



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

RE: RAS OF MOON JEONG HO

UA-299-2007 RAS-P-07-0298

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FINAL REPORT

This refers to the letter dated 16 October 2007 of MOON Jeong Ho of the Asian Human Rights Commission (AHRC) expressing grave concern over the alleged violent dispersal of the Philippine Long Distance Telephone Inc. (PLDT) workers and union leaders in front of the Office of the Department of Labor and Employment (DOLE) last 10 October 2007. (Records, pp. 01-03).

P/CSUPT. ROBERTO L. ROSALES, District Director, Manila Police District (MPD) was asked to submit his comments relative to the said allegations and the pertinent Police Reports thereon. (Records, p. 4)

In compliance (received by the undersigned Action Officer on 03 January 2008, the MPD Director averred the following:

1. The rally started with about seventy (70) people along Muralla Street as early as 10:00 a.m., without the necessary permit under BP 880 paralyzing the use of a public road. A dialogue between the Police and the rallyists was initiated which resulted into a stand-off between the protagonists;
2. At about 1:30 p.m., the protestors moved towards the DOLE Building where the rallyists number grew to around One Hundred Fifty (150) people. The march towards the DOLE Building resulted into tremendous disturbance;
3. The dialogue between DOLE Officials and the PLDT leaders ended at about 5:30 p.m. where the demands of the latter were not met by the former thus making the protestors enraged;

4. At about 5:40 p.m. since it is getting darker; the protestors were advised to voluntarily disperse which was not complied with thus, a tug-of-war ensued that resulted to injuries from both sides;
5. As law enforcement officers, they are aware of the protestors' rights however, if the same is abused, the police have to enforce the law;
6. The police arrested seven (7) protestors and were charged with violation of BP 880 (Holding a Rally Without Permit); City Ordinance No. 844 (Breach of the Peace); and City Ordinance No. 1119 (Obstruction of Public Road) (Records, pp. 5-6)

In support of the foregoing assertions, the MPD Director submitted the following documents:

1. Memorandum dated 10 October 2007 addressed to MPD Director issued by the Station Commander, P/Supt. Rogelio T. Rosales, Ermita Police Station (PS#5) informing the latter about the dispersal and apprehension of seven (7) protestors who were brought first to the Ospital ng Maynila prior to the turn-over to the General Assignment Section (GAS) of MPD for filing of appropriate charges (Records, pp. 7-8).
2. Medical Certificate indicating some injuries of the apprehended protestors (Record, pp. 9-14).
3. Police Blotter Entry No. 2597 dated 10 October 2007 at 8:30 p.m., indicating the turn-over of the apprehended protestors by P/CINSP. SANTIAGO PASCUAL of Police Station No. 5 to the GAS-MPD (Record, p. 15).
4. Memorandum dated 11 October 2007 for the Chief, Criminal Investigation and Detection Unit issued by the Chief, GAS informing the former on the arrest of the following

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"a. PEDRO PINLAC y NALUZ, 40 years old, married, PLDT employee and residing at No. 22 Libertad St., Mandaluyong City;

b. JOHN BIATO y ULANDAY, 46 years old, married, PLDT employee and residing at No. 22 Libertad St., Mandaluyong City;

c. ROY FERNANDEZ y SORIANO, 42 years old, married, PLDT employee and residing at Blk. 5, Lot 20, Nova Homes Subd., Brgy. San Agustin Nova, Quezon City;

d. VELOSO AURELIO y WONG, 30 years old, married, labor organizer "Makabayan" and residing at No. 22 Libertad St., Mandaluyong City;

e. ARTHUR CASTILLO y SILVESTRE, 40 years old, married, PLDT employee and residing at No. 22 Libertad St., Mandaluyong City;

f. MERZI CHAN y TIMBAL, 35 years old, paralegal staff, and residing at No. 22 Libertad St., Mandaluyong City; and,

g. ATTY. VIRGINIA PINLAC y SUAREZ, 40 years old, married, Legal Counsel and residing at No. 22 Libertad St., Mandaluyong City.

It was also informed that prior to the turn-over for investigation, the foregoing persons were brought to the hospital for medical examination and were subsequently brought before Assistant City Prosecutor Dinah Myrtle M. Pacquing for inquest proceedings (Records, p.1 6).

5. Referral for Inquest dated 10 October 2007 indicating that the foregoing arrested persons were inquested on 10 October 2007 at 11:35 p.m. (Record, p. 17).

6. Joint Affidavit of Arrest indicating among others that the foregoing arrested persons were informed of their offenses and were apprised of their Constitutional rights before they were brought to the hospital and later turned-over to the GAS, MPD for investigation and disposition. (Records, pp. 18-19)
7. Individual Booking Sheet and Arrest Report of the foregoing arrested persons (Record, pp. 2025);
8. Letter dated 11 October 2007 addressed to the MPD-GAS Prison Officer by the Assistant Chief, Inquest Division ELAINE YARRA-CEREZO, directing the former to release from custody the foregoing arrested persons who will undergo further (preliminary) investigation (Record, p. 26).

From the foregoing documents, the following are made evident:

1. The Police appears to have observed the proper procedures by first bringing the injured/apprehended persons to the hospital for medical attention/examination. They were also apprised of their Miranda Rights prior to turn-over for investigation and/a inquest proceedings (Record, pp. 7-8, 9-14, 16, 18-9)
2. Among the seven (7) apprehended persons is in fact a lawyer and five (5) of them gave the police the same residence address with that of Atty. Virginia S. Pinlac (Record, pp. 01;07'15;16;17;18 and 26).

