



Republic of the Philippines
S E N A T E
Pasay City

M E M O R A N D U M

F O R : **HON. FRANKLIN M. DRILON**
Senate President

T H R U : **THE SENATE SECRETARY**
THE DEPUTY SECRETARY FOR LEGISLATION
THE EXECUTIVE DIRECTOR FOR LEGISLATIVE SERVICES
THE DIRECTOR FOR COMMITTEE AFFAIRS BUREAU
THE DIRECTOR FOR COMMITTEE SUPPORT SERVICE "A"

F R O M : **MR. XERXES S. NITAFAN**
Legislative Committee Secretary
Committee on Public Order and Illegal Drugs

S U B J E C T : **SUMMARY REPORT ON THE SECOND PUBLIC HEARING JOINTLY CONDUCTED BY THE SENATE COMMITTEES ON PUBLIC ORDER AND ILLEGAL DRUGS; JUSTICE AND HUMAN RIGHTS; AND PUBLIC INFORMATION AND MASS MEDIA ON THE PRIVILEGE SPEECH OF SENATOR RICHARD J. GORDON AND THE INTERPELLATIONS THEREON, DELIVERED ON AUGUST 9, 2004, ENTITLED "*JUSTICE FOR JOURNALISTS AND JUDGES*", TAKING INTO CONSIDERATION PROPOSED SENATE RESOLUTION NOS. 28, 50 AND 90, HELD ON TUESDAY, NOVEMBER 23, 2004, 1:30 P.M. AT THE SENATOR CLARO M. RECTO ROOM, SENATE OF THE PHILIPPINES**

May I respectfully submit the attached summary report on the second public hearing jointly conducted by the Senate Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Public Information and Mass Media on the Privilege Speech of Senator Richard J. Gordon and the interpellations thereon, delivered on August 9, 2004, entitled "*Justice for Journalists and Judges*", taking into consideration Proposed Senate Resolution Nos. 28, 50 and 90 (introduced by Senators Aquilino Q. Pimentel Jr., M. A. Madrigal, Alfredo S. Lim, and Miriam Defensor Santiago), which was held on November 23, 2004, 1:30 p.m. at the Senator Claro M. Recto Room, Senate of the Philippines.

For your Honor's information.

COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS
joint with
COMMITTEE ON JUSTICE AND HUMAN RIGHTS
COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA

SECOND PUBLIC HEARING

1:30 p.m., Tuesday, November 23, 2004

Senator Claro M. Recto Room

Senate of the Philippines, Pasay City

AGENDA

- **Privilege Speech of Senator Richard J. Gordon and the interpellations thereon, delivered on August 9, 2004, entitled “Justice for Journalists and Judges”**

taking into consideration:

- **Proposed Senate Resolution No. 28** – “Resolution calling for the investigation, in aid of legislation, by the appropriate Senate Committee on the murder of broadcaster Roger Mariano and to institute reforms to protect media practitioners in the exercise of the freedom of the press” (*Introduced by Senators Aquilino Q. Pimentel Jr., M. A. Madrigal and Alfredo S. Lim*)
- **Proposed Senate Resolution No. 50** – “Resolution expressing the sense of condolence of the Senate on the demise of Kalinga RTC Judge Milnar Limawen and directing the Senate Committee on Justice to conduct an inquiry in aid of legislation on the series of deaths of members of the judiciary in order to provide legislation that will promote their safety and protection” (*Introduced by Senator Miriam Defensor Santiago*)
- **Proposed Senate Resolution No. 90** – “Resolution directing an inquiry, in aid of legislation, on the series of harassment cases and deaths of journalists in the Philippines” (*Introduced by Senator Miriam Defensor Santiago*)

SENATORS PRESENT: SENATORS MANUEL B. VILLAR JR. (*Chairman, Committee on Public Order and Illegal Drugs*), RAMON BONG REVILLA JR. (*Chairman, Committee on Public Information and Mass Media*), RICHARD J. GORDON, and JINGGOY EJERCITO ESTRADA

SENATORS REPRESENTED: SENATORS RALPH G. RECTO, MANUEL “LITO” M. LAPID, JUAN PONCE ENRILE, COMPAÑERA PIA S. CAYETANO, M. A. MADRIGAL, and AQUILINO Q. PIMENTEL JR.

GUESTS/RESOURCE PERSONS: POLICE DIRECTOR GENERAL EDGAR B. AGLIPAY, *Chief, Philippine National Police (PNP)*; POLICE SENIOR SUPT. RODOLFO B. MENDOZA JR., *Deputy Director, Criminal Investigation and Detection Group (CIDG), PNP*; POLICE SENIOR SUPT. CHARLEMAGNE S. ALEJANDRINO, *Executive Officer, Directorate for Investigation and Detective Management (DIDM), PNP*; DEPUTY DIRECTOR FILOMENO S. BAUTISTA, *Regional Operations Services, National Bureau of Investigation (NBI)*; JUDGE DOROTEO N. CAÑEBA, *President, Retired Regional Trial Court Judges Association of the Philippines*; MR. REY HULOG, *Executive Director, Kapisanan ng mga Brodkaster sa Pilipinas (KBP)*; MS. INDAY ESPINA-VARONA, *Chairperson, National Union of Journalists of the Philippines (NUJP)*; and Ms. SWEET MARY J. CAWICAN, *Researcher-Writer, Center for Media Freedom and Responsibility (CMFR)*

SUMMARY REPORT OF THE PUBLIC HEARING'S DISCUSSIONS

At 2:19 p.m., the public hearing was called to order by Senator Villar, Chairman of the Committee on Public Order and Illegal Drugs.

Opening Statement of the Chairman

Senator Villar stated that the public hearing is a resumption of the Joint Committees' discussion on the issue concerning the spate of killings of judges and journalists wherein during the first public hearing on September 1, 2004 he has noted the magnitude and seriousness of the situation involving the lot of the members of the Media and the Judiciary. He recalled that it was then reported by the PNP that there were a total of 51 cases of killings involving media personalities from 1984 up to September 1, 2004. On the other hand, he stated that there were accordingly 9 cases of slain judges from 1999 up to that same date of the first public hearing.

Consequently, he remarked that it was heartening to note that with the conduct of the Joint Committees' first public hearing some of the recent cases that were being pursued at that time by the law enforcers had dramatically moved and brought about immediate results with the arrest and apprehension of some perpetrators particularly in the slaying case of Judge Voltaire Rosales of Batangas. He declared however that it is still sad and distressing to note that the spate of killings of journalists has recently continued and even surged in a span of one month with the almost consecutive deaths of Eldie Sablas of Surigao del Sur, Gene Boyd Lumawag of Sulu, Michael Llorin of Quezon City and Herson Hinolan of Aklan. Hence, he stated that the Joint Committees would like to be apprised of the current actions taken by the law enforcement agencies regarding the alarming situation.

Update on the Status of the Cases

Asked by Senator Villar about the status of the cases concerning killed journalists, Police Director General Aglipay informed the Joint Committees that out of the 8 cases that happened from January to September this year the following 3 cases have been solved by the PNP:

- 1) the Edgar Damalerio case wherein PO1 Guillermo Wapili was apprehended by the PNP-CIDG of Region 9;
- 2) the Roger Mariano case in Ilocos Norte wherein SPO4 Apolonio Medrano and Basilio Yadao were already apprehended; and
- 3) the Arnel Manalo case in Batangas wherein Michael Garcia was also apprehended.

He thereafter stated that from the Joint Committees' public hearing on September 1, 2004 up to this date, there have been 6 incidents of killings involving media practitioners which are as follows:

- 1) the case of Christopher Misajon of GMA-7 wherein a case of robbery with homicide was filed against Richard Barrios, Pedro Jamili and Roseni Gonzales, who is now already in the custody of the police;
- 2) the case of Jose Luis Villanueva of Today that happened last September 24, 2004 along Edsa, wherein a case of robbery with homicide was filed against Rommel Capones, Henry Lizardo and Jake Cecilio, who were all arrested already;
- 3) the case of Romy Binungcal of Mt. Samat, a resigned employee of Remate, who was actually killed in front of the massage parlor which he owns and manages;

- 4) the case of Eldie Sablas, a stringer reporter of DXJR in Tandag, Surigao del Sur, wherein a case was filed against a certain Bobong Perez and some John Does but said perpetrators have not yet been apprehended up to this date;
- 5) the case of Herson Hinolan, an anchorman of Bombo Radyo in Kalibo, Aklan, wherein a case was filed against Mayor Alfredo M. Arsenio for murder; and
- 6) the case of Gene Boyd Lumawag, a photographer of Mindanews killed in Jolo, Sulu, wherein a case of murder was filed against the Sailani brothers—Itting and Omar—who are allegedly involved in kidnapping and that they were the subject of Lumawag's news project, which accordingly prompted the brothers in killing him.

Police Director General Aglipay thereafter assured the Joint Committees that the PNP would see to it that the concerned perpetrators would be apprehended the soonest possible time.

As regards the status of the cases on the killing of judges, he stated that there had been 9 cases which happened from 1999 up to the present and that out of these cases, 2 were solved since September 1, 2004 including the Judge Rosales case whose next schedule of hearing is set on November 26, 2004.

Statistics of Cases Involving the Killing of Journalists

Police Director General Aglipay affirmed that there are actually 14 cases involving the killing of media practitioners. As such, Senator Villar noted that this current year has the highest incidence for a single year involving cases of killed journalists. He then enumerated the following statistics: 14 cases in 2004; 10 cases in 2003; 3 cases in 2002; 4 cases in 2001; 2 cases in 2000; 1 case in 1999; and 3 cases in 1998. However, he indicated that he is not assailing the performance of the police although he averred that it is quite unfortunate that such high number of cases for this year has been apparently ensuing under the watch of the present PNP leadership.

Probable Reasons for the Sharp Increase in the Statistics of Cases

Senator Villar inquired as to what the sharp increase in the statistics could be attributed to considering that there are already 14 cases for this year and it is still November yet. Police Director General Aglipay surmised that the more plausible reasons that he could think of are the recent election that was conducted this year and the problem on corruption. He stated that the members of the media would tend to discuss issues of corruption in their program thereby exposing the alleged corrupt personalities in their locality. He postulated thereafter that if such personalities were being attacked through the media especially in the provinces, this would mean losing their face in their locality and so they would later retaliate whereby the eventual result would be the death of the concerned media practitioner.

Senator Villar however contended that there were only 4 cases in 2001 and 3 cases in 1998 which were also election years and that the issues of corruption have been there ever since. Police Director General Aglipay argued that these issues of corruption have not been discussed the way they are being discussed at present wherein names of prominent people are being dragged into various corruption cases. Agreeing that these are indeed possible reasons as well as contributory factors, Senator Villar nonetheless averred that there might be another reason for the sharp and sudden upsurge considering that 14 is just too high a number for such incidents and this might still be counting. He therefore expressed his concern over the matter and asserted that the PNP should also look into other possible reasons which might have been overlooked.

According to the discussion he had with the representatives from the media before the start of public hearing, Police Director General Aglipay declared that one of the possibilities for the increase in the statistics is that there are many firearms that ought to be controlled. But as far as the present PNP leadership is concerned, he disclosed that he had only signed about 200 permits to carry firearms for the past three months when he assumed as police chief. He further disclosed that he has not yet approved any permit to carry for long firearms.

Statistics on the Solution-Efficiency of the Cases

Senator Gordon remarked that the solution-efficiency of the cases should be better looked into considering that the percentage of conviction of the said cases seemed to be woeful. He then pointed out that according to the records that have been submitted by the PNP to the Joint Committees, the number of convictions throughout the years has only been 4 from out of all the cases of journalists who have been killed. He also stated that there were 4 dismissed cases and that the rest are under trial, which he surmised that these cases are perhaps being unattended to that is why they are still pending. Hence, he indicated that based on this situation it means that the capability of the police to properly investigate crimes and file a good case is still wanting.

In addition, he pointed out that it might be possible that this situation just continues because criminals are getting emboldened since they could just get away with the killing of judges and even including lawyers. He noted that Atty. Caliso, a cousin of a congresswoman, was killed while driving his vehicle in front of his home where his very young children are living and that there were about 20 slugs found in his body, which was a really gruesome killing.

Licensing and Issuance of Permits to Carry Firearms

As regards the limiting of the issuance of permits to carry firearms by the PNP, Senator Gordon argued that there is no real evidence to show that the said crimes were perpetrated by people who are licensed to carry firearms. He asserted that these killings have been perpetrated by people with unlicensed firearms. He therefore maintained that what is needed to do is either collect these unlicensed firearms or, in order to abate the financial deficit, have all these firearms licensed so that it would be known who has the weapon and then make more stringent penalties for unlicensed firearms. He said though that if people would be allowed to carry firearms then there would probably be a long line for it since it seems to him that the police could not really able to protect the citizenry from criminal elements, but at least these people would be known.

He thereafter cited the case of a 21-year old female UP graduate, a former teacher from Mindanao State University working in a call center in Metro Manila, wherein she was walking along in Quezon City on September 11, 2004 at 5:30 a.m. and her bag was grabbed and was killed afterwards by her assailants that included a taxicab driver. He said that it was fortunate enough that the taxicab's plate number was identified and so the taxicab driver was quickly apprehended while his gunman companion, though already been identified, is still at large.

Effects of the Current Peace and Order and Crime Situation of the Country

Senator Gordon brought to fore the discussion of another hearing wherein Secretary Angelo Reyes was asked by Senator Enrile to give an assessment on the peace and order and crime situation of the country. However, he stipulated that it would be unfair to attribute the current situation to Police Director General Aglipay since the PNP chief was just new to the position but in fairness to police general, he said that the Judge Rosales case was immediately resolved after the conduct of the Joint Committees' first public hearing. Nonetheless, he stated that the fact remains that the society has now created a situation where it seems that one could just literally get away with murder, but he said that this must be immediately stopped.

Hence, he asserted that this grim situation does not apply to journalists and judges alone since this is a very strong message that is being put up by the criminals to society. He pointed out that if somebody kills a newsman, whether good or bad newsman, it is like the criminal elements telling the journalists not to write, report or speak about them in the media, which is tantamount to killing the freedom of information in the country. He leveled the same thing with the case of the judges as he declared that when criminal elements kill a judge, they are conveying to society that they can take the law into their own hands. He therefore assessed that judges would then be reticent about their cases such as in the handling of very difficult cases involving criminal syndicates, thus no person would then want to be a judge anymore if the judges could not be protected.

Suggested Possible Structural Remedies and Solutions

Senator Gordon stressed that the solution is not just to give the judges and journalists their own bodyguards but rather to have a more efficient police force. He then highlighted some suggestions which he made in his privilege speech such as requiring taxicab drivers to wear uniforms and put body numbers on their respective taxicabs so that people could find out who owns them and could be able to subsequently check them out.

As regards the cases of Atty. Caliso in Iloilo and the killings in Batangas wherein motorcycles were used in carrying out the crimes, he suggested that local government units should now have all motorcycles registered in their respective localities and then furnish the PNP with it so that the police would know right away when such motorcycle's plate number is spotted within their jurisdiction. He said that the police should not be asking the Land Transportation Office anymore because this would still take quite some time.

He therefore indicated that these are just some of the structural remedies which might be done, including the licensing of firearms in order to find out who owns the specific gun that is used in crimes through ballistics examination. He then recalled the Manila Hotel meeting where he said that the reason why he is advocating for this measure is due to the fact that his father was killed by an unlicensed firearm, which was brought in by an American. He stated that if it were not for the American capability to trace firearm wherein his family requested the support of the Federal Bureau of Investigation through the NBI then they would not be able to trace where the said firearm came from. As such, he pointed out that up to now the Philippines does not have the capability to trace the origin of a firearm that is used in a criminal activity and so he asserted that the country lacks the technical equipment.

While admitting to the fact that the country lacks the technical capability, Police Director General Aglipay informed the Joint Committees that he is in the process of talking with his foreign counterparts in order to put up a ballistic information system so that it would be installed within the PNP since it does not have such system yet. Moreover, he stated that when he was designated PNP chief one of his primary projects is to have a listing of all the wanted persons as well as the unsolved cases in the respective areas of the different police commanders. He said that he directed them to solve 5 cases every month out of the hundred unsolved cases and also to neutralize at least 5 crime groups every month.

Suggested Structural and Institutional Changes in the PNP's Organizational Setup

Senator Gordon suggested that Police Director General Aglipay should look into the possible structural and institutional changes within the organizational setup of the PNP, which the police chief could recommend as his legacy if the PNP would have to remain as the national police force. He said that the police force tends to forget about the pending cases of killed judges and newsmen that had previously happened and these cases would only be revisited when

another judge or newsman is killed. As such, he asserted that a system of measures should be put in place so that it would be institutionalized within the PNP without having the need for a super cop as PNP chief to come in and solve such problems.

Moreover, he referred to what he has been suggesting for so many times in the past together with Senator Lim that perhaps it might be the right time to go back to the system where there is a national police force and a local police force in order to have detectives in a locality, among others. He contended that there are no detectives in the PNP for every locality and that the police are just reacting or the concerned policemen are just doing the investigation for themselves because there is no institutional memory for the respective cases at hand. As such, he said that the investigation would just keep on repeating because the concerned policemen are being pulled out from time to time from their assignment since they are temporarily assigned in a certain district or locality. In this regard, he asserted that there would be no institutional memory as to who are the criminals in a certain area.

Police Director General Aglipay informed the Joint Committees that he has innovated on a project called “project item” wherein every policemen in the country has a specific task to do in a specific place and specific time. He said that every policeman would be accountable for all the violations of laws that would happen within his area of jurisdiction. He then showed the project ID he was wearing which according to him would also be worn by all policemen in order for them to be always reminded of their responsibility. In the case of unsolved crimes, he said that there are specific policemen running after specific wanted persons which are accordingly sorted in his list that he would show to the Joint Committees. Hence, he stressed his seriousness in solving all the unsolved cases by apprehending all the wanted persons.

Senator Gordon stated that there is no question to the seriousness of Police Director General Aglipay to solve the cases but what he would like to see is a professional police force wherein there would be an institutional organizational setup of the PNP that would be able to constantly solve these problems. He said that what he would like to be put in place in every police force in the localities whether be it in Manila, Jolo, Aparri, Batangas or any part of the country is a system where there are detectives who would know the terrain and practically the detail of the place as well as the people who are involved in crimes and those who have firearms. He asserted that unless this is done the PNP would not be able to solve the cases.

Statement/Assessment of the National Union of Journalists of the Philippines (NUJP)

Ms. Espina-Varona indicated that the NUJP has a slightly different number of cases from the PNP since the police included the cases of journalists who were killed in outright criminal causes wherein she stated that her group is just looking at 10 cases. She then pointed out that what the NUJP is really concern about is the involvement of a number of active and retired policemen and soldiers who happened to be the suspects in the killings of journalists. She asserted however that she is not saying that such soldiers and policemen who are suspects to the killings are indeed guilty of the said crimes.

She then enumerated the following cases which have accordingly involved some policemen and soldiers in the process:

- 1) the case of Bombo Radyo commentator Boy Hinolan wherein the suspect was a former military person who happens to be a mayor now;
- 2) the case of Jonathan Abayon wherein the suspect was also a former soldier;

- 3) the case of Roger Mariano wherein the suspect was an SPO4 and an intelligence officer of the PNP;
- 4) the case of Elpidio Binoya wherein the suspect was also a former soldier and a barangay captain; and
- 5) the case of Edgar Damalerio wherein the suspect was a certain PO1 Guillermo Wapili.

As such, she reiterated that what the NUJP is rather concerned with is the fact that the people in authority or the retired persons in authority are those being allegedly involved in the killings, which is also apparently true with the case in some of the killings of judges and lawyers that have already reached about 10 cases this year. In this regard, she declared that her group is rather discouraged by this fact but then she admitted that the NUJP has no answers to it.

Statement/Assessment of the Kapisanan ng mga Brodkaster sa Pilipinas (KBP)

Mr. Hulog stated that the KBP has the same observation as that of the NUJP based on what it has gathered from talking to their station managers and broadcasters in the several instances when they went to the areas or provinces where the killings of broadcast journalists happened. He further stated that there is truth to the allegations of the existence and availability of guns for hire in those areas where they went as having been admitted by the concerned local police officials. He then cited the case of Roger Mariano wherein shortly after the killing incident the KBP members went to interview and asked the police director in Laoag and thereby replied that there is indeed a pool of guns for hire in the said area.

Moreover, he disclosed that some of the members of the media in the area indicated that there are also local politicians who coddle these guns for hire, which are available whenever certain individuals have the money to hire them in order to silence anybody who tries to expose their irregularities. He therefore averred that there seems to be an environment conducive for the commission of crime through hired guns who kill people in the local areas which many broadcasters fear that killings would still continue if this factor could not be addressed.

Position/Proposal of the National Union of Journalists of the Philippines (NUJP)

Senator Jinggoy Ejercito Estrada noted that the NUJP had initiated a number of protests several months ago against the killings of several media practitioners and had denounced the PNP then for not delivering concrete solutions on the matter. He therefore asked the NUJP what measures it could propose to the government or the PNP in order to put a stop into these killings.

Ms. Espina-Varona replied that the NUJP does not have any available proposed measure but she stressed that the only real thing which is going to dissuade the killing of journalists or any person for that matter is the arrest, prosecution and conviction of the perpetrators of the crime. She further stressed the position of the NUJP that this campaign should not only be specially directed to journalists but to every person who is a victim of such crime.

Asked by Senator Jinggoy Ejercito Estrada as to whether the PNP is doing its job or not, Ms. Espina-Varona stated that the PNP is doing its job in the sense that there have been series of arrests and that the police leadership is being commended for some of the arrests made. However, she maintained that what the NUJP is really looking for is the conviction of the perpetrators of the crimes because this would mean the closure of the respective cases at hand wherein the appropriate fine and punishment would be meted out for those who killed the concerned journalists.

Statement/Assessment of the Center for Media Freedom and Responsibility (CMFR)

Reading from the commentary made by the Freedom Fund for Filipino Journalists entitled, “Journalists Killed in the Line of Duty: The Shame of a Democratic Society” issued on November 17, 2004 concerning the recent killings of journalists, Ms. Cawicaan stated that journalists are vulnerable in many parts of the world wherein the risks are varied in Philippine setting as they range from poor working conditions, lack of job security, low salaries and pressures of all kinds from those wanting to use the press for private and personal purposes.

Accordingly, she noted that the Philippines also stands out as among the world’s most “dangerous assignments” with a record of journalists killed to rival a country like Columbia where war and insurgents and drug lords have raged for decades. She cited that records would show a total of 49 journalists killed in the line of duty since 1986 when the democratic space of a new regime allowed media watchers to count victims. She said that this qualification reflects the assessment of factors showing the motive or cause as connected to work since it has included the perils of reporting in battle zones as well as investigating corruption and scandal which powerful people would rather keep hidden from the public eye.

Moreover, according to the commentary, she stated that the 10 killings so far this year marked an unprecedented level of attacks against the press and that it is a rate that could not be ignored or brushed aside in a country that proudly proclaims its credentials as a democracy including its commitment to press freedom. She further stated that there are no official policies or repression to intimidate or silence the press as there is no one group that is involved in a national crusade to get rid of journalists that are not being liked. As such, she adverted that the press continues to keep its vibrant presence despite the threats and attacks and that the numerous newspapers, radio and television stations attest to a level of autonomy from government control.

Hence, she declared that the CMFR which started up a database on the killings in 1991 has found that the risk to life for members of the press are not much different from those affecting other development workers who have had to challenge powerful forces. She said that human rights activists and community forest guards have been killed in the course of their work, often without even the benefit of press reports and so, to a certain extent, the reason for the killings inheres in the national landscape an environment of violence and lawlessness. As such, she said that it is not surprising for journalists to become objects of the violence they report since the media are everywhere.

Position/Proposal of the Center for Media Freedom and Responsibility (CMFR)

Adverting to the said commentary, Ms. Cawicaan stated that the killings are a scandal and a shame, which must stop since a culture of impunity has allowed so many killers to be unpunished and so many cases to remain unsolved. She indicated that such lawlessness stands in the way of democracy and the required growth of institutions that make up the democratic system. She accordingly noted that where the press is easily silenced, communities are deprived of the means to create a public forum that connects them with one another and where the press is weak or afraid, the people could not complain about the lack of public services and abusive or erring public officials.

Moreover, she noted that there is not one factor that would break this tragic pattern of press attacks since the lack of understanding of the role of the press plays its part in this situation considering the poor appreciation for the value of free expressions so strongly protected by the Constitution. She then averred that killings and violence would not solve the problems of irresponsible journalists and so the commitment of the police and the courts must demonstrate that culture change is possible.

As such, she pointed out from the commentary that it is imperative that the prosecution of the case of Edgar Damalerio be moved from Pagadain where vital witnesses have been threatened and have the prosecution continued in Cebu, as what his widow has petitioned the high court to allow. She asserted that this one step is critical and necessary and so her group is calling on the highest officials of the land to lead in the protection of the press and in building a free press that Filipinos deserve. She therefore urges the government to begin by going after the killers and those behind the killings who have profited from the silence of the dead journalists.

Reward System in the Philippine National Police (PNP)

Senator Revilla inquired whether the PNP has a reward system in place and whether such rewards are being given and how much is the amount of reward per informant. Police Director General Aglipay replied that the PNP has already a reward system in place and then informed the Joint Committees that the amount of reward ranges from 20,000 pesos up to 1 million pesos. He disclosed that the PNP has a 28-page list of wanted persons with corresponding rewards on their heads including therein the concerned persons wanted for killing the judges and media people.

Statement/Assessment of the National Bureau of Investigation (NBI)

In representing NBI Director Reynaldo Wycoco who is attending a world conference on crime, Deputy Director Bautista indicated that the NBI supports the statements of Police Director General Aglipay in the difficulty of solving crimes by the law enforcement agencies. Although he asserted that the NBI is not so much in the forefront of investigation of such violent crimes, he stated however that the Bureau is also in the midst of trying to modernize itself in order to cope up with the technical aspects of criminal investigation such as the use of modern techniques in identifying the weapons used especially the firearms and get-away vehicles.

On the other hand, he pointed out that the number one setback in the investigation of such crimes especially the violent ones is the lack of civic consciousness of witnesses to come out and testify. He said that this problem of the NBI to convince witnesses does not stop there because even if the Bureau has already filed the cases before the respective prosecutors' offices and the courts such witnesses would later on recant and the Bureau could not do anything about it. As such, he stressed on having a joint concern with the community in the solution of crimes since the lack of this is the one big factor why there are so-called unsolved crimes.

Statement/Assessment of the Retired Regional Trial Court (RTC) Judges of the Philippines

Referring to Batas Pambansa No. 129 which is known as the Judiciary Act of 1980, Judge Cañeba stated that the said law established the different regional trial courts all over the country and it has allocated various RTC salas or branches even to the remotest municipalities. He then cited the province of Cavite with the following number of RTC branches in each city and municipality: 4 in Cavite City; 4 in Imus; 2 in Bacoor; 2 in the capital city Trece Martires; and 1 in Tagaytay City. He thereafter noted that the territorial jurisdiction of Tagaytay City covers the following municipalities of Silang, Alfonso, Amadeo and two other nearby towns.

He said that the purpose of the said law is to bring the administration of justice nearer to the people, thus there is no doubt that the objective of Batas Pambansa No. 129 is very much laudable. However, he pointed out that there are around 9 RTC judges who were recently assassinated while in the performance of their respective official duties and that it should be noted that all of them were assigned in the areas established by BP 129 which were the remotest municipalities not in the capitals of the provinces. He then averred that the Joint Committees might probably take note of the fact that not even 1 incumbent RTC judge assigned in Metro Manila became a victim of assassination while in the performance of his or her official duty.

He thereafter posited the question: Is the allocation of RTC branches in the remotest municipalities of provinces the culprit in the assassination of incumbent RTC judges? He then explained that the history of RTCs in the Philippines is a complete imitation of the former Courts of First Instance before and after World War II up to the year 1980. He said that the then Courts of First Instance prior to 1980 were established in the respective capitals of the provinces only and that there was no Court of First Instance in Tanauan, Batangas prior to 1980. He further said that the Courts of First Instance were only established in Batangas City which is the capital of the province of Batangas. As such, he pointed out that the predecessors of the existing RTCs right now are the then Courts of First Instance in 1980.

He subsequently revealed that there was a time when Courts of First Instance judges were so respected in view of their assignment in the provincial capital and that there was no record of assassination of any Court of First Instance judge then. He surmised that it might be due to the fact that murderers would be easily caught in the provincial capital during those times. He then pointed out that all the victims of assassination numbering to 9 judges already were all assigned in the towns or municipalities not in the respective capitals of the province wherein the latest victim was the late Judge Voltaire Rosales of Tanauan, Batangas.

Position/Proposal of the Retired Regional Trial Court (RTC) Judges of the Philippines

Judge Cañeba indicated that his group is not advocating that the country goes back to the creation of RTC branches in the respective capitals of provinces only. He suggested however that the Joint Committees could probably immediately recommend to the Supreme Court that heinous crimes should be raffled off to RTC salas in the provincial capitals and not in remote municipalities. He surmised that this measure could be the immediate remedy in order to prevent the assassination of incumbent RTC judges by criminal elements.

Senator Villar then inquired whether there is something that could be done about the killing of judges who are assigned to areas neither in the capital region nor in the capital of the province. Judge Cañeba just pointed out however that there is only one judge, a certain Judge Solis of Vigan, who was killed in the capital of the province of Ilocos Sur.

Having noted that all the other judges were not killed in the regional or provincial capitals, Senator Villar then inquired whether all the RTC branches should be placed in the capitals. Judge Cañeba stated that the Supreme Court could do this with respect to the trial of heinous offenses wherein the penalty is death, such as in the case of the Yap brothers in Misamis Oriental wherein the high court transferred the hearing venue from Misamis Oriental to Manila. He said that then Judge Ponferrada, a former RTC judge of Manila and now a justice of the Sandiganbayan who is still alive, sentenced the Yap brothers to death at that time. As such, he argued that if a judge in Misamis Oriental were assigned to try the Yap brothers then that particular RTC judge there would have most likely been assassinated already.

Senator Villar noted that Judge Cañeba's theory is an interesting theory and if this were correct then the solution would be the calling for transfer of cases to provincial capitals considering that the judges who have been killed were not assigned to the capital of the province but in remote municipalities like in Tabuk. As for his comment, Deputy Director Bautista stated that the theory of Judge Cañeba has a basis considering that if a judge conducts a trial in Metro Manila then the escape of the probable criminal would be more difficult.

Suggested Resolution on the Assignment of Judges by the Supreme Court

If such theory holds water, Senator Villar noted that the solution lies with the Supreme Court because it is the one assigning judges. Judge Cañeba pointed out that the Joint Committees

must have to recommend it to the Supreme Court by virtue of a resolution wherein cases of heinous crimes should be tried by an RTC judge stationed in the provincial capital and not in a remote area of the locality.

Senator Villar stated that such measure seems to be a very good suggestion insofar as the judges are concerned. He therefore requested Judge Cañeba to put his suggestion in writing and submit the same to the Joint Committees so that the members could take a look at it and if there is a need, such suggestion would be taken up with the justices of the Supreme Court.

On this note, Senator Villar also inquired from the other resource persons coming from the media if there is any interesting theory for the cases of the newsmen similar to Judge Cañeba's theory for the judges. He said that everyone is concerned and interested in trying to address this common problem and that everyone should also help each other. Hence, he stated that he is open and looking for suggestions and that he would be filing a bill based on the suggested ideas on how to put a stop on such killings. He therefore urged the members of the media present in the public hearing to spread this request in the media community for they might have interesting ideas, which would perhaps include the carrying of guns, among others.

Proposed Carrying of Firearms for Judges and Journalists

Asked by Senator Villar whether media men should be allowed to carry their own guns, Police Director General Aglipay disclosed that there is a request coming from the Supreme Court to allow judges to carry their own firearms. As for the newsmen, he said that this is to be studied further considering that at present the only thing that the PNP could do is to give permit to carry firearms to those who have threat to their lives.

In fact, he indicated that the PNP has received additional request for assistance from the broadcast media as it has been observed that the killings of media men mostly involved radio commentators in the local areas like Roger Mariano. He therefore asserted that what the PNP figures and facts point out to is that most of the killings are being done to local commentators and so this should now be studied by the media men among themselves in order to help prevent such killings. However, he stated that he is not suggesting the same theory of Judge Cañeba wherein local radio stations should also be transferred to Metro Manila or to metropolitan areas.

Remarks of Senator Gordon

On Judge Cañeba's proposal. As regards the proposal to move or transfer judges from their remote local jurisdictions to the provincial capitals or metropolitan areas, Senator Gordon stated that the concerned judges have been killed not because of the place where they served but because there seems to be a failure of peace and order in those areas which is a police problem. He said that the PNP should be able to enforce the law and if it could not enforce it because such location is "unsecurable", then it seems that there is something wrong with the current system. He therefore cited the situation in Jolo wherein the PNP could not enforce the law since all the people there have firearms. He further commented that if the PNP would not try to enforce the law there, such place would remain an area where people get killed very easily. He then argued that it is really a question of the police authority in enforcing the law.

Moreover, he said that he disagree with the points made by Judge Cañeba because of the fact that Judge Puno, one of the well-respected judges whom he worked with before where he had his first cases, was killed right in Manila and that Judge Valdez of Tacurong was also killed while receiving Holy Communion in General Santos City and the same is true with the case of his own father who was killed in the city hall of Olongapo. He therefore maintained that there is really a breakdown in law and order, which the police must seriously address.

On the Possession of Firearms. Senator Gordon noted what Ms. Espina-Varona had stated that former policemen and soldiers are apparently in possession of firearms wherein he wondered whether such are licensed or just service firearms. He therefore called upon the police authorities to check whether these retired uniformed personnel have indeed their own firearms and whether they are able to carry with them ballistic-tested firearms. He asserted that if these were done it would become a solution to the problem by finding out who really have the firearms and be recorded thereafter.

He expressed his support to the initiative of Police Director General Aglipay about a ballistics tracing system that would be put in place which could accordingly trace the firearm that was used provided it is licensed although illegally possessed firearms could not be traced. He then asked whether there would be a system that would be applied insofar as the checking of retired uniformed personnel or those who have been taken out of the uniformed service and whether the police authorities could be able to retrieve their firearms.

In addition, he also asked whether how many firearms or weapons the PNP had retrieved from such cases of killings which it had filed. He stated however that the PNP has not been able to retrieve the firearms or weapons in most of these cases since the police would not probably know whether these were a 45 caliber, a 9 millimeter or a .38 caliber pistol. Hence, he stressed that the PNP should really make an effort to try and liberalize the issuance of firearms licenses but permits to carry firearms should only be issued when the policemen could not really provide that kind of security based on the judgment of the PNP chief and the need of time.

On the NBI's observation. On the matter raised by NBI Deputy Director Bautista about the lack of civic consciousness, Senator Gordon argued how the people could have civic consciousness when even judges and newsmen are totally unprotected. He said that the police have got to win some of these battles wherein they must prove that they were able to capture the suspects because of the help of civilians which should be the one placed on the front page. He pointed out that it should not be those suspected persons caught that should be paraded but rather the people who helped these criminals to be caught as well as the reasons why they were caught. He then stated that most of the time cases are solved because somebody had reported but such information never comes out of the media.

In this regard, he asserted that there is really a need for legislation wherein a lot of policy-making and administrative policies have to be done because when a judge or a newsman is killed, it brings forth a message from criminals saying, "Hey, we can get away with it so we can kill you anytime."

On the Media Profession. As regards the media profession, he pointed out that there are cases of some people practicing in the media who are considered "kumaintators who attacks and collects as well as defends and collects money from people. As such, he suggested that it would be the time perhaps for the KBP or the NUJP to start a self-regulating process where responsible people should be allowed to practice the profession like lawyers can be licensed to practice law, so that not any Tom, Dick and Harry can practice the profession of radio announcement because sometimes they put themselves in harm's way because their indiscriminate ploy of attacking everybody. He disclosed that he had talked to some members of the media and they said that some of their members are indeed involved in these things and that is why they were also killed, based also from his own experience since he grew up in that sort of an environment wherein in the localities there are newsmen and there are radiomen who literally trying to attack you and even here in Manila who tried to do that.

On the PNP's Monitoring of Firearms. He therefore reiterated his query to Police Director General Aglipay whether there is a system to know if a policeman or military man who

has retired has kept his firearms or his firearm retrieved. Hence, he pointed out that in his privilege speech that the police should really try to monitor all these firearms and that spot inspections should be conducted even in the barracks so that the firearms of military men and policemen could be checked from time to time so that prisoners are also checked in Muntinlupa or in the city jails so that from time to time you will know whether somebody was allowed to escape to shoot which was the case of my father, a former chief of police, your case was used to kill my father and in three cases they were allowed to escape to shoot my father or to throw hand grenade at him. He then referred to the bill he proposed that there must be regular inventories conducted everyday and it must be reported in the net that these people are in jail at this present time.

Police Director Aglipay replied that there is such a system wherein there is a Saturday inspection where the PNP inspects the firearms of the policemen to check that what they have is what was really issued to them. As for those who are retiring, he said that they are supposed to return their service firearm since this a government property. He said that cases would be filed against them for malversation of public fund if they would not return them considering that their service firearms is a public property and even if they went on absence without leave, the same kind of case will also be filed against them.

At this juncture, Senator Gordon recalled that when he was asked to take a forced leave of absence in Subic Bay, he told Police Director General Aglipay, who was the officer in-charge at that time, to collect the firearms then. As such, he said that it would be noted then that his group did not have any firearm in their hands but they were all registered and in the possession of the police. He therefore stated that the kind of thing that he wanted to talk about here that when you have a firearm there should be a responsible individual or an agency in the government that should be able to check where those firearms are at any time. Retired policemen, retired soldiers are obviously involved and they are now being used because of the economic situations as guns for hire, as guns for hire, and I don't know if you've found out that theory does, in fact, exist.

Police Director General Aglipay pointed out that this is the reason why the police were able to get all the group of Medrano because that group is a gun for hire, who is unfortunately in active police service. Hence, he asserted that it is now the preoccupation of the PNP leadership to have a regular inspection of all the firearms given to the police and seeing to it that it's not with them and it's not given to other people outside for illegal purposes.

Senator Gordon therefore poised the formidable challenge and the big task on Police Director General Aglipay to solve the said killings, which has been happening for a long time already just like the cases of the killing of Justice Secretary Castelo and even Doña Aurora Quezon. He said that these killings would not be solved because there has been no institutional effort and all that is being done is cosmetic changes. He therefore asserted that unless the PNP would start doing what it is supposed to do then it would be done. He then expressed hope that Police Director General Aglipay would be able to do it within the remaining duration of his term as PNP chief with the support of the government.

Remarks/Queries of Senator Jinggoy Ejercito Estrada

In reply to Senator Jinggoy Ejercito Estrada's query, Police Director General Aglipay stated that he has been serving as PNP chief for 3 months already. Senator Jinggoy Ejercito Estrada then indicated that he asked the Police Director General Aglipay during the previous hearing how much is the intelligence fund of the PNP but did not give a concrete answer since the PNP chief was just newly installed then as police Chief.

Senator Jinggoy Ejercito Estrada therefore inquired how much is the intelligence fund of the PNP now that Police Director General Aglipay is already 3 months as PNP chief. Police Director General Aglipay stated that the operational fund or the MOOE for the whole PNP is around 8 billion pesos. He stated however that he did not have the liberty of getting the right amount of the PNP's intelligence fund but he said that he would ask the PNP's intelligence officer to see Senator Jinggoy Ejercito Estrada the next day since the House of Representatives would accordingly approved the PNP's budget later in the night. Nonetheless, Senator Jinggoy Ejercito Estrada asked Police Director General Aglipay to furnish the Joint Committees with the amount of intelligence fund used by the PNP.

With the lack of material time for the public hearing as the plenary session is about to start, the Chairman suspended the discussion and thanked all the resource persons for their attendance, thereby informing them that they will be invited again in the public hearing.

At 3:32 p.m. the public hearing was suspended.

*Prepared and submitted by **Mr. XERXES S. NITAFAN**, Legislative Committee Secretary,
Senate Committee on Public Order and Illegal Drugs*