



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
**OFFICE OF THE DEPUTY OMBUDSMAN FOR THE MILITARY**  
**AND OTHER LAW ENFORCEMENT OFFICES**  
3<sup>rd</sup> Floor, Ombudsman Bldg., Agham Road, Diliman, Quezon City (1104), Philippines

**RE: KIM SOO A RE: 8 WORKERS ILLEGALLY ARRESTED AND  
DETAINED; POLICE THREATEN TO FILE FABRICATED  
CHARGES**

UA-325-2006

RAS-P-07-0184

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**FINAL REPORT**

This refers to the letter dated 20 October 2006 of Kim Soo A of the Asian Human Rights Commission (AHRC) relative to the alleged illegal arrest, detention and subsequent filing of false charges against the eight (8) workers of the insolvent Korean-owned factory identified as SP Ventures, Inc. by the elements of the PNP Rosario, Cavite Municipal Station. The AHRC is praying that the charges filed against the workers be withdrawn and that the alleged illegal acts against the arrested persons committed by the Police of Rosario, Cavite be investigated. (Record, pp. 01-02)

The Chief of Police of Rosario, Cavite was required to submit all relevant reports related to the incident including the current status of the case. (Record, p. 07)

In compliance, P/SUPT. EDGAR B. ROQUERO submitted certified true copies of the following documents:

1. Criminal Complaint docketed as CC# 06-179 for Trespassing dated 29 September 2006, signed by PO1 Eric G. Pureza, Officer-On-Case, Approved by Audie L. Madrideo, Chief of Police, Noted by Vivian Monzon-Rojo, Assistant Provincial Prosecutor and subscribed under oath before the Honorable Rita E. Quizon, Municipal Trial Court Judge, charging the following persons:
  - a) GEMMA S. LAPE;
  - b) ANNALOU B. ESTREMOS;
  - c) GLAIZA G. LAYESE;
  - d) IVY S. VILLASAN;
  - e) JOSEPHINE S. BAJAR;
  - f) LORNA F. RELI;
  - g) PABLITO B. ZAPATA, JR; and
  - h) RODELITO A. AMO (Record, p. 14)
  
2. Pinagsamang Sinumpaang Salaysay (Joint Affidavit) executed by EPZA Police Major Jose R. Redada and Lt. Jerry Bern S. Olmillo indicating the detailed events prior to, during and after investigation and arrest of the foregoing persons. (Record, p. 15);

3. Order issued by Honorable Rita E. Quizon, Presiding Judge MTC, Rosario, Cavite dated 17 July 2007, indicating, among others, that CC# 06-179 for Trespassing is dismissed due to the desistance of the complainants. Likewise, put on record is that ATTY. EMILLIE GEMANIL-ESPINA was the Court appointed counsel de oficio for the accused (Record, p. 16);
4. Pictures of the Accused. (Record, p. 17); and,
5. Sworn complaint of Arnold A. Cruz, Enterprise Services Officer IV of EPZA Industrial Relations Unit indicating his discovery of the persons during his inspection tour inside the EPZA Police who subsequently arrested the suspects. Complainant Cruz claimed that the suspects have entered the premises without authority. Thus, charges of Trespassing was filed against those who were apprehended. (Record, p. 18)

From the foregoing documents, the following facts are made evident:

1. The EPZA Police merely acted on the complaint of Arnold A. Cruz who claimed that the persons who entered the warehouse have no authority to enter the premises;
2. The EPZA Police turned-over those who were apprehended to the Rosario Police Station who, after conducting the investigation, filed the charges of Trespassing against those who were apprehended;
3. During the Preliminary Conference with the private prosecutor (who was given authority by the Public Prosecutor to prosecute the case) before Judge Rita E. Quizon, Complainant Cruz on the witness stand, affirmed and confirmed the Affidavit of Desistance he had executed. Thus, the charges of Trespassing was dismissed on 17 July 2007.

Since the EPZA Police and the Rosario Police merely acted on the complaint of Arnold A. Cruz, the principle of presumption of regularity on the part of the public officer applies on this case. Moreover, considering that the charges were already dismissed by the Court, the prayer of the AHRC to have the charges against the Accused be withdrawn, has become moot and academic.



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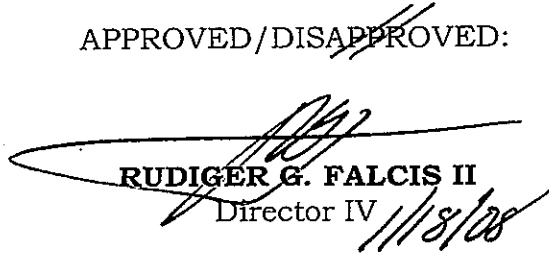
**PREMISES CONSIDERED**, it is respectfully recommended that the instant Request for Assistance be considered **CLOSED** and **TERMINATED**.

Quezon City, Philippines, 18 January 2008.

Respectfully submitted:

  
**DANILO F.C. RIMONTE**  
Graft Prevention Control Officer V

APPROVED/DISAPPROVED:

  
**RUDIGER G. FALCIS II**  
Director IV 1/18/08

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DFCR/tjj