

**REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
REGIONAL TRIAL COURT
Branch 78, Morong, Rizal**

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Crim. Case No. 10-9078-M

REYNALDO MACABENTA,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Crim. Case No. 10-9079-M

GARY LIBERAL, ET AL.,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Crim. Case No. 10-9080-M

DEL AYO AVERA,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Crim. Case No. 10-9081-M

ROMEO DE LA CRUZ,
Accused.

X-----X

**MANIFESTATION
WITH OPPOSITION TO THE APPEARANCE
OF ATTYS. JURADO AND SACAY-CLAVE AS COUNSELS
FOR ACCUSED PAULINO, CARANDANG AND TAWAGON**

All 43 accused, by way of special appearance of the undersigned
counsels, respectfully state that:

1. On February 11, 2010, all 43 herein accused and/or their relatives, including accused Valentino Paulino through hi mother Adoracion Paulino, Elenor Carandang and Chenelyn Tawagon, formally confirmed their engagement of services of the undersigned counsels for any and all legal matters arising from their unlawful warrantless arrest and detention.¹ In fact, all the accused have already been represented by undersigned counsels in their Petition for Habeas Corpus initially filed at the Supreme Court and later remanded to the Court of Appeals.
2. Strangely, however, during the hearing of these cases on March 5, 2010, Atty. Cyrus D. Jurado entered his appearance as allegedly counsel for accused Valentino Paulino, Elenor Carandang and Chenelyn Tawagon. A certain Atty. Hilda Sacay-Clave also entered her appearance allegedly in collaboration with Atty. Cyrus D. Jurado.
3. At the said hearing, undersigned counsels vigorously questioned the appearance of Atty. Jurado who claims to represent accused Paulino, Carandang and Tawagon.
4. Undersigned counsels maintain their strong objection to Atty. Jurado's appearance for the said three accused as the same is highly suspect considering the following circumstances:

¹ Copies of the letters of: (1) Adoracion Paulino (mother of accused Valentino Paulino), (2) accused Elenor Carandang and her mother Norma Carandang, and (3) Chenelyn Tawagon and her aunt Erlinda Empeo, engaging the services of the undersigned counsels are hereto attached as Annexes "A," "B" to "'B-1" and "C," respectively

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- 4.1. Undersigned counsels have not withdrawn their appearance as counsels for any of the 43 accused including accused Paulino, Carandang and Tawagon. Nor have the three accused freely, independently and formally revoked the legal services of undersigned counsels. On the contrary, these three accused have executed affidavits with the assistance of the undersigned lawyers attesting to the fact of their ordeal while in the custody of the military in Camp Capinpin, Tanay, Rizal.²
- 4.2. With respect to accused Valentino Paulino, it was only on February 9, 2010, or three days after his illegal arrest that his mother was allowed to visit him.³ Upon seeing her son's condition, Mrs. Adoracion Paulino broke into tears. Accused Paulino's face was hardly recognizable due to swelling from severe beating. He had numerous wounds in his arms and wrists. She was unable to ask her son any questions as the military guards told her after three (3) minutes that her visiting time was over.
- 4.3. On February 10, 2010, Mrs. Adoracion Paulino again visited her son at around 4:00 in the afternoon. This time she was able to ask her son what happened to him and whether the soldiers had laid hands on him. However, Mrs. Adoracion Paulino noticed that the presence of a soldier just three (3) paces away from where they were was preventing her son to say what he truly felt. She was given only three to five (3-5) minutes to see her son that time.

² Copies of their respective affidavits are hereto attached as Annexes "D," "E" and "F."

³ A copy of Mrs. Adoracion Paulino's affidavit is hereto attached as Annex "G."

- 4.4. From the time that the herein 43 accused were unlawfully arrested, they were deprived of their right to counsel. It was only on February 11, 2010 or five (5) days after their unlawful arrest did the military allowed for the first time the undersigned lawyers to visit and confer with all the 43 accused. But accused Valentino Paulino was not allowed to talk to undersigned counsels. He was surreptitiously removed from his detention cell. Despite demands from undersigned counsels to see him, the military refused and even declined to say where he was brought. On the same date, Mrs. Adoracion Paulino also went to Camp Capinpin. However, the military did not allow her to see her son on the pretext that he was no longer there and that they did not know where he was taken.
- 4.5. The next day, February 12, 2010, Mrs. Adoracion Paulino learned that her son was seen on television and that his son spoke to the media and admitted that all of the 43 doctors, nurses and medical workers were all members of the New People's Army (NPA).
- 4.6. On February 13, 2010, Mrs. Adoracion Paulino returned to Camp Capinpin to again visit her son. As the guards stayed some distance away, accused Paulino was able to talk to her mother with some degree of freedom. Accused Paulino confirmed to her mother that he was presented to the media by the military the day before that was why he was then missing. But accused Paulino asked for her mother's forgiveness as the military had forced him to lie to the media that all of the 43 doctors, nurses and medical

workers were members of the NPA. Accused Paulino told her that the soldiers tortured him and threatened to harm his mother if he would not cooperate.

4.7. On February 16, 2010, Mrs. Adoracion Paulino visited her son again. Accused Paulino intimated that the military coercing him to cooperate and work with them and that they promised him many things. He was also being forced to immediately make a statement. Prompting him to ask his mother if she could have him transferred to Camp Crame, saying that a military officer named Cristobal Zaragoza had evil designs on him.

4.8. On February 21, 2010 or fifteen (15) days after his illegal arrest, undersigned lawyers were finally allowed to talk to accused Valentino. He narrated in detail to undersigned counsels the ordeal he has gone through in the hands of the military. He executed a handwritten affidavit stating that he was threatened and pressured by the military into admitting that he and his fellow health workers are members of the NPA.⁴

4.9. On February 22, 2010, when Mrs. Adoracion Paulino saw her son again, he told her that he was already exhausted and that he could no longer bear his suffering. It was 3:00 p.m. at that time and he mentioned that the soldiers just brought him in. He looked so flushed, proof that he was exposed to the scorching heat of the

⁴ See Annex "F" hereon.

sun. He recounted that several other detainees were made to suffer the same treatment. Accused Paulino also recounted that the military offered him fifty thousand pesos (₱ 50,000.00) and a job for Mrs. Adoracion Paulino if they would cooperate with the military's plans. The soldiers revealed that they themselves would get a reward if any one of them could convince Mrs. Adoracion Paulino to turn to the side of the military. In fact, one of the soldiers attempted to speak with her but she refused.

- 4.10. On March 1, 2010, Mrs. Adoracion Paulino again visited Camp Capinpin but she was not able to see her son. No one explained to her where he went or where he was taken.
- 4.11. As regards accused Chenilyn Tawagon, she was taken out from her detention cell on February 28, 2010 and interrogated at around 11:00 P.M. to 12:00 midnight. Her interrogation was continued on March 1, 2010 at around 12-12:45 A.M. and then again around 2-4 A.M. According to the other detainees, she was not returned to her cell.
- 4.12. Similarly, accused Elenor Carandang was interrogated around 8:30-10 A.M. of the same date. She was also not returned to her cell.
- 4.13. On March 2, 2010, Atty. Julian Oliva, Jr., one of the lawyers of the detainees in their petition for habeas corpus went to Camp Capinpin and demanded to see accused Paulino Carandang and

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Tawagon. He was informed by the jail warden that the three were allegedly brought to the prosecutor's office. Atty. Oliva waited up to 5:00 p.m. to be able to talk to the three (3) detainees but the military refused, saying that they were already being represented by a new counsel.⁵

4.14. Accused Paulino, Carandang and Tawagon have been in the custody of the military who have brazenly violated and who continue to violate their constitutional rights from the time of their unlawful arrest. In fact, the three accused have been kept isolated from the other accused and have been subjected to almost daily tactical interrogation to extract forced confession on their alleged membership in the NPA. The oppressive and inhuman condition suffered by them in the hands of the military places under a heavy cloud of doubt accused Paulino, Carandang and Tawagon's alleged act of changing their counsels.

4.15. Not only have the three accused been cut off from the rest of the accused, the undersigned counsels have been denied access to them. The military would put them out of sight whenever undersigned counsels would visit all the accused. It is, therefore, physically impossible for these three accused to have sought of their own free will the services of Atty. Jurado whom the three accused do not know at all.

⁵ A copy of Atty. Oliva's affidavit is hereto attached as Annex "H"

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4.16. Atty. Jurado himself admitted that a rebel returnee friend hired his services for the three accused. In other words, it was not the said accused who asked for his legal services. It is noteworthy that rebel returnees work for the military which is ultimately behind the engagement of Atty. Jurado's services. That Atty. Jurado is actually lawyering for the military became obvious when they insisted on proceeding with the arraignment of the three accused, knowing fully well that it would result in the waiver of the rights of the said three accused, the remedies available to them and their objections to the illegal arrest and the subsequent proceedings leading to the filing of the informations against them.

4.17. The supposed individual Salaysay of accused Paulino, Carandang and Tawagon⁶, alleging that they are availing of the services of Atty. Jurado while rejecting Atty. Capulong's legal services, were executed in the absence and without the knowledge of the undersigned counsels. Even their handwritten purported Salaysay bear a hallmark of involuntariness in the execution thereof – they are identical and uniform in contents, except for the names and the personal circumstances. Apparently, they were simply copied from a template, hence not actually prepared and executed by the three accused. Also, despite the differences in their ordeal in the hands of the military, their Salaysay allege exactly the same experiences.

⁶ Please see Annexes "A," "B" and "C" of the AFP's Manifestation with Motion to Transfer Place of Detention, etc.

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- 4.18. Clearly, therefore, the three accused were merely coerced into agreeing to authorize Atty. Jurado to represent them in these cases. It is as if the three accused never consented to the supposed engagement of Atty. Jurado, rendering his appearance unauthorized.
5. Despite the lack of true consent of the three accused, Atty. Jurado indecently insisted on appearing for said accused during the March 5, 2010 hearing. Such contumacious act of Atty. Jurado, with knowledge that the accused have already retained the services of another lawyer, is not only unethical and a violation of the Canons of Professional Responsibility. It is also a ground for disbarment.
6. A lawyer may be disbarred or suspended for any violation of his oath, a patent disregard of his duties, or an odious deportment unbecoming an attorney. Among the grounds enumerated in Section 27, Rule 138 of the Rules of Court are deceit; malpractice; gross misconduct in office; grossly immoral conduct; conviction of a crime involving moral turpitude; any violation of the oath which he is required to take before admission to the practice of law; willful disobedience of any lawful order of a superior court; corrupt or willful appearance as an attorney for a party to a case without authority to do so. The grounds are not preclusive in nature even as they are broad enough as to cover practically any kind of impropriety that a lawyer does or commits in his professional career or in his private life. A lawyer must at no time be wanting in **probity and moral fiber** which are not only conditions precedent to his entrance to the Bar but are likewise

essential demands for his continued membership therein.⁷ (*Underscoring and emphasis are ours.*)

7. In allowing himself to be used as a witting tool of the military in their continuing desecration of the constitutional rights of the three accused, Atty. Jurado has failed to live up to the standards required of a member of the Bar. With such unbecoming conduct, he does not deserve a seat in the judiciary, he being an aspirant for judgeship in this very same court and branch.⁸
8. Likewise highly objectionable for being unauthorized, improper and unethical is the appearance of Atty. Hilda Sacay-Clave as counsel for accused Paulino, Carandang and Tawagon allegedly in collaboration with Atty. Jurado. She has not shown any proof that indeed her services were sought by the three accused. Assuming without admitting the genuineness and veracity of the alleged Salaysay (appended to the Manifestation with Motion to Transfer Detention, etc.) of the three accused, her name was not even mentioned therein. Neither is she an associate of Atty. Jurado in the latter's law office. Atty. Jurado belongs to the Jurado Law Office, while Atty. Sacay-Clave is with Ramirez Loste Alegro Clave and Associates. Simply put, she has no personality, much less authority, to appear and represent accused Paulino, Carandang and Tawagon.

⁷ **Gonzaga v. Atty. Eugenio Villanueva, Jr.**, A.C. No. 1954, July 23, 2004
⁸ Please see SC-JBC Announcement dated August 19, 2009 in http://bc.judiciary.gov.ph/announcements/vacancy/2009/Announcement_Aug_20.pdf

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9. To allow Attys. Jurado and Sacay-Clave to appear as counsels for accused Valentino Paulino, Elenor Carandang and Chenelyn Tawagon without their consent freely given amounts would be to sanction further violation of the constitutional right of the three accused to an independent counsel of their own choice.
10. All told, the appearance of Attys. Jurado and Sacay-Clave must not be recognized at all.

PRAYER

WHEREFORE, premises considered and to uphold the constitutional rights of the accused, it is respectfully prayed of this Honorable Court that this Manifestation be duly noted and that the entry of appearance of Atty. Cyrus D. Jurado and Atty. Hilda Sacay-Clave as counsels for accused Valentino Paulino, Elenor Carandang and Chenelyn Tawagon be not recognized for being a violation of their right to an independent counsel of their own choice.

Other forms of relief that are just and equitable under the premises are also prayed for.

Makati City for Morong, Rizal. March 10, 2010.

PUBLIC INTEREST LAW CENTER

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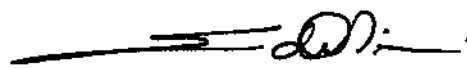
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Roll No. 27073
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Department of Justice
Manila

10 MAR 2010
Makati CHPO
006433

PROSECUTOR BEPPO JEROME L. DILOY
Office of the Public Prosecutor
Morong, Rizal

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OFFICE OF THE ARMY JUDGE ADVOCATE
Gusaling Medyor Heneral Delos Reyes
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006436

Makati P.D.

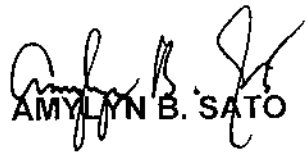
FCB 78 Morong, Rizal

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EXPLANATION OF SERVICE BY REGISTERED MAIL

Pursuant to Section 11, Rule 13 of the 1997 Rules of Court, the office of the undersigned served copies of this pleading on the other party through registered mail because of time, distance and manpower constraints to effect personal service.


AMYLYN B. SATO

11 February 2010

PUBLIC INTEREST LAW CENTER
3/F Kaija Building, Makati Avenue
Makati City

NATIONAL UNION OF PEOPLES' LAWYERS
3/F Erythrina Building
No. 1 Matatag cor. Maaralin Sts.
Central District, Quezon City

I am **ADORACION PAULINO**, the mother of **VALENTINO PAULINO**, one of the forty-three (43) doctors, nurse and community health workers who were illegally arrested on February 6, 2010 at 266 Brgy. Maybangcal, Morong, Rizal and are presently illegally detained since then at Camp Capinpin in Tanay, Rizal.

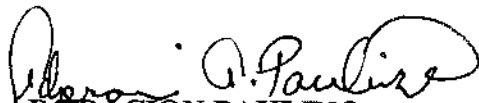
I hereby formally confirm that since February 7, 2010, I have already engaged your legal services to represent me and my son named above for any and all legal matters arising from the illegal arrest and continued illegal detention of my son.

This means that the **Public Interest Law Center (PILC)** and the **National Union of Peoples' Lawyers (NUPL)**, or any of its lawyers, are authorized to represent me and my son, and to appear on our behalf before any proceedings, courts, tribunals, fora and the like.

This engagement continues to be effective until formally revoked by the undersigned.

Thank you very much.

Yours truly,



ADORACION PAULINO
Mother of VALENTINO PAULINO

Pebrero 11, 2010

Para sa Public Interest Law Center

Ako si Linda Racel Otanes ay humuhuhay ng tulong sa inyong opisina upang matagpuan ng abogado. Ako ay inaresto at dititine simula pa noong ika-7 ng Pebrero, 2010.

Linda Otanes

Pebrero 11, 2010

Para sa Public Interest Law Center

Ako si Eleanor Carandang ay dumadating sa inyong opisina upang matulongan ng abogado. Ako ay inaresto at dititine simula pa noong ika-7 ng Pebrero, 2010.

Eleanor Carandang

Para sa Public Interest Law Center

Ako si Libeth Donasco ay dumadating sa inyong opisina upang matulongan ng abogado. Ako ay inaresto at dititine simula pa noong ika-7 ng Pebrero, 2010.

Libeth Donasco

11 February 2010

PUBLIC INTEREST LAW CENTER

3/F Kaija Building, Makati Avenue
Makati City

NATIONAL UNION OF PEOPLES' LAWYERS

3/F Erythrina Building
No. 1 Matatag cor. Maaralin Sts.
Central District, Quezon City

I am **NORMA OGERNA**, the mother of **ELEONOR OGERNA CARANDANG**, one of the forty-three (43) doctors, nurse and community health workers who were illegally arrested on February 6, 2010 at 266 Brgy. Maybangcal, Morong, Rizal and are presently illegally detained since then at Camp Capinpin in Tanay, Rizal.

I hereby formally confirm that since February 7, 2010, I have already engaged your legal services to represent me and my daughter named above for any and all legal matters arising from the illegal arrest and continued illegal detention of my husband.

This means that the **Public Interest Law Center (PILC)** and the **National Union of Peoples' Lawyers (NUPL)**, or any of its lawyers, are authorized to represent me and my daughter, and to appear on our behalf before any proceedings, courts, tribunals, fora and the like.

This engagement continues to be effective until formally revoked by the undersigned.

Thank you very much.

Yours truly,

Norma Ogerna
NORMA OGERNA

Mother of **ELEONOR OGERNA CARANDANG**

11 February 2010

PUBLIC INTEREST LAW CENTER
3/F Kaija Building, Makati Avenue
Makati City

NATIONAL UNION OF PEOPLES' LAWYERS
3/F Erythrina Building
No. 1 Matatag cor. Maaralin Sts.
Central District, Quezon City

I am **ERLINDA M. EMPEO**, the aunt of **SHERILYN RIDEOSA TAWAGON**, one of the forty-three (43) doctors, nurse and community health workers who were illegally arrested on February 6, 2010 at 266 Brgy. Maybangal, Morong, Rizal and are presently illegally detained since then at Camp Capinpin in Tanay, Rizal.

I hereby formally confirm that since February 7, 2010, I have already engaged your legal services to represent me and my niece named above for any and all legal matters arising from the illegal arrest and continued illegal detention of my niece.

This means that the **Public Interest Law Center (PILC)** and the **National Union of Peoples' Lawyers (NUPL)**, or any of its lawyers, are authorized to represent me and my niece, and to appear on our behalf before any proceedings, courts, tribunals, fora and the like.

This engagement continues to be effective until formally revoked by the undersigned.

Thank you very much.

Yours truly,

Erlinda M. Empeo
ERLINDA M. EMPEO
Aunt of **SHERILYN RIDEOSA TAWAGON**

Sherilyn Rideosa Tawagon 2-11-10

SINUMPAANG SALAYSAY

Ako, si ELEONOR C. ORGENA, may-asawa at 5 anak na pawang mga menor de edad, nakalira sa Barangay Cagacan, Lopez, Quezon, pagkatapos makapanumpa ng naaayon sa batas, ay malaya at kusang-loob na nagsasaad ng mga sumusunod: Na

1. Ako ay isang alternative at community health worker.
2. Isa ako sa mga dumalo sa Luzon-wide health training na inorganisa ng Council for Health and Development (CHD) at COMED na tinawag na *Community First Responders Health Training*.
3. Ang nasabing training ay nag-umpisa noong Pebrero 1, 2010 na magtatapos sana noong Pebrero 7, 2010. Ito ay ginanap sa farmhouse ni Dr. Velmonte sa No. 266 Dela Paz St., Brgy. Maybancal, Morong, Rizal
4. Bandang alas-5 o alas-6 ng umaga ng Pebrero 6, 2010, Sabado, nasa loob pa ako ng kwartong aking tinutulugan (nasa second floor ng bahay) nang marinig ko sa aking kasamahan na may mga sundalo raw. Ang iba sa amin ay natutulog pa samantalang ang iba naman ay naliligo na at naghahanda para sa training session ng araw na iyon.
5. Akala ko noong una ay ilang mga sundalo lamang sila pero nang makita ko ay napakarami pala nila. Inuna ng mga sundalong puntahan ang mga lalaking kasamahan namin, pinagtutulak ang mga kwarto nila at pilit na ginigiba.
6. Pinababa kami galing sa second floor, pinadapa, pinalabas at pinahanay sa may palusong. Humingi kami ng paliwanag kung bakit kami inaaresto pero hindi kami sinagot. Wala ring paliwanag kung bakit andun sila at kung bakit kami sila naghahaluhog sa aming kagamitan.
7. Ang mga naghahuhog ng aming gamit at illegal na umaresto sa amin ay nakasuot ng uniporme ng militar, CIDG at police. Hindi ko sila kitala sa pangalan at ang mga nameplates nila ay tinakpan pero mamumukhaan ko ang ilan sa kanila kapag nakita ko silang muli.
8. Maya-maya ay pinabalik kami sa aming mga kwarto para kuhanin ang mga gamit namin. Nang balikan ko ang aking gamit ay wala na roon ang aking cellphone at wallet na may lamang perang nagkakahalaga ng PHP2,000.
2,000 at pang BP blood pressure ellen c
9. Pagkatapos namin kunin ang aming mga gamit ay piniringan kami at pinosas ng patalikod. Masakit sa kamay ang pagkakapasas

- 10. Pinasakay kami sa sasakyan at dahil sa nakapiring na ay hindi ko na alam kung saan ako at ang mga kasamahan ko dinala. *at Sundalo sa akin na kamit may asawa na ako maganda pa rin tapos tumawa sa akin. at sundalo dadalawin kami ako*
- 11. Habang nakapiring ay paulit-ulit akong tinanong kung ano ang ginagawa namin sa bahay na yun. Nagpaliwanag ako pero pinagsabihan pa na murder raw ang kaso namain. Sa puntong yun ay nagtanong ako: "Bakit po, may pinatay po ba kami?" Sabay naman akong pinagsabihan na mga NPA raw kami. *Ellen*
- 12. Sa tantya ko ay 36 oras kaming nakapiring at paulit-ulit na ininterrogate sa kung anu-anong bagay na hindi ko naman alam.
- 13. Hanggang malaman ko na dinala pala kami sa Camp Capinpin. Habang nakaposas at nakapiring ng 36 oras simula ng kami ay sapilitang kuhanin sa aming health training facility, ay pinagbabanyo kaming nakaposas pa rin at sundalo ang nagbababa at nagtataas ng aming suot pang-ibaba. Sundalo rin ang sumusubo ng pagkain sa amin.
- 14. Nakabukod ako ng selda at mag-isa lamang ako sa selda. Ako at nalaman ko rin nung huli na pati mga kasamahan ko ay hindi pinayagang makipag-usap sa abogado at sa pamilya. Noon lamang Pebrero 9, Martes, kami unang nakatanggap ng dalaw mula sa mga myembro ng pamilya. Gusto ko ng may kasama doon. Baka mabaliw ako kung ako'y nag-iisa. Sana matugunan po ako, pati ang mga iba pa.
- 15. Halos gabi-gabi, maliban noong gabi bago kami uli madalaw ng CHR at ng mga abogado na nakadalaw sa amin sa unang pagkakataon noong Pebrero 11, Huwebes, ay walang tigil ang pagtatanong o pag-iinterrogate sa amin ng wala sa oras - - araw, gabi, hatinggabi o madaling-araw.
- 16. Nakakasira ng pagkatao ang dinanas namin sa kamay ng mga militar sa loob ng kampo dahil sa hindi ko maintindihan kung bakit kami inaresto at kung bakit masahol pa sa totoong kriminal ang trato sa amin.
- 17. Isinagawa ko ang salaysay na ito upang patotohanan ang mga nakasaad sa itaas; upang patunayan ang mga paglabag ng mga opisyaes at kasapi ng militar at pulis sa aking mga karapatan sa ilalim ng Saligang Batas; bilang suporta sa Petition for writ of habeas corpus na inihain namin sa korte; bilang suporta sa anumang habla na ihahain namin kaugnay ng usaping ito; at sa anupamang layuning ligal na maaaring pag-gamitan nito.

*Feb-6.
 1. noong gabing sabado. po ng dinala po ako sa madamo at malamig na dagat.
 2. may narinig ang sigaw na nagmamakaawa ang sigot sakin. noon ang bayag sa matugas ang ulo.
 3. tapos nitong 16. lang ay matatapos ulabaskami para magpatay sa 12. pin po non. pero ang labas namin ay may nagvidele po sa aming apat kami sa sate na malapit sa*

*Eleonor C. Orgena
 Ellen
 ELEONOR C. ORGENA
 Nagsasalaysay*

VERIFICATION AND CERTIFICATION

I, ELEONOR C. ORGENA, under oath, depose and state: That-

1. I am one of the complainants in this case;
2. I caused the preparation and filing of this Complaint-Affidavit;
3. I have read and understood the contents of said Complaint-Affidavit and that the same are true and correct based on my personal knowledge and records at hand;
4. There is currently a Petition for Habeas Corpus pending before the Honorable Court of Appeals entitled *Roneo S. Clamor et al., vs Gen. Victor S. Ibrado et al., docketed as CA GR No. SP 112695* involving some of the parties and the same subject matter. Also, a criminal case for Violation of P.D. 1866 as amended by RA Nos. 8294 & RA 9516 has been filed against me before the Regional Trial Court of of Morong, Rizal entitled *People of the Philippines vs. Gary Liberal et al., docketed as Criminal Case No. 10-9079-M* involving the same subject matter.
5. I certify that I have not heretofore commenced any action involving the same issues, parties and subject matter before the Supreme Court, the Court of Appeals or different Divisions thereof, or any other tribunal or agency. If I should learn that any other similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, I shall promptly inform this and the aforesaid courts and agencies within five (5) days there from.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of February 2010 at Tanay, Rizal.

Eleonor C. Orgena
ELEONOR C. ORGENA
Affiant

SUBSCRIBED AND SWORN TO before me this ___ day of February 2010 in _____ Affiant ELEONOR C. ORGENA exhibited to me her CTC/ID No. _____

I hereby certify that I personally examined the affiant, that she voluntarily, knowingly and intelligently executed her Complaint-Affidavit and that she understands fully the contents of the said Complaint-Affidavit.

ADMINISTERING OFFICER

SINUMPAANG SALAYSAY

Ako, si **CHERELYN RIOCASA TAWAGON**, Pilipina, may sapat na gulang, ngayo'y nakapiit sa Camp Mateo Capinpin, Rizal, matapos makapanumpa-sang-ayon sa batas ay nagsasaad: Na -

1. Noong ika-6 ng Pebrero, 2010 habang dumadalo ako sa isang health workers training, ako'y inaresto ng mga sundalo ng AFP na walang pinakitang WARRANT OF ARREST na nakapangalan sa akin. Nilagyan ng piring (blindfold) ang aking mata at ipinosas ang aking mga kamay (handcuffed) at isinakay nang pilit sa isang sasakyan.
2. Hindi inaalis ang aking posas at piring. Kalauna'y inilabas ako sa isang lugar na napakalamig at doon paulit ulit akong pinapaaamin na ako daw ay kasapi ng NPA at sabihin ko raw kung ano ang aking posisyon at sino ang aking mga kasamahan. Sinasabi ko na wala akong alam sa mga lanong nila at humingi ako ng abogado at makakontak sa aking pamilya. Hindi sila pumayag.
3. Napakatagal ng aking pagkakagapos at pagkapiring. Paulit ulit ang mga lanong nila at hindi ako pinapatulog. Minsa'y biglang hinawakan ang aking kamay at isinawsaw ang aking mga daliri sa basang bagay at tapos ay itinatak ang aking fingerprint sa papel nang hindi ko nakikita kung anong papel iyon dahil nakapiring ang aking mga mata.
4. Hindi ako finitigitan at binibigyan ng pagkakataong matulog kahit pagod na pagod na ako. Minsan ay pilit isinusubo sa akin ang pagkain na hindi ko naman makita at malaman kung ano dahil ayaw alisin ang piring ng aking mata. Hindi ko makain at malunok ang isinusubo nilang pilit sa akin.
5. Kahit humihingi ako ng pahintulot na pupunta sa toilet ay hindi inaalis ang aking posas at sinasamahan pa ako ng sundalo habang ako ay umihi o dumudumi.
6. Natanggal lamang ang piring sa mata ko noong hapon ng Linggo, ika-8 ng Pebrero at ang aking posas noong Lunes ng hapon ika- 9 ng Pebrero.
7. Nakausap ko lang ang aking abogado noong hapon ng ika-12 ng Pebrero o mahigit anim na araw matapos akong mahuli ng military.
8. Dahil sa takot at puyat bunga ng patuloy na interogasyon nila sa akin sa gabi, labis akong nahihirapan sa aking pagkakapiit.
9. Isinagawa ko ang salaysay na ito upang patotohanan ang mga nakasaad sa itaas; upang patunayan ang mga paglabag ng mga opisyaes at kasapi ng militar at pulis sa aking mga karapatan sa ilalim ng Saligang Batas; bilang suporta sa Petition for writ of habeas corpus na inihain namin sa korte, bilang suporta sa anumang habla na ihahain namin kaugnay ng usaping ito; at sa anumang layuning ligal na maaaring pag-gamitan nito

Cherelyn R. Tawagon

SA KATUNAYAN ng lahat ng ito, ako ay lumagda sa ibaba nito ngayong ika-21st ng Pebrero taong 2010.

Cherelyn Riocasa Tawagon

CHERELYN RIOCASA TAWAGON
Nagsalaysay

VERIFICATION AND CERTIFICATION

I, **CHERELYN RIOCASA TAWAGON**, under oath, depose and state: That-

1. I am one of the complainants in this case;
2. I caused the preparation and filing of this Complaint-Affidavit;
3. I have read and understood the contents of said Complaint-Affidavit and that the same are true and correct based on my personal knowledge and records at hand;
4. There is currently a Petition for Habeas Corpus pending before the Honorable Court of Appeals entitled *Roneo S. Clamor et al., vs Gen. Victor S. Ibrado et al., docketed as CA GR No. SP 112695*, involving some of the parties and the same subject matter. Also, a criminal case for Violation of P.D. 1866 as amended by RA Nos. 8294 & RA 9516 has been filed against me before the Regional Trial Court of of Morong, Rizal entitled *People of the Philippines vs. Gary Liberal et al., docketed as Criminal Case No. 10-9079-M* involving the same subject matter.
5. I certify that I have not heretofore commenced any action involving the same issues, parties and subject matter before the Supreme Court, the Court of Appeals or different Divisions thereof, or any other tribunal or agency. If I should learn that any other similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, I shall promptly inform this and the aforesaid courts and agencies within five (5) days there from.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of February 2010 at Tanay, Rizal.

Cherelyn Riocasa Tawagon

CHERELYN RIOCASA TAWAGON
Affiant

Cherelyn Riocasa Tawagon

I hereby certify that I personally examined the affiant; that she voluntarily, knowingly and intelligently executed her Complaint-Affidavit and that she understands fully the contents of the said Complaint-Affidavit.

ADMINISTERING OFFICER

nung Feb 16 2010 kami po ay ini labas paraw may paraw kami po ako po ay pumapas dahil masama ang ating pakiramdam gusto ko ng init pinu pag labas ko may rony kamira pumasok ali ako sa loob ang sabi ko ayaw kona sin kasi may kamira ang sabi walayan "E" bakit may kamira ang sabi ini ayas lang kasi sin komabas nakaming apat pumunta kami sa mainit nalagan kasama namin yong isang lalaki pag kalapat nyan sa isang pinto pumasok siya non at isinawa tinanong kina-naman siya bakit sin pumasok ka diyan wala dito lang ako ang sabi ko? ano ang ginagawa mo wala pag kortapas non pumunta ako sa bang pinto kina usap kami ng isang sundalo ako ang unang tinanong nang tagapagan si nagot ko siya siya b, kung taga seron. pag kaligtan ko mka tatak parin ang kamira samam may psgu akong bumalik na. pabalik ang lakad ko paraw hindi ako maki ang mukha dalawa kami ng may kasunag siya pabalik ako pabalik kod ang lakad ko pag karating ko sa pinto hinabangan ako ng gani long babae o bakit kanambalik ayaw kona mont kasi may kamira walayan ayaw mo non akita ka siya kapag hindi ka bumalik hindi kita bibigyan ng mangga ang sabi ko kahit walang mangga bas papasok na ako

Cherelyn R. Tawagon

Cherelyn Tawagon

Ako po si Valentino Paulino na nakaditini sa Camp Capinpin, na magsasabi ng buong katotohanan

- 1) Ako po ay hinuli ng mga pulis, militar, noong Feb 06, 2010 Bangalang 6.00 AM at pinasama pa ako at pinirongun ang mga mata at ducala kami sa isang lugar na hindi ko naranan ^{alam} kung saan.
- 2) pagdating namin sa lugar na ipon Hales Laram at 1 gabi kaming nakapiring, wala silang ginawa kundi magtanong ng paslit, ulit na tunong.
- 3) ~~may~~ nang ilipat na kami sa selda ay nakarinig na ako ng putok ng patil, maraming putok at pagkatapos nun ay pumasok na kami sa selda at ilang sandali ay may pumasok sa selda ko ng isang lalaki at sinabi Han ako na kung matigas pa daw ba ako, nasundan pa ulit yun ng ilang gabi.
- 4) Hanggang sa pinapirma ako at pinatamburan na nakapiring pa rin ang mga mata ko, at sinabi nila sa akin ~~ng~~ na wag ako mag-alala at mabubura latta ng kaso ko basta lang daw makipag tulongan lang daw ako sa kanila,, at sinabi pa nila na mabait daw silang kaibigan para pumapastay din daw sila, kaya lala akong kinabahan at napasang-ay, sa kanilang kasustuhan ng rebihin nilang ita na

ang mag-sisityur sa pamilya ko at ako mismo

5) Petsa 10 o 11 isinama nila ako sa Rizal provincial at duon ay hinarap nila ako sa media ^{at} pinagsalita nila ako duon na ako ay sumunander na at hikayatin ko daw yung kasamahan ko.

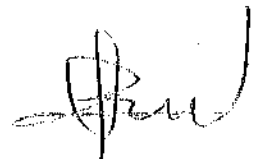
pagkatapos naming humarap sa presscon kami ay tumaloy sa restaurant at kumain kasama namin ang mga opisyal ng militar at iba pa, bumalik kami sa pagitan ng 2:00 o 3:00 ng hapon.

pagkatapos naman ng lalal ng yon at humanggang sa ngayon ay hindi na nila ako kinakausap pero iba ang pagtrato nila sakin ngayon sabihin ko lang daw po kung ano ang gusto ko at ibibigay nila.


Wala pong katotohanan yung sinabi ko sa presscon na ang mga kasamahan ko ay NPA at ako ay sumunander, ako pa ay na-pressure lang sa familia. Nilagdaan ngayung

Feb, 21, 2010

Camp. Capinpin, Tanay, Rizal



Valentino Paulino



Valentino Pastino

Republika ng Pilipinas) S.S.
Lungsod ng Quezon)

SINUMPAANG SALAYSAY

Ako si, **ADORACION A. PAULINO**, Filipino, nasa hustong gulang at taga-Calumpit, Bulacan, pagkatapos makapanumpa ng naaayon sa batas, ay kusang-loob at malayang nagsasaad ng mga sumusunod:

1. Ako ang ina ni Valentino A. Paulino, isa sa mga sapilitang inaresto mula sa isang pagsasanay sa Morong, Rizal noong Pebrero 6, 2010;
2. Ang aking anak na si Valentino, o "Val" kung sya ay aking tawagin, ay kasalukuyang nakakulong sa Camp Capinpin sa Tanay, Rizal;
3. Hapon ng Pebrero 9, Martes, nang una kong madalaw si Val sa Camp Capinpin. Bandang alas-dose kami nakarating sa kampo pero halos alas-kuwatro na kami pinapasok sa loob. Dalaw ng dalawang naka-ditene lang ang sabay na pinapasok. Ng araw na yun ay kasabay kong pinapasok sa loob ang pamilya ni Dr. Montes. Tsinek ang laha ng aming gamit at hindi kami pinayagang makapagdala ng kahit ano - - pagkain, inumin, ballpen, papel at iba pa - - sa loob. May dala sana ako noong mineral water, biskwit, toothpaste at sipilyo para kay Val pero pinaikwan lahat ito sa labas. Nang makita ko na ang anak ko, awang-awa ako sa kanya, hindi ko mailarawan ang kanyang mukha dahil magang-maga ito. Sugatan rin ang kanyang mga pulso at braso. Hindi ko na nagawang tanungin pa sya kung ano ang nangyari sa kanya at napaiyak na lang ako. Ang anak ko naman ay nakita ko ring nagpigil lamang ng luha nya at pilit na nilabanan ang pag-iyak. Gusto ko pa sana syang makasama ng mas malagal-tagal pa at makausap rin pero pagkatapos lamang ng tatlong (3) minuto ay pinagsabihan kaming tapos na raw ang oras ng dalaw.
4. Pebrero 10, Myerkules, dumalaw uli ako at nakapasok sa loob bandang alas-4 na rin ng hapon. Pinapasok na kami sa may langgapan ("reception") ng mga dalaw - - isang selda kung saan tinatanggap ang mga bisita. Tinanong ko si Val kung ano ang nangyari sa kanya, kung sinaktan ba sya. Puro "OK lang ako, Ina" ang sagot nya sa akin. Yun pala ay dahil may bantay na sundalo sa tabi lang at halos tatlong (3) dipa lang ang layo sa amin. Kahit ano ang itanong ko, halos puro "Ok lang" o "Ayos lang ako, Ina" ang sagot nya, pero hindi ako naniwalang OK sya kasi nabakas ko sa mukha nya bilang ina nya na hindi sya OK. Natapos ang maikling oras ng dalaw, 3-5 minuto lang ang ibinigay sa amin.
5. Pebrero 11, Huwebes, dumating kami kasama ang mga abogado at ang CHR. Kaming mga kapamilya ay hindi pinapasok agad. Nasa labas lang kami ng gate ng Capinpin, naghihintay ng tawag kung pede ng makapasok. By batch ng sampung tao kasi ang pagpapapasok at pang-3rd batch pa ako. Nang may tumawag at nagpaabot na huwag na akong pumasok dahil wala na raw doon ang anak ko. Nilabas daw ito at hindi alam kung saan dinala. Hindi ko maintindihan ang aking pakiramdam nang mga oras na yun. Para akong

Adoracion A. Paulino

nakabagsakan ng langit at lupa dahil hindi ko alam kung pinatay na nila ang anak ko. Iyak ako ng iyak. Umuwi akong hindi ko nakita ang anak ko

6. Kinabukasan, Byernes, Pebrero 12, ay may nakapagsabi sa akin na napanood ang anak ko na lumabas sa TV. Nagsalita raw ito at umamin sa presscon na NPA sya, silang lahat na 43. Ito rin ang araw ng hearing sa Court of Appeals na dapat ay ipapakita ang anak ko at mga kasamahan nya. Pumunta ako sa Court of Appeals pero hindi ako pinapasok sa loob. Nasa labas lang ako ng gate at sampung (10) kaanak lang ang pinapasok. Hindi rin prinesenta ng militar ang anak ko at ang mga kasamahan nya.

7. Sabado, Pebrero 13, dumalaw uli ako at mga kasamahan ko. Dahil Valentine's Day kinabukasan at birthday rin ni Val ay dinalhan namin sila ng bulaklak. Medyo marami na ang sabay na pinapasok at dahil dito ay maingay, may mga bata pang nag-iyakan kasama ang magulang nilang dumalaw sa asawa. Medyo nakadistansya rin ang mga bantay kaya nakapag-usap kami ni Val ng medyo malaya. Natanong ko sya, "Anak, ano ba ang nangyari sa yo at nawala ka? Saan ka dinala?" Ang sagot nya, "Ina, palawarin nyo ako. Nakapagsinungaling ako sa presscon at nasabi kong NPA kaming lahat na 43. Kaya ako nakapagsinungaling, Ina, dahil sa tinakot nila ako at sinasaktan nila ako, tinorture ako." At ang sabi raw sa kanya, kung hindi sya susunod sa mga gusto nila, "alam mo na Valentino kung ano ang mangyayari sa pamilya mo." Natakot sya at sabi nya, "lalong lalo na sa yo Ina at kaisa-isa na lang kayong magulang ko." Natakot at nag-lala sya para sa akin at mayroon na raw silang pinadalang mga tauhan sa lugar namin.

8. Pebrero 15, Lunes, ay dumalo ako sa hearing sa Court of Appeals. Pinapasok na kaming lahat sa loob ng korte. Nakita ko ang anak ko, nakaposas sa sundalo. Nakiusap ang abogado namin kung pedeng tanggalan ng posas ang anak ko at hiniling na makapag-usap kaming tatlo - ako, anak ko at ang abogado. Pumayag naman ang sundalo. Pumunta kami sa isang sulok para mag-usap sana pero puro "OK lang ako" na naman ang sagot ng anak ako at hindi makatingin ng direktso sa attorney. Yun pala, pagtingin namin ay nakapaligid na naman ang mga sundalo. Hindi rin kami nakapag-usap. Nagtanong rin kaming mga pamilya kung pedeng bigyan ng meryenda ang mga akusado dahil brektime. Sabi, pede raw. Inabutan ko ng pagkain (tubig at biskwit) ang anak ko pero ang sabi ng sundalo, "meron sila". Sabi ko, "bakit, lalasunin ko ba ang anak ko? Sariling dugo at laman ko yan!" Marahil sa takot ay hindi kinain ng anak ko ang binigay ko sa kanya.

9. Martes, Pebrero 16 ay dumalaw uli ako at pilit na binigyan ng lakas ng loob ang anak ko. "Sabi ko, nakita mo ba yung nangyari kahapon, andami nyong supporters kaya wag kayong matakot." Naikwento nya sa akin na hinihimok raw talaga sya at sinusuyo ng mga sundalo at pinangakuan ng maraming bagay.

10. Nang linggong ito ay nakapagkwento sya sa akin ng mga nangyari at ginawa sa kanya - na hinihimok sya at minamadaling magsalita. Nasabi rin nya sa akin kung pedeng ilipat agad sila sa Crame kagyat at may masamang balak raw si Zaragosa sa kanila. Mangingiyak-ngiyak nga syang

nagsalita sa akin at balisa rin sya. Pakibilisan lang dahil nanganganib raw ang buhay nila dahil may masama raw balak na sila'y ilipat raw sa hindi nila alam kung saan. Kinukulit raw sya nang kinukulit at inilalabas raw sya sa selda. Minsan, inilabas raw sya sa selda at dinala sa magandang tanggapan ng opisyal at tinanong pa raw sya kung wala syang pantalon. Sabi ko sa kanya "Anak, wag kang talanggap ng mula sa kanila." At kukuha raw sila ng abogado para sa kanya at sya raw ay pinapipirma. Sabi ko, "Kahit pitipitin ang kamay mo ay wag kang pipirma, anak."

11. Pebrero 22, Lunes, ang sabi nya sa akin ay hirap na hirap na raw sya doon. Parang pagod na pagod sya. Dumating kami ng bandang alas-3 ng hapon at nasabi nya na kakapasok lang nya kasama ang mga sundalo. Pulang pula sya na parang sa tingin ko ay ilang oras na binilad sa araw. Mangiyakngiyak nyang ikinuwento sa akin na nanganganib na raw ang buhay nya. Noong Linggo ring iyon ay nasabi nya na di na raw nya malaman kung ano ang isasagot nya pag tinatanong. Madalas ay may ilabas sa mga selda, babae o lalaki man, at kadalasan ring isa sya sa mga inilalabas. Nasabi pa nya sa akin noong Sabado na mag-ingat ako at pati raw ako ay pinamu-monitor at pinasusundan pa raw kung saan ako tumutuloy.

12. Noong nakaraang linggo rin ay nabanggit sa akin ng anak ko na maliban sa pagbabanta ay inalok rin sya ng kung anu-ano para lamang magsalita. Maliban sa nasabi na bibigyan ng pantalon, na-offeran rin sya na bibigyan ng PHP50,000 at pati ako raw ay bibigyan ng trabaho. Sabi ko sa kanya, wag syang papayag. Pinayuhan nga nya akong mag-ingat at may reward raw sa kung sino man ang makakapagkausap sa akin. Minsan ngang dumalaw ako ay narinig ko na pinagsabihan ang anak ko na, "*Valentino, ang ina mo ay maiwan muna at mag-uusap kami*", pero hindi ako nakipag-usap sa kanila at sumama na ako palabas sa mga kasama kong dumalaw. Pagkatapos nga noon ay napag-alaman ko na sunud-sunod na inilalabas, araw o gabi man, ang anak ko.

13. Noong Lunes lamang, Marso 1, ay dumalaw uli ako pero wala na ang anak ko roon. Ito ay napag-alaman ko sa mga naunang kaanak na dumalaw sa loob at nalaman nga nila na wala na roon ang anak ko at dalawa pang babaeng kasamahan nya. Wala ring nagpaliwanag kung nasaan na ang anak ko. Hanggang ngayon ay hindi ko alam kung nasaan sya.

14. Lubos akong nag-aalala para sa anak ko at hinihingi ko na ilabas na sya, ipakita sa amin at palayain na.

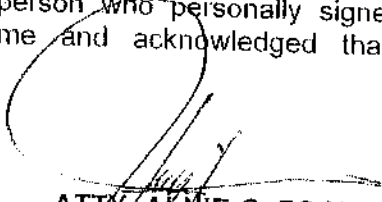
SA PAGPAPATUNAY sa lahat ng ito ay nilagdaan ko ang Salaysay na ito ngayong ika-3 ng Marso sa lungsod ng Quezón.

ADORACION A. PAULINO

SUBSCRIBED AND SWORN TO before me, this 3rd day of March 2010 in Quezon City by the affiant who has satisfactorily proven her identity to me

through her Senior Citizen's ID No. 7141 issued on February 24, 2009 in Calumpit, Bulacan, that she is the same person who personally signed the foregoing *Sinumpaang Salaysay* before me and acknowledged that she voluntarily executed the same.

Doc. No. 92
Page No. 20
Book No. V
Series of 2010.



ATTY. ALNIE G. FOJA
Notary Public

Until December 31, 2010
IBP No. 816026 /01-25-10 /Romblon
PTR No. 3239032B /01-25-10 /Q.C.
MCLE Compliance No. II-0005430
October 7, 2007
173-E Scout Fuentebella Ext.
Sacred Heart, Quezon City

AFFIDAVIT

I, JULIAN F. OLIVA, JR., of legal age, married, Filipino and with address at c/o Santos Pilapil & Associates, Suite 1209 Prestige Tower, F. Ortigas, Jr. Ave., Ortigas Center, Pasig City, after being duly sworn in accordance with law, hereby depose and state that:

1. I am a lawyer and one of the collaborating counsel of the forty three (43) health workers arrested by the at Morong, Rizal and presently detained at Camp Capinpin, Tanay Rizal;
2. I entered my appearance as co-counsel for the forty three (43) health workers during the hearings of the Petition for Habeas Corpus for the said health workers held on February 12 and 15, 2010 before the Court of Appeals and was listed by the military in Camp Capinpin as among the lawyers representing and appearing for the forty three (43) health workers;
3. On March 2, 2010, I together with Atty. Ephraim Cortez, went to Camp Capinpin to visit, talk and consult with our clients, the forty three (43) health workers;
4. We arrived at Camp Capinpin at around 9:00 A.M. but were not immediately allowed entry into Camp Capinpin and held at the camp's gate pending verification and clearance from "higher authorities";
5. I, in particular, was initially not allowed entry into Camp Capinpin because I didn't have an I.B.P. ID, despite presenting my Law Office ID, COMELEC ID and Driver's License to prove my identity and the fact that my name was listed in the military's list of lawyers acting as counsel and representing the forty three (43) health workers;
6. After some negotiations and discussions, I and Atty. Cortez was finally allowed entry into Camp Capinpin and the camp's detention center at around 10:00 A.M.;
7. At the Camp Capinpin's detention center, I agreed to see, talk and consult with the female health workers while Atty. Cortez will see, talk and consult with the male health workers;
8. There are twenty six (26) detained female health workers, but I was able to see, talk and consult with twenty four (24) detained female health workers as detainees CHERRY LYN TAWAGON and ELEANOR CARANDANG has been taken out of the detention center on March 1, 2010 and has not been returned;
9. From my interview and consultation with the twenty four (24) detained health workers, the following events took place regarding the two (2) missing health workers:
 - a. On February 28, 2010 (Sunday), at 10:00 P.M., detainee ELEANOR CARANDANG was taken out of the detention center by the female Jail Guards for interrogation and returned at 12:00 midnight;
 - b. In place of detainee CARANDANG, detainee CHERRYLYN TAWAGON was taken out of the detention center by the female Jail Guards for interrogation at 12:00 midnight and returned at 12:45 A.M. of March 1, 2010;

c. Detainee TAWAGON was again taken out of the detention center by the female Jail Guards for interrogation at 2:00 A.M. and not returned;

d. At 8:30 A.M. of March 1, 2010, detainee CARANDANG was again taken out of the detention center by the female Jail Guards for interrogation and not returned;

e. At 11:00 A.M. of March 1, 2010, all the personal belongings of the two (2) female detainees were taken out by the female Jail Guards.

f. The female Jail Guards who took out the two (2) detainees from the detention centers were "IDLOY", "CEA", "CALAOAGAN" and "CASILLAN", who is now sporting a new name "PADER";

g. Detainee CARANDAND informed her co-detainees before she was taken out at 8:30 A.M. of March 1, 2010, that during her interrogation, she was being pressured to cooperate because her relatives are already under military custody;

10. Later, Atty. Cortez informed me that he was able to see, talk and consult with only sixteen (16) detained male health workers as detainee VALENTINO PAULINO was also taken out of the detention center for interrogation and has not been returned;

11. I and Atty. Cortez inquired from the Jail Warden, Major Tabion the whereabouts of the three (3) missing detainees and demanded we see, talk and consult with the said detainees;

12. Major Tabion accidentally informed us that he believes that the three (3) missing detainees were brought to the prosecutor's office that morning, but we might be able to see and talk to the three (3) detainees when they were returned but at the G-2 (Intelligence) Office;

13. However, since it was already past 12:00 noon, Major Tabion advised us to take our lunch outside the camp and, after the lunch break, to inform the camp's gate guards that we are ready to talk to the three (3) missing detainees so that we can be fetched at the camp's gate and brought to the G-2 office;

14. At 1:00 P.M., I informed the camp's gate guard that I am ready to be brought to the G-2 Office to talk to the three (3) missing detainees;

15. A few minutes later, a certain Lt. Nemilda came out of the camp's gate and informed me that the three (3) missing detainees have executed a Waiver in which they have changed their counsel and hired a new counsel in the person of a certain "Atty. Cyrus Morado";

16. When Lt. Nemilda could not produce a copy of the alleged Waiver executed by the three (3) detainees, I informed him that I still have to see and talk to the three (3) detainees to confirm if the signatures if any appearing thereon is their signature and that they freely and voluntarily executed the Waiver and that the entry of appearance by Atty. Morado before the withdrawal or discharge of the previous counsel of record would be unethical. Lt. Nemilda informed me that he will relay my request to the higher authorities and get a clearance from their "Legal";

17. Lt. Nemilda did not return until 5:00 P.M. when we left the camp and no clearance was issued;

18. Relatives of the detained health workers were allowed to visit the detainees from 2:00 P.M. up to 5:00 P.M.

19. When the relatives of the detained health workers came out of the camp, they

another female detainee, compelling the detainees to conduct a noise barrage and preventing the military from taking out the female detainee;

20. On our way home from the camp, detainee CHERRYLYN TAWAGON called up the cellular phone of his brother, Arnulfo Riocasa, whom we advised not to enter the camp since her sister is not in the detention center;

21. Detainee TAWAGON informed his brother that she is alright and is still inside Camp Capipin, living in a house separate from the other two (2) missing detainees and that before he visits her next time to first call the cellular phone she is now using;

22. This Affidavit is being executed to attest to the truth of all the foregoing facts and events.

IN WITNESS WHEREOF, I have hereunto affixed my signature on this 4 day of March, 2010 at Pasig City.



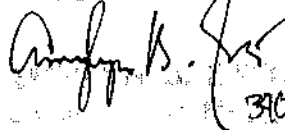
JULIAN F. OLIVA, JR.
Affiant

SUBSCRIBED AND SWORN to before me this 4th day of March, 2010 at Pasig City. Affiant exhibited to me his Comm. Tax Cert. No. 15588063 issued on January 4, 2010 at Pasig City and Santos Pilapil & Associates ID No. 1209-9.

WITNESS MY HAND AND SEAL.

Doc. No. 280
Page No. 57
Book No. II
Series of 2010.

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310

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