused, and where they do not stand accused. The trial court only acquires jurisdiction over their cases of alleged human rights violations when they themselves stand accused in said court, and not when their own alleged crimes have not even started to be investigated by any office or tribunal authorized to do so, such as this Commission.

This Commission's investigation is preliminary to the possible filing of human rights violation cases against respondents. The RTC-Rizal, or any RTC for that matter, has no jurisdiction whatsoever to stop this Commission from investigating respondents' possible commission of human rights violations, especially when no charges for said violations have been filed with said courts in the first place.

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The complaint against respondents not only pertains to an illegal search, or an illegal arrest, but to other serious forms of human rights violations constituting criminal acts of incommunicado detention, torture, and violation of rights of persons, arrested, detained and under custodial investigation. These are beyond the pale of the criminal trial to be conducted by the RTC-Rizal and MTC-Rizal. Respondents do not stand accused in said courts. These are matters where the investigative authority of the Commission assumes primary jurisdiction in accordance with the 1987 Constitution.

In light of this disposition, the respondents cannot take their pleadings, including State Prosecutor II Senson's petition for prohibition with RTC-Q.C., as having the authoritative and jurisprudential binding effect of a Supreme Court decision, nor assume that their Answer and Manifestation saves them from complying with the clear and categorical directives of the Commission as enumerated in its 26 February 2010 Order. State Prosecutor Senson's reliance on his prohibition petition is further weakened by the Order of the RTC-Quezon City, Branch 105 dated 16 March 2010, that said petition, as filed, is defective for lack of proof of his personality to file for the Department of Justice. Hence, it is as if no petition was filed at all, and there is no pleading to which the State Prosecutor or any party can refer as a possible excuse for non-cooperation.

Show Cause and Reiteratory Orders

The foregoing premises and disposition considered, the Commission **RESOLVES** to **DIRECT** the following respondents to **EXPLAIN**, within a period of five (5) days from notice hereof, why they should not be cited in contempt of this Commission, as follows:

1. Respondent AFP and PNP officers-for failing to comply with the following directives in the Order of 26 February 2010:
 - a. SUBMIT certified true copies of ALL documents and papers relative to the arrest and detention of the complainants such as, but not limited to, commitment orders, receipts for seized properties, inquest proceedings, complaints, and informations;
 - b. SUBMIT the detailed list of all properties and evidence and their description seized from the premises of Dr. Velmonte as well as from the persons of the complainants, in particular:
 - i. Alleged explosives and materials used in their making and their description;
 - ii. Alleged firearms taken from Romeo dela Cruz @ Alfredo Betria, Reynaldo Macabenta, and Del Ayo

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Overa, viz., two (2) .45 calibre pistols with serial nos. 041362 and 1055923, and a .38 calibre revolver without serial no., including their make and model as well as an official certification from the Firearms and Explosives Division (FED) of the PNP as to the records of registration pertaining to said firearms;

- iii. Personal items such as bank Automatic Teller Machine (ATM) cards, identification cards, cash, jewelry, cellular phones, laptops, computers, electronic gadgets, and other items of value and SUBMIT an official accounting of said personal property and an official certification from the authorized officer under whose custody said personal properties have been surrendered for safekeeping, to the effect that the same are under his official custody and have not been used under any circumstance for the personal use of any AFP or PNP personnel or any other government employee; and
- iv. Personal documents and papers, including alleged subversive publications, whether in hard or electronic copies, and a description of the same.

(Submitted in the course of the March 18 public inquiry were the following documents only: Receipt of Property Seized/Confiscated and Certification of Orderly Search)

- c. EXPLAIN why the personal properties and effects of the complainants not subject to confiscation and not illegal in nature should not be surrendered to their counsel or relatives.
2. Respondent AFP officer, Brig. Gen. Jorge Segovia – for failure to appear at the 18 March 2010 public inquiry.
 3. Respondent Judge, Hon. Cesar Mangrobang – for failure to submit the required Answer and to appear at the 18 March 2010 public inquiry.

The respondents AFP and PNP officers are hereby **DIRECTED** anew to **COMPLY** with the above-directives from the 26 February 2010 Order, **within five (5) days from notice hereof**. Judge Mangrobang is likewise directed anew to **SUBMIT** his Answer to the letter-complaint, also **within five (5) days from notice hereof**.

Assistant Chief State Prosecutor Severino Gana is likewise **DIRECTED** to submit his Answer to the letter-complaint **within ten (10) days from notice hereof**.

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Failure to do so will compel the Commission to exercise its contempt powers under Sec. 18 (2) of the 1987 Constitution.

The non-filing of the required comments by the other respondents, i.e. the President and the Secretaries of the DND, DILG and DOJ, shall be dealt with in due time.

Additional Directives

The Commission also **DIRECTS** the following respondents to **COMPLY** with the following new directives arising from the 18 March 2010 public inquiry, viz:

1. For State Prosecutor Senson to cooperate as is his duty as a public officer and as required by the Constitution, including submission of required documents, personal appearance and active participation in Public Inquiry proceedings, with the knowledge that he has the right to engage his preferred counsel to advise him during the proceedings.
2. For Atty. Hilda Sacay-Clave of the Jurado Law Office to submit proof of her authority and basis to represent complainants/detainees Barrientos, Carandang, Paulino, Pizarro and Tawagon, in substitution of the Public Interest Law Center and NUPL.
3. For the AFP respondents to supply the Commission with a copy of Circular No. 78, referred to by Col. Baladlad and his counsel during the March 18, 2010 proceedings as the circular that defines and guides the classification of documents and their level of confidentiality/secretcy.
4. For the AFP and PNP respondents to supply the Commission with a copy of the original post-operations report on the 6 February 2010 operations in Morong, Rizal as submitted to the AFP and PNP hierarchy, respectively.
5. For the custodial authorities, the AFP and/or the PNP, to immediately ensure the implementation of R.A. 7438 in its entirety.
6. For P/Supt. Balonglong to supply the Commission with a copy of the map submitted to the RTC in Imus, Cavite on 5 February, 2010 in support of his application for a search warrant in Morong, Rizal (certified as a true copy by the clerk of court of the RTC).

7. For P/Supt. Allan Nubleza, Chief of the Rizal Provincial Intelligence Branch, to submit all written reports and documents relating to the events of, leading to, and after the operation in Morong, Rizal.
8. For P/Supt. Jonathan Ferdinand G. Miano, the PNP Rizal Provincial Commander, to provide a written report and sworn attestation to the events leading to, during and after the 6 February 2010 operation in Morong, Rizal including attestation to his approval/instructions/consent to any and all actions of P/Supt. Balonglong and P/Supt. Nubleza. This should include clarification of his instructions to both of the aforementioned Superintendents and their specific roles during the dates of 5 and 6 February, 2010 and any changes in those roles during those days.
9. For the AFP Chief of Staff and the PNP Director General to ensure that the officers and personnel under their organizations comply with these directives, assign the relevant officers/personnel to fulfill the directives, and ensure the full cooperation of their personnel with the CHR inquiry including attendance in all public inquiry proceedings.

All of the above-mentioned documents and papers must be submitted to the Commission **on or before 8 April 2010.**

The complainants/detainees, collectively known as the "Morong 43", and their counsels, are also **DIRECTED** to provide **on or before 8 April 2010** a written chronological account of their experiences - individually and in one comprehensive compilation - including the start of their activity in Morong, Rizal, the events of 6 February 2010, the dates of visits and contact with members of any government agency or office, any government official, any civil society organization or member, or any private individual including legal counsel. Where possible, include times and durations of such visits and list any verbal or written requests made to custodial authorities for legal counsel, family visits, medical/psychological/other assistance or services as well as the result of such requests. Attach all relevant documentation to support this accounting.

Order Re: Next
Public Inquiry

The next public inquiry is hereby set for **12 April 2010, Monday, at 9:00 a.m.**, at the **CHR Conference Room, SAAC Bldg., U.P. Complex, Commonwealth Ave., Diliman, Quezon City.**

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In this regard, the Commission **ORDERS** all the officers and individuals summoned in the 26 February 2010 Order to appear at the 18 March 2010 hearing, namely:

1. Brig. Gen. Jorge Segovia, Chief, 2nd Infantry Division, Philippine Army;
2. Col. Aurelio Baladad, Commander, 202nd Infantry Brigade, Philippine Army;
3. Lt. Col. Jaime Abawag, Commander, 16th Infantry Battalion;
4. P/Supt. Marion Balonglong, Rizal Provincial Police;
5. Judge Cesar Mangrobang, Presiding Judge, RTC Imus, Cavite, Branch 22;
6. State Prosecutor II Romeo Senson;
7. Dr. Melecia Velmonte; and
8. Mr. Jose Manuel Velmonte

to again appear at the next public inquiry on the above date and time as above-indicated.

The following are likewise **DIRECTED** to be present at the 12 April 2010 public inquiry:

1. Senior Assistant Chief State Prosecutor Severino Gana;
2. P/SSupt. Jonathan Ferdinand G. Miano, PNP-Rizal Provincial Commander; and
3. P/Supt. Allan C. Nubleza, Chief, Provincial Intelligence Branch, Rizal Police Provincial Office.

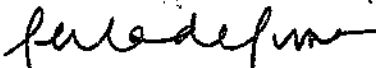
Finally, the Commission, in light of its power to issue preventive measures in the exercise of its investigative powers pursuant to Art. XIII, Sec. 18 (3) of the 1987 Constitution which includes the authority to inquire into all matters of illegal detention and other human rights violations, regardless of the filing of criminal charges in court and the issuance of commitment orders, **REITERATES** its Order to the AFP or PNP custodians for the **production of the 43 complainants/detainees** before the Commission at the next public inquiry on above-indicated date and time, including procuring all necessary permits/approvals/authorizations and all steps or activities necessary to ensure the production in person of said complainants/detainees.

FAIL NOT UNDER PAIN OF CONTEMPT.

SO ORDERED.

Done 3/22/10
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19 March 2010, Quezon City, Philippines.


LEILA M. DE LIMA
Chairperson


CECILIA RACHEL V. QUISUMBING
Commissioner

(On Official Travel)
MA. VICTORIA V. CARDONA
Commissioner


NORBERTO DELA CRUZ
Commissioner


JOSE MANUEL S. MAMAUAG
Commissioner

Copy of this Order served on and received by:

PUBLIC INTEREST LAW CENTER

Counsel for the Complainants
4/F Kaija Bldg. 7836 Makati Avenue
Corner Valdez Street
Makati City

NATIONAL UNION OF PEOPLE'S LAWYERS (NUPL)

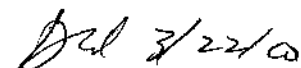
Counsel for the Complainants
Third Floor, Erythrina Building
No. 1 Matatag cor Maaralin Streets
Central District, Quezon City

H.E. GLORIA MACAPAGAL-ARROYO

THRU: The Executive Secretary
Office of the President
Malacañang, Manila

HON. NORBERTO B. GONZALES

Secretary
Department of National Defense
Camp Aguinaldo, Quezon City


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HON. RONALDO V. PUNO

Secretary
Department of Interior and Local Government
A. Francisco Gold Condominium II
EDSA, Quezon City

HON. AGNES VST DEVANADERA

Former Secretary
Department of Justice
Padre Faura St., Manila

GEN. VICTOR IBRADO

Former Chief of Staff
Armed Forces of the Philippines
Camp Aguinaldo
Quezon City

LT. GENERAL DELFIN BANGIT

Former Commanding General, Philippine Army
(Now AFP Chief of Staff)
Fort Bonifacio
Taguig City

LT. GENERAL ROLAND DETABALI

Commanding General
Southern Luzon Command (SOLCOM)
Camp Nakar,
Lucena City, Quezon

MAJOR GENERAL JORGE SEGOVIA

Commander
2nd Infantry Division
Philippine Army
Camp General Mateo Capinpin
Tanay, Rizal

OFFICE OF THE JUDGE ADVOCATE GENERAL, AFP

Assisting the Military Respondents
Torres Hall of Justice
Camp General Emilio Aguinaldo
Quezon City

JUDGE CESAR MANGROBANG

Presiding Judge
Regional Trial Court
Branch 22
Imus, Cavite

Done 3/22/10
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DIRECTOR GENERAL JESUS A. VERZOSA

Chief
 Philippine National Police
 Camp Crame, Quezon City

P/SUPT. MARION BALONGLONG

Commanding Officer
 Rizal Provincial Public Safety Management Company
 Camp General Geronimo
 Taytay, Rizal

STATE PROSECUTOR ROMEO B. SENSON

State Prosecutor II
 Department of Justice
 Manila

DR. MELECIA VELMONTE and
MR. JOSE MANUEL VELMONTE
c/o ATTY. ROBERTO "ARGEE" C. GUEVARRA
 Suite 602 Richmond Plaza Hotel
 21 San Miguel Ave., Ortigas Center
 Pasig City

STATE PROSECUTOR SEVERINO GANA*

Senior Assistant Chief State Prosecutor
 Department of Justice
 Manila

P/SUPT. ALLAN C. NUBLEZA

Chief, Provincial Intelligence Branch
 Rizal Police Provincial Office.

P/SSUPT. JONATHAN FERDINAND G. MIANO

PNP-Rizal Provincial Commander
 Camp General Geronimo
 Taytay, Rizal

ATTY. HILDA SACAY-CLAVE

Jurado Law Office
 Jurado Building
 44 Kasayahan St.,
 Kawilihan Village, Pasig City

* With copy of the 25 February 2010 letter-complaint and its annexes



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24 MAR 2010

Republika ng Pilipinas

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(Commission on Human Rights of the Philippines)

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Def 3/27/10
OFFICE OF THE SECRETARY

DIR. GEN. JESUS VERZOSA, LT. GEN. DELFIN BANGIT, LT. GEN. ROLAND DETABALI, BRIG. GEN. JORGE SEGOVIA, COL. AURELIO BALADAD, LT. COL. JAIME ABAWAG, P/SUPT. MARION BALONGLONG, JUDGE CESAR MANGROBANG, STATE PROSECUTOR II ROMEO SENSON, AND SENIOR ASSISTANT CHIEF STATE PROSECUTOR SEVERINO GANA,
Respondents.

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ORDER

On 17 March 2010, the Commission on Human Rights received a Supplemental Letter-Complaint dated 12 March 2010 from complainants' counsels, namely, the Public Interest Law Center and the National Union of Peoples' Lawyers (NUPL). The Supplemental Letter-Complaint impleaded the following respondents in addition to those enumerated in the original Letter-Complaint dated and filed on 25 February 2010:

1. Lt. Col. Cristobal Zaragosa, Philippine Army;
2. Maj. Manuel Tabion, Philippine Army;
3. Capt. Ramos, Col. Calleja, Lt. Escudero, Lt. Guillermo, Lt. Juvy Cabading, Philippine Army;
4. Camp Capinpin Soldiers-guards Aggabao Casillan, Pader, Ramos, Anga-Angan, Mangabang, Bulaklak, Calaoagan, Cea, Idloy and Bañaga, Philippine Army;
5. Matthew Fernandez, 9th Infantry Division, Philippine Army;
6. Atty. Cyrus Jurado of the Jurado Law Office; and
7. Atty. Hilda Sacay-Clave, also of the Jurado Law Office.

The Supplemental Letter-Complaint essentially makes similar allegations against the additional respondents, as those raised against the original respondents in the original Letter-Complaint, as well as additional allegations of human rights violations, covering subsequent events which occurred beginning from the date the original letter-complaint was filed, 25 February 2010.

Supported by detailed narrations of events and circumstances set forth in the body of the Supplemental Letter-Complaint and the annexes thereto, complainants pleaded the following violations of constitutional and statutory rights allegedly committed by the respondents in addition to the violations listed in the original Letter-Complaint, viz:

- a. Violation of the right of counsels to visit and confer privately with complainants/detainees;
- b. Violation of the right to be informed of the right to remain silent and to have competent and independent counsel;
- c. Violation of the right to remain silent;

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had

- d. Violation of the right to have competent and independent counsel;
- e. Violation of the right of the detainee to be visited and to confer privately with family members for a sufficient period of time, and violation of the right of family members to visit and confer privately with complainants/detainees for a sufficient period of time;
- f. Violation of the right to prompt medical services;
- g. Violation of the right to be visited by a priest or religious minister of the detainee's choice;
- h. Violation of the right not to be taken out of a detention facility without any court order;
- i. Violation of the right not to be held in solitary confinement;
- j. Violation of the right not to be subjected to threats; and
- k. Violation of the right not to be subjected to physical and psychological torture.

Like what they stated in the original Letter-Complaint, complainants presently complain of several and various acts of mental, psychological and physical torture, whether in each other's presence or while separately detained, conducted both during and outside of interrogation proceedings. A number of complainants/detainees were forced to "cooperate" with interrogators and detention officers under threat of physical harm to themselves or their family. They were constantly told that, in the facility, the officers were the law.

It is also averred that respondents AFP custodians and/or soldiers-guards were seen taking complainants Jhon Mark Barrientos, Elenor Carandang, Valentino Paulino, Jenilyn Pizarro and Cherilyn Tawagon, out of their cells. The whereabouts of these detainees are still unknown. Other complainants/detainees also claim that they were taken out of their cells and placed in solitary confinement for varying periods.

It is further alleged that respondent AFP officers and custodians prohibited counsel for complainants from seeing the five complainants who have gone missing, allegedly due to their substitution by other counsel. However, the original lawyers have yet to receive notice of such substitution.

During a scheduled hearing before Branch 78 of the Regional Trial Court of Morong, Rizal, respondent attorneys appeared as counsel for complainants Carandang, Paulino and Tawagon, despite the absence of any formal substitution of counsel.

Allegedly, respondents rejected complainants' request for an ecumenical service. At times, pastors and doctors are still refused entry into the facility.

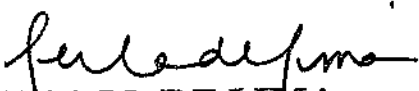
WHEREFORE, in the exercise of its investigative powers as mandated under the Constitution, the Commission **HEREBY** issues the following **ORDER**:

Ad 3/27/10

1. Include in the instant case the above-named additional respondents.
2. All the respondent officers from the AFP, named in both the original and supplemental letter-complaints, and respondent attorneys, are hereby **ORDERED** to file their ANSWER to the Supplemental Letter-Complaint **within an inextendible period of ten (10) days** from receipt of this Order.
3. In addition to filing their Answer, the additional respondent AFP officers and personnel named in the Supplemental Letter-Complaint are **STRICTLY ORDERED** to **DISCLOSE** the whereabouts of complainants/detainees Jhon Mark Barrientos, Elenor Carandang, Valentino Paulino, Jenilyn Pizarro and Cherilyn Tawagon.
4. Respondent attorneys, Attys. Cyrus Jurado and Hilda Sacay-Clave, are specifically **DIRECTED** to **EXPLAIN** in their Answer the authority and basis for their appearance as counsel for complainants Carandang, Paulino and Tawagon before Branch 78 of the Regional Trial Court in Morong, Rizal.
5. All additional respondents named in the Supplemental Letter-Complaint are **DIRECTED** to appear before the Commission at the next public inquiry set for **12 April 2010, Monday at 9:00 a.m.**

SO ORDERED.

19 March 2010, Quezon City, Philippines.


LEILA M. DE LIMA
Chairperson


CECILIA RACHEL V. QUISUMBING
Commissioner

(On Official Travel)
MA. VICTORIA V. CARDONA
Commissioner


NORBERTO DELA CRUZ
Commissioner


JOSE MANUEL S. MAMAUAG
Commissioner

Done 3/22/10
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Copy of this Order is served on and received by:

PUBLIC INTEREST LAW CENTER

Counsel for the Complainants
4/F Kaija Bldg. 7836 Makati Avenue
Corner Valdez Street
Makati City

NATIONAL UNION OF PEOPLE'S LAWYERS (NUPL)

Counsel for the Complainants
Third Floor, Erythrina Building
No. 1 Matatag cor Maaralin Streets
Central District, Quezon City

H.E. GLORIA MACAPAGAL-ARROYO *

THRU: THE EXECUTIVE SECRETARY

Office of the President
Malacañang, Manila

HON. NORBERTO B. GONZALES *

Secretary
Department of National Defense
Camp Aguinaldo, Quezon City

HON. RONALDO V. PUNO *

Secretary
Department of Interior and Local Government
A. Francisco Gold Condominium II
EDSA, Quezon City

HON. AGNES VST DEVANADERA *

Former Secretary
Department of Justice
Padre Faura St., Manila

GEN. VICTOR IBRADO *

Former Chief of Staff
Armed Forces of the Philippines
Camp Aguinaldo
Quezon City

LT. GENERAL DELFIN BANGIT *

Former Commanding General, Philippine Army
(Now AFP Chief of Staff)
Fort Bonifacio
Taguig City

LT. GENERAL ROLAND DETABALI *

Commanding General
Southern Luzon Command (SOLCOM)
Camp Nakar,
Lucena City, Quezon

Recd 3/22/60

MAJOR GENERAL JORGE SEGOVIA *

Commander
2nd Infantry Division
Philippine Army
Camp General Mateo Capinpin
Tanay, Rizal

OFFICE OF THE JUDGE ADVOCATE GENERAL, AFP *

Assisting the Military Respondents
Torres Hall of Justice
Camp General Emilio Aguinaldo
Quezon City

JUDGE CESAR MANGROBANG *

Presiding Judge
Regional Trial Court
Branch 22
Imus, Cavite

DIRECTOR GENERAL JESUS A. VERZOSA *

Chief
Philippine National Police
Camp Crame, Quezon City

P/SUPT. MARION BALONGLONG *

Commanding Officer
Rizal Provincial Public Safety Management Office
Camp General Geronimo
Taytay, Rizal

STATE PROSECUTOR ROMEO B. SENSON *

State Prosecutor II
Department of Justice
Manila

MATTHEW FERNANDEZ *

9th Infantry Division
Camp Angeles, Pili, Camirines Sur

ATTY. CYRUS JURADO

ATTY. HILDA SACAY-CLAVE

Jurado Law Office *
Jurado Building, 44 Kasayahan St.
Kawilihan Village, Pasig City

Del 3/22/60
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COL. CALLEJA *
LT. COL. CRISTOBAL ZARAGOSA *
MAJ. MANUEL TABION *
CAPT. RAMOS *
LT. JUVY CABADING *
LT. GUILLERMO *
 Philippine Army
 Camp Capinpin, Tanay, Rizal

AGGABAO, CASILLAN, PADER,
RAMOS, ANGA-ANGAN, MANGABANG
BULAKLAK, CALAOAGAN, CEA
IDLOY and BAÑAGA
 Soldiers-Guards *
 Philippine Army
 Camp Capinpin, Tanay, Rizal

STATE PROSECUTOR SEVERINO GANA *
 Senior Assistant Chief State Prosecutor
 Department of Justice
 Manila

*With copy of the Supplemental Letter-Complaint and its annexes.

Def 3/22/10