

Republic of the Philippines  
**SUPREME COURT**  
Manila

2020 MAR 10 PM 3:00

**Third (3<sup>rd</sup>) Division**

**JODY C. SALAS** *ex rel*  
**Person Deprived of Liberty**  
**(PDL) RODOLFO C. SALAS,**  
*Petitioner,*

- versus -

G.R. No. 251693

**HON. THELMA BUNYI-MEDINA,** Presiding Judge of the Regional Trial Court of the City of Manila, Branch 32,  
**JCINSP. LLOYD GONZAGA,** Warden of the Manila City Jail Annex, and all those taking orders, instructions and directions from him,  
*Respondents.*

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**RETURN OF THE WRIT**

**Respondent JCINSP. LLOYD GONZAGA,**<sup>1</sup> through the Office of the Solicitor General (OSG), in compliance with the Honorable Court's Resolution dated 2 March 2020, a copy of which was received by the OSG on 5 March 2020, respectfully submits this Return of the Writ and in support thereof respectfully states:

**STATEMENT OF THE CASE**

1. Petitioner filed the instant petition for *habeas corpus* on behalf of his father, Rodolfo C. Salas (hereinafter referred to as "Rodolfo") and prays for the latter's release and for the declaration of his detention as null and void.

<sup>1</sup> A copy of his Affidavit is attached as Annex "1."

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

2. It is respectfully submitted, however, that the instant petition fails to demonstrate any factual or legal basis as to why the privilege of the writ of *habeas corpus* should issue in the instant case.

**FACTS OF THE CASE**

3. On 26 August 2006, a mass grave was discovered by the elements of the 43<sup>rd</sup> Infantry Battalion of the Philippine Army at Sitio Mt. Sapang Dako, Barangay Kaulisihan, Inopacan, Leyte, through an information given by a civilian eyewitness. According to the witness, he saw fresh diggings in said sitio Sapang Dako which he suspected to be the burial site of those abducted by the Communist Party of the Philippines - New People's Army ("CPP-NPA").<sup>2</sup> Crime scene investigators were able to exhume 67 skeletal remains.

4. Out of the 67 human skeletal remains and based on an exhaustive investigation by a team of forensic experts, scene of the crime operatives, and the National and Regional Inter-Agency Legal Action Group, the following victims were identified as a result of positive and possible matches on the comparison examination conducted on their relatives: (1) Juanitia Aviola; (2) Concepcion Aragon; (3) Gregorio Eras; (4) Teodoro Recones, Jr.; (5) Restituto Ejoc; (6) Rolando Vasquez; (7) Junior Miyapis; (8) Crispin Dalmacio; (9) Zacarias Casil; and (10) Pablo Daniel. The relatives of Romeo Tayabas, Domingo Napoles, Ciriaco Daniel, Crispin Prado, and Ereberto Prado also insist that their relatives were among those who were executed by the NPA and whose skeletal remains were unearthed.<sup>3</sup>

5. Consequently, on the basis of the complaint<sup>4</sup> filed by the Philippine National Police (PNP) Region 8 and the 8<sup>th</sup> Infantry Division, Philippine Army, and by virtue of a complaint-affidavit executed by the relatives of the victims of these atrocities, Assistant Provincial Prosecutor Rosulo U.

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<sup>2</sup> Resolution dated 16 February 2007 issued by Assistant Provincial Prosecutor Rosulo U. Vivero attached as Annex "2" of this Return; Annex "C" of the Petition.

<sup>3</sup> *Id.*

<sup>4</sup> Attached as Annex "3" of this Return.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

X-----X

Vivero issued a Resolution<sup>5</sup> dated 16 February 2007 recommending, among others, the filing of an Information for Multiple Murder against herein Rodolfo and his cohorts.<sup>6</sup>

6. Pursuant thereto, one information<sup>7</sup> for multiple murder, docketed as Criminal Case No. H-1581, was filed against several accused including herein petitioner Rodolfo in RTC Branch 18, Hilongos Leyte presided by Judge Ephrem S. Abando on 28 February 2007.

7. On 6 March 2007, Judge Abando issued an Order<sup>8</sup> finding probable cause "in the commission by all mentioned accused of the crime charged." He ordered the issuance of warrants of arrest against "all above enumerated accused in the information" with no recommended bail for their temporary liberty.

8. On 16 March 2007, one of Rodolfo's co-accused, Saturnino C. Ocampo, filed before the Honorable Court a petition for certiorari, docketed as SC G.R. No. 176830,<sup>9</sup> seeking the annulment of the 6 March 2007 Order of Judge Abando and the 16 February 2007 Resolution of Prosecutor Vivero. The case was set for oral arguments on 30 March 2007.

9. Acting on the observation of the Honorable Court during the oral arguments that the single information filed before the RTC Hilongos, Leyte was defective for charging 15 counts of murder, the prosecution filed a Motion to Admit Amended Information and New Informations<sup>10</sup> on 2 April 2007. In an Order<sup>11</sup> dated 27 July 2007, Judge Abando held in abeyance the resolution thereof and effectively suspended the proceedings during the pendency of the said case.

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<sup>5</sup> *Supra* at note 2.

<sup>6</sup> *Id.*

<sup>7</sup> Attached as Annex "4" of this Return.

<sup>8</sup> Attached as Annex "5" of this Return.

<sup>9</sup> Related cases: G.R. Nos. 185587, 185636, and 190005, all dated 11 February 2014.

<sup>10</sup> Attached as Annex "6" of this Return.

<sup>11</sup> Attached as Annex "7" of this Return.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

10. Upon request of then Secretary of Justice Raul Gonzales, the Honorable Court ordered the transfer of venue of the said case to the RTC in Manila.

11. On 12 June 2008, Judge Abando issued an Order<sup>12</sup> transmitting the records of Criminal Case No. H-1581 to the Office of the Clerk of Court, RTC Manila.

12. The said case was re-raffled to RTC Manila, Branch 32 presided by public respondent Judge Thelma Bunyi-Medina ("public respondent") and re-docketed as Criminal Case Nos. 14-306533 to 14-306546, and 08-262163.

13. Upon motion by the prosecution, RTC Manila Branch 32 issued a warrant of arrest<sup>13</sup> against Rodolfo, among others, on 28 August 2019.

14. On 18 February 2020, at around 5:50 in the morning, elements of the Regional Intelligence Division of the PNP Regional Office 3 arrested Rodolfo in his house at 386 Dona Carmen Street, Mountainview, Balibago, Angeles City on the strength of the arrest warrant earlier issued. After his arrest, Rodolfo was detained in the office of the PNP Regional Office 3 until the next day, as certified<sup>14</sup> by Police Lieutenant Colonel Renante Pinuela who also executed a return *via* First Indorsement<sup>15</sup> dated 20 February 2020.

15. Thereafter, public respondent, through a Commitment Order<sup>16</sup> dated 20 February 2020, directed the transfer of Rodolfo from the PNP Office 3 to the Manila City Jail. Rodolfo was then brought to the Manila City Jail Annex at Camp Bagong Diwa, Taguig City, where herein respondent JCInsp. Lloyd Gonzaga is the Warden.

16. On 2 March 2020, or before respondent JCInsp. Gonzaga received a copy of the Honorable Court's writ,

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<sup>12</sup> Attached as Annex "8" of this Return.

<sup>13</sup> Attached as Annex "9" of this Return.

<sup>14</sup> Attached as Annex "10" of this Return.

<sup>15</sup> Attached as Annex "11" of this Return.

<sup>16</sup> Attached as Annex "12" of this Return.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

Rodolfo was transferred to the Manila City Jail in Sta. Cruz, Manila where he is now under the custody of Supt. Randell Latoza.

**DISCUSSION**

**I. The privilege of the writ of *habeas corpus* should not be granted because Rodolfo's arrest and subsequent detention are by virtue of a legal process.**

17. Under Section 1, Rule 102 of the Rules of Court, the writ of *habeas corpus* extends to "all cases of illegal confinement or detention by which any person is deprived of his liberty, or by which the rightful custody of any person is withheld from the person entitled thereto." The remedy of *habeas corpus* has one objective: to inquire into the cause of detention of a person, and if found illegal, the court orders the release of the detainée. If, however, the detention is proven lawful, then the *habeas corpus* proceedings terminate.<sup>17</sup>

18. Section 4, Rule 102 of the Rules of Court provides when the writ is not allowed:

SEC. 4. When writ not allowed or discharge authorized. If it appears that the person alleged to be restrained of his liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person

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<sup>17</sup> *In the Matter of the Petition for Habeas Corpus Engr. Ashraf Kunting*, G.R. No. 167193, 19 April 2006.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment.

19. Thus, this Honorable Court has consistently held that the writ of *habeas corpus* should not be allowed after the party sought to be released has already been charged before any court.<sup>18</sup>

20. Petitioner's own admission that charges for murder were already filed against Rodolfo and that his arrest was by virtue of a warrant outrightly renders the instant petition dismissible. In fact, petitioner attached as Annex "D" of the Petition the Commitment Order dated 20 February 2020 issued by the RTC Manila, Branch 32, which mentions "Criminal Case Nos. 08-262163 (formerly H-1581) and 14-306533 to 14-306546 (14 counts) FOR: MURDER."

21. With this admission of a commitment order, Section 13, Rule 102 of the Rules of Court is worthy of attention:

Sec. 13. *When the return evidence, and when only a plea.* — If it appears that the prisoner is in custody under a warrant of commitment in pursuance of law, the return shall be considered *prima facie* evidence of the cause of restraint, but if he is restrained of his liberty by any alleged private authority, the return shall be considered only as a plea of the facts therein set forth, and the party claiming the custody must prove such facts.<sup>19</sup>

22. It is doctrinal that once a person detained is duly charged in court, he may no longer question his detention through a petition for issuance of a writ of *habeas corpus*. **The privilege of a writ of *habeas corpus* should not be allowed after the party sought to be released had been charged before any court.**<sup>20</sup>

<sup>18</sup> *Umil v. Ramos*, G.R. No. 81567, 9 July 1990; *Velasco v. Court of Appeals*, G.R. No. 118644, 7 July 1995; *Go v. Ramos*, G.R. No. 167569, 4 September 2009.

<sup>19</sup> Underscoring supplied. A legal authority on this matter states, viz: "If the detention is by reason of public authority, the return is considered *prima facie* evidence of the validity of the restraint and the petitioner has the burden of proof to show that the restraint is illegal." (Florenz D. Regalado, *Remedial Law Compendium, Volume Two*, 11<sup>th</sup> ed. [Mandaluyong City: National Book Store, 2008], 183)

<sup>20</sup> *Rodriguez v. Bonifacio*, A.M. No. RTJ-99-1510, 6 November 2000 citing *Republic v. Cloribel*, G.R. No. L-20458, 31 October 1963.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

X-----X

23. Considering that Rodolfo's detention is pursuant to a lawful public authority, the instant return is considered *prima facie* evidence of the validity of the restraint and the petitioner has the burden of proof to show that the restraint is illegal.<sup>21</sup>

**II. Petitioner availed of the wrong remedy. The grounds raised by the petitioner are not proper in a petition for *habeas corpus*.**

24. Jurisprudence is clear that if an accused is confined under a lawful process or order of the court, the proper remedy is to pursue the orderly course of the criminal proceedings and exhaust the usual remedies.<sup>22</sup> The validity of the lower court's order cannot be collaterally assailed in a *habeas corpus* proceeding. This is consistent with the settled principle that *habeas corpus* proceedings "deal simply with the detention of the prisoner and stop with the authority by virtue of which he is detained."<sup>23</sup>

25. In *Culanag v. Director of Prisons*,<sup>24</sup> this Honorable Court elaborated on the above principle, thus:

This writ of *habeas corpus* secures to a prisoner the right to have the cause of his detention examined and determined by a court of justice, and to have ascertained if he is held under lawful authority. The function of *habeas corpus*, where the party who has appealed to its aid is in custody under process, does not extend beyond the inquiry into the jurisdiction of the court by which it was issued and the validity of the process upon its face. It is not a writ of error.<sup>25</sup>

<sup>21</sup> Cf. *Feria v. CA*, G.R. No. 122954, 15 February 2000.

<sup>22</sup> *Id.* See also *Rodriguez vs. Bonifacio*, A.M. No. RTJ-99-1510, 6 November 2000, citing *Bernarte v. Court of Appeals*, G.R. No. 107741, 18 October 1996.

<sup>23</sup> *Ching v. Insular Collector of Customs*, G.R. No. 10972, 28 January 1916.

<sup>24</sup> G.R. No. L-25419, 21 June 1966.

<sup>25</sup> Underscoring supplied.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

26. In *Mangila v. Hon. Pangilinan*,<sup>26</sup> the Honorable Court further explained the nature of *habeas corpus* as follows:

*Habeas corpus* is not in the nature of a writ of error; nor intended as substitute for the trial court's function. It cannot take the place of appeal, certiorari or writ of error. The writ cannot be used to investigate and consider questions of error that might be raised relating to procedure or on the merits. The inquiry in a *habeas corpus* proceeding is addressed to the question of whether the proceedings and the assailed order are, for any reason, null and void. The writ is not ordinarily granted where the law provides for other remedies in the regular course, and in the absence of exceptional circumstances. Moreover, *habeas corpus* should not be granted in advance of trial. The orderly course of trial must be pursued and the usual remedies exhausted before resorting to the writ where exceptional circumstances are extant. In another case, it was held that *habeas corpus* cannot be issued as a writ of error or as a means of reviewing errors of law and irregularities not involving the questions of jurisdiction occurring during the course of the trial, subject to the caveat that constitutional safeguards of human life and liberty must be preserved, and not destroyed. It has also been held that where restraint is under legal process, mere errors and irregularities, which do not render the proceedings void, are not grounds for relief by *habeas corpus* because, in such cases, the restraint is not illegal.<sup>27</sup>

31. Here, the ordinary remedy is to file a motion to quash the Informations based on Section 3(i), Rule 117 of the Rules of Court:<sup>28</sup>

Section 3. Grounds. — The accused may move to quash the complaint or information on any of the following grounds:

[...]

(i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him

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<sup>26</sup> G.R. No. 160739, 17 July 2013.

<sup>27</sup> *Id.*

<sup>28</sup> In *Misolas v. Hon. Panga*, G.R. No. 83341, 30 January 1990, this Honorable Court said that the "right against double jeopardy is a matter which the accused may raise in a motion to quash..."



**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCIInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

was dismissed or otherwise terminated without his express consent.<sup>29</sup>

32. As explained by the Honorable Court "[w]ith a motion to quash, the accused 'assails the validity of a criminal complaint or information . . . for insufficiency on its face in [a] point of law, or for defects which are apparent in the face of the information.' An accused filing a motion to quash 'hypothetically admits the facts alleged in the information" and cannot present evidence *aliunde* or those extrinsic from the information."<sup>30</sup>

33. There is also nothing to stop petitioner from asking for a reinvestigation considering that he has not yet been arraigned.

34. In addition, petitioner can assail the alleged irregularity that attended the preliminary investigation before he enters his plea. Section 26, Rule 114 of the Rules of Court provides:

Section 26. *Bail not a bar to objections on illegal arrest, lack of or irregular preliminary investigation.* — An application for or admission to bail shall not bar the accused from challenging the validity of his arrest or the legality of the warrant issued therefor, or from assailing the regularity or questioning the absence of a preliminary investigation of the charge against him, provided that he raises them before entering his plea. The court shall resolve the matter as early as practicable but not later than the start of the trial of the case.

35. Indeed, in *Paredes v. Sandiganbayan*,<sup>31</sup> the Honorable Court emphasized the "settled rule . . . that the writ of *habeas corpus* will not issue where the person alleged to be restrained of his liberty is in custody of an officer under a process issued by the court which has jurisdiction to do so."<sup>32</sup> In denying the petition therein, the Court said that:

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<sup>29</sup> Underscoring supplied.

<sup>30</sup> *Osorio v. Navera* (Resolution), G.R. No. 223272, 26 February 2018; citations omitted.

<sup>31</sup> G.R. No. 89989, 28 January 1991.

<sup>32</sup> Citations omitted.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

X-----X

The petitioner alleges that the information against Governor Paredes is invalid because the preliminary investigation was invalid and the offense charged has already prescribed. **Those circumstances do not constitute valid grounds for the issuance of a writ of *habeas corpus*. The absence of a preliminary investigation does not affect the court's jurisdiction over the case nor impair the validity of the information or otherwise render it defective** (*People vs. Casiano*, L-15309, February 16, 1961; *People vs. Figueroa*, L-24273, April 30, 1969). **The remedy of the accused in such a case is to call the attention of the court to the lack of a preliminary investigation and demand, as a matter of right, that one be conducted.** The court, instead of dismissing the information, should merely suspend the trial and order the fiscal to conduct a preliminary investigation. Thus did we rule in *Ilagan vs. Enrile*, 139 SCRA 349.

"If the detained attorneys question their detention because of improper arrest, or that no preliminary investigation has been conducted, the remedy is not a petition for a Writ of *Habeas Corpus* but a Motion before the trial court to quash the Warrant of Arrest, and/or the Information on grounds provided by the Rules, or to ask for an investigation / reinvestigation of the case. *Habeas corpus* would not lie after the Warrant of commitment was issued by the Court on the basis of the Information filed against the accused. So it is explicitly provided for by Section 14, Rule 102 of the Rules of Court x x x." (Underscoring supplied).<sup>33</sup>

36. To emphasize, in the absence of exceptional circumstances, the orderly administration of justice should be pursued.<sup>34</sup> The writ of *habeas corpus* cannot be used as a substitute for another and more proper remedy.<sup>35</sup>

37. Besides, in invoking the remedy of *habeas corpus*, petitioner raises factual issues which must be threshed out in the proper proceedings in the lower court. Petitioner argues that (a) Rodolfo's constitutional right to due process was violated, considering that he was not afforded the opportunity

<sup>33</sup> Emphasis supplied.

<sup>34</sup> *Galvez v. Court of Appeals*, G.R. No. 114046, 24 October 1994.

<sup>35</sup> *In Re: The Writ of Habeas corpus for Reynaldo De Villa*, G.R. No. 158802, 17 November 2004.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

X-----X

to participate and be heard during the preliminary investigation of the complaints for murder;<sup>36</sup> and (b) the current prosecution of the murder charges against him is in violation of his constitutional right against double jeopardy.<sup>37</sup> Clearly, the grounds relied upon by petitioner cannot be determined in a *habeas corpus* proceeding, which is summary in nature.

38. Petitioner likewise asks the Honorable Court to prevent the RTC where the Informations for Murder against Rodolfo have been filed, from continuing to perform its duty to arraign him and proceed with trial, on the strength of a previous plea-bargaining agreement that Rodolfo had previously proposed and consented to, and approved by the RTC.

39. These arguments all present factual issues outside the province of a habeas corpus proceeding.

40. Petitioner primarily invokes the political offense doctrine laid down in *People v. Hernandez*<sup>38</sup> and affirmed in *In the Matter for the Petition for Habeas corpus of Juan Ponce Enrile v. Judge Jaime Salazar*.<sup>39</sup> Under the doctrine, "common crimes, perpetrated in furtherance of a political offense, are divested of their character as 'common' offenses and assume the political complexion of the main crime of which they are mere ingredients, and, consequently, cannot be punished separately from the principal offense, or complexed with the same, to justify the imposition of a graver penalty."<sup>40</sup>

41. The Honorable Court, however, has already declared in *Ocampo v. Hon. Abando*,<sup>41</sup> a case with the same factual antecedents as the present case, that in instances where the political offense doctrine is invoked, it is crucial to determine whether the act of killing was done in furtherance

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<sup>36</sup> Petition, pp. 4-7.

<sup>37</sup> *Id.* pp. 7-14.

<sup>38</sup> G.R. Nos. L-6025-26, 18 July 1956.

<sup>39</sup> G.R. No. 92163, 5 June 1990.

<sup>40</sup> *Ocampo v. Hon. Abando*, G.R. Nos. 176830, 185587, 185636 & 190005, 11 February 2014 citing *People v. Hernandez*, G.R. Nos. L-6025-26, 18 July 1956.

<sup>41</sup> *Id.*

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCIInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

of a political end, and for the political motive of the act to be conclusively demonstrated.<sup>42</sup> Moreover, it ruled that “[t]he burden of demonstrating political motivation must be discharged by the defense, since motive is a state of mind which only the accused knows. The proof showing political motivation is adduced during trial where the accused is assured an opportunity to present evidence supporting his defense. It is not for this Court to determine this factual matter in the instant petitions.”<sup>43</sup> Accordingly, the Court remanded the case to the trial court for the determination of factual issues. There is no reason for the Court to rule differently in the present case.

**III. The petition should also be dismissed on the ground that it violated the doctrine of hierarchy of courts.**

42. Another reason to dismiss the instant petition is petitioner’s blatant violation of the doctrine of the hierarchy of courts. It is true that the Honorable Court, the Court of Appeals, and the Regional Trial Courts have concurrence of jurisdiction to issue writs of *habeas corpus*, however, it is respectfully submitted that petitioner has no unrestrained freedom to choose which among the several courts he might file his petition.

43. In *Banez v. Concepcion*,<sup>44</sup> this Honorable Court enjoined the observance of the policy on the hierarchy of courts, explaining in this wise:

x x x The strictness of the policy is designed to shield the Court from having to deal with causes that are also well within the competence of the lower courts, and thus leave time to the Court to deal with the more fundamental and more essential tasks that the Constitution has assigned to it. The Court may act on petitions for the extraordinary writs of certiorari, prohibition and mandamus only when

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> G.R. No. 159508, 29 August 2012.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

absolutely necessary or when serious and important reasons exist to justify an exception to the policy.

44. The foregoing policy was amplified in *People v. Cuaresma*,<sup>45</sup> and even cautioned lawyers and litigants against taking a direct resort to the highest tribunal, viz.:

xxx. This Court's original jurisdiction to issue writs of *certiorari* (as well as prohibition, *mandamus*, *quo warranto*, *habeas corpus* and injunction) is not exclusive. It is shared by this Court with Regional Trial Courts x x x, which may issue the writ, enforceable in any part of their respective regions. It is also shared by this Court, and by the Regional Trial Court, with the Court of Appeals x x x, although prior to the effectivity of Batas Pambansa Bilang 129 on August 14, 1981, the latter's competence to issue the extraordinary writs was restricted to those "in aid of its appellate jurisdiction." This concurrence of jurisdiction is not, however, to be taken as according to parties seeking any of the writs an absolute, unrestrained freedom of choice of the court to which application therefor will be directed. There is after all a hierarchy of courts. That hierarchy is determinative of the venue of appeals, and should also serve as a general determinant of the appropriate forum for petitions for the extraordinary writs. A becoming regard for that judicial hierarchy most certainly indicates that petitions for the issuance of extraordinary writs against first level ("inferior") courts should be filed with the Regional Trial Court, and those against the latter, with the Court of Appeals. A direct invocation of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is established policy. It is a policy that is necessary to prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further over-crowding of the Court's docket. Indeed, the removal of the restriction on the jurisdiction of the Court of Appeals in this regard, *supra*—resulting from the deletion of the qualifying phrase, "in aid of its appellate jurisdiction" — was evidently intended precisely to relieve this Court *pro tanto* of the burden of dealing with applications for the extraordinary writs which, but for the expansion of the Appellate Court corresponding jurisdiction, would have had to be filed with it.

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<sup>45</sup> G.R. No. 67787, 18 April 1989.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

x-----x

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The Court therefore closes this decision with the declaration for the information and evidence of all concerned, that it will not only continue to enforce the policy, but will require a more strict observance thereof.  
(underscoring supplied)

45. Other than petitioner's bare claim that the filing of the murder charges against his father violated the latter's right to due process against hasty, malicious and oppressive prosecution and double jeopardy, which are exhaustively discussed and refuted hereabove, there is no compelling reason to justify a direct resort before this Honorable Court in violation of the policy on hierarchy of courts; hence, the outright dismissal of the present petition is warranted.

**Opposition to the Issuance of a Temporary Restraining Order or Writ of Preliminary Injunction**

46. Petitioner seeks the immediate issuance of the following: 1) temporary restraining order ("TRO") restraining the RTC of Manila, Branch 32 from proceeding with the arraignment and pre-trial in the subject criminal cases, and 2) a writ of preliminary injunction (WPI) restraining the proceedings in the RTC.

47. Petitioner's prayer is improper. Petitioner has not alleged any valid ground to justify the issuance of a TRO or WPI under Section 3, Rule 58 of the Rules of Court.

48. A WPI and a TRO are preservative remedies for the protection of substantive rights and interests. A TRO issues only if the matter is of such extreme urgency that grave injustice and irreparable injury would arise unless it is issued immediately.<sup>46</sup> On the other hand, to be entitled to a WPI, the petitioner must establish the following requisites: (a) the applicant must have a clear and unmistakable right, that is a

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<sup>46</sup> *Australian Professional Realty, Inc. v. Municipality of Padre Garcia Batangas Province*, G. R. No. 183367, 14 March 2012.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

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right *in esse*; (b) there is a material and substantial invasion of such right; (c) there is an urgent need for the writ to prevent irreparable injury to the applicant; and (d) no other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.<sup>47</sup>

49. Evidently, the primary requirement in issuing a WPI is the existence of a clear and unmistakable right in favor of the applicant.<sup>48</sup> An injunction will not issue to protect a right not *in esse*, or a right which is merely contingent and may never arise since. To be protected by injunction, the alleged right must be clearly founded on or granted by law or is enforceable as a matter of law.<sup>49</sup> In the absence of a clear legal right, the issuance of the injunctive relief constitutes grave abuse of discretion.<sup>50</sup>

50. Petitioner primarily rests his entitlement to the issuance of a TRO and WPI on general allegations that Rodolfo's constitutional right to due process and right against double jeopardy were violated.<sup>51</sup> As discussed earlier, however, no such violations were committed in this case.

51. Moreover, the cases filed against Rodolfo are criminal in nature and it is a long-standing doctrine that "writs of injunction or prohibition will not lie to restrain a criminal prosecution for the reason that public interest requires that criminal acts be immediately investigated and prosecuted for the protection of society. The writ may issue only in specified cases, among which are to prevent the use of the strong arm of the law in an oppressive and vindictive manner, and to afford adequate protection to constitutional rights."<sup>52</sup> Such specified cases and other established exceptions<sup>53</sup> are not present in the instant case.

---

<sup>47</sup> *DPWH v. City Advertising Ventures Corporation*, G.R. No. 182944, 9 November 2016.

<sup>48</sup> *Office of City Mayor of Parañaque v. Ebio*, G.R. No. 156303, 19 December 2007.

<sup>49</sup> *Heirs of Yu, et al. v. Honorable Court of Appeals, et al.*, G.R. No. 182371, 4 September 2013.

<sup>50</sup> *Equitable PCI Bank v. OJ-Mark Trading*, G.R. No. 165950, 11 August 2010.

<sup>51</sup> Petition, p. 15.

<sup>52</sup> *Domingo v. Sandiganbayan*, G.R. No. 109376, 20 January 2000.

<sup>53</sup> See *Santiago v. Vasquez*, G.R. Nos. 99289-90, 13 January 1992 as cited in *Domingo v. Sandiganbayan*, *supra*. See also *Brocka v. Ponce-Enrile*, G.R. No. 69863-65, 10 December 1990.

**Return of the Writ**

Jody C. Salas ex rel. PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

x-----x

52. If this Honorable Court decides on issuing the injunctive reliefs prayed for, it will essentially be disposing of the criminal cases pending before the trial court. Under the circumstances, the proceedings before the trial court must take their ordinary course in line with the existing rules of procedure.

**PRAYER**

**WHEREFORE**, it is respectfully prayed that judgment be rendered dismissing the present petition.

Other forms of relief, just and equitable under the circumstances are likewise prayed for.

City of Makati for the City of Manila, 10 March 2020.

*Signatories .....*



**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

x-----x



**JOSE C. CALIDA**

*Solicitor General*

Roll No. 24852

IBP Lifetime Member No. 015360/08-18-2016

MCLE Exemption No. VII-OSG000228/11-08-2019



**HERMES L. OCAMPO**

*Assistant Solicitor General*

Roll No. 40169

IBP (Lifetime) No. 09135/4-28-10

MCLE Exemption No. VI-000633/05-24-18



**RAYMUND I. RIGODON**

*Assistant Solicitor General*

Roll No. 39730

IBP (Lifetime) No. 013395/2-12-15

MCLE Exemption No. VII-000217/11-05-19



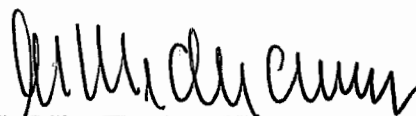
**ANGELITA V. MIRANDA**

*Assistant Solicitor General*

Roll No. 42949

IBP (Lifetime) No. 02113

MCLE Exemption No. VII-OSG000211/11-05-19



**GILBERT U. MEDRANO**

*Assistant Solicitor General*

Roll No. 47392

IBP (Lifetime) No. 03598

MCLE Compliance No. VI-0021105 /03-26-19

**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

x-----x



**CECILLE A. SATO**

*Senior State Solicitor*

Roll No. 44642

IBP Lifetime Roll No. 09128/04-28-10

MCLE Compliance No. VI-0021135/03-26-19



**KAREN A. ONG**

*Senior State Solicitor*

Roll No. 42953

IBP Lifetime Roll No. 02112

MCLE Compliance No. VI-002374/03-07-19



**HENRY GERALD P. YSAAC, JR.**

*Senior State Solicitor*

Roll No. 41421

IBP Lifetime No. 04653, 12-18-02

MCLE Compliance No. VI-0002810/07-20-17



**SHARON E. MILLAN-DECANO**

*Senior State Solicitor*

Roll No. 50521

IBP Lifetime No. 09132/4-28-10

MCLE Compliance No. VI-0027842/07-18-19



**CHRISTIAN LOUIE C. GONZALES**

*State Solicitor I*

Roll No. 61207

IBP Lifetime No. 01078/03-27-12

MCLE Compliance No. VI-0026430/05-08-2019



**GABRIEL S. VILLANUEVA**

*State Solicitor I*

Roll No. 59783

IBP Lifetime No. 017605/06-07-2017

MCLE Compliance No. VI-0021157/03-26-19

**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

x-----x

**MA. ALEXANDRIA IXARA B. MAROTO**

*State Solicitor I*

Roll No. 62096

IBP Lifetime No. 012416

MCLE Compliance No. VI-0021101/03-26-19



**MARIA LUISA DOMINIQUE D. MAURICIO**

*Associate Solicitor III*

Roll No. 65446

IBP Lifetime No. 014816/05-16-2016

MCLE Exemption No. VI-PGS003317/10-29-19



**RONA FRANCIA L. PALINES**

*Associate Solicitor II*

Roll No. 68742

IBP Lifetime No. 017827/05-13-2017

MCLE Compliance No. VI-0022779/04/17-19



**SANG MEE AI LEE**

*Associate Solicitor II*

Roll No. 70332

IBP Lifetime No. 118630/03-09-2020

MCLE Compliance No. VI-0021090/03-26-19



**HACEL GRACE T. DELA CRUZ**

*Associate Solicitor II*

Roll No. 69359

IBP Lifetime No. 002566/05-11-2017

MCLE Compliance No. VI-0021040/03-26-19



**MIGUEL MARTIN A. BUENAVENTURA**

*Associate Solicitor I*

Roll No. 71363

IBP Lifetime No. 096512/12-05-2019

MCLE Compliance No. VI-0022585/04-05-19

**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

x-----x

  
**MYLENE V. BENDIHO**

*Attorney II*

Roll of Attorney No. 73155

IBP Lifetime No. 110076/01-16-2020

MCLE Compliance No. Admitted to the Bar 2018

  
**LEANDRO MARI B. MANABAT**

*Attorney II*

Roll No. 73277

IBP No. 088510/05-14-2019

Admitted to the Bar on June 18, 2019

MCLE Compliance<sup>1</sup>

**RIGEL C. BAJANDE**

*Attorney II*

Roll No. 73196

IBP No. 077694/06-24-2019

Admitted to the Bar on June 18, 2019

MCLE Compliance<sup>2</sup>

  
**PAOLO MIKAEL E. QUILALA**

*Attorney II*

Roll No. 73022

IBP No. 087587 / 05-08-19

Admitted to the Bar on June 18, 2019

MCLE Compliance<sup>3</sup>

**OFFICE OF THE SOLICITOR GENERAL**

134 Amorsolo Street, Legaspi Village, Makati City

Telephone No. 8988-1674

website [www.osg.gov.ph](http://www.osg.gov.ph)

email: [docket@osg.gov.ph](mailto:docket@osg.gov.ph)

<sup>1</sup> Admitted to the Philippine Bar on June 18, 2019, hence, compliance with MCLE requirement is not yet due until the year 2022 pursuant to Rule 2, Section 2 of Bar Matter No. 850.

<sup>2</sup> Admitted to the Philippine Bar on June 18, 2019, hence, compliance with MCLE requirement is not yet due until the year 2022 pursuant to Rule 2, Section 2 of Bar Matter No. 850.

<sup>3</sup> Admitted to the Philippine Bar on June 18, 2019, hence, compliance with MCLE requirement is not yet due until the year 2022 pursuant to Rule 2, Section 2 of Bar Matter No. 850.

**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

x-----x

Copy furnished:

**FREE LEGAL ASSISTANCE GROUP (FLAG)**

Counsel for the Petitioner-Relator Jody C. Salas  
2<sup>nd</sup> Floor, Eastside Building  
77 Malakas Street, Quezon City 1100

**HON. THELMA BUNYI-MEDINA**

Presiding Judge, Regional Trial Court of Manila  
Branch 32  
5<sup>th</sup> Floor, LRT Wing, Manila City Hall  
Gat. Antonio Villegas St., Ermita  
City of Manila

**EXPLANATION**

(Under Section 11, Rule 13 of the 1997 Rules of Civil Procedure)

The foregoing ***Return of the Writ*** is being served upon public respondent, Honorable Judge Thelma Bunyi-Medina, *via* registered mail due to lack of manpower to effect personal service thereof.

An advance copy of the said ***Return of the Writ*** is likewise served upon the Honorable Judge Thelma Bunyi-Medina thru private courier to enable her to receive a copy thereof before the scheduled oral arguments before the Honorable Supreme Court set on March 12, 2020.

  
**CECILLE A. SATO**  
Senior State Solicitor

**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

x-----x

**VERIFICATION**

**REPUBLIC OF THE PHILIPPINES )**  
**MAKATI CITY ) S.S.**

I, **LLOYD F. GONZAGA**, CHIEF JAIL INSPECTOR,  
MANILA CITY JAIL ANNEX, with office address at Manila City  
Jail Annex, BJMP-NCR Compound, Camp Bagong Diwa, Lower  
Bicutan Taguig City 1632 Metro Manila, after having been  
sworn in accordance with law, deposes and states, that:

1. I am the named public defendant in the instant case;
2. I have caused the preparation of the foregoing **Verified Return;**
3. I have read the contents thereof and the allegations therein are true and correct of my own personal knowledge and/or based on authentic records on hand; and

  
**LLOYD F. GONZAGA**  
CHIEF JAIL INSPECTOR

**SUBSCRIBED AND SWORN** to before me this 9<sup>th</sup> day  
of March 2020, whose identity I have reasonably ascertained  
to be real, affiant having exhibited to me his Driver's License  
No. PO3-96-099073, which will expire on 2022/05/06 issued  
by the Land Transportation Office.

  
**SHARON E. MILLAN-DECANO**  
Senior State Solicitor

REPUBLIC OF THE PHILIPPINES

AFFIDAVIT OF SERVICE  
(Revised as of April 1992)

I, XYLAN UJE S. SYCAYCO  
GSIS # CM 0000047302 OFFICE OF THE SOLICITOR GENERAL,  
with Office address at 134 Amorsolo St., Legaspi Village Makati City, after being sworn to depose and say:

That on 03/10/2020 I caused to be served a copy of the following pleading/paper:

NATURE OF THE PLEADING

Return of Writ

In case No. G.R. NO. 251693, entitled JODY C. SALAS, EX REL PERSON DEPRIVED OF  
VS. HON. THELMA BUNYI-MEDINA, PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF THE CITY

pursuant to Section 3,4,5 and 10, Rule 13 of the Rules of Court, as follows:

By Personal Service To:

- ( ) By depositing a copy to the party or his/her attorney on \_\_\_\_\_ as shown on p \_\_\_\_\_.
- ( ) By leaving a copy in his/her clerk or with a person having charge thereof on \_\_\_\_\_ as shown on p \_\_\_\_\_.
- ( ) By delivering a copy to the Court/Tribunal Office on \_\_\_\_\_ as shown on p \_\_\_\_\_.

By Registered Mail To:

HON. THELMA BUNYI-MEDINA  
Presiding Judge, Regional Trial Court of Manila  
Branch 32  
5th Floor, LRT Wing, Manila City Hall  
Gat. Antonio Villegas St., Ermita  
City of Manila, , Philippines

FREE LEGAL ASSISTANCE GROUP (FLAG)  
Counsel for the Petitioner-Relator Jody C. Salas  
2nd Floor, Eastside Building  
77 Malakas Street, Quezon City 1100, ,

- ( ) By depositing copy on MAR 10 2020 in the Post Office at \_\_\_\_\_ as evidenced by Registry Receipt(s) No.(s) \_\_\_\_\_ hereto attached and indicated after the name (s) of the addressee(s), and with instruction to the postmaster to return the mail to the sender after (10) days if undelivered.

Makati, Metro Manila, Philippines

XYLAN UJE S. SYCAYCO  
GSIS # CM 0000047302

MAR 10 2020  
(Affiant)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ of \_\_\_\_\_ at Makati City, Philippines. Affiant exhibiting to me his \_\_\_\_\_ issued at Pasay City.

XYLAN UJE S. SYCAYCO  
GSIS # CM 0000047302

MAR 10 2020

THELMA BUNYI-MEDINA

Solicitor, Officer Administering the Oath  
Office of the Solicitor General



20-005643-0003

**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
G.R. No. 251693

**ANNEX " 1 "**

**1**

**A F F I D A V I T**

**REPUBLIC OF THE PHILIPPINES )**  
**MAKATI CITY ) S.S.**

I, **LLOYD F. GONZAGA**, of legal age, Filipino, with office address at the Manila City Jail Annex, BJMP-NCR Compound, Camp Bagong Diwa, Lower Bicutan Taguig City, Metro Manila, after having been sworn in accordance with law, deposes and states, that:

1. I am the incumbent Warden of the Manila City Jail Annex located at the BJMP-NCR Compound, Camp Bagong Diwa, Lower Bicutan Taguig City, Metro Manila.

2. I was impleaded in the Petition for Habeas Corpus (TRO, and Injunction and All Other Legal and Equitable Remedies), docketed as G.R. No. 251693, filed with the Supreme Court by Jody C. Salas, the son of Rodolfo C. Salas, who was brought to and detained at the Manila City Jail Annex.

3. Upon perusal of the entire petition, it was observed that the petition, other than the fact that I am the Warden of the said detention facility, is bereft of any allegation showing that I am unlawfully detaining Rodolfo C. Salas.

4. On February 20, 2020, we received a letter (certified true copy thereof is hereto attached as Annex "A") from the Manila City Jail Main endorsing to us the living body of Person Deprived of Liberty (PDL) Rodolfo C. Salas. Thereafter, we placed him in the adjustment cell where he was oriented of the rules and regulations of the detention facility.

5. However, on March 2, 2020, upon verbal directives from Supt. Randel Latoza, Warden of the Manila City Jail Main, I was ordered to return the custody of Rodolfo C. Salas to the Manila City Jail Main.



**Return of the Writ**

Jody C. Salas ex rel PDL Rodolfo Salas vs.  
Hon. Thelma Bunyi-Medina & JCInsp. Lloyd Gonzaga  
**G.R. No. 251693**

X-----X

6. In compliance with the said directive, I immediately caused the recording of the said transfer on our jail blotter (a certified true copy of which is hereto attached as Annex "B") and instructed one of our personnel to transport Rodolfo C. Salas to the Manila City Jail Main. Receipt of the person of Rodolfo C. Salas by the Manila City Jail Main was likewise recorded in the jail blotter (a certified true copy of which is hereto attached as Annex "C") of the said detention facility.

7. On March 6, 2020, I received a copy of the Petition for Habeas Corpus along with the Supreme Court's Resolution and Writ of Habeas Corpus both dated March 2, 2020, requiring me to submit a verified return of the writ and to appear and produce the body of the person of Rodolfo C. Salas before the Third Division of the Supreme Court on March 12, 2020.

8. It is respectfully submitted, however, that I no longer have any authority over the person of Rodolfo C. Salas as he is already in the custody of the Manila City Jail Main under Supt. Latoza. Be that as it may, I will abide by the Supreme Court's directive and shall attend the scheduled oral arguments as stated in the writ.

  
**LLOYD F. GONZAGA**  
*Jail Chief Inspector*

**SUBSCRIBED AND SWORN** to before me this 9<sup>th</sup> day of March 2020, whose identity I have reasonably ascertained to be real, affiant having exhibited to me his Driver's License No. PO3-96-099073, which will expire on 2022/05/06 issued by the Land Transportation Office.

  
**SHARON E. MILLAN-DECANO**  
*Senior State Solicitor*

Republic of the Philippines  
Department of the Interior and Local Government  
**BUREAU OF JAIL MANAGEMENT AND PENOLOGY**  
144 Mindanao Avenue, Quezon City

**OFFICER**

**CINSP LLOYD F GONZAGA**  
RANK/NAME:

**BADGE NUMBER: O-050013**      **VALID UNTIL: 31-DEC-2021**

**TIN NUMBER: 209-606-376**

**BO3-16-G0210061**

*Lloyd F. Gonzaga*  
Signature

**AUTHENTICATION**  
ELISA B. ORTIZ, DSC  
Jail Senior Superintendent  
OIC, DPRM

1. THIS IDENTIFICATION CARD IS ISSUED ONLY TO ALL BONAFIDE MEMBERS OF THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY.

2. THIS IDENTIFICATION CARD IS NON-TRANSFERABLE AND MUST BE PRESENTED WHEN TRANSACTING OFFICIAL BUSINESS WITH THE JAIL BUREAU.

3. WARNING: HEAVY PENALTY FOR UNLAWFUL USE PURSUANT TO GENERAL ORDER NO-2-A AND ARTICLE NO. 177-179, RPC.

4. IF FOUND, FINDER IS REQUESTED TO MAIL THIS TO THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, POSTAGE GUARANTEED.

WEIGHT	HEIGHT	BLOOD TYPE	DATE OF BIRTH	CONTROL NUMBER	RELIGION
75 kg	175 cm	O	06-MAY-1974	0308570	RC

ADDRESS: L21 B1 Sunrise Cmpd., Baldomero St., Malanday, Valenzuela

DATE OF ISSUANCE: 14-OCT-2016

IN CASE OF EMERGENCY, NOTIFY  
NAME: Milla P. Gonzaga  
TEL. NO.: 09774871130

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF TRANSPORTATION  
LAND TRANSPORTATION OFFICE

**NON-PROFESSIONAL DRIVER'S LICENSE**

Last Name, First Name, Middle Name  
**GONZAGA, LLOYD FRIAL**

Nationality: PHL      Sex: M      Date of Birth: 1974/05/06      Weight (kg): 76      Height (m): 1.68

Address: L21 B1 SUNRISE CMPD BALDOMERO ST MALANDAY VALENZUELA CITY

License No.: P03-96-099073      Expiration Date: 2024/05/06      Agency Code: N17

Blood Type: O+      Eye Color: BLACK

Restrictions: 1, 2      Conditions: NONE

*Lloyd F. Gonzaga*  
Signature of Licensee

EDSARAL SALVANTE  
Assistant Secretary

III. ORGAN DONATION:  
I WILL NOT DONATE ANY ORGAN

IV. IN CASE OF EMERGENCY NOTIFY:  
NAME: MILLA GONZAGA  
ADDRESS: BALDOMERO ST. MALANDAY VALENZUELA  
TEL. NO.: 09774871130

**READ - TOP - ESNEDE - NOT - ESNEDE - READ**

I. RESTRICTIONS:  
1. MOTORCYCLES/MOTORIZED TRICYCLES  
2. VEHICLE UP TO 4500KGS G V W  
3. VEHICLE ABOVE 4500KGS G V W  
4. AUTOMATIC CLUTCH UP TO 4500 G V W  
5. AUTOMATIC CLUTCH ABOVE 4500 G V W  
6. ARTICULATED VEHICLE 1401 UP TO 4500 G V W  
7. ARTICULATED VEHICLE 4501 & ABOVE G V W

II. CONDITIONS:  
A. WEAR EYEGLASSES  
B. DRIVE ONLY W/SPECIAL EOPT FOR UPPER LIMBS  
C. DRIVE ONLY W/SPECIAL EOPT FOR LOWER LIMBS  
D. DAYLIGHT DRIVING ONLY  
E. ACCOMPANIED BY A PERSON W/NORMAL HEARING

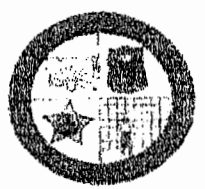
Serial Number  
022889414

" A "

Gonzaga



Republic of the Philippines  
Department of the Interior and Local Government  
BUREAU OF JAIL MANAGEMENT AND PENOLOGY  
NATIONAL CAPITAL REGION  
MANILA CITY JAIL  
Quezon Blvd., Sta. Cruz, Manila



MEMORANDUM

TO : JCINSP LLOYD GONZAGA  
Warden  
Manila City Jail - Annex  
Camp Bagong Diwa, Bicutan, Taguig, MM  
  
Attn: Chief, Records Branch

SUBJECT : Transfer of Custody

DATE : 20 February 2020

1. Turning over to your custody for confinement of PDL named hereunder:

NAME : RODOLFO SALAS  
COURT/BR : RTC 32, MANILA  
CASE : MURDER (15 COUNTS)  
CASE/IS NOS. : 08-262163 and 14-306530-46

2. Please acknowledge receipt.

FOR THE CITY JAIL WARDEN

JOHN Y ACHAPERO JR.  
Jail Inspector  
- Chief Records Unit/Assistant Warden

Authenticated by :

INSP JULIE S VILLAS  
Asst Warden for Admin  
09 March 2020  
2050H

57000  
1000

09 MARCH 2020

Authenticated by  
INSPECTION VILLAS

Entry Number	Time	Date	Events/Incidents
11537	1045 H	02 MAR 20	DISTRIBUTION OF FOOD PATCH FOR MCL-ANNEY POL SUPERVISOR 15-1 JCI PABLO
10688	1058 H	02 MAR 20	THREE (3) POL RETURNED FROM COURT HEARING IN MATHILA 1 VINCENT ILICAN 01 C1 2 ROLY CAMACHO 03 C1 3 JORDAN CRUZ 04 C3
11881	1107 H	02 MAR 20	ONE POL RETURNED TO MATHILA CITY JAIL (BACK TO JAIL) DETAIL 65 FOLLOW NAME SALAS, RODOLFO COURT / OR PTC 32 MATHILA OFFENSE MURDER (15 COUNTS) CASE 06-262163 & 14-30533-46
489	17		REPORTED BY SUCI BULACAC JCI GUINING Y DALIBE AS PER VERBAL INSTRUCTION OF SPO4 ANNES AQUINO ASST. WARDEN FROM OPERATION JCI PABLO TEMPORARY RELEASE IN ROSS AS BEING TO ASSIST THE TRANSPORT OF POL RODOLFO SALAS
11890	1120 H	02 MAR 20	THREE (3) POL RETURNED FROM COURT HEARING IN Q.C. 1 ARMANI CALDITO 02 C1 2 WARRAH DIMASERA 02 C1 3 CHRISTOPHER MADRATES 03 C4
11891	1330 H	02 MAR 20	TWO POL RETURNED FROM HEARING IN MATHILA 1 RHA BONIC BANI 05 C5 2 WANG JIMERO 05 C5
11892	1345 H	02 MAR 20	ONE (1) POL RELEASED FROM THE CUSTODY OF THIS UNIT OBTAIN AS FOLLOW



Republic of the Philippines *part of "B" of Gonzaga's Affidavit*  
 Department of the Interior and Local Government  
**BUREAU OF JAIL MANAGEMENT AND PENOLOGY**  
**NATIONAL CAPITAL REGION**  
**MANILA CITY JAIL**  
 Quezon Blvd., Sta. Cruz, Manila



MEMORANDUM

FOR : **JCINSP LLOYD GONZAGA**  
 Warden  
 Manila City Jail - Annex  
 Camp Bagong Diwa, Bicutan, Taguig, MM  
*Attn: Chief, Records Branch*

SUBJECT : **Back to Jail.**

DATE : **02 March 2020**

1. Verbal instruction of Manila City Jail Warden Main J/SUPT RANDEL H LATORA, MNSA, may we request the PDL named-hereunder to be back to jail.

1. NAME : **Salas, Rodolfo**  
 COURT/ BR : **RTC 32, Manila**  
 OFFENSE : **Murder (15 Counts)**  
 CASE NO. : **08-262163 and 14-306533-46**

2. Request appropriate action.

FOR THE CITY JAIL WARDEN

*Jayrex Joseph C. Bustinera*  
**JAYREX JOSEPH C BUSTINERA**  
 Jail Senior Inspector/Assistant Warden

RECEIVED

*Sgt. Romeo U. Bugabao*  
 ESCORT  
 02 MAR '20  
 MCI-A

Authenticated by

*Nelmar M. Malimata*  
 INSP **NELMAR M. MALIMATA**  
 Chief, Operations Unit  
 10 March 2020





# ANNEX " 2 "

Republic of the Philippines  
DEPARTMENT OF JUSTICE



6521 Baybay, Leyte  
OFFICE OF THE ASSISTANT PROVINCIAL PROSECUTOR

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

I.S. NO. 06-116

-versus-

For:  
MURDER  
(Twelve Counts)

JOSE MARIA SISON aka JOMA,  
@ Amado Guerrero @ Armando  
Liwanag, et. Al.,  
Respondents,

x-----/

## RESOLUTION

This treats the complaint for Murder for twelve (12) counts filed by The Philippine National Police Region 8, Palo, Leyte, represented by P/CInsp. George L. Almaden, Legal Officer, PRO8 and Capt. Allan Tiu, Staff Judge Advocate, representing the 8<sup>th</sup> Infantry Div. Philippine Army and by virtue of a complaint affidavit executed by the relatives of the victims of these atrocities, against the following respondents; Jose Maria Sison aka Joma, @ Amado Guerrero, @ Armando Liwanag; Benito Tiamzon aka Celso; Wilma Tiamzon aka Ria; Rodolfo Salas; Leo Velasco; Rafael Baylasis; Saturnino Ocampo @ Satur; Jose Luneta; Geronimo Pasetes, Prudencio Calubid; Luis Jalandoni, Eduardo Sarmiento, Juliet Sison, Adelberto Silva; Randall Echaniz; Francisco Pascual, Jr.; Vicente Ladlad; Fides Lim; Exusperado Lloren @ Maciong, Berting, Eksan, Nilo, Johnny; Mil Lominion; Nympha Abaya @ Asyon, Terry, Meding; Fortunato Felicilda @ Edna; Jaime Soledad @ Glenn; Noli Narca @ Abdul, Del; Norberto Murillo, Benjamin Beringuel; Qurino Quinawayan @ Willy, Fernando Rachel; Pecario Sonana, Jesus Solayao, Lino Salazar, Alfredo Taladro, Tito Gabar, Muco Lubong @ Nathon, Nonoy, Ikit, Bebot; Felix Dumali @ Gaspar, Pony; Ciriaca Malimot @ Leizel; Luzviminda Orillo @ Remy, Genia, Gelyn, Fely; Anselmo Balduhesa @ Klin; Alfredo Mabingay; Bernabe Ocasla; Bertino Oroza; Bonifacio Padoc @ William; Rodrigo Papiona @ Luding; Prescillono Beringel; Anastacio Dorias @ Jing, Jury, Buntay; Fr. Nick Ruiz @ Sendong; Policarpo Opo, *Numeriano Beringuel* @ Amad; Sammy Labarda @ Namu; *Glecerio Roluna* @ Dado; Charlie Fortaliza @ Noble; Luis Villena @ Bagang; Oscar Belleza, Rolando Caballera @ Jet; Donata Lambrento @ Naty; Luz Abejo; Maureen Palejaro @ Mao; Jasmin Jerusalem; Dario Tomada; Ruben Manatad, several John does and Jane Does and other respondents who were identified by their nick-names or aliases without specific identities.

The complaint came about when on **August 26, 2006** a mass grave was discovered and unearthed by the 43<sup>rd</sup> Infantry Battalion of the Philippine Army at Sitio/Mt. Sapang Dako, Brgy. Kaulisihan, Inopacan, Leyte through an information given by a civilian eyewitness on the tragic incident that happened on the said place.

According to Floro M. Tanaid sometime in the month of May 1985 he saw persons known to him who were abducted by the elements of the Communist Party of the Philippines – New People's Army (CPP-NPA). And sometime in the month of June 1986, he saw fresh diggings on Sapang Dako, which he suspected to be the

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APL 3/2/20  
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3

burial ground of those who were abducted by the NPA's because he never saw them again.

On the basis of the revelation and assistance of Floro M. Tanaid, an excavation was made on the area. Found and exhumed at the site by a team of Crime Scene Investigators were 67 human skeletal remains, believe to be victims of the Communist Party of the Philippines – New People's Army (CPP-NPA) operation code named OPERATION VENEREAL DISEASE.

Out of the 67 human skeletal remains and based on the exhaustive crime investigation of the case by a team of Forensic Experts, Scene of the Crime Operatives and the National and Regional Inter-Agency Legal Action Group (IALAG) ten (10) positive and/or possible matches on the comparison examination made on their respective relatives namely: 1).Juanita Aviola, 2).Concepcion Aragon, 3).Gregorio Eras, 4).Teodoro Recones, Jr., 5).Restituto Ejoc, 6).Rolando Vasquez, 7).Junior Milyapis, 8).Crispin Dalmacio, 9).Zacarias Casil, and 10).Pablo Daniel. The relatives of Romeo Tayabas, Domingo Napoles, Ciriaco Daniel, Crispin Prado, and Ereberto Prado insists that their relatives were among those who were executed by the NPA, whose skeletal remains were unearthed at the grave site at Sitio Sapang Dako, Brgy. Kaulisihan, Inopacan, Leyte.

Witnesses for the complainants including the relatives of the above-named victims claimed that in the year 1985 up to the year 1992 there were at least 100 persons residing in the adjacent Barangays and Municipalities of Sitio Sapang Dako, Brgy. Kaulisihan, Inopacan, Leyte, who were seen to have been abducted, hog-tied, tortured and executed by the elements of the CPP-NPA. The witnesses for the government particularly Zacarias Piedad, Glecerio Roluna, Numeriano Beringuel, Leonardo Tanaid and Veronica Tabara, who were one time or another members of the CPP-NPA Regional Committee, alleged that on the same period of time the CPP-NPA Central Committee directed and/or ordered the implementation of OPERATION –VENERAL DESEASE (OPN-VD). The aim of which was to "cleanse" the ranks of the Local and Regional Committees of the CPP-NPA. The "cleansing" resulted in the abduction and execution/liquidation of suspected traitor NPA members and innocent persons who were said to be sympathizers of the Military.

The directive to implement OPN-VD was done in the Province of Leyte sometime in the year 1985. According to Zacarias Piedad on that year Saturnino Ocampo @ Satur a member of the CPP-NPA Central Committee, personally came to the province to preside a meeting with some Central Committee Members and Regional Committee Members including but not limited to the herein respondents on the directive of the Central Committee and on how to implement the said order. Mr. Piedad avers that when the operation was put into action in 1985 there was no let up in the abduction and execution of suspected traitors and military sympathizers and innocent civilians until he surrendered sometime in the year 1992. In fact he was an eyewitness when in one of the meetings they had at Mt. Sapang Dako, in the year 1985 Satur Ocampo directed Exusperado Lloren to sentence to death a certain Juanita Aviola and likewise ordered her execution in his presence.

Leonardo Tanaid corroborates the testimony of Zacarias Piedad, when he said that the directive to implement OPN-VD was made by the CPP-NPA Central Committee sometime in the year 1985. The said directive was put into action in the Province in the same year. In one instance particularly in the month of June 1985, he saw Glecerio Roluna, liquidate and buried Rosky, Horato and others at Mt. Sapang, Dako Brgy. Kaulisihan, Inopacan, Leyte in compliance to the said order.

The directive from the CPP-NPA Central Committee to implement Operation Venereal Disease (OPN-VD), according to Numeriano B. Beringuel, another

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2  
APR  
ATTY. AVEGAIL P. LAYSON  
3/2/20  
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government witness and former NPA Member, was discussed in a meeting attended by the members of the Leyte Regional Committee, led by Exuperado Lloren, sometime in the year 1984 at Baybay, Leyte. In this meeting a special unit dubbed as Arresting and Investigating Team (AIT) was created. Intel Group, Arresting Group, Investigation Group and Execution Group were also created. These groups were headed by members of the local or provincial committee and were tasked to carry out the Orders from the Central Committee and thus implement OPN-VD.

In his disclosure Numeriano B. Beringuel, claim that sometime in the year 1985 they arrested several persons, then brought them to Mt. Sapang Dako. At said place these persons (named in his Affidavit) were investigated and were sentenced to death. They were executed by the use of a bladed weapon locally known as *kutsilyo* allegedly by the group led by Glecerio Roluna

The directive coming from the Central Committee of the CPP-NPA and the implementation of Operation Venereal Disease by the Leyte Regional Committee is confirmed by Glecerio Roluna @ Jay-ar. He also confirms to have executed several persons to include but not limited to the persons/victims herein previously mentioned, by virtue of the said directive. He further avers that the execution of the suspected enemies of the CPP-NPA was done sometime in the year 1985 at Mt. Sapang Dako, Brgy. Kaulisihan, Inopacan, Leyte up to the time when he was arrested by the Military.

In her Supplemental Affidavit, dated October 9, 2006 Veronica Tabara, divulged that she became a regular Member of the CPP, Central Committee in 1985. As such she came to know that Jose Maria Sison aka Armando Liwanag aka Amado Guerrero and JOMA was the founding chairman of the Communist Party of the Philippines (CPP). During his detention Rodolfo Salas was appointed Acting Chairman then followed by Benito Tiamzon.

As stated by Veronica Tabara, aside from Rodolfo Salas and Benito Tiamzon, the following are members of the Central Committee the highest policy making body of the CPP, viz: Wilma Tiamzon @ Ria, Rafael Baylosis, Leo Velasco, Antonio Cabanatan, Prudencio Calubid, and Saturnino Ocampo @ Ka Satur. These personalities were also members of other committees/bureaus of the CPP.

The declaration by Veronica Tabara that the persons named in the preceding paragraph are members of the CPP Central Committee is reiterated and confirmed by Zacarias Piedad, Leonardo Tanaid, Numeriano Beringuel and Glecerio Roluna. They also affirmed the membership of the rest of the respondents with the Central Committee, Leyte Regional Committee, Southern Leyte Provincial Committee and the different Groups and Teams of the CPP-NPA created to implement Operation Venereal Disease.

By virtue of their membership in the National and Local Committees; Teams and Groups of the CPP-NPA, the above-named respondents were sued by the relatives of the victims of the Operation Venereal Disease carried on by the CPP-NPA, whose remains and their tragic death were only **discovered** on **August 26, 2006**.

The private complainants, herein relatives of the victims of the summary execution and atrocities committed by the CPP-NPA charges the above-named respondents of Murder for twelve (12) counts, because as officers and members of the CPP-NPA, they are responsible for the disappearance and death of their loved ones.

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They wanted to impress upon us that the respondents, planned, deliberated, ordered and implemented the systematic execution and killing of their relatives. In short, there was a large-scale conspiracy by and between the Local, National and Central Committee members of the CPP-NPA in the implementation and execution of Operation Venereal Disease (OPN-VD).

✓ In connection with the foregoing and pursuant to the Revised Rules of Criminal Procedure the respondents were issued and served with Subpoena at their last known address for them to submit their counter-affidavits and that of their witnesses.

Majority of the respondents did not submit their counter-affidavits because they could no longer be found in their last known address, per return of the subpoenas. On the other hand, Saturnino Ocampo @ Satur, Fides Lim, Maureen Palejaro and Ruben Manatad submitted their Counter-Affidavits. However, Vicente Ladlad and Jasmin Jerusalem failed to submit the required Counter Affidavits in spite entry of appearance by their respective counsels. ✓

The failure of some of the respondents to submit their counter affidavits is considered a waiver on their part to submit countervailing evidences and to refute the charges hurled against them. Consequently, the case as against them shall be resolved on the basis of the documents at hand. Due process of law does not require that the respondent in a criminal case actually file his counter-affidavits before the preliminary investigation is deemed completed. All that is required is that the respondent be given the opportunity to submit counter-affidavits, if he is so minded, (Soliven vs. Makasiar, 167 SCRA 393).

After going over the submissions of Fides Lim, Maureen Palejaro and Ruben Manatad, we find them impressed with merit. Indeed Fides Lim was never mentioned or identified by the government witnesses as member of the Central Committee of the CPP-NPA. Her admission that she is the wife of Vicente Ladlad one of the respondents in this case does not make her criminally liable if her husband is found indictable of any offense. On the basis of the evidence presented by Maureen Palejaro, particularly her Birth Certificate, she was a minor of tender age at the time the killings were done in 1985. While Ruben Manatad submitted documents to bolster his contention that he could not be part of the planning and implementation of OPN-VD. The documents shows that Ruben Manatad being an employee of the National Food Authority (NFA), holding sensitive position at that could not be attending clandestine meetings of the CPP-NPA an underground organization without risking his job, life, security and arrest by the Police or Military. Although Jasmin Jerusalem, was mentioned by one of the government witnesses, her particular acts as regards her membership with the CPP-NPA, and in the implementation of OPN-VD, was not clearly shown or detailed to make her liable of any criminal offense.

By and large, we could not establish any connection of Fides Lim, Maureen Palejaro, Ruben Manatad and Jasmin Jerusalem, with the dreaded Operation Venereal Disease (OPN-VD) of the CPP-NPA. There is absence of substantial evidence to show that they conspired with their co-respondents, which resulted to the deaths of innocent civilians and alleged enemies of the CPP-NPA, The evidence as against them is insufficient to indict them of the charges hurled against them.

As regards Glicerio Roluna @ "Jay-ar", Zacarias Piedad, Leonardo Tanaid and Numeriano Beringuel who were mentioned in the complaint as members of the different Committees of the CPP-NPA in Leyte, should be dropped as respondents in this case and utilized as state witnesses, because without their testimonies the prosecution of the case will certainly be a failure.

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The filing of the extant Multiple Murder case according to Saturnino Ocampo @ 'Satur', is a ploy to depict him as a murderer and criminal based on fabricated charges and perjured statements of alleged witnesses, by the Police, the Military and the Secretary of the Department of Justice. The filing of this case is in pursuit of the policy of the Macapagal-Arroyo government to demolish and eliminate him and Bayan Muna and its allied organizations from the electoral scene. Thus, asserts that this case should be dismissed if only to uphold the cause of justice.

In support of his assertion Saturnino Ocampo @ 'Satur', vehemently denies that he is a member of the CPP-NPA-NDF at any time, because he was in military custody from 1972 to May 5, 1985, when he escaped from military detention. He was rearrested in July 1989 and was only released on September 1, 1992. It is his contention that he never have gone to Leyte from 1984 to 1991, much less in the year 1984 because he was at the time in military custody. He had a brief visit in southern Leyte only on February 1993 after his release from detention. And in May 14, 2001 when he was invited by Baybay, Leyte, Mayor Maria Cari, now Representative of the 5<sup>th</sup> Dist. of Leyte.

To drum-up his contention that this case should be dismissed he point out legal grounds, which could be the basis for its dismissal. We cite a few of the basis, which is relied upon by respondent Ocampo, because some of them are evidentiary in nature if not insignificant to be considered, viz:

a). The Hernandez case (99 Phil 515) ruling that common crimes, such as Homicide and Murder are absorb in rebellion. ***If respondent Saturnino Ocampo @ "Satur" wishes to avail of this doctrine, he must admit that he is a CPP-NPA Member.*** In answer, we cite the case of OPP Zamboanga del Norte vs. C.A, G.R. No. 125796, December 27, 2000, which states that: Merely because it is alleged that the private respondent were members of the CPP/NPA who engaged government troops in a firefight resulting in the death of a government trooper x x x x x does not necessarily mean that the killing and wounding of the victims was made in furtherance of a rebellion. The burden of proving that the motivation for the crime is political and not private is on the defense.

b). Prescription of the crime as ground for dismissal of the extant case is unavailing to respondent in the sense that the grave site at Mt. Sapang Dako found and unearthed by the Military, which led to the findings that indeed there were executions and killings done sometime in 1985 was only ***discovered on August 26, 2006.*** The Revised Penal Code provides in Article 91, that the period of prescription of an offense commences to run from ***the day on which the crime is discovered*** by the offended party, ***the authorities and their agents.*** The term prescription shall not run when the offender is absent from the Philippines.

c). The fact that skeletal remains were found in the grave sites at Mt. Sapang Dako, Brgy. Kaulisihan, Inoppacan, Leyte, establishes the fact of the commission of the crime or corpus delicti. It would be foolhardy to state that these skeletal remains, which belong to human beings, turn out there without human intervention. It must be stressed that there were reports of persons being abducted by the NPA and never did return home. Add to this the statements of witnesses that indeed there were persons known to them that were killed, executed and buried by the NPA's in this particularly area, make the contention of the respondent untenable.

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A careful evaluation of the evidences presented by the complainants clearly shows that there was a grand conspiracy to carry out the killing and execution of innocent persons and individuals suspected to be enemies of the CPP-NPA, in Leyte and in neighboring provinces.

The chain of events from May or June 1985 until the mass grave was found and unearthed on August 26, 2006 as testified to by government witnesses and the findings of the PNP Scene of the Crime Operatives (SOCO) and Forensic Chemist/Specialists, leads us to conclude that the victims of the summary executions and killings were deliberately planned and executed by and between the Central, Provincial and/or Local Committee members of the CPP-NPA. Considering the evidence at hand which points and identifies the above-named respondents as either officers or members of the Central, National, Local, Regional, or Provincial CPP-NPA Committees, made them criminally liable for the disappearance and death of the victims whose skeletal remains were found at the mass grave at Sitio Mt. Sapang Dako, Brgy. Kaulisihan Inopacan, Leyte.

Verily conspiracy has been established by the facts and circumstances now before us. In the case of *People vs. Lotoc*, 307 SCRA 471, the Supreme Court held that conspiracy may be inferred from the acts of the accused before, during and after the commission of the crime which indubitably point to and are indicative of a joint purpose, concert of action and community of interest.

Moreover, for collective responsibility among the accused to be established it is not necessary or essential that there be previous plan or agreement to commit the assault; it is sufficient that at the time of the aggression all the accused by their acts manifested a common intent or desire to attack the victim, so that the act of one accused become the act of all, (*People vs. Sanchez*, 308 SCRA 264).

IN THE LIGHT OF THE FOREGOING, it is recommended that:

1. The case against Fides Lim, Maureen Palejaro @ 'Mao', Ruben Manatad and Jasmin Jerusalem, be dismissed for lack of sufficient evidence to establish probable cause of the offense charged.

2. Glecerio Roluna @ "Jay-ar", Zacarias Piedad, Leonardo Tanaid and Numeriano Beringuel @ 'Amad' be dropped as respondents in the extant case and utilized as state-witnesses in as much as their testimonies are very vital to the success of the prosecution of this case.

3. An Information for **Multiple Murder** (15 counts and not merely 12 counts) for the death of; 1). Juanita Aviola, 2). Concepcion Aragon, 3). Gregorio Eras, 4). Teodoro Recones, Jr., 5). Restituto Ejoc, 6). Rolando Vasquez, 7). Junior Milyapis, 8). Crispin Dalmacio, 9). Zacarias Casil, 10). Pablo Daniel, 11). Romeo Tayabas, 12) Domingo Napoles, 13), Ciriaco Daniel, 14). Crispin Prado, and 15). Ereberto Prado be filed with the **Regional Trial Court Branch 18, Hilongos, Leyte** against Jose Maria Sison aka Joma, @ *Amado Guerrero*, @ *Armando Liwanag*; Benito Tiamzon aka *Celo*; Wilma Tiamzon aka *Ria*; Rodolfo Salas; Leo Velasco; Rafael Baylosis; Saturnino Ocampo @ *Satur*; Jose Luneta; Geronimo Pasetes, Prudencio Calubid; Luis Jalandoni, Eduardo Sarmiento, Juliet Sison, Adelberto Silva; Randall Echaniz; Francisco Pascual, Jr.; Vicente Ladlad; Exusperado Lloren @ *Maciong, Berting, Eksan, Nilo, Johnny*; Mil Lominion; Nympha Abaya @ *Asyon, Terry, Meding*; Fortunata Felicilda @ *Edna*; Jaime Soledad @ *Glenn*; Noli Narca @ *Abdul, Del*; Norberto Murillo, Benjamin Beringuel; Qurino Quinawayan @ *Willy*, Fernando Rachel; Pacario Sonana, Jesus Solayao, Lino Salazar, Alfredo Taladro, Tito Gabar, Muco Lubong @ *Nathon, Nonoy, Ikit, Bebot*; Felix Dumali @ *Gaspar, Pony*; Ciriaca

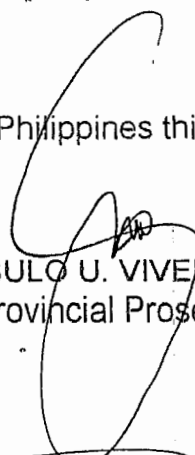
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Malimot @ Leizel; Luzviminda Orillo @ Remy, Genia, Gelyn, Fely; Anselmo Balduhesa @ Klin; Alfredo Mabingay; Bernabe Ocasla; Bertino Oroza; Bonifacio Padoc @ William; Rodrigo Papiona @ Luding; Prescillono Beringel; Anastacio Dorias @ Jing, Jury, Buntay; Fr. Nick Ruiz @ Sendong; Policarpo Opo, Sammy Labarda @ Namu; Charlie Fortaliza @ Noble; Luis Villena @ Bagang; Oscar Belleza, Rolando Caballera @ Jet; Donata Lambrento @ Naty; Luz Abejo; Dario Tomada; several John does and Jane Does.

No Bail Bond recommended.

Baybay, Leyte, for Hilongos, Leyte, Philippines this 16<sup>th</sup> day of February 2007.

  
ROSULO U. VIVERO  
Asst. Provincial Prosecutor

APPROVED:


  
CESAR M. MERIN  
Prosecutor II  
Officer-in-Charge

2/21/07

Copy furnished:

- Jose Maria Sision, et. Al.
- Atty. George L. Almaden  
Philippine National Police  
Regional Office No. 8  
Camp Kangleon, Palo  
6501 Leyte
- Atty. Allan Tiu  
Judge Advocate General's Office  
8<sup>th</sup> Infantry Division, Philippine Army  
Camp Maulong, Catbalogan  
6700 W. Samar

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ATY. P. LAVASON  
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1. JOSE MARIA SISON AKA JOMA, @ AMADO GUERRERO, @ ARMANDO LIWANAG - Member of the Central Committee, Political Bureau of the Communist Party of the Philippines / New People's Army / National Democratic Front (CPP/NPA/NDFP) from Kabugao, Ilocos Norte and also believed to be at Utrecht, Netherlands;
2. SPOUSES BENITO and WILMA TIAMZON aka CELO and RIA, respectively - both members of the Political Bureau and members of the Executive Committee of the Central Committee of the CPP/NPA known to be from Camigan, Pasig City;
- 3x RODOLFO SALAS - member of Central Committee, Executive Committee, Political Bureau and Head of Military Commission of the CPP/NPA/NDFP from an unknown address;
4. LEO VELASCO - member of the CPP/NPA/NDFP from Zamboanga;
5. RAFAEL BAYLOSIS - member of the CPP/NPA/NDFP from Balay Obrero, Project 3, QC;
6. SATURNINO OCAMPO @ SATUR - member of the Central Committee CPP/NPA/NDFP from Congressional Avenue, Quezon City;
7. JOSE LUNETTA - member of the Central Committee and Political Bureau of the CPP/NPA/NDFP with unknown address;
- 8x GERONIMO PASETES - - member of the Central Committee of the CPP/NPA/NDFP with unknown address;
9. PRUDENCIO CALUBID - member of the Central Committee of the CPP/NPA/NDFP with unknown address;
10. LUIS JALANDONI - member of the Central Committee of the CPP/NPA/NDFP with unknown address;

I have the honor to send you herewith, requesting appropriate legal action, a case of MURDER (twelve counts) where the following persons being accused are:

SIR:

HON. TERESITA S LOPEZ  
Provincial Prosecutor  
Tacloban City

THRU : HON. ROSULO WIVERO  
Prosecutor  
Baybay, Leyte

IS# 206-10-91

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Republic of the Philippines  
NATIONAL POLICE COMMISSION  
PHILIPPINE NATIONAL POLICE  
POLICE REGIONAL OFFICE 8  
Camp Kangleon, Palo, Leyte

ANNEX



- 21
11. <sup>AL</sup> EDUARDO SARMIENTO – member of the Central Committee of the CPP/NPA/NDFP with unknown address
  12. <sup>AL</sup> JULIET SISON – member of the Central Committee of the CPP/NPA/NDFP with unknown address
  13. <sup>AL</sup> ADELBERTO SILVA – member of the Central Committee of the CPP/NPA/NDFP with unknown address
  14. <sup>B</sup> RANDALL ECHANIZ – member of the Central Committee of the CPP/NPA/NDFP from Poblacion Pateros, Rizal;
  15. <sup>AL</sup> FRANCISCO PASCUAL JR – member of the Central Committee of the CPP/NPA/NDFP from Teacher's Village, QC
  16. <sup>B</sup> VICENTE LADLAD – member of the Central Committee of the CPP/NPA/NDFP from 53 Sct Rallos St. QC
  17. <sup>X/L</sup> FIDES LIM – member of the Central Committee of 53 Sct Rallos St, QC
  18. <sup>X/L</sup> @ "TSOY" - CC, Member, Southern Tagalog
  19. <sup>AL</sup> EXUSPERADO LLOREN @ Maciong/berting/Eksan/Nilo/Johnny - Secretary, Leyte Island Regional Party Committee, Leyte Island
  20. <sup>AL</sup> MIL LOMINION- Head, Organizational Department, Southern Leyte
  21. <sup>AL</sup> NYMPHA ABAYA @ Asyon/Terry/Meding - Head, Finance Department, Southern Leyte
  22. <sup>AL</sup> HORTUNATO FELICILDA @ Edna - Secretary, Regional White Area Committee (RWAC), Southern Leyte
  23. <sup>X/L</sup> JAIME SOLEDAD @ Glenn - Head, Organizational Department/ CO District 11 – DGU, Northern Leyte Regional Party Committee, Political Officer (PO), Main Force, 2FF, SIRPC, Southern Leyte
  24. <sup>B</sup> NOLI NARCA @ Abdul/Del – Southern Leyte Provincial Party Committee, Southern Leyte
  25. <sup>B</sup> NORBERTO MURILLO - Secretary, Northeast District Committee, Southern Leyte Provincial Party Committee (SLPPC), Southern Leyte
  26. <sup>AL</sup> BENJAMIN BERINGEL - Secretary, Southeast District Committee, Southern Leyte Provincial Party Committee (SLPPC), Southern Leyte
  27. <sup>AL</sup> QUIRINO QUINAWAYAN @ Willy - Member, South West District, SLPPC, Southern Leyte.
  28. <sup>AL</sup> FERNANDO RACHEL - Member, Central West District, SLPPC, Southern Leyte
  29. <sup>AL</sup> PECARIO SONANA @ Cardo/Buddy - Member, South West District, SLPPC, Southern Leyte.

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- 23
30. <sup>ML</sup> JESUS SOLAYAO - Member, South West District, SLPPC, Southern Leyte
  31. <sup>ML</sup> LINO SALAZAR - Member, South West District, SLPPC, Southern Leyte
  32. <sup>ML</sup> ALFREDO TALADRO - Member, South West District, SLPPC, Southern Leyte
  33. <sup>ML</sup> TITO GABAR - Member, SLPPC, Southern Leyte
  34. <sup>ML</sup> MUCO LUBONG @ Nathon / Nonoy / Ikit / Bebot - Member, SLPPC, Southern Leyte
  35. <sup>ML</sup> FELIX DUMALI @ Gaspar / Pony - Member, SLPPC, Southern Leyte
  36. <sup>ML</sup> CIRIACA MALIMOT @ Leizi - member, SLPPC, Leyte
  37. <sup>ML</sup> LUZVIMINDA ORILLO @ Remy / Genia / Gelyn / Fely - member SLPPC, Southern Leyte
  38. <sup>ML</sup> ANSELMO BALDUHESA @ Klin - Member, SLPPC, Southern Leyte
  39. <sup>ML</sup> ALFREDO MABINGAY - Member, South West District, SLPPC, Southern Leyte
  40. <sup>P</sup> BERNABE OCASLA - Member, Central West District, SLPPC, Southern Leyte
  41. <sup>ML</sup> BERTINO OROZA - Member, South west District, SLPPC, Southern Leyte
  42. <sup>ML</sup> BONIFACIO PADOCC @ William - CO, 2<sup>nd</sup> Face South West District, SLPPC, Southern Leyte
  43. <sup>ML</sup> RODRIGO PAPIONA @ Ludring - member, South West District, SLPPC, Southern Leyte
  44. <sup>ML</sup> PRESCILLONO BERINGEL - ED, DC4, SLPPC, Southern Leyte
  45. <sup>ML</sup> ANASTACIO DORIAS @ Jing / Jury / Buntay - PO, SF, FGU, SLPPC, Southern Leyte
  46. <sup>ML</sup> FR. NICK RUIZ @ Sendong - Team Leader, Investigation Team (AIT), Southern Leyte
  47. <sup>ML</sup> POLICARPO OPO - Member; Arresting Team (AIT), Southern Leyte
  48. <sup>ML</sup> NUMERIANO BERINGEL @ Amad - Member, Arresting Team (AIT), Southern Leyte
  49. <sup>ML</sup> SAMMY LABARDA @ NAMO - Member, Execution Team (AIT), Southern Leyte
  50. <sup>ML</sup> GLENERIO ROLUNA @ Dodo - Member, AIT, Southern Leyte
  51. @ LINA - Member, AIT, Southern Leyte



- 2/2
52. x @ MEMANG - Member , AIT, Southern Leyte
  53. x @ IKO - Member , AIT, Southern Leyte
  54. x @ EBANG - Member , AIT, Southern Leyte
  55. x @ ALVIN - Member , AIT, Southern Leyte
  56. x @ SUBASKO - Member , AIT, Southern Leyte
  57. x @ MEYONG - Member , AIT, Southern Leyte
  58. x @ LIZA - Member , AIT, Southern Leyte
  59. x @ RICKY - Member , AIT, Southern Leyte
  60. x CHARLIE FORTALIZA @ NOBLE - Member , AIT, Southern Leyte
  61. x LUIS VILLENA @ BAGANG - Member , AIT, Southern Leyte
  62. OSCAR BELLEZA - Member , AIT, Southern Leyte
  63. x ROLANDO CABALLERA @ JET - Member , AIT, Southern Leyte
  64. x DONATA LAMBRENTA @ NATY - Member , AIT, Southern Leyte
  65. x LUZ ABEJO - Member , AIT, Southern Leyte
  66. x MAUREEN PALEJARO @ MAC - Member , AIT, Southern Leyte
  67. x JASMIN JERUSALIM - Member , AIT, Southern Leyte
  68. DARIO TOMADA - Member , AIT, Southern Leyte
  69. x RUBEN MANATAD - Member , AIT, Southern Leyte
  70. x @ LARA/LALA - Member , AIT, Southern Leyte
  71. Several other JOHN and JANE DOES - members of the CPP/NPA/NDFP whose true names, affiliation, aliases or any other names into whom whose summons can be served in Southern, Leyte

**VICTIM/S: (Deceased)**

JUNIOR MILYAPIS Y GONZAGA, of legal age, former member of CPP/NPA/NDFP, with address at Brgy Ambuhan, Baybay, Leyte (DECEASED) – represented therein by their brother;

**COMPLAINANT/S:**

JUANELIO MILYAPIS Y GONZAGA, 48 year-old, married, Barangay Health Worker and residing at Barangay Ambuhan, Baybay, Leyte;

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APL  
ATTY. AVERAL LAYSON  
CIVIL PARTY

314

**WITNESSES:**

1. Juanelio Milyapis Y Gonzaga
2. Floro M Tanaid
3. Zacarias T Piedad
4. Leonardo C Tanaid
5. Glecerio Roluna
6. Numeriano Beringel @Amad
7. Veronica Tabara

AND OTHERS WHO MAY BE PRESENTED LATER.

**PIECES OF EVIDENCE:**

1. Affidavit of Complaint of Juanelio Milyapis Y Gonzaga dated September 13, 2006
2. Affidavit Floro M Tanaid dated 14 September 2006
3. Affidavit of Zacarias T Piedad dated 14 September 2006
4. Affidavit of Leonardo C Tanaid dated 14 September 2006
5. Sworn Statement of Numeriano Beringel @Amad
6. Sworn Statement of Glecerio Roluna
7. Sworn Statement of Veronica Tabara
8. Press Release No DPAO 03-2908-06 dated 31 August 2006 on Unearthed Mass Grave
9. Memorandum Report from RD, PRO8 dated 01 September, 2006 and Special Report from RD, PRO8 dated October 2, 2006
10. Letter Request for SOCO dated 28 August 2006 and SOCO Spot Report dated 31 August 2006 and the Osteological Report Number - 2006-01 to 67 re Report on the Examination of Recovered Skeletal Remains
11. Crime Scene Sketch and measurement dated 14 September 2006
12. Memo from TDIDM dated September 8, 2006 re Request for Evidence Processing for Mass Grave at Region 8 and Memo from C, RCLOB dated September 8, 2006 re Request for Supplemental Evidence Processing of Region 8 Mass Grave
13. Initial Specialist Report dated September 18, 2006 with Consent Form
14. Supplemental Medico-Legal Report dated 25 September 2006
15. Pictures of the Grave Site and the Skeletal Remains with markings

AND OTHERS THAT MAY BE PRESENTED LATER.

**FACTS OF THE CASE:**

Facts gathered by the investigation established that on August 26, 2006 the elements of 43<sup>rd</sup> Infantry Brigade, Philippine Army discovered and unearthed a mass grave site of the CPP/NPA at Sitio Sapang Daco, Barangay Kaulisan, Inopacan, Leyte, a hinterlands and mountainous area between the boundaries of Inopacan, Baybay and Hindang Leyte wherein sixty seven (67) severely deteriorated skeletal remains were believed to be the victims of mass killings committed by the members of CPP/NPA in the area from the period of 1985 to 1991. As revealed by Juanelio Milyapis Y Gonzaga, his brother, Junior Milyapis Y Gonzaga was a member of CPP/NPA and forcefully abducted and hogtied in her presence by the members of the CPP/NPA in the area and never been found since then. Mr Juanelio Milyapis Y Gonzaga believed that his brother, Junior Milyapis Y Gonzaga was tortured, murdered, buried indecently at the same newly discovered gravesite and further believed that one (1) out of

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 APP  
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 ATTY

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the sixty seven (67) skeletal remains belongs to his brother, **Junior Milyapis Y Gonzaga**. However, initial results of the Crime Laboratory Anthropological, Odontological and Pathological Findings corroborated that a certain skeletal remains specifically matched to the age, gender and configuration of **Junior Milyapis Y Gonzaga**.

In the course of investigation, **Floro Tanaid**, **Leonardo Tanaid** and **Zacarias Piedad** declared that they were former ranking members of CPP/NPA in Southern Leyte who actually participated in the abduction of the victims in several Barangays of Leyte.

In the declarations made by Ms **Veronica Tabara** in her Supplemental Affidavit dated October 9, 2006, that there was a directive regarding the conduct of investigation, arrest and execution of military spies and infiltrators among the ranks of CPP/NPA, nationwide including Leyte since 1980. This was unanimously approved by the entire membership of the Central Committee of the CPP/NPA/NDFP. Then, such directive was given to all the Regional Commands of CPP/NPA/NDFP for strict implementation. The Viscom was ahead in the implementation of the Party's policy on cleansing their ranks. However, it was only in 1985 that there was intensified implementation of anti-infiltration directive in almost all Regional Commands that resulted in the great depletion in the number of armed guerilla of the CPP/NPA/NDFP. The implementation had been carried out until 1991. Then, after abduction of the victims, they were brought to **Mount Sapang Daco**, **Brgy Caulisitan**, **Inopacan**, **Leyte** where they were willfully, unlawfully, intentionally and feloniously tortured, killed and indignantly buried including including **Junior Milyapis Y Gonzaga** as further attested by **Glecerio Roluna** and **Numeriano Beringuel**, both members of the CPP/NPA in Southern Leyte.

As revealed by **Glecerio Roluna** and **Numeriano Beringel**, both former ranking members of CPP/NPA/NDFP of Southern Leyte, since 1980 the Central Committee of the CPP warned the Regional Committee of Leyte regarding the existence of infiltrators/informers and gave instruction to investigate and thereafter execute them according to the standard operating procedure of the CPP/NPA. The directive was further intensified after the visit of **Satur Ocampo** and **Prudencio Calubid** in Southern Leyte sometime in 1985 to 1991. This was carried through a widespread abduction of the victims within the province of Leyte. Despite reconciliation effort launched by the government through the Grant of Amnesty in 1987, the killing still continuous victimizing innocent civilians who are uncooperative in their undertaking. The same was supervised and under the control of the members of Central Committee of CPP.

The circumstances present in this case as established by the investigation altogether constitute a clear tapestry of events that point to and identify the accused **JOSE MARIA SISON AKA JOMA**, @ **AMADO GUERRERO**, @ **ARMANDO LIWANAG**, SPOUSES **BENITO** and **WILMA TIAMZON** aka **CELO** and **RIA**, **RODOLFO SALAS**, **LEO VELASCO**, **RAFAEL BAYLOSIS**, **SATURNINO OCAMPO** @ **SATUR**, **JOSE LUNETAS**, **GERONIMO PASETES**, **PRUDENCIO CALUBID**, **LUIS JALANDONI**, **EDUARDO SARMIENTO**, **JULIET SISON**, **ADELBERTO SILVA**, **RANDALL ECHAMIZ**, **FRANCISCO PASCUAL JR**, **VICENTE LADLAD**, **FIDES LIM**, @ "TSOY"; **EXUSPERADO LLOREN** @ **Haciong/Berting/Eksan/Nilo/Johnny**, **MIL LOMINION**, **NYMPHA ABAYA** @ **Asyon/Terry/Meding**, **FORTUNATO FELICILDA** @ **Edna**, **JAIME SOLEDAD** @ **Glenn**, **NOLI MARCA** @ **Abdul/Del**, **NORBERTO MUKILLO**, **BENJAMIN BERINGEL**, **QUIRINO QUINAWAYAN** @ **Willy**, **FERNANDO RACHIEL**, **PECARIO SONANA** @ **Cardo/Buddy**, **JESUS SOLAYAO**, **LINO SALAZAR**, **ALFREDO TALADRO**, **TITO GABAR**, **MUCO LUBONG** @ **Nathon / Nonoy / Ikit**

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ehot, FELIX DUMALI @ Gaspar / Pony - Member, SLPPC, Southern Leyte,  
RIACA MALIMOT @ Leizi, LUZVIMINDA ORILLO @ Remy / Genia / Gelyn /  
ly, ANSELMO BALDUHESA @ Klin, ALFREDO MABINGAY, BERNABE  
CASLA, BERTINO OROZA, BONIFACIO PADOX @ William, RODRIGO  
PIONA @ Ludring, PRESCILLONO BERINGEL, ANASTACIO DORIAS @  
g / Jury / Buntay, FR. NICK RUIZ @ Sendong, POLICARPO OPO,  
UMERIANO BERINGEL @ Amad, SAMMY LABARDA @ NAMO, GLENERIO  
DLUNA @ Dodo, @ LINA, @ MEMANG, @ IKO, @ EBANG, @ ALVIN, @  
UBASKO, @ MEYONG, @ LIZA, @ RICKY, CHARLIE FORTALIZA  
NOBLE, LUIS VILLENA @ BAGANG, OSCAR BELLEZA, ROLANDO  
ABALLERA @ JET, DONATA LAMBRENTA @ NATY, LUZ ABEJO,  
LAUREEN PALEJARO @ MAO, JASMIN JERUSALIM, DARIO TOMADA,  
UBEN MANATAD, @ LARA/LALA, and several other JOHN and JANE  
DES who were members of the CPP/NPA/NDFP for the period of 1985 to 1991  
whose true names, affiliation, aliases or any other names into whom whose  
ammons can be served in Leyte, as the principals by inducement and/or  
dispensable cooperation and who all came to an agreement and decide to and  
actually commit the crime of murder and therefore conspiring and confederating  
together and acting with many more others whose present whereabouts and true  
identities are still unknown up to the filing of this complaint, and helping one  
another, did then and there wilfully, unlawfully, and feloniously kill Junior  
Milyapis Y Gonzaga and several others whose identities are subject of further  
investigation.

Respectfully yours,

**ORIGINAL SIGNED**

**ATTY GEORGE L ALMADEN**

*Police Chief Inspector*

*Legal Officer, PROD*

**ORIGINAL SIGNED**

**ATTY ALLAN TIU**

*Captain JAGS*

*Staff Judge Advocate, 8<sup>th</sup> ID, PA*

CERTIFIED TRUE COPY:

*APB*  
ATTY. ANGAIL P. LAYSON  
CLERK OF COURT

3/2/20

# ANNEX "4"

Republic of the Philippines  
REGIONAL TRIAL COURT  
8th Judicial Region  
Branch 18, Hilongos, Leyte

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PEOPLE OF THE PHILIPPINES,  
Plaintiff,

CRIM. CASE NO. 1581

FOR:

-versus-

**MULTIPLE MURDERS  
(15 Counts)**

Jose Maria Sison aka Joma,  
@ Amado Guerrero, @ Armando Liwanag;  
Benito Tiamzon aka Celso; y ENRIQUETA  
Wilma Tiamzon aka Ria; y GANA AUSTRIA  
Rodolfo Salas; Leo Velasco;  
Rafael Baylosis;  
Saturnino Ocampo @ Satur; y CYNANARA  
Jose Luneta; Geronimo Pasetes,  
Prudencio Calubid; Luis Jalandoni,  
Eduardo Sarmiento, Juliet Sison,  
Adelberto Silva; Randall Echaniz; ECHANIS y BARBER  
Francisco Pascual, Jr.; Vicente Ladlad; y PORTA DE SA  
Exuperado Lloren @ Maciong, Berting,  
Eksan, Nilo, Johnny; Mil Lominion  
Nympha Abaya @ Asyon, Terry, Meding;  
Fortunato Felicilda @ Edna; *11/1/14*  
Jaime Soledad @ Glenn; Noli Narea @ Abdul,  
Del; Norberto Murillo, YALPINO Benjamin Beringuel;  
Qurino Quinawayan @ Willy, Fernando Rachel;  
Pacario Sonana, Jesus Solayao,  
Lino Salazar, Alfredo Tadadro,  
Tite Gabar, Muco Lubong @ Nathon,  
Vonoy, Ikit, Bebot; Felix Dumali  
? Gaspar, Pony; Ciriaca Malimot @ Leizel;  
Luzviminda Orillo @ Remy, Genia,  
Felyn, Fely; Anselmo Balduhesa @ Klin;  
Alfredo Mabingay; Bernabe Ocasla; y MENDANO  
Martino Oroza; Bonifacio Padoc @ William;  
Rodrigo Papiona @ Luding;  
Prescillano Beringel; Anastacio Dotrias @ Jing,  
ury, Buntay; Fr. Nick Ruiz @ Sendong;  
Olicarpo Opo, Sammy Labarda @ Namoo;  
Charlie Fortaliza @ Noble;  
Luis Villena @ Bagang; Oscar Belleza, y PETRONIO  
Mando Caballera @ Jet;  
Bonata Lambrento @ Naty; Luz Abejo;  
Mario Tomada; y SEVERAL John Does and Jane Does.

FILED  
JUL 1 2008  
BY: *11:45 am*

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*he*

*S*  
*11/1/14*

*S*  
*11/1/14*

Accused,

*11/1/14* *S*

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APP *9/9/20*  
ATTY. AVEGAIL P. LAYSON

I N F O R M A T I O N

The undersigned Assistant Provincial Prosecutor of Leyte, accuses *Jose Maria Sison* aka *Joma*, @ *Amado Guerrero*, @ *Armando Liwanag*; *Benito Tiamzon* aka *Celo*; *Wilma Tiamzon* aka *Ria*; *Rodolfo Salas*; *Leo Velasco*; *Rafael Baylosis*; *Saturnino Ocampo* @ *Satur*; *Jose Luneta*; *Geronimo Pasetes*, *Prudencio Calubid*; *Luis Jalandoni*, *Eduardo Sarmiento*, *Juliet Sison*, *Adelberto Silva*; *Randall Echaniz*; *Francisco Pascual, Jr.*; *Vicente Ladlad*; *Exusperado Lloren* @ *Maciong*, *Berting*, *Eksan*, *Nilo*, *Johnny*; *Mil Lominion*; *Nympha Abaya* @ *Asyon*, *Terry*, *Meding*; *Fortunato Felicildfa* @ *Edna*; *Jaime Soledad* @ *Glenn*; *Noli Narca* @ *Abdul, Del*; *Norberto Murillo*, *Benjamin Beringuel*; *Qurino Quinawayan* @ *Willy*, *Fernando Rachel*; *Pacario Sonana*, *Jesus Solayao*, *Lino Salazar*, *Alfredo Taladro*, *Tito Gabar*, *Muco Lubong* @ *Nathon*, *Nonoy*, *ikit*, *Bebot*; *Felix Dumali* @ *Gaspar*, *Pony*; *Ciriaca Malimot* @ *Leizel*; *Luzviminda Orillo* @ *Remy*, *Genia*, *Gelyn*, *Fely*; *Anselmo Balduhesa* @ *Klin*; *Alfredo Mabingay*; *Bernabe Ocasla*; *Bertino Oroza*; *Bonifacio Padoc* @ *William*; *Rodrigo Papiona* @ *Luding*; *Prescillono Beringel*; *Anastacio Dorias* @ *Jing*, *Jury*, *Buntay*; *Fr. Nick Ruiz* @ *Sendong*; *Policarpo Opo*, *Sammy Labarda* @ *Namo*; *Charlie Fortaliza* @ *Noble*; *Luis Villena* @ *Bagang*; *Oscar Belleza*, *Rolando Caballera* @ *Jet*; *Donata Lambrento* @ *Naty*; *Luz Abejo*; *Dario Tomada*; several John does and Jane Does of the crime of **MURDER** (15 counts), defined and penalized under Art. 248 of the Revised Penal Code as amended, committed as follows:

"That on or about the months of May and June 1985, or for sometime prior or subsequent thereto, at Sitio Mt. Sapang Dako, Brgy. Kaulisihan, in the Municipality of Inopacan, Province of Leyte, Philippines, within the jurisdiction of this Honorable Court, the above-named accused, being members of the Central, Regional, and Provincial Committees, Arresting, Investigating and/or Execution Teams/Groups of the CPP-NPA, conspiring, confederating and helping one another, with intent to kill, employing treachery, evident premeditation, and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously, abduct, torture, strike and hit with blunt instruments, stab with the use of bladed weapon such as "kutsilyo" and shoot with different kinds and caliber of unlicensed firearms, 1). Juanita Aviola, 2). Concepcion Aragon, 3). Gregorio Eras, 4). Teodoro Recones, Jr., 5). Restituto Ejoc, 6). Rolando Vasquez, 7). Junior Milyapis, 8). Crispin Dalmacio, 9). Zacarias Casil, 10). Pablo Daniel, 11). Romeo Tayabas, 12) Domingo Napoles, 13). Ciriaco Daniel,

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*APL*  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT V

*3/9/2*

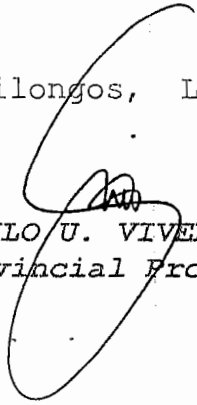


Information,  
People vs. Jose Maria Sison Et. Al. .  
Criminal Case No. \_\_\_\_\_ . .  
Page three. .

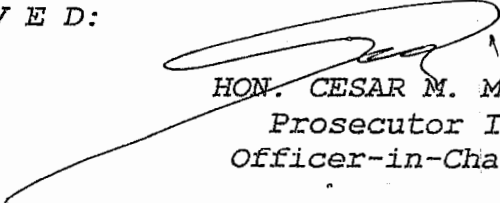
14). Crispin Prado, and 15). Ereberto Prado, which the accused provided themselves for the purpose thereby inflicting upon them, injuries, gunshot and stab wounds which caused the instantaneous death of 1). Juanita Aviola, 2). Concepcion Aragon, 3). Gregorio Eras, 4). Teodoro Recones, Jr., 5). Restituto Ejoc, 6). Rolando Vasquez, 7). Junior Milyapis, 8). Crispin Dalmacio, 9). Zacarias Casil, 10). Pablo Daniel, 11). Romeo Tayabas, 12) Domingo Napoles, 13), Ciriaco Daniel, 14). Crispin Prado, and 15). Ereberto Prado, buried them in a mass grave at Sitio Mt. Sapang, Dako, Brgy. Kaulisihan, Inopacan, Leyte, which was only discovered and unearthed on August 26, 2006, to the damage and prejudice of their respective heirs".

CONTRARY TO LAW.

Tacloban City for Hilongos, Leyte, this 20<sup>th</sup> day of February 2007.

  
ROSULO U. VIVERO  
Asst. Provincial Prosecutor

A P P R O V E D:


  
HON. CESAR M. MERIN  
Prosecutor II  
Officer-in-Charge

NO BAIL BOND RECOMMENDED.

Witnesses:

1. Floro M. Tanaid - Brgy. Monterico, Baybay, Leyte
2. Zacarias Piedad - Mashaplag, Leyte
3. Leonardo C. Tanaid - Brgy. Kaulisihan, Inopacan, Leyte
4. Numeriano B. Beringual - Baybay, Leyte
5. Glecerio Roluna - -do-
6. And others to be presented later

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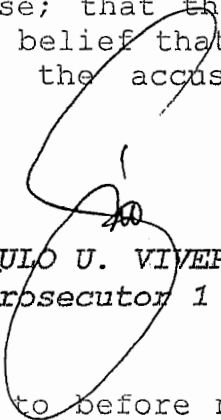
  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT V

2/9/20

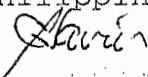
Information,  
People vs. Jose Maria Sison Et. Al. .  
Criminal Case No. \_\_\_\_\_ . .  
Page four. .


CERTIFICATION

THIS IS TO CERTIFY that a Preliminary Investigation has been conducted on this case; that there is sufficient ground to engender a well founded belief that the offense charged has been committed, and that the accused are probably guilty thereof.

  
ROSULO U. VIVERO  
Prosecutor 1

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of Feb  
2007 at Baybay, Leyte, Philippines.

  
ATTY. MIGUEL GABRIEL-DAVIES  
CLERK OF COURT VI  
REC. BRANCH 10 BAYBAY, LEYTE  
Officer Administering Oath

CERTIFIED TRUE COPY:  2/9/20  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT V



Republic of the Philippines  
REGIONAL TRIAL COURT  
8<sup>th</sup> Judicial Region  
Branch 18, Hilongos, Leyte

-o0o-

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

Crim. Case No. H-1581

- versus -

For:

THE MARIA SISON aka Joma,  
ET AL.,

MULTIPLE MURDER  
(15 counts)

Accused.

ORDER


On the evaluation of the Resolution and its Information as submitted and read by the Provincial Prosecution of Leyte Province supported by the following documents: Affidavits of Complainants, Sworn Statements of Witnesses and other pertinent documents issued by the Regional Crime Laboratory Office, PNP, Region VIII and Camp Crame, Quezon City, pictures of the grave site and skeletal remains, this court has the findings of probable cause in the commission of all mentioned accused of the crime charged.

WHEREFORE, let be issued respective warrant for the arrest of all above-mentioned accused in the Information except those accused classified as John Does and Jane Does and of no relevant addresses in order for them to face the trial of the case with **NO RECOMMENDED BAIL BOND** for their temporary liberty.

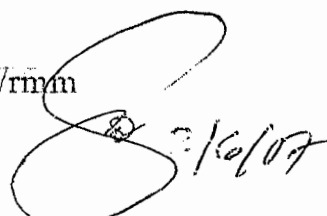
The concerned Provincial Prosecution Office, Tacloban City is given the opportunity to insert in the Information the regular names of those John Does and Jane Does, as well as to supply the addresses of other accused who has none yet.


SO ORDERED.

IN CHAMBERS this 6<sup>th</sup> day of march 2007, at Hilongos, Leyte, Philippines.

  
EPHREM S. ABANDO  
Judge

ESA/rmm

  
3/6/07

CERTIFIED TRUE COPY:  
  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT

REPUBLIC OF THE PHILIPPINES  
**ANNEX " 6 "**  
4/2/07  
10:00 AM  
Feb 2007

Republic of the Philippines  
REGIONAL TRIAL COURT  
8<sup>th</sup> Judicial Region  
Branch 18, Hilongos, Leyte  
-000-

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

CRIM. CASE NO.H-1581

-versus-

FOR:

MULTIPLE MURDERS

JOSE MARIA SISON aka Joma,  
@ Amado Guerrero, @ Armando Liwanag;  
et. Al.

Accused,

x-----/

Motion  
In Form  
In Form

MOTION TO ADMIT AMENDED INFORMATION AND NEW INFORMATIONS

COMES NOW, the undersigned Assistant Provincial Prosecutor, on the above-entitled case and unto this Honorable Court most respectfully moves to admit herein Amended Information and fourteen separate Informations and avers:

1. That the accused in the above-entitled case has not been arraigned as of the filing of this Motion.

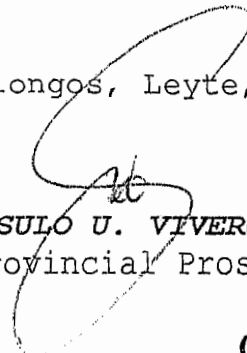
2. That pursuant to the Amended Rules of Criminal Procedure, the prosecution is entitled to amend the Information as a matter of course before the accused pleads.

3. That to conform to the evidence at hand and pursuant to the ruling in the case of People vs. Alfindo, 47 Phil 1, that when two persons are killed one after the other, by different acts, although these (two) killings were the result of a single criminal impulse, the different acts must be considered as distinct crimes.

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Court to admit herein amended Information and fourteen separate Informations, on the grounds above-stated.

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

Tacloban City for Hilongos, Leyte, 02 April 2007.

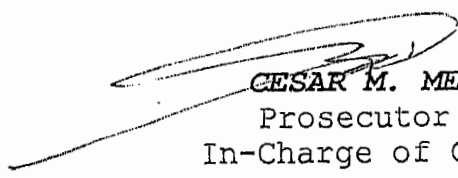
  
ROSULO U. VIVERO  
Asst. Provincial Prosecutor

CERTIFIED TRUE COPY:

APD 3/9/07  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT V

542

A P P R O V E D:

  
CESAR M. MERIN  
Prosecutor II  
In-Charge of Office

The Clerk of Court  
RTC Branch 18  
Milagros Levte

Atty Leo S. Siran  
Counsel for Nilo Narca

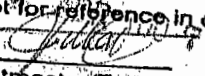
REGISTRY RECEIPT # 612

To: Atty. Romeo T. Capulong

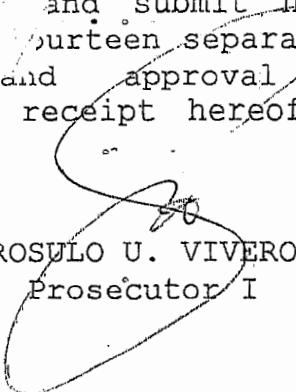
Package No. Law Center Makati City

on 4-2-2007

this receipt for reference in case of inquiry

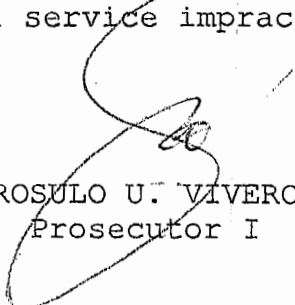
  
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and submit herein Motion to Admit  
fourteen separate Informations for the  
kind consideration and approval of the Honorable  
Court immediately upon receipt hereof without further oral  
arguments.

  
ROSULO U. VIVERO  
Prosecutor I

PROOF OF SERVICE/EXPLANATION

I hereby certify that a copy of this Motion was furnished  
Saturnino Ocampo, thru his counsel Atty. Romeo T. Capulong of  
the Public Interest Law Center, 4/F KAIJA Building, 7836  
Makati Ave. cor. Valdez St., Makati City and to the other  
accused at their last known address via Registered Mail due to  
distance making personal service impractical.

  
ROSULO U. VIVERO  
Prosecutor I

CERTIFIED TRUE COPY:  
  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT V

2/9/20

**ANNEX " 7 "**

Republic of the Philippines  
 Branch 18, Alibon, Iloilo  
 Order 7  
 2/9/20

MULTIPLE MURDER  
 (15 counts)

JOSE MARIA SISON, ET AL.  
 Accused

PEOPLE OF THE PHILIPPINES  
 Plaintiff

**ORDER**

The prosecution thru Assistant Provincial Prosecutor...  
 were duly approved by OIC Court M. Martin...  
 information of the above-entitled case and new...  
 information for this court to admit

In its Motion to Admit Amended Information and...  
 information as supported by its OPPOSITION to the...  
 Admission of Amended Information with...  
 reservation to the Opposition thereto, the prosecution...  
 that it is a matter of right on their side to amend or...  
 an accused enters his plea which is so applicable to the...  
 case as no one of the accused been arraigned yet...  
 Rule 110 of the Revised Rules of Criminal Procedure...  
 of Court

Added thereto, that this "Amended Information" does not...  
 stand and defense of the accused having in...  
 the...  
 with to form

In its Opposition and Memorandum submitted...  
 information and new information to effect a...  
 the Order of the Honorable Supreme Court...  
 and Prohibition with Prayer for Issuance of Temporary...  
 Order and/or with Writ of Preliminary Injunction in...  
 Abando, et al. G. R. No. 176831.

Argued, that in the held oral arguments before...  
 March 30, 2007 there was that...  
 with the prosecution in the...  
 how defective the original

CERTIFIED TRUE COPY

2/9/20

Republic of the Philippines  
REGIONAL TRIAL COURT

8<sup>th</sup> Judicial Region

Branch 18, Hilongos, Leyte

- 000 -

Criminal Case No. H-1581

FOR :

Multiple Murder

Complainant

People of the Philippines

- versus -

JOSE MARIA SISON ET AL.,

Accused,

ORDER

The Supreme Court of the Philippines, Third Division, on the resolution dated April 23, 2008, GRANTING the request of Hon. Raul Gonzales, Secretary of Justice, Department of Justice, Manila, THE TRANSFER OF VENUE OF CRIMINAL CASE NO. 1581, People of the Philippine vs. Saturno Ocampo et al from RTC Br. 18, Hilongos, Leyte to RTC, Manila.

(The Supreme Court resolved to :

1. NOTE and GRANT the request of Secretary Raul Gonzales for the

Transfer of Venue of Criminal Case no. 1581 from RTC, Br. 18, Hilongos, Leyte, to

RTC, Manila;

2. DIRECT the Clerk of Court of RTC, Hilongos, Leyte, to forward the

records of Criminal Case no. 1581, to the Office of the Clerk of Court, RTC, Manila

3. AUTHORIZE Executive Judge Reynaldo Ros, RTC, Manila to ratify

said case among the RTC, branches thereof

( A.M. No. 08-3-147-RTC )

WHEREFORE, upon the receipt of the RESOLUTION issued by the Supreme Court, Third Division, this court loses its authority and jurisdiction. Pursuant to the said resolution the Clerk of Court of RTC Br. 18 Hilongos, Leyte is hereby directed to transmit the entire original records of Criminal case no. H-1581 to the Office of Clerk of Court, RTC, Manila. Subsequently, for information and guidance to all respective counsels, parties and person concerned.

SO ORDERED.

Hilongos, Leyte, Philippines, June 12, 2008

EPHREM S. ABANDO

JUDGE

CERTIFIED TRUE COPY:

3/9/2

ATTY. AVECAL P. LAVSON  
CLERK OF COURT

ANNEX

8

155



10043  
**ANNEX " 9 "**

Republic of the Philippines  
NATIONAL CAPITAL JUDICIAL REGION  
REGIONAL TRIAL COURT  
Branch 32, Manila

PEOPLE OF THE PHILIPPINES,

-versus-

CRIMINAL CASES NOS. 08-262163  
(formerly H-1581) and 14-306533-  
14-306546 (14 Counts)  
FOR: MURDER (15 counts)

JOSE MARIA SISON, et al.,

Accused.

-----/

**WARRANT OF ARREST**

**TO ANY LAWFUL OFFICER:**

*(UNDER Sec. 4 Rule 113, Revised Criminal Procedure, the Warrant must be served within ten (10) days from receipt and returned with your report within another ten (10) days whether served or unserved)*

You are hereby commanded to arrest 1) JOSE MARIA SISON a.k.a. Joma (@ Cardo Guerrero @ Armando Liwanag; 2) RODOLFO SALAS; 3) LEO VELASCO; 4) JOSE LUNETAS; 5) GERONIMO PASETES; 6) PRUDENCIO CALUBID; 7) LUIS ZALANDONI; 8) SARMIENTO EDUARDO; 9) JULIET SISON; 10) FRANCISCO PASCUAL, JR.; 11) MIL LOMINION; 12) FORTUNATO FELICILDA @ Edna; 13) BENJAMIN BERINGEL; 14) QUIRINO QUINAWAYAN @ Willy; 15) FERNANDO RACHEL; 16) PECARIO SONANA @ Cardo, @ Buddy; 17) JESUS SOLAYAO; 18) LINO SALAZAR; 19) ALFREDO TALADRO; 20) TITO GABAR; 21) MUCO LUBONG @ Nathon, @ Nonoy @ Ikit, @ Bebot; 22) FELIX DUMALI @ Gaspar, @ Pops; 23) CIRIACA MALIMOT @ Leizl; 24) LUZVIMINDA ORILLO @ Remy, @ Geron. @ Gelyn @ Fely; 25) ANSELMO BALDUHESA @ Klin; 26) ALFREDO WABINGAY; 27) BERTINO OROZA 28) BONIFACIO PADOC @ William; 29) RODRIGO PAPIONA @ Ludring; 30) PRESCILLONO BERINGEL; 31) ANASTACIO DORIAS @ Jing, @ Jury @ Buntay; 32) FR. NICK RUIZ @ Sendong; 33) SAMMY LABARDA @ Namon; 34) CHARLIE FORTALIZA @ Noble; 35) LUIS WILLENA @ Bagang; 36) ROLANDO CABALLERA @ Jet; 37) DONATA LAMBRENTA @ Naty; and 38) LUZ ABEJO, whose addresses are unknown and who were charged before this Court for the crime of **MURDER (15 counts)** and to bring them before this Court as soon as possible, to be dealt with as the Law and the Rules of Court require.

**NO BAIL RECOMMENDED.**

Manila, Philippines, August 28, 2019.

*Thelma B. Medina*  
**THELMA BUNYI-MEDINA**

Presiding Judge *mt*

FURNISHED:

WARRANT DIVISION - MPD, GHQ, UN Avenue, Ermita, Manila

BUREAU OF IMMIGRATION- Magallanes Drive, Intramuros, Manila  
(Pursuant to OCA Circular No. 64-2014 dated April 28, 2014)

NATIONAL BUREAU OF INVESTIGATION- Taft Avenue, Ermita, Manila

CERTIFIED TRUE COPY. *2/9/20*

*APL*  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT V



ANNEX " 10 "

Republic of the Philippines  
NATIONAL POLICE COMMISSION  
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE 3  
REGIONAL INTELLIGENCE DIVISION  
SPECIAL CONCERN UNIT 3  
Camp Olivas, City of San Fernando, Pampanga




**CERTIFICATE OF DETENTION**

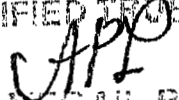
TO WHOM IT MAY CONCERN

THIS IS TO CERTIFY that one (1) **RODOLFO SALAS y CANDA** aka **KUMANDER BILOG**, 72 years of age, male, married, Filipino, resident of 386 Doña Carmen Street, Mountainview, Balibago, Angeles City, Pampanga was arrested by this Unit on February 18, 2020 at about 5:50 AM at aforementioned address by virtue of warrant of arrest against him, issued by **HON. THELMA BUNYI-MEDINA**, Presiding Judge, RTC Branch 32, Manila, NCR, dated August 28, 2019 for the crime of MURDER (15 counts) under Criminal Case numbers 08-262163 (formerly H-1581) (1 count) & 14-306533 -14-306546 (14 counts) with no bail recommended.

Subject accused is temporarily detained at this Office as of this date.

Issued this 19<sup>th</sup> day of February, 2020 for whatever legal purpose it may serve.

  
**RENANTE F PINUELA**  
Police Lieutenant Colonel  
Chief, SCU

CERTIFIED TRUE COPY:  
  
**ATTY. AREGAIL P. LAYSON**  
CLERK OF COURT V  
3/9/20

ANNEX " 11 "



Republic of the Philippines  
NATIONAL POLICE COMMISSION  
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE 3  
REGIONAL INTELLIGENCE DIVISION  
SPECIAL CONCERN UNIT 3  
Camp Olivas, City of San-Fernando, Pampanga



**Presiding Judge THELMA BUNYI-MEDINA**  
Regional Trial Court, Branch 32  
Manila, NCR

*hr  
12:30 pm*

**1<sup>st</sup> Indorsement**  
February 20, 2020

Respectfully returned to the Honorable Court the photocopy of the Warrant of Arrest for the crime of MURDER (15 counts) under Criminal Case numbers 08-262163 (formerly H-1581) (1 count) & 14-306533 -14-306546 (14 counts) against **RODOLFO SALAS y CANDA aka KUMANDER BILOG**, 72 years of age, male, married, Filipino, resident of 386 Doña Carmen Street, Mountainview, Balibago, Angeles City, Pampanga, the accused was arrested by joint elements of RID-SCU3, 301<sup>st</sup> MC RMFB3 and CIB ACPO at his residence by virtue of aforementioned warrant of arrest issued by Hon. Thelma Bunyi-Medina, Presiding Judge, RTC Branch 32, Manila, NCR, dated August 28, 2019 with NO BAIL RECOMMENDED.

Attached is the photocopy of the warrant of arrest, mugshot, booking sheet and result of Physical and X-ray Examination.

*WR*

**RENANTE F PINUELA**  
Police Lieutenant Colonel  
Chief, SCU

CERTIFIED TRUE COPY:

*APL*

*3/9/20*

**ATTY. AVEGAIL P. LAYSON**  
CLERK OF COURT V



ANNEX "12"

Republic of the Philippines  
REGIONAL TRIAL COURT OF MANILA  
NATIONAL CAPITAL JUDICIAL REGION  
BRANCH 32, MANILA  
Tel. No. (2) 5310-0937

PEOPLE OF THE PHILIPPINES,

-versus-

CRIMINAL CASES NOS. 08-262163  
(formerly H-1581) and 14-306533-  
14-306546 (14 Counts)  
FOR: MURDER

JOSE MARIA SISON, et al.,

Accused.

X-----/

COMMITMENT ORDER

TO:

*THE JAIL WARDEN*  
*CITY JAIL, MANILA*

I hereby *commit* to you the living person of the accused **RODOLFO SALAS** in the above-entitled cases for **MURDER (15 counts)** (Criminal Case No. **08-262163** and **14-306533-46**) pending before this Court, who is presently detained at **PNP Police Regional Office 3, Regional Intelligence Division, Special Concern Unit 3, Camp Olivas, City of San Fernando, Pampanga** and the accused shall be brought by the **JAILER/ESCORT** of the said Police Station.

Further, pursuant to **OCA Circular No.256-2018 (Subject: Request for Temporary Transfer of Inmates Suffering from Pulmonary Tuberculosis to Metro Manila District Jail Annexes 1 (Male) and 3 (Female))** the Jail Warden of the Manila City Jail is directed to bring the accused to ascertain if he is afflicted with Pulmonary Tuberculosis to the nearest Department of Health-retained hospital for the conduct of free x-ray to ensure timely detection and segregation.

Considering that these cases are scheduled for *arraignment and pre-trial* of the accused on **February 28, 2020 at 8:30 in the morning until 4:30 in the afternoon**, the Jail Warden is directed to produce the accused on said date.

The jailer/ escort who will bring the accused at the Manila City Jail is directed to make a return within **ten (10) days** from receipt of this Commitment Order as to when he delivered the prisoner thereat.

**SO ORDERED.**

Manila, Philippines, February 20, 2020.

*Thelma B. Medina*  
**THELMA BUNYI-MEDINA**  
Presiding Judge

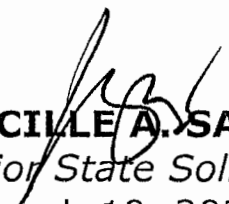
*[Signature]*  
PSS Mike X M De Chavez

CERTIFIED TRUE COPY: *3/9/20*  
*APL*  
ATTY. AVEGAIL P. LAYSON  
CLERK OF COURT V

Republic of the Philippines )  
Makati City ) S.S.

**VERIFIED DECLARATION**

I, **CECILLE A. SATO**, hereby declare that the document herein submitted electronically in accordance with the Efficient Use of Paper Rule is a complete and true copy of the document filed with the Supreme Court.

  
**CECILLE A. SATO**  
*Senior State Solicitor*  
March 10, 2020

**SUBSCRIBED AND SWORN** to before me this 10<sup>th</sup> day of March, 2020 affiant exhibiting her OSG I.D. No. 2003-08010.

  
**SHARON E. MILLAN-DECANO**  
*Senior State Solicitor*