

GENERAL HEADQUARTERS
ARMED FORCES OF THE PHILIPPINES
AFP HUMAN RIGHTS OFFICE
Camp General Emilio Aguinaldo, Quezon City

STATUS OF CASES (ALLEGED EXTRAJUDICIAL KILLING) AGAINST AFP PERSONNEL, CAFGUs and MILITARY ASSETS
(as of 4 July 2007)

A. PENDING TRIAL IN COURT (6 cases with 13 Enlisted Personnel and 1 CAFGU member charged with murder/homicide)

No.	Victim/Affiliation	Place/Date of Incident	Suspect	Source of Information	Case Status/Remarks
1	Rolly Cañete (Broadcaster of DXPR and DZXB, and PIO, Prov'l Capitol Zambo del Sur)	Pagadian City, Zambo del Sur, 20 January 2006	SSg Herbert Liguán PA, 1MIB, 1ID, PA	TF USIG	Case: Murder - CC Nr 8167-2006 Status: Pending before 9JR, RTC Br 18, Pagadian City . Accused was released on bail and presently assigned at 1MIB, 1ID, PA.
2	Marlene Esperat (Columnist of Midland Review)	Cebu	Sgt Rowie Barua PA, 36MICU, 6MIB, 6ID, PA		Case: Murder - CC Nr 75556 Status: Pending before RTC Br 21, 7JR, Cebu City . Sgt Barua turned state witness against his co-accused Osmena Montaner and Estrella Sabay. Sgt Barua was placed under the Witness Protection Program.
3	Benjaline Hernandez (Student/Publisher, Ateneo de Davao)	Brgy Kinawayan, Aracan, North Cotabato, 5 April 2002	MSg Antonio Torilla PA, SFR (A), SOCOM, PA	TF USIG	Case: Murder - CC Nr 224-2003, 225-2003, 226-2003. Status: Pending before MCTC, Davao City City . Accused was released on bail and placed a/u with HHSG, PA, eff 01 Apr 07, pur to para 4, SO Nr 59, HPA dated 23 March 2007. His Administrative Case was dropped & closed (legitimate encounter).

Handwritten notes:
 # released on bail → 5 x - dismissed 1
 - admin case → 1
 ✓ dropped
 ✓ → at 1 yr → 1

4	<p>1. Bacar Japalali 2. Carmen Japalali (MNLF) (Spouses)</p>	<p>Sitio Talaba, Purok Gumamela, Brgy Bincungan, Tagum City, 8 Sept 2004</p>	<p>Members of 4ID, PA (for bail) 1. Sgt Serafin S Napoles 747619 PA 2. Pfc Gene R Ugsod PA 3. Pfc Eusebio L Entero II 843974 PA</p> <p>Members of 101DRC, 10ID, PA (on bail) 4. Pfc Mark P Sabellano 844098 PA 5. Pfc Rodel N Bacangoy 844044 PA 6. Pfc Jupil Perocho Balilihan 844059 PA</p> <p>Member of 1001Bde, 10ID, PA (for bail) 7. Cpl Rene S Sumog-oy 811643 PA</p> <p>Member of 60IB, 10ID, PA 8. Pfc Ramon L Araneta Jr 845959 PA</p>	<p>Letter from Ms Kim Soo A dated 23 May 2007, informing that Pvts Sevillano, Bacangoy and Balilihan were turned over to Mawab MPS on 21 May 2007.</p>	<p>Case: 2 Separate cases of Homicide (CC Nr 14958 & CC Nr 14959) Status: Pending before RTC Br 31, Tagum City.</p> <p>8 EP (5 from 10ID and 3 from 4ID) were charged of Homicide before RTC Br 31, Tagum City and arraignment was set on 31 July 2007 with CPT JENNIFER LIMJOCO JAGS, SJA, assisting as counsel of the accused.</p> <p>Atty. Renante L Matobato of PAO, Tagum City is acting as counsel of the accused.</p> <p>Said cases were submitted to IBP National Committee on Legal Aid by OTJAG.</p> <p>The case was reportedly a result of a legitimate encounter and 1 shot gun was recovered from the enemy.</p> <p>3 EP of 101DRC, 10ID were released on bail, while the remaining 3 EP from 4ID and 2 EP from 10ID, H10ID are due to post bail. All accused are under custody of their respective unit commanders.</p>
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5	Delio Apolinar (BAYANMUNA)	Naga City, 25 April 2005	<p>1. Sgt Esteban Vibar PA, 42IB, 9ID, PA</p> <p>2. Ronnie Canet</p>	TF USIG	<p>Case: Homicide - CC Nr 0657-2006 Status: Pending trial before RTC Br 61, Naga City, Accused was released on bail, and he is now under custody of CO, 42IB. His administrative Case has been held in abeyance pending the outcome of the criminal trial. His co-accused Ronnie Canet was certified by 9ID as non-CAFGU member.</p>
6	Victor Balais	Lutab, Asibanglan, Pinukpok, Kalinga, 7 Dec 2003	<p>1. Cpl Garry Siquiyan PA, 77IB, 5ID, PA</p> <p>2. CAFGU Benigno Gaano</p>	Investigation report submitted by COMNOLCOM (U2) to CSAFP dated 18 Apr 2007	<p>Case: Homicide - CC Nr 129-2006 Status: Pending for trial before RTC Br 25, Tabuk, Kalinga. Accused Cpl Siquiyan voluntarily surrendered and posted bail in the amount of P20, 000.00.</p> <p>CAFGU Benigno is at large. Both accused were arraigned on 22 Feb 2007 and they pleaded not guilty. Pre-trial was set on 24 April 2007.</p>

B. UNDER INVESTIGATION BY DOJ Provincial Prosecutors Office (PPO) O- 3 CASES (1 Officer/ 1 EP- Discharged from military service in 2002/ 1 Alleged Military Asset)

No	Victim/Affiliation	Place/Date of Incident	Suspect	Source	Remarks
1	Hermilino Marquiza (Secretary Kahugpungan sa Mag uuma sa Surigao del Sur)	Brgy. Maitum, Tandag, Surigao del Sur, 20 August 2006	William Suarez (allegedly a military asset of 58IB, 4ID, PA) with 1 John Doe and 1 Peter Joe	TF USIG	Case: Murder - IS# 2006-276 Status: Complaint was filed on 24 Aug 2006 at Prov'l Pros Office Surigao, del Sur.
2	Pastor Isaias L Sta Rosa (Regional Coordinator KMP/ Pastor United Methodist Church)	Brgy. Malobago, Daraga, Albay, 3 Aug 2006	1. Pfc Lordger Pastrana 850278 PA (Deceased) 2. MAJ MARC ERNEST ROSAL PA 3. CPT ARNALDO L MANJARES O-123315 PA 4. 10 John Does of 9ID	TF USIG	Case: Murder - IS# 2007-0213 Status: Dismissed for insufficiency of evidence pursuant to Resolution of Prov'l Pros Office of Legaspi City dated 8 June 2007
3	Nicanor de los Santos (BAYAN MUNA)	Brgy San Jose, Antipolo City, 8 Dec 2001	Cpl Alberto Rafon PA, TF Panther, 2ID, PA (Discharged from the Service)	TF USIG	Case: Homicide <i>(For verification)</i> Status: Pending before the Prosecutor's Office of Antipolo and a Warrant of Arrest has been issued. Suspect went on AWOL while his administrative case was investigated. Consequently, he was discharged from mil service pursuant to paragraph 13, SO 78, H2ID dated 07 Oct 2002 under AW 62 (AWOL) and AW 64 (Disrespect toward a Superior Officer) which he committed prior to the incident

4	Nelson Ramos Asucena (SK Chairman)	Brgy. San Juan, Rizal, Cagayan, 13 Dec 2006	1LT MARCELO PASCUA PA, 21IB, 5ID, PA	CHR (Mission Order ng Komisyon ng Karapatang Pantao, Lungsod ng Tuguegarao dated 23 May 2007)	Case: Murder - OMBUDSMAN 2007-02 Status: Pending before Cagayan Prosecutor's Office.
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C. RECAPITULATION

Status of Case	STATUS OF ACCUSED/SUSPECTS				TOTAL
	Officer	Enlisted Personnel	Suspected CAFGUs	Suspected Military Assets	
Filed in Court:					
RTC		12	1		13
MCTC		1			1
Under Investigation:					
PPO	1	1		1	3
CHR	0				0
TOTAL	1	14	1	1	17

LEGEND:

- RTC – Regional Trial Court
- MCTC – Municipal Circuit Trial Court
- JR – Judicial Region
- PPO – Provincial Prosecutor’s Office
- CHR – Commission on Human Rights
- CAFGU- Citizen Armed Forces Geographical Unit
- EP – Enlisted Personnel

Prepared by:

1LT AIDA E BARWEL (AGS) PA
Chief, Administrative Branch

CERTIFIED CORRECT:

LTC BENEDICTO M JOSE PA (MNSA)
Chief, AFPHRO