

Court convicts key Ampatuan clan members, several others, in Maguindanao massacre case

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THE Regional Trial Court in Quezon City (QC RTC) on Thursday sentenced to reclusion perpetua without parole eight members of the Ampatuan clan led by former Autonomous Region in Muslim Mindanao (ARMM) Zaldy Ampatuan and 20 others after they were found guilty of slaughtering 57 people, including 32 journalists, 10 years ago.

In a 761-page decision, QC RTC Branch 221 Presiding Judge Jocelyn Solis-Reyes also ordered all the convicted accused to jointly and severally compensate the heirs of the 57 victims civil, moral, exemplary, temperate damages and for loss of earning capacity totaling to P129.57 million.

Aside from Zaldy, also found guilty as principal in the multiple murder case were his brother Datu Andal "Unsay" Ampatuan Jr., Datu Anwar Sajid "Datu Ulo" Ampatuan, Datu Anwar "Datu Ipi" Ampatuan Jr., P/Insp. Saudi Mokamad, PO1 Jonathan Engid, Abedin Alamada, Talembo "Tammy" Masukat, Theng P. Sali, Manny Ampatuan, Nasser Esmael, P/CInsp. Sukarno Dicay, P/Supt. Abusama Mundas Maguid, P/Supt. Bahnarin Kamaong, Datu Anwar Ampatuan Sr., Tato Tampogao, Mohades Ampatuan, Mohamad T. Datumanong, Misuari Ampatuan, Taya Bangkulat, Salik Bangkulat, Thong Guiamano, Sonny K. Pindi, Armando Ambalgan, Kudza Masukat Uguia, Edres Kasan, Zacaria P. Akil and Samaon Andatuan.

They were also sentenced to reclusion perpetua without parole.

On the other hand, 15 of the 101 accused were meted only with six to 10 years of imprisonment for acting as accessories to the crime.

They are P/Insp. Michael Joy Macaraeg, PO3 Felix Eñate, PO3 Abibudin Abdulgani, PO3 Rasid Anton, PO2 Hamad Nana, PO2 Saudi Pasutan, PO2 Saudiar Ulah, PO1 Esprilleto Lejarso, PO1 Narkouk Mascud, PO1 Pia Kamidon, PO1 Esmael Guialal, PO1 Arnulfo Soriano, PO1 Herich Amaba, who are all members of the 1508th Provincial Mobile Group; and P/Insp. Abdulgapor Abad and Bong Andal.

"The court finds that the prosecution has proven beyond reasonable doubt that the killing of the 57 victims were planned prior to November 23, 2009. Both direct and corroborative evidence point toward this conclusion," the Court declared.

The trial court gave weight to the testimony of witnesses, particularly eyewitness Sukarno Badal regarding the agenda and minutes of the meeting that transpired on November 23, 2009.

"The conversations he recalled before the court depicted that those who actively participated in said meeting wanted to prevent Datu Toto [Mangudadatu] from

running as governor, and even to kill him, so that political power would remain in the hands of the Ampatuans,” the judge said.

The prosecution, according to the judge, was able to establish that planning preceded the killing of the 57 victims.

With regard to the participation of Zaldy, the trial court noted that at the meeting at his house and of his father, the late Datu Andal Sr. prior to the massacre, witness Lakmodin Saliao claimed that he heard the former ARMM governor uttered words in support of the plan to kill Mangudadatu and his convoy of supporters.

“Considering the attendance of the accused and his utterances during the subject meetings, the court finds that based on the evidence presented, there are clear, strong, and convincing pieces of evidence, which tend to exclude all reasonable probability of any other conclusion that the accused was deeply involved in the planning of the crimes. During said meetings, he consistently gave his support to the plans and advised about being cautious so as not to get caught that would put his name to shame, and those attending the meetings, behind bars,” the trial court pointed out.

However, the trial court acquitted 57 of the accused, including several other members of the Ampatuan clan identified as Shariff Saydona, Mustapha, Maguindanao Mayor Datu Sajid Islam Ampatuan (brother of Zaldy and Andal), Datu Akmad Ampatuan, Jonathan Ampatuan, Jimmy Ampatuan along with the so-called members of the Labayan group identified as SPO1 Elizer Rendaje, SPO1 Alimola Gulanaton, SPO1 Samad Maguindra, PO3 Ricky Balanueco, PO3 Gibrael Alano, PO2 Rexson Gulama, PO1

Amir Solaiman, PO1 Badjun Panegas, PO1 Pendatun Dima, PO1 Ebara Bebot, PO1 Tamano Hadi, PO1 Michael Macarangon and the Solano group members, which include SPO1 Ali Solano, PO3 Felix Daquillos, PO2 Kendatu Rakim, PO1 Abdulraman Batarasa, PO1 Marjul Julkadi, PO1 Datu Jerry Uto, PO1 Mohammad Balading, PO1 Marsman Nilong, PO1 Ysmael Baraquir, PO1 Abdulmanan Saavedra and PO1 Jimmy Kadtong (known as Solano group), PO1 Sandy Sabang, Takpan Dillon, Edris Tekay Nanding, PO1 Warden Legawan, Rainer Ebus, Mohamad Sangki, Tho Amino, Norman Tatak, Malaguial Tanuri, Alimudin Sanguyod, Mama Habib, Sahid Giamadel, Datutulon Esmail, Kasim Lingkong, Abdulkadir Saludin, Akad Macaton, Norhato Kamino, Nasser Malaguia, P/Insp. Bahnarin Kamaong, P/Supt. Abdulwahid Pedutusan, PO1 Ahmad Camsa Badal, PO2 Tanny Dalgan, PO1 Anwar Masukat, Samsudin Daud, Maot Bangkulat, Denga Mentol, Fahad Utto, PO1 Abdullah Baguadatu, PO1 Oscar Donato and PO1 Michael Madsig.

Solis-Reyes also directed the warden of Quezon City jail to release them from detention unless they are being detained for other offenses.

A total of 197 were initially charged of multiple murder in connection with the massacre, including 15 individuals belonging to the influential Ampatuan clan but only 117 were arrested, while 80 others remained at large until now.

Eight of the accused, including Ampatuan patriarch Andal Ampatuan Sr., died while undergoing trial, while eight others were either discharged as state witnesses or dropped from the information.

Thus, from those arraigned only 101 accused were subjected to a fullblown trial. The prosecution panel, which is comprised of 11 government lawyers and six private prosecutors, presented 134 witnesses aside from the 58 private complainants, while the defense panel which is composed of 20 lawyers from various law firms presented 165 witnesses.

The Maguindanao massacre, which is considered as the worst in recent Philippine history, took place on November 23, 2009, in Sitio Masalay, Buluan town, in Maguindanao.

The victims were part of a convoy carrying family members, supporters and journalists on their way to file the COC in Shariff Aguak.

The journalists were invited by Mangudadatu to cover the scheduled filing of his COC at the Commission on Elections provincial office in Shariff Aguak.

Around 200 armed men, mostly belonging to state-sanctioned paramilitary forces which they used as their private army, intercepted the convoy and escorted them to Buluan town in Ampatuan, where they were told to get off their vehicles.

The victims were slaughtered and buried in hastily dug graves using a government-towned excavator.

Mangudadatu's sister and aunt, who were both pregnant at that time, were among those brutally killed by the armed men.

The massacre victims include Raida Abdul, Rowena Ante, Abdillah Ayada, Lailani Balayman, Pinky Balayman, Surayda Bernan, Concepcion Brizuela, Meriam Calimbol, Raul Daud, Eugene Demillo, Norton Edza, Bai Farinah Hassan, Wahida Kalim, Bai Eden Mangudadatu, Bai Genalin Mangudadatu, Mamotabai Mangudadatu, Catalino Oquendo Jr., Cynthia Oquendo, Rahima Palawan, Faridah Sabdullah, all members of the Mangudadatu family and supporters.

Justice Secretary Menardo Guevarra expressed satisfaction with the ruling of the trial court.

"Today is the day we have waited and I am very happy as secretary of justice that finally justice has been served," Guevarra said.

When asked about the acquittal of two of the principal accused Shariff Saydona Mayor Datu Sajid

Islam, close relative Datu Akmad Ampatuan, and several others accused in the Maguindanao massacre case, the DOJ said it "is something that the prosecution has more or less anticipated."

"We know from the beginning where our strength lies and where certain gaps in our evidence exist so this is something more or less expected. We're happy with the decision of the court. We trust that the judge has very extensively examined the ev-

idence and we trust in her impartiality in her rendition of this very important judgment,” Guevarra said.

“I thank the prosecutors, as well as the private prosecutors who are involved in this case for the tireless effort that they exerted in making sure that judgment will finally come and the deaths of so many victims including members of the journalism profession will find their day of redemption,” he added.

Solis-Reyes ruled that the prosecution failed to establish that there were actually 58 people killed in the Maguindanao massacre case and not 57.

The prosecution insisted that MidlandReview photojournalist Reynaldo “Bebot” Momay were among the journalists killed in the Maguindanao massacre as his denture was recovered from the crime scene.

“Whether Momay died or was missing after said date could not be ascertained as no evidence of his actual death was adduced. He has no cadaver and neither was his death certificate presented on record,” the decision read.

The judge said discovery of Momay’s supposed denture does not prove that he was among those killed.

“Simply put, there is no sufficiently relevant proof connecting the object evidence—the denture—with the person of Monday. The mere say-so of the prosecution witnesses that the victim wore the subject denture will not amply establish its identity. Mere allegation and speculation is not evidence, and is not equivalent to proof,” the court ruled.

The DOJ panel is composed of City Prosecutor Amor Robles, Senior Assistant State City Prosecutor Ma. Emilia Victorio, Senior Assistant State Prosecutor Olivia Torrevillas, Senior Assistant State Prosecutor Tofel Austria, Senior Assistant City Prosecutor Arthur Velasco, Assistant State Prosecutor Michel John Humarang, Assistant State Prosecutor Moises Acayan and Associate Prosecution Atty. Jerome Coronel.