



Inter-Parliamentary Union

For democracy. For everyone.

Philippines

PHI02 - Saturnino Ocampo

PHI04 - Teodoro Casiño

PHI05 - Liza Maza

PHI06 - Rafael Mariano

Decision adopted unanimously by the IPU Governing Council at its 196th session (Hanoi, 1st April 2015)

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Mr. Saturnino Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano (the so-called Batasan Four), former members of the House of Representatives of the Philippines, and to the resolution adopted by the IPU Governing Council at its 191st session (October 2012),

Taking into account the information provided by the Executive Director of the Inter-Parliamentary Relations and Special Affairs Bureau of the House of Representatives, in her letter dated 10 March 2014, the information provided by the Secretary of the Department of Justice, in her letter dated 27 February 2014, and the information provided by the complainants and other sources of information,

Recalling that the persons concerned were, along with others, prosecuted on a charge of rebellion that had been dismissed in June 2007 by the Supreme Court of the Philippines and judged as unfounded and politically motivated; and that, soon after, the following new charges – allegedly also unfounded and politically motivated – had been laid against them:

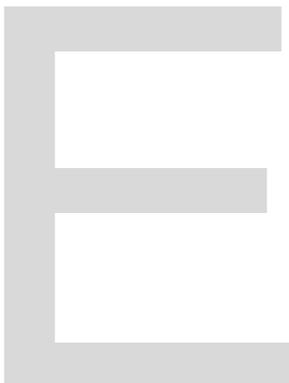
- Multiple Murder Charges in Nueva Ecija

Multiple murder charges were brought against the Batasan Four in 2007 in Nueva Ecija; one of these charges (of murder with kidnapping) was dismissed on account of inadmissible evidence (extrajudicially obtained confessions); the prosecutor proceeded with the other charges, although they were based on the same inadmissible evidence; and a petition brought by the Batasan Four on the grounds of grave abuse of discretion has been pending before the Supreme Court since March 2009,

Considering that, according to the complainants, the petition before the Supreme Court remains pending,

- First Multiple Murder Charge in Leyte

A multiple murder charge was brought against Mr. Ocampo in 2007 in Leyte concerning alleged offences already dealt with in the context of the rebellion case after the discovery of a mass grave in 2006; Mr. Ocampo's petition to have the case dismissed for this reason, as well as due to a lack of evidence, was submitted in April 2007 before the Supreme Court; Mr. Ocampo has also strongly refuted the accusations, stressing that at the time in question he was in detention, that the affidavits adduced by the



prosecution were false and “perturbed”, and that the evidence was fabricated; in particular, that five of the skeletons reportedly discovered had already been discovered in 2000 in connection with another criminal case which had been subsequently dismissed,

Considering the following new developments with regard to the case:

- After almost seven years since Mr. Ocampo’s petition was submitted, on 11 February 2014 the Court ruled to dismiss it while permitting Mr. Ocampo to remain in provisional liberty by virtue of bail bonds; and Mr. Ocampo filed a motion seeking reconsideration of the decision;
- According to the complainants, despite the validity of the issues raised in his motion for reconsideration, on 1 April 2014 the Supreme Court rejected it in a short resolution. The case was then remanded to the Regional Trial Court of Manila Branch 32. Given that the original indictment was susceptible to annulment because it grouped several alleged victims into one indictment, the prosecution subsequently filed a “Motion to Admit Amended Information and the 14 New Informations”. In response, Mr. Ocampo filed an “Omnibus Motion to Quash the Amended Information and the 14 New Informations and to Dismiss the Case”, arguing that: (i) the amended information failed to specifically allege the circumstances or acts qualifying the crime as murder; (ii) the information referring to three victims must be dismissed on the grounds of *res judicata* and forum shopping, as the same victims were already included in a previously dismissed case filed in the Regional Trial Court of Baybay, Leyte; and (iii) two of the cases must be dismissed because the alleged offence with respect to two alleged victims had already been prescribed. On 30 September 2014, this motion was denied, as was Mr. Ocampo’s “Motion for Reconsideration”. Mr. Ocampo subsequently launched a petition for *certiorari* to the Court of Appeals, which is currently pending. The Court of Appeals did not issue a restraining order or injunction, as requested by Mr. Ocampo, and his arraignment before the Regional Trial Court is set for 7 May 2015,

- Second Multiple Murder Charge in Leyte

An additional multiple murder charge was brought against Mr. Ocampo in 2008 based on the same mass grave dealt with in the context of the 2007 Leyte case; the proceedings had been suspended pending the decision of the Supreme Court in the first Leyte case,

Considering that, according to the complainants and the parliamentary authorities, this case is related to, if not identical with, the first Leyte case; that according to the complainants, this case should be consolidated with the first case, but continues to be treated as separate and is currently pending before the Regional Trial Court of Hilongos,

- Obstruction of Justice Case

A charge of obstruction of justice was brought against Mr. Casiño in May 2007 on the grounds that he had prevented an arrest; Mr. Casiño affirms that he prevented plainclothes armed policemen from arresting someone without an arrest warrant; according to information provided by the Department of Justice, the prosecution dismissed this case on 13 March 2012; Mr. Casiño and the parliamentary authorities have yet to be notified of the dismissal,

Considering that, according to the complainants, it could now be assumed that the case has been dismissed, despite Mr. Casiño having not received any official notification,

- Writ of Amparo Abduction Case

A charge of abduction (following a petition for a writ of amparo) was filed against Mr. Ocampo in March 2008 before the Regional Trial Court of Basey, Western Samar; the case was pending and, according to the complainants, the charge was factually and legally baseless,

Considering that, according to the complainants, following repeated delays and the subsequent submission of a motion to dismiss the case for lack of evidence by Mr. Ocampo, on 28 February 2014 the court dismissed the case on the grounds that there was no government involvement – a precondition for this type of petition – in the alleged abduction, that the petitioner had not filed an appeal, and the dismissal has apparently become final,

Recalling that the Secretary of Justice of the Philippines consistently affirmed in her letters that, under the administration of President Benigno S. Aquino, due process would be respected and all actions and decisions based on the rule of law, and that the Speaker of the House of Representatives, in

his letter of 8 August 2011, likewise affirmed that the rule of law and due process would prevail in the cases of the Batasan Four,

1. *Thanks* the Executive Director of the Inter-Parliamentary Relations and Special Affairs Bureau, and the Department of Justice for their information and cooperation;
2. *Notes with satisfaction* that two of the cases can now be considered dismissed; however, *deeply regrets* that the Nueva Ecija case remains at a standstill; *recalls* that the right to be tried without undue delay is an element of the right to a fair trial enshrined in the International Covenant on Political and Civil Rights, to which the Philippines is party, and that it is designed to ensure that people are not kept in a state of uncertainty about their fate for too long;
3. *Takes note* that Mr. Ocampo's petition before the Supreme Court was dismissed and that the judicial proceedings against him in connection with the multiple murder charges in Leyte are progressing; *wishes* to be kept informed of new developments in this case, as well as to receive a copy of the Supreme Court decision dismissing the petition; *trusts* that the courts will take due account of the concerns raised by the defence counsel with regard to the evidence submitted and the issues raised in Mr. Ocampo's petition for *certiorari* now before the Court of Appeals;
4. *Fails to understand* why the two Leyte cases have not been merged since the reactivation of the first Leyte case; *wishes* to receive clarification on this point;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants, and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.