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SENATE

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PS Resolution No. 233

Introduced by Senator Aquilino Q. Pimentel, Jr.

Resolution

Directing The Senate Committees on Public Information and Mass Media and Public Order and Illegal Drugs to Investigate, In Aid of Legislation, the Killing of Journalist Marlene Garcia-Esperat, and to Institute Measures to Protect Members of Journalism Profession who Expose Misdeeds in the Government

Whereas, Marlene Garcia-Esperat was a columnist in a provincial newspaper the Midland Review and a former radio commentator, who was gunned down inside her home in Tacurong, Sultan Kudarat in late March;

Whereas, in the 1990s, Esperat, a chemist by profession, headed a chemical analysis laboratory of the Department of Agriculture in Central Mindanao, where she was first exposed to malpractices in handling public funds. She fought graft and corruption as an action officer of the in-house Ombudsman in the said department;

Whereas, Esperat filed dozens of graft cases involving smuggling of agricultural products, including the purchase of overpriced fertilizers worth more than a billion pesos;

Whereas, in a letter to President Gloria Macapagal-Arroyo dated February 14, 2005, a month before her murder, Esperat asked for protection from death threats, and appealed to the President to show sincerity in the anti-corruption campaign and not to intercede on behalf of certain agricultural officials against whom she filed graft cases with the Ombudsman;

Whereas, in that letter, Esperat may have intentionally or unintentionally identified her own killers by naming certain personalities who may have an axe to grind against her after she filed graft cases in court;

Whereas, it is unfortunate that such a tragic fate has befallen a journalist like Esperat who took the risk of exposing corrupt deals and misdeeds in the government, and in the course of her work, stepped on the toes of local warlords and powerful people;

Whereas, Esperat was the third journalist to be killed in the country this year. Of the 66 Filipino journalists killed since 1986, only one case has been successfully prosecuted;

Whereas, there is an imperative need to solve this murder case and other cases involving the killing of journalists, in order to restore public faith in the country's criminal justice system;

Whereas, there must be a resolute action on the part of the Government and law enforcers to solve these killings in the light of the assessment of the Brussels-based International Federation of Journalists that the high death toll could be blamed on a "tolerance of a culture of violence, encouraged by Government inaction".

Now therefore, be it resolved, as it is hereby resolved, to direct the Senate Committees on Public Information and Mass Media and Public Order and Illegal Drugs to investigate, in aid of legislation, the killing of Journalist Marlene Garcia-Esperat, and institute measures to protect members of journalism profession who expose misdeeds in the Government.

Adopted,



AQUILINO Q. PIMENTEL, JR.

WEDNESDAY, APRIL 13, 2005

DOJ to PNP: You're wrong

2 sets of suspects in Esperat slay

By Armand N. Nocum
and Luige A. del Puerto

CONTRARY to the claim of the Central Mindanao police, the case of the murder of crusading journalist Marlene Esperat is far from solved, Justice Secretary Raul Gonzalez said yesterday.

Gonzalez told reporters there could be an entirely new set of people behind the killing of Esperat other than the four men earlier tagged by police and the National Bureau of Investigation.

"Our prosecutor in Sultan Kudarat said they had gotten an extrajudicial

confession from a suspect who recruited the four arrested for the killing of Esperat," Gonzalez said, adding that a Department of Agriculture (DA) "budget officer" and another unnamed employee were the possible masterminds.

Esperat's alleged assassins were

presented to the media yesterday at Camp Crame.

Chief Supt. Antonio Billones, head of the Central Mindanao Police, personally accompanied them on Philippine Airlines flight PR 454 from General Santos City, which arrived at the Centennial Terminal shortly after noon.

The handcuffed suspects, along with their police escorts, emerged from the aircraft after all the other passengers had disembarked.

Interior Secretary Angelo Reyes
DOJ TO PNP/AA

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identified the gunman as Jerry Cabayag. He said the two men who had earlier surrendered to authorities and led investigators to the other suspects—Estanislao Vismanos Jr. and Randy Grecia—served as lookouts.

He said it was Rowie Barua, a soldier, who had hired the other three and who had given them the money.

"They were paid P120,000," Reyes said.

"What we have are the executioners. The investigation is ongoing, and we are confident that we would be able to identify the masterminds later on," he said.

According to Billones, Barua (not Owen Bancare, as earlier reported) is a sergeant in the Army.

Not part of probe

Quoting Grecia, NBI Director Reynaldo Wycoco had named Sumail Sekkak, a former DA regional director in Central Mindanao, as being behind Esperat's murder.

But Philippine National Police Director General Arturo Lomibao neither confirm nor deny this, saying the NBI was not part of the investigation.

"The participation of the NBI is in the autopsy," Lomibao said. "They were not part of the investigation. So I do not know where that NBI officer or personnel got that information."

Told that it was Wycoco who had disclosed the information, Lomibao said: "I don't know how the information got to him. I'm sorry to say that he was not part of the investigation."

Even Gonzalez said he had "reservations" about police state-

ments naming Sekkak as the mastermind.

"Our state prosecutor says it's not Sekkak," he said, adding that the one who had tagged Sekkak was only a lookout.

On the other hand, their new suspect is the one who hired the four alleged killers, Gonzalez said. He said this new suspect was hired by "somebody else."

Reminded by reporters that Esperat had filed about 15 cases against local and national officials, Gonzalez phoned Wycoco and instructed him to "look deeper into the case."

He also told Wycoco to "clarify all the discrepancies" involving the masterminds.

Among those sued by Esperat before the Office of the Ombudsman were Agriculture Secretary Arthur Yap, Undersecretary Cesar Drilon, former Undersecretary Jocelyn Bolante, Surigao del Sur Rep. Prospero Pichay, Mindanao Deputy Ombudsman Antonio Valenzuela and Rep. Lino Montilla.

The charges against them involve overpricing and juggling of funds in connection with the purchase of fertilizer, smuggling of chicken quarters, and electoral fraud, among other things.

"Maybe all these things should be looked into," Gonzalez said.

Easy confession

Police said it did not take long before Cabayag, the alleged gunman, confessed to the crime.

"We were surprised ... He started confessing on the night we arrested him," said Supt. Danilo Galapon, one of the investigators who picked up Cabayag from a house in Panabo City on April 8.

"The next day, that's when he really confessed it all. He said he did it, and he was bothered by his conscience," Galapon said.

Billones said Grecia had confirmed Cabayag's statements.

At the presentation yesterday, Cabayag wore a smirk on his face as he faced cameramen and reporters.

"We're happy to say that we took a special interest in this case [because] it was a member of the media [who was killed]," Secretary Reyes said. "We have reasons to believe the crime was committed ... in [connection with her] pursuit of her profession."

Murder charges filed

Reyes also said Esperat's murder was "an attack not only on an individual, but [also] on press freedom."

Lawyer Nena Santos, private prosecutor for the Esperat family, said murder charges were filed yesterday against the four suspects before the sala of Judge Francis Palmones of the Regional Trial Court Branch 20 in Tacurong City, Sultan Kudarat.

Santos said that at the inquest, the four requested that they be put in the protective custody of the PNP Criminal Investigation and Detection Group while awaiting a commitment order from the court.

She said the four feared for their lives.

On March 27, Maundy Thursday, Esperat's killer casually walked into her house in Tacurong, wished her a good evening, and shot her in the head.

She died on the spot.

Inday Espina-Varona, chair of the National Union of Journalists of the Philippines, yesterday said the killing of Esperat and other members of the media could only be considered solved with the conviction of the masterminds and others involved.

"In the first place, [authorities] would not even say who the mastermind was. Uncovering the mastermind is the most important thing at this time," Varona said.

Personal involvement

Representatives of the group Reporters Without Borders said "it helped a lot" that Lomibao had taken a personal interest in Esperat's case.

"When the PNP chief visited Tacurong, he showed that he was

personally involved. It helped a lot because it put pressure on the investigators," Vincent Brossel told the INQUIRER. "Let us see if he can do the same for all the other cases [involving the killing of journalists]."

The media in Manila have also put pressure on the police, according to Julliard Jef.

The two Frenchmen flew to Tacurong last weekend and spoke with members of Esperat's family, her friends and investigators.

They made a "very long" list of possible masterminds.

"She filed so many cases, and wrote critical articles about many persons, so we only concentrated on what she had written recently," they said. *With reports from Nikko Dizon in Manila; Aquiles Z. Zonio and Edwin O. Fernandez, PDI Mindanao Bureau*