

NBI-Datu Esmael G. Mangudadatu, et al.
Complainants,

-versus-

NPS-XVI-INQ-09-00103
For: Abduction, Multiple Murder
Damage to Property and Robbery

Datu Andal U. Ampatuan, Sr.;
Datu Andal "Unsay" Ampatuan, Jr.;
Nords Ampatuan;
Akmad Ampatuan;
Datu Saudi Ampatuan, Jr.;
Datu Bahnarin A. Ampatuan;
Datu Sajid Islam U. Ampatuan;
Datu Akmad "Tato" Ampatuan, Sr.;
Datu Zaldy "Puti" U. Ampatuan;
Datu Kanor Ampatuan;
Datu Anwar Ampatuan;
Datu Mama Ampatuan;
Sukarno Badal;
Datu Ulo Ampatuan;
Datu Jimmy Ampatuan;
Kagi Faizal;
Mogira Hadji Anggulat;
Jun Pendatun;
Hamid Delayudin;
Pedro Fudolig y Nesma;
Parido Zangkala Gogo;
P/Chief Inspector Zukarno Dicay y Adil;
P/Inspector Saudi Mukamad;

P/CInspector Rex Ariel Diongon y Tabao;
Paizal (SNU); Aratok (SNU);
Arnold (SNU); Bong (SNU);
Alex (SNU); Cos (SNU);
and 560 John Does who are members
of CVOs; SCAAs and policemen.

Respondents.

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PNP-CIDG-CIDD, Reymundo Oquendo, et al.,
Complainants,

-versus-

NPS-XVI-INV-09L-00816
For: Multiple Murder

Gov. Andal Ampatuan, Sr.;
Mayor Datu andal U. Ampatuan, Jr.;
Datu Ulo Ampatuan ;
Mayor Bahnarin Ampatuan;
Vice Mayor Datu Kanor Ampatuan;
Tony Kenis Ampatuan;
Muhamad Sangki;
PO1 Anwar Masukat;
Tumi Timba Abas;
Vice Mayor Zukarno Badal;
Datu Ipi Ampatauan (aka Datu Ipi);
Datu Harris Ampatuan (aka Datu Harris);
Datu Moning Ampatuan (aka Datu Moning);
Kagi Amar Ampatuan (Kagi Akmad);
P/Supt Abusama Munda Maguid, Al Haj;
P/Supt Bahnarin Kamaong;
P/Supt Abdulwahid U. Pedtucasan;
P/CInsp Sukarno Adil Dicay;
P/Insp Michael Joy Ynes Macaraeg;
P/Insp Rex Ariel Tabao Diongon;
P/Insp Saudi Mukamad;
SPO2 Oscar Donato;
SPO1 Eduardo Ong;
PO3 Felix Enate, Jr.;
PO3 Abibudin Abdulgani;
PO3 Rasid Anton;

PO2 Hammad Nana;
PO2 Saudi Pasutan;
PO2 Hernanie Decipulo;
PO2 Saudiar Ulah;
PO1 Arnulfo Soriano;
PO1 Esmael Guialal ;
PO1 Pia Kamidon;
PO1 Herich Amaba;
PO1 Esprilieto Lejarso;
PO1 Marsouk Mascud;
PO1 Michael Madsig;
PO1 Abdula Baguadatu;
PO1 Abbey Guiadem;
PO2 Tany Dalgan;
PO1 Dukoy Badal;
PO2 Alfie Pagabangan;
PO1 Joharto Kamendan;
PO1 Warden Legawan;
PO1 Rainer Ebus;
PO1 Ebad Musa;
PO1 Datu Nor Kadir;
PO1 Jonathan Enged;
PO1 Cader Datunot;
Sgt. Abdul Sokor Abdullah, PA;
Sgt. Abdullah Karim Falcon, PA;
Sgt. Alnor Ampatuan, PA;
Sgt. Benzar Maulana, PA;
Msgt. Andrada, PA;
@ "Kumander Beri";
Naser Adam;
@ "Dahutay";
PSInsp Abdulgapor Abad;
SPO2 Badawi P. Bakal;
PInsp Saudi Matabalao;
George S Labayan;
SPO1 Elizer s. Rendaje;
SPO1 Samad U. Maguindra;
PO3 Ricky D. Balanueco;
PO3 Gibrael R. Alano;
PO2 Rexson D. Guiama;
PO1 Amir M. Solaiman;

PO1 Badjun Ibad Panegas;
PO1 Pendatun A. Dima;
SPO1 Alimola L. Guianaton;
PO1 Ebara G. Bebot ;
PO1 Tamano S. Hadi;
PO1 Michael M. Macarongon;
SPO1 Ali M. Solano;
PO3 Felix A. Daquilos;
PO1 Bensedick T. Alfonso;
PO1 Sandy D. Sabang;
PO1 Johann M. Draper;
PO1 Ysmael N. Baraquir;
PO1 Mohammad K. Balading;
PO1 Datu Jerry M. Utto;
PO2 Kendatu S. Rakim;
PO1 Abdulbayan U. Mundas;
PO1 Jimmy M. Kadtong;
PO1 Marjul T. Julkadi;
PO1 Abdurahman S. Batarasa;
PO1 Abdulmanan L. Saavedra;
PO1 Marsman E. Nilong;
Datu Dainga D. Ampatuan;
Mahamiden Silongan y Mantawil;
Jonathan Ampatuan y Sangki;
Mads P. Utto;
Tammy Masukat;
Abedin E. Kenny;
Gie Takilid y Salape;
Sukar Kamsa y Samama;
Malaguial Tanuri y Singh;
Tony Dek y Tagadaya;
Zacaria Akil y Pama;
Andami Singkala y Malugayak;
Maot Bangkulat y Bongai;
Salik Bangkulat y Bahal;
Bong Andal y Santiago;
Surin Kayukay y Mapiamama;
Tokan Pamansag y Abdulrama ;
Nasser Esmael y Sugagel;
Nasrudin Guiamadil y Simpall;
Denga Mentol y Oman;

Sanggutin Musa y Guialan;
Toy Datumanong y Kaurak;
Surin Mentang y Kugay;
Manny U. Ampatuan;
Samaon Andatuan y Mama;
Kudza Masukat Uguia;
Rodel V. Ampatuan;
Harun Kadil y Arob;
Dhods Kamong y Abubakar;
Salipada Tampogao y Makasasa;
Abas Andongan y Gane;
Ben Mendog y Abed;
Sahid Guiamadil y Acob;
Kominie Inggo y Kamal;
Esiam Mantawil y M;
Mama Habib y M;
Alimudin Sanguyod y Saptula ;
Rolex Kusen y Abubakar;
Mohamad Makauyag y Kuneto;
Abedin Alamada y Dasam;
Misuari Ampatuan y Sinsuat;
Naot Duma y Mending;
Samsudin Daud y Mama;
Bassir Abdulmaguid y Lauban ;
Nasser Talib y Tagadaya;
Rusty Daud y Utto;
Kasim Lingkong y Tagadaya;
Abusama Guiapal y Bilang;
Rakim Amil y Munib;
Kempar Silongan y Sulaiman;
Datunot G. Ayob;
Norman Tatak y Madidis;
Butukan Malang y Salibo;
Sonny K. Pindi ;
Rene Guiapal y Datang;
Batuta Zailon Guiabel;

Gambayan Kasim y Napinda;
Moctar Daud y Ali;
Mando Balaugan y Maas;
Alex Kadil y Guiapnes;
Kasim K. Dalending ;
Tho Amino y And;
Macton Bilungan y Abdul ;
Alex Zailon y Uson;
Acad Macaton Blah;
Mohamad Ampatuan y Datumanong;
Edris Tekay Nanding;
Abdulkarim Manalasan y Laguinsay;
Maguid Amil Datun;
Thong Guimano y Enggo;
Tino T. Sanday ;
Armando Ambalgan y Omal;
Nasser Malaguial y Mantok;
Ebrahim Abon y Malaguial;
Muktar Santo Kindu;
Maguid S. Alba ;
Andro K. Awil;
Upam Saudi y Sali;
Samsudin Rajahpandalat Kamilon;
Datutulon Esmail y Malaguial;
Fahad Utto y Watamama;
Batuti Bara y Ketalok;
Marco Enged y Guiamadel;
Intang Ampatuan y Benedo;
Boto Umal y Kulentina;
Gani Latip y Lukes;
Abdual Uday Mauia Edu;
Dexson Saptula y Adam;
Kerdz Ampatuan Begok;
Mamugkat Camsa y Rabpiawan;
Mohades Ampatuan y Amilon;
Theng Sali y Piang;
Edres Kasan y Gogo;
Taya Bangkulat y Kalon;
Norhato Kamino y Mama ;

Toktok Guiabal Kanusi;
Mohamad Datumanong y Tolentino;
Nasser Guia y Idig; and
Zamora Sambulawan y Guialal.

Respondents.

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JOINT RESOLUTION

This resolves the complaints filed by the National Bureau of Investigation (NBI) and the Philippine National Police – Criminal Investigation and Detection Group (PNP-CIDG) against the above-named respondents respectively by NBI Director Atty. Nestor M. Mantaring and P/Senior Supt Ericson T. Velasquez, Chief, Criminal Investigation and Detection Division of the PNP-CIDG.

Investigation records of the NBI and CIDG show that that at around 10:00 o'clock of November 23, 2009, a convoy of more or less eight (8) vehicles was flagged down at Sitio Malating, Brgy. Salman, Ampatuan, Maguindanao. This checkpoint was manned by members of the 1508th Provincial Mobile Group based in Camp Datu Akilan, Shariff Aguak, Maguindanao led by P/Chief Inspector Sukarno Adil Dicay, the Assistant Provincial Director of the Maguindanao Police Provincial Office. While the inspection was ongoing, a group of about one hundred (100) heavily armed men clad in green camouflage uniforms arrived on board several vehicles, took over the control of the vehicles and likewise took with them the passengers of the vehicles belonging to the convoy.

Records further show that the leader of the group of the heavily armed men was identified as accused/respondent Mayor Datu Andal U. Ampatuan, Jr. A line of vehicles consisting of those included in the convoy as well as those of the armed men were thereafter sighted going upward to the hilly portion of Barangay Salman, Ampatuan, Maguindanao.

At around three o'clock in the afternoon of the same day, government troops found the mutilated and mangled bodies of the convoy passengers bearing multiple gunshot wounds near and in the mass graves.

Fifty-seven (57) corpses were recovered at the crime scene identified as follows, viz:

LIST OF VICTIMS

	Medico Legal Report	VICTIM	AGE	Medico Legal Officer	Cause of Death	Affiliation	Address
1	SARDO-2009-24	Atty. Concepcion Brizuela y Jayme	55	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	Integrated Bar of the Philippines	Kidapawan City
2	SARDO-2009-25	Bai Genalin Mangudadatu y Tiamson	36	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	Wife of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
3	SARDO-09-26	Bai Eden Mangudadatu y Gaguil	45	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Sister of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
4	SARDO-09-27	Bai Farinah Hassan	24	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Sister of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
5	SARDO-09-28	Surayda Bernan y Gaguil	36	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Relative of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
6	SARDO-09-29	Mamotabai Mangudadatu	40	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	Relative of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
7	SARDO-09-30	Wahida Kalim y Ali	39	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Relative of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
8	SARDO-09-31	Rowena Ante y Mangudadatu	33	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Aunt of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
9	SARDO-09-32	Raida Abdul y Sapalon	41	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	Relative of Esmael "Toto" Mangudadatu	Buluan, Maguindanao

10	SARDO-09-33	Faridah Sabdullah y Gaguil	33	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Relative of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
11	SARDO-09-34	Pinky Balayman	35	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Relative of Esmael "Toto" Mangudadatu	Buluan, Maguindanao
12	SARDO-09-35	Gina Dela Cruz y Carpenteros	41	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	Saksi Correspondent	General Santos City
13	SARDO-09-36	Lailani Balayman	25	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Supporter of Mangudadatus	Buluan, Maguindanao
14	SARDO-09-37	Marife Montaña y Cordova	44	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	Saksi, Balita, dxCP	General Santos City
15	SARDO-09-38	Rosell Morales y Vivas	34	Dr. Reynaldo P. Romero	Multiple Gunshot wounds	News Focus, circulation manager, correspondent	General Santos City
16	SARDO-09-39	Eugene Demillo y Pamansag	35	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	Supporter of Mangudadatus	Buluan, Maguindanao
17	SARDO-09-40	Bienvenido Legarta		Dr. Reynaldo P. Romero	Multiple Gunshot wounds	Prontiera News, Tingog Mindanao, Publisher	Koronadal City
18	SARDO-09-41	Marites Cablitas	38	Dr. Ricardo M. Rodaje, NBI	Multiple Gunshot wounds	News Focus, RPN dxDX, publisher, anchor	General Santos City
19	SARDO-09-42	Norton "Sedick" Edza y Ebus	33	Dr. Ruperto J. Sombilon Jr.	Multiple Gunshot wounds	Van Driver	Buluan, Maguindanao
20	SARDO-09-43	Razul Daud y Bulilo	35	Dr. Ruperto J. Sombilon Jr.	Multiple Gunshot wounds head, Trunk & Extremities	Van Driver	Buluan, Maguindanao
21	A09-059	Andres M. Teodoro	59	Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds Head, Trunk & Extremities	Mindanao Inquirer, Peoples Forum, editor in chief, columnist	Tacurong City
22	A09-060	Abdillah Ayada		Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds head, Trunk & Extremities	Supporter of Mangudadatus	
23	A09-061	Wilhem S. Palabrica	43	Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds head, Trunk & Extremities	Tacurong City Employee	Tacurong City
24	A09-061A	Alejandro M. Reblando	54	Dr. Tomas A. Dimaandal, Jr.	Multiple Gunshot wounds head, Trunk & Extremities	Manila Bulletin, Reuters, correspondent stringer	General Santos City

25	A09-062	John Caniban	30	Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds head, Trunk & Extremies	Periodico Ini, Sultan Kudarat Gazette, news bureau chief	Sultan Kudarat
26	A09-063	Mercy Palabrica	32	Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds head, Trunk & Extremies	Tacurong City Employee	Tacurong City
27	A09-064	Catalino Oquendo, Jr.	75	Dr. Tomas A. Dimaandal, Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Retired City Treasurer of Tacurong	Polomolok, South Cotabato
28	A09-065	Cynthia Oquendo-Ayon	35	Dr. Tomas A. Dimaandal, Jr.	Multiple Gunshot wounds Head, Trunk & Extremies	Integrated Bar of the Philippines	Polomolok, South Cotabato
29	A09-066	Francisco "Ian" Subang Jr.	49	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds Head, Trunk & Extremies	Socsargen New Today, publisher	General Santos City
30	A09-067	Noel Decena	25	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds Head, Trunk & Extremies	Periodico Ini, circulation manager	Midsayap North Cotabato
31	A09-068	Anthony A. Ridao		Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Employee	Peñafrancia Cotabato City
32	A09-069	Rahima P. Palawan	43	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Supporter of Mangudadatus	Buluan, Maguindanao
33	A09-070	Napoleon Salaysay	57	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Clear View Gazette, publisher editor	
34	A09-071	Eleonor "Leah" Dalmacio	38	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Socsargen News Today, reporter	General Santos City
35	A09-072	Meriam Calimbol		Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Supporter of Mangudadatus	
36	A09-073	Hannibal D. Cachuela	51	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Manila Star, Punto News, bureau chief, correspondent	Koronadal City
37	A09-074	Jephon Cadagdagon	28	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Saksi Balita, correspondent photographer	General Santos City
38	A09-075	Mac Delbert (Macmac) Areola	20	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	UNTV cameraman	General Santos City

39	A09-076	Romeo Jimmy “Pal-ak” Cabillo	56	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Midland Review	Koronadal City
40	A09-077	Santos “Junpee” Gatchalian Jr.		Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Mindanao Daily Gazette reporter	
41	A09-078	Arturo Betia		Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Periodico Ini, marketing director	
42	A09-079	Rey V. Merisco	34	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Periodico Ini, columnist	South Cotabato
43	A09-080	Joel V. Parcon		Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds Head, Trunk & Extremies	Frontiera News, correspondent	Koronadal City
44	A09-081	Jose “Joy” Duhay		Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Gold Star Daily, correspondent	Sultan Kudarat
45	A09-082	Ronnie L. Perante	43	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Gold Star Daily, correspondent	Sultan Kudarat
46	A09-083	Rubello R. Bataluna	44	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Gold Star Daily, correspondent	General Santos City
47	A09-084	Bengie H. Adolfo	20	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Gold Star Daily, support personnel	General Santos City
48	A09-085	Henry H. Araneta	44	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	DZRH, central Mindanao correspondent	South Cotabato
49	A09-086	Ernesto “Bombo Bart” S. Maravilla, Jr.		Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	Bombo Radio, Koronadal City, anchor reporter	Koronadal City
50	A09-087	Jolito Evardo	27	Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	UNTV cameraman	Davao City
51	A09-088	Daniel Tiamzon		Dr. Felino M. Brunia Jr.	Multiple Gunshot wounds head, Trunk & Extremies	UNTV driver	Gen. Santos
52	A09-089	Victor O. Nuñez	24	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	UNTV, anchor	General Santos City

53	A09-090	Eduardo D. Lichonsito	53	Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds head, Trunk & Extremies	Tacurong City Employee	Tacurong City
54	A09-091	Cecille Lichonsito	52	Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Tacurong City Employee	Tacurong City
55	A09-092	Fernando “Ranny” P. Razon	44	Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds head, Trunk & Extremies	Periodico Ini, sales manager	South Cotabato
56	A09-093	Lindo Lupogan		Dr. Dean Caparas Cabrera	Multiple Gunshot wounds head, Trunk & Extremies	Metro Gazette (Davao City)	Davao City
57	A09-094	Daryll Vicent Delos Reyes	28	Dr. Raymond B. Cabling, SOCO	Multiple Gunshot wounds head, Trunk & Extremies	Tacurong City Employee	Tacurong City

N.B. Except for his dentures, the body of Reynaldo “Bebot” Momay, photographer of Midland Review, has not been recovered.

The identities of the fifty-seven (57) victims were established either by their respective relatives or by their employer through their sworn affidavits.

On November 26, 2009, accused/respondent Datu Andal “Unsay” Ampatuan, Jr. was arrested by agents of the NBI and presented for inquest proceeding. Consequently, said accused/respondent was indicted for multiple murder and is under trial for multiple murder before the Regional Trial Court of Quezon City, Branch 221.

In the meantime, the CIDG referred to this Department for preliminary investigation, the result of its investigation on the killing of fifty-seven (57) people on November 23, 2009 in Ampatuan, Maguindanao, impleading therein more than one hundred (100) individuals who allegedly participated in the commission of the crime charged. The NBI likewise submitted additional evidence in support of its earlier complaint naming therein additional respondents claiming that these respondents had a hand in the multiple murder; hence, the present complaints.

In his affidavits, complainant Esmael “Toto” G. Mangudadatu (‘Esmael’ for brevity) alleges that on November 23, 2009, he authorized his wife, Bai Genalin T. Mangudadatu; his sisters, Bai Eden and Bai Farinah Mangudadatu; and aunt, Bai Rowena Mangudadatu, to file his Certificate of Candidacy (CoC) for Governorship of Maguindanao Province at the COMELEC office located at the Provincial Capitol of Maguindanao in the capital town of Shariff Aguak. His wife and relatives were accompanied by two (2) women lawyers, Attys. Cynthia Oquendo-Ayon and Concepcion “Connie” Brizuela, relatives and a number of media personnel who will cover the filing of the said CoC.

Considering the tense political situation in the province, Esmael requested **Col. Medardo Geslani** and PNP-Autonomous Region of Muslim Mindanao (ARMM) Regional Director **Police**

Chief Superintendent Faisal Ampao Umpa to provide security to escort his wife and her company on their way to the COMELEC office. However, for reasons known only to these officials, his requests for security escorts were turned down.

Later, Esmael received the horrifying news that his wife and her company, including some innocent travelers, were held captives and later killed at Sitio Masalay, Brgy. Salman, Ampatuan, Maguindanao.

Witnesses' accounts:

Rasul Sangki y Mabang ('Rasul' for brevity), Vice-Mayor of Ampatuan Municipality, stated that on November 19, 2009, respondent Datu Andal "Unsay" Ampatuan, Jr. ('Datu Unsay' for brevity) called and informed him that he (Datu Unsay) will deploy his forces in his municipality. He and accused/respondent Datu Unsay then had a meeting the following day in a hut located at crossing Saniag, National Highway, where he was instructed to secure the detachment fronting the Municipal Hall of Ampatuan, Maguindanao, and ordered to protect the municipality in case something happens.

On November 23, 2009, he narrated that while he was at the Ampatuan Municipal Hall attending the Sangguniang Bayan meeting, his uncle informed him that accused/respondent Datu Unsay was waiting for him at the hut in crossing Saniag, National Highway. As a sign of respect, and considering that no one can refuse the invitation from the Ampatuans, he, together with Mohammad Sangki, Jainorin Camsa, Teng Guilay, Victor Dimalenda, Bimbo Maliga, Johaipa Basilan and Zainodin Sangki, went to the said place. When they arrived at around 9:00 a.m., he saw accused/respondent **Datu Unsay** carrying an i-com radio, with respondents **Jun Pendatun, Paisal, Kagi Faizal** and approximately fifty (50) fully armed men and several vehicles including one armored car called "Sangguku." After snacks were served, respondent **Datu Saudi "Sham" Ampatuan, Jr.** ('Datu Sham' for brevity) arrived but was ordered by accused/respondent Datu Unsay to return to Ama (pertaining to respondent Datu Andal Ampatuan, Sr.).

Later, while he and accused/respondent Datu Unsay were talking, the latter received a call on his i-com radio telling him that the convoy of the Mangudadatu had already passed Tacurong City, and was heading towards Maguindanao. He identified the man on the other line of the radio as respondent **Provincial Director Zukarno Dicay** ('Dicay' for brevity). Several minutes later, respondent Dicay again radioed accused/respondent Datu Unsay informing him that the convoy had passed the Isulan roundball. He then heard accused/respondent Datu Unsay order respondent Dicay the following: "*Pag armado banatan natin sila*" and "*Papasukin natin muna bago banatan.*" Thereafter, a convoy passed them and accused/respondent Datu Unsay verified from respondent Dicay, through a radio, if the road has already been blocked. Minutes later, respondent Dicay radioed accused/respondent Datu Unsay and informed him that the convoy has been flagged down at Sitio Malating ("*Dito na Datu. Naharang na mga Mangudadatu. Na para na lahat. Dito sa Malating.*") Accused/respondent Datu Unsay further inquired from respondent Dicay if the convoy was armed to which respondent Dicay replied in the negative adding, "*Halos puro mga babae Datu.*" Accused/respondent Datu Unsay then told respondent Dicay to look for the files of Toto Mangudadatu. Thereafter, accused/respondent Datu Unsay immediately ordered them to proceed to Sitio Malating. Whilst all these were taking place, he saw one (1) vehicle escape from the blockade.

Upon reaching the convoy, Rasul was shocked to see people lying on the ground face down with armed men guarding them. Accused/respondent Datu Unsay started inspecting the faces of the people looking for someone in particular. Somebody stood up and begged for his life but Datu Unsay's bodyguard hit him with a rifle. Rasul heard some of the people crying.

Accused/respondent Datu Unsay ordered his men to block the highway and an armored vehicle called "Sangguko" secured the place. Rasul saw him (Datu Unsay) alight from his vehicle and pulled a woman from the convoy. Later, he heard gunshots. Accused/respondent Datu Unsay also pulled two (2) other women who were identified as Bai Eden Mangudadatu and Bai Farinah Mangudadatu. These women were dragged and loaded by

accused/respondent Datu Unsay into a black Revo owned by respondent Datu Kanor Ampatuan ('Datu Kanor' for brevity), while the other passengers of the convoy were beaten and were randomly ordered back to their vehicles. The captives were guarded by some armed men of accused/respondent Datu Unsay who also boarded the vehicles of the captives.

Said witness stated that accused/respondent Datu Unsay looked for him and ordered him to join him in his vehicle. While inside, accused/respondent Datu Unsay radioed Ama and told him "*Ama nandito na sila*" to which the latter answered, "*Alam mo na ang gagawin mo.*" They proceeded to a hilly portion of Sitio Masalay at Brgy. Salman, Ampatuan, Maguindanao with the vehicles carrying the captives and Datu Unsay's armed men following them.

Upon arrival at the hilly portion of Sitio Masalay, accused/respondent Datu Unsay ordered his men to gather some of the captives in one location while the women captives were placed in one (1) vehicle. When the captives were in position, accused/respondent Datu Unsay aimed his weapon and started shooting at the captives. He also saw respondents **Datu Kanor**, **Datu Bahnarin Ampatuan** ('Datu Ban' for brevity), **Parido Zangkala Gogo** and **Datu Mama Ampatuan** shooting at the captives. After the shooting, accused/respondent Datu Unsay ordered his men and some policemen to shoot the dead captives which they did. He also saw respondent **Sukarno Badal** firing at the captives who refused to alight from their vehicle. Thereafter, he saw accused/respondent Datu Unsay and respondent Datu Ban talking to each other and the former pointed to the other vehicle containing the other captives.

Later, he was ordered by accused/respondent Datu Unsay to return to Malating and to tell the people there that they saw nothing. While on his way, he heard several gunshots and saw an incoming backhoe. When he reached Malating, he saw the blocking forces along the highway leading to Sitio Masalay, a number of police patrol cars and armed men scattered along its shoulder.

Another witness, **Kenny Dalandag y Babay**, claims to be a

member of the private army belonging to respondent Datu Andal Ampatuan, Sr. ('Datu Andal, Sr.' for brevity). He alleges that on November 22, 2009 at around 4:00 p.m., he was summoned by his boss, respondent **Mogira Hadji Anggulat** ('Mogira' for brevity), to be at his residence at Brgy. Imbornal ("*Mangga Base*"). He stresses that Mogira is a trusted man and is the weapons custodian of respondent Datu Andal, Sr. When he arrived at the "*Mangga Base*," there were around 32 of them present. They were informed by respondent Mogira that they have a mission and were given their respective firearms.

Thereafter, they went to the house of respondent Datu Andal, Sr. at Brgy. Bagong, Shariff Aguak, and there he saw more than a hundred men with high-powered firearms. Some of the armed men were wearing fatigue uniforms and among them were identified as **Rufo, Kendado "Excel" Ampatuan, Aratok, Arnold** and **Datu Jimmy Ampatuan**. He also saw respondent **Datu Andal, Sr.** having a meeting in a cottage (*purok*) inside his compound with accused/respondent **Datu Unsay**, respondents **Datu Zaldy "Puti" Ampatuan, Datu Sajid Ampatuan** ('Datu Sajid' for brevity), **Datu Anwar Ampatuan, Datu Saudi "Sham" Ampatuan, Jr., Datu Ban** and **Datu Ulo**. Included in the meeting were respondents **Sukarno Badal, Mogira** and a certain **Cos**. During the meeting, he heard respondent Datu Andal, Sr. giving order in this manner: "*Kung dumaan ang mga Mangudadatu, ubusin silang lahat, pati mga bata, walang itirang buhay kahit isa.*"

He narrates further that at around 2:00 a.m. of November 23, 2009, they left the house of respondent Datu Andal, Sr. as ordered by accused/respondent Datu Unsay. They walked until they reached the national highway of Maganoy where police cars and a "Sangguko" were waiting. They boarded the said vehicles and alighted at the highway of Brgy. Matagabon where they established a checkpoint. Respondent **Mogira** then ordered them to check each vehicle that will pass and to kill any Mangudadatu that they will see. At around 5:00 a.m., accused/respondent Datu Unsay arrived at their place and talked to respondent Mogira and some leaders.

At around 10:00 a.m., they flagged down a convoy of vehicles which included Bai Gigi Mangudadatu (Bai Genalin T. Mangudadatu) and some persons. Suddenly, another convoy consisting of accused/respondent **Datu Unsay**, respondents **Datu Sajid, Datu Anwar, Datu Saudi, Jr., Sukarno Badal** and their armed men. Accused/respondent Datu Unsay and his men alighted from their vehicles and went to the vehicle where Bai Gigi Mangudadatu was boarded. Accused/respondent Datu Unsay pulled Bai Gigi Mangudadatu from the vehicle and slapped her. Thereafter, they brought the convoy to Brgy. Salman and there the captives were shot by accused/respondent Datu Unsay and his men. He also identified respondents **Sukarno Badal** and **Mogira** who joined Datu Unsay in shooting the captives.

Witness **Noh Akil y Sapal** ('Akil' for brevity) whose house is located in front of the National Highway of Brgy. Salman, Ampatuan, Maguindanao, states that as early as November 19, 2009, he had already observed around thirty (30) armed men posted in front of his house. On November 23, 2009, at around 7:00 a.m. while he was standing in front of his house, he saw three (3) black pick-up vehicles arrive with accused/respondent **Datu Unsay** on board with around twenty (20) military-uniformed armed men. Said accused/respondent summoned his men and ordered them the following: "*Mag-alert kayo dahil namonitor ang pagdating nila.*" He also heard accused/respondent Datu Unsay say: "*Dyan lang kayo, punta ako Malating, punta ako kay Dicay, pag dumaan magtawag lang ako.*"

When accused/respondent Datu Unsay left, he (Akil) then asked one of the men what is happening and was told that they were waiting for somebody from the town of Buluan. The man also advised him to move his children to some other place because it is dangerous. At around 10:00 a.m., he heard over the radio the following: "*Nandiyan na. Nandiyan na.*" Thereafter, he saw the armed men immediately took their positions. Frightened by the situation, he immediately left his place and went to the MNLF camp together with his neighbors. From his position at the camp, he was able to spot a convoy of several vehicles with armed men in military uniform. After 20 to 30 minutes, he heard gunshots. Thereafter, while walking towards Brgy. Salman, he saw a backhoe being transported by a prime mover along the

highway.

Several days thereafter, he alleges that Kerol Blah approached him at the Barangay Hall and told him that they need to go to Shariff Aguak. They were fetched by a police car and were brought to the house of respondent Datu Sajid where two (2) men, whom he identified as respondents **PNP C/Insp. Zukarno Dicay** and **PNP C/Insp. Rex Ariel Diongon**, met them. The two told them that if anyone asks what happened, they just tell them that they (Dicay and Diongon) arrived at Sitio Malating, Brgy. Salman only at 11:30 a.m. of November 23, 2009 to avoid being implicated in the murders. Due to fear, they merely acceded to the request of Dicay and Diongon.

Witness **Salha Biruar y Sangki**, a Chairwoman of Brgy. Salman, Ampatuan, Maguindanao, avers that on November 19, 2009, Kgwd. Victor Dimalenda of Brgy. Poblacion told her that accused/respondent Datu Unsay sent him to inform her that he will deploy troops of respondent Provincial Director Dicay along the highway of her barangay. When she inquired from Kgwd. Dimalenda, the latter told her that the troops will stay until December 2, 2009 as long as there is filing of candidacy.

On November 20, 2009, when she went to Isulan, Sultan Kudarat, she observed a number of police personnel along the highway who were not from the Ampatuan Police Station.

Witness **Cpl. Zaldy Raymundo y Vicente**, Philippine Army, assigned as Detachment Commander of the CAFGU Detachment located at Sitio Masalay, Brgy. Matagabong, Ampatuan, Maguindanao, states that in the morning of November 19, 2009, respondent **P/Insp. Saudi Mukamad** ('Mukamad' for brevity), and more than thirty (30) men from the 1507th PNP-Regional Mobile Group went to his detachment and asked permission from him to use his detachment for cooking their food. He alleges that from November 19, 2009 up to November 23, 2009, troops from the 1507th PNP-RMG conducted a G.O. (checkpoint inspection) at the **crossing Saniag, Sitio Deneberan, Malating and crossing Salman, Brgy. Salman, Ampatuan, Maguindanao**. The troops had a white Toyota Hi-Lux and an armored vehicle called "Sangguko".

On November 23, 2009, at around 11:00 a.m., he noticed a convoy pass their detachment. When the convoy reached crossing Salman where respondent Mukamad and his troops were conducting the G.O., the convoy turned to a road going to Brgy. Salman. He saw the convoy reach the top of a mountain and after around ten (10) minutes, he heard simultaneous gunshots coming from the said place. Suddenly, a CVO (Civilian Volunteers Organization), whose face was covered, came to their detachment and shouted at them: "*Wala kayo nakita! Wala kayong narinig!*" Because they were outnumbered by the number of CVOs around them, they could not do anything. After the gunshots, he noticed the troops of PNP-RMG and the CVOs leaving the place. He adds that while gunshots were being fired, he saw a backhoe being transported by a prime mover. After disembarking, the backhoe went to the place where the convoy went.

At around 1:30 p.m. of the same day, personnel from the 64th Infantry Battalion arrived. He was asked by Major Navarro of the origin of the gunshots. After he told Major Navarro that the gunfire came from the direction of Brgy. Salman, a group of soldiers were ordered to go to the said place to conduct clearing operations. Thereafter, together with Capt. Jose Sedrome, he went to Brgy. Salman and there saw the backhoe and the dead bodies of thirteen (13) women and eight (8) men.

Witnesses **Buka Sakilan y Ali** and **Elo Sisay y Maputi**, members of the CAFGU Active Auxiliary (CAA) based along the National Highway of Sitio Masalay, Brgy. Matagabong, Ampatuan, Maguindanao, under Cpl. Zaldy Raymundo, state that on November 22, 2009, they noticed armed men in military and police uniforms conducting checkpoints and chokepoints more or less 30 meters away from their detachment. During that time, they saw respondent **Mukamad** at their detachment together with several PNP personnel.

On November 23, 2009, at around 6:00 a.m., police personnel of the 1507th RMG guarded the two (2) lanes of the road (going to Isulan and going to Cotabato). At around 10:30 a.m., they noticed a "Sangguko," with cal. 50 machine gun,

parked at the center of the National Highway more or less 100 meters away from their detachment and near the crossing going to Sitio Masalay, Brgy. Salman. They also noticed the presence of more or less 100 persons wearing fatigue uniforms posting themselves along the highway going to Isulan. At around 11:00 a.m., a convoy passed their detachment and saw it being flagged down by the members of the Regional Mobile Group. The convoy was later on seen at the hilly portion going to Sitio Masalay, Brgy. Salman. After a few minutes, they heard several gunshots coming from the direction of Sitio Masalay, Brgy. Salman.

At around 4:45 p.m., troops from the 64th Infantry Battalion, Philippine Army, went to Sitio Masalay. Later, they were informed that a massacre happened in the said place.

Efren Macanas, Jr. y Butalan, a heavy equipment operator of the Maguindanao Province and the operator of the backhoe Komatsu PC300 found at the place of the massacre, states that on November 21, 2009, he parked the backhoe at the Petron gasoline station owned by accused/respondent Datu Unsay located at Shariff Aguak.

On November 23, 2009 at around 7:30 a.m., while on his way to Shariff Aguak to report for work, he noticed several armed members of SCAA (Special Caggu Active Auxilliary) and CVOs along crossing Saniag and crossing Malating. Upon reaching the Petron gasoline station, he noticed that his backhoe was no longer where it was usually parked. When he inquired from the gas station's guards by the names of **Sala**, **Ogs** and **Toks** as to its whereabouts, they told him that they used the backhoe. The three (3) advised him to go home.

At around 4:00 p.m. of the said date, he saw an ABS-CBN news flash report on the massacre at Brgy. Salman, Ampatuan, Maguindanao. He was surprised to see on the news that the backhoe assigned to him was found at the crime scene. Fearing that he might be implicated in the crime, he did not report for work and went to Koronadal City to hide.

When he heard from the news on November 28, 2009, that he was one of the suspects in the massacre, he decided to surface

and surrender to the authorities. He stressed that he suspected **Hamid Delahudin** as the one who operated the backhoe at the time of the killing because aside from him, he (Hamid Delahudin) is the only other person from the provincial government who knows how to operate the backhoe.

Witness **Pedro Fudolig y Nesnia**, a driver of the Provincial Engineer's Office of Maguindanao, states that while he was at his office on November 23, 2009, at around 11:00 a.m., he received a phone call from a certain **Bong** ordering him to bring the prime mover to the Petron gasoline station to gas up and to get the backhoe at the elevated area near the police station, and thereafter to transport the same to Brgy. Kauran. He claims that Bong is the trusted man of respondent Datu Andal, Sr. with regards to his heavy equipments. **Alex**, the station's cashier, thereafter told him to get the backhoe. He then went to the location of the backhoe at Brgy. Salimpungo, Shariff Aguak (15 meters away from the PNP Provincial Office) where he met **Hamid Delayudin** ('Hamid' for brevity). Hamid loaded the backhoe on his prime mover and they proceeded to Brgy. Kauran to deliver the equipment. Before reaching Brgy. Kauran, they were flagged down by armed members of SCAA and CVO at Brgy. Salman, Datu Unsay Ampatuan, Maguindanao. Hamid offloaded the backhoe from the prime mover and went to the mountainous area of Brgy. Salman, Datu Unsay Ampatuan, Maguindanao. For his part, he parked and left the prime mover at the shoulder of the road and went to Labu-Labu, Shariff Aguak.

By 3:00 p.m., he returned to the place to get the prime mover. When he reached the place, he saw a group of Philippine Army soldiers going to the hills of Brgy. Salman. While waiting at the side of the road of crossing Brgy. Salman, he received a call from Alex telling him to pull out.

When he went home, he heard the news regarding the massacre at Brgy. Salman and the backhoe found at the crime site. Afraid that he might be implicated in the crime, he did not report for work for three (3) days.

Witness **Jesus Pele-in y Labaro** states that on November 23, 2009, at around 10:30 a.m., while he was at the detachment

of Special CAFGU located at the National Highway, Brgy. Masalay, Ampatuan, Maguindanao, he observed the presence of more than a hundred SCAA and policemen armed mostly with M-16 and M-14 armalite rifles deployed along the National Highway. He points out that the SCAA are the private armies of respondent Datu Andal, Sr. He also noticed the armed men flag down a convoy of vehicles, which was led to the road going to the mountainous area of Brgy. Salman.

Later, he saw a backhoe going to Brgy. Salman, and after ten (10) minutes, he heard gunshots coming from the mountainous area of the said place.

1Lt. Rolly Estefen Gempasao y Amoyan, SSgt. Jimmy Coronel y Royo, Cpl. Eminio Ysita y Ferrer and Cpl. Michael Roy Dulce y Garcilan, all members of the 64th Infantry Battalion, 6th Infantry Division of the Philippine Army, stated in their respective sworn statements that prior to the November 23, 2009 massacre, news had been spreading that the Mangudadatu clan will file their Certificate of Candidacy for the 2010 election. Considering the rising tension between the Mangudadatu clan and Ampatuan clan, and the previous public pronouncement of the latter clan that there will be bloodshed should the former insist on filing their CoCs, they decided to conduct an intelligence monitoring on these two (2) families. Hence, as early as 6:00 a.m. of November 23, 2009, they observed that several armed policemen and members of Police Auxiliary, CVO and SCAA, estimated at about 500, were present and conducting checkpoints in the area. Aside from these armed men, three (3) "Sanggukos" were also spotted, including the vehicle of respondent P/Insp. Sukarno Dicay, along the highway of Brgy. Masalay. They also spotted a backhoe going to the mountainous area of Brgy. Salman.

Around early afternoon of the same date, reports were received that gunshots were heard from the direction of Brgy. Salman. Troops from the 64th IB, PA immediately moved to Brgy. Salman. When they arrived, Lt. Col. Nerona proceeded to the place of respondent **Dicay** to coordinate and verify the reports of gunshots heard near their area. When respondent Dicay informed Lt. Col. Nerona that nothing untoward happened, the

troops, nevertheless, established their tactical command post and took control over the area.

Later that afternoon and while waiting for the arrival of the Division Reconnaissance Company (DRC) to augment their group, a tricycle with two (2) armed persons clad in police camouflage coming from the interior part of Sitio Malating, Brgy. Salman arrived. Finding them suspicious, their troops accosted them and confiscated their shotgun and M-16 assault rifle. After verification and questioning, the persons arrested were identified as **Esmail Kanapia** ('Kanapia' for brevity) and **Takpan Dilun** ('Dilun' for brevity), both members of the Police Auxiliary Unit (PAU) under the control of **Mayor Zacaria Sangki Ampatuan**. It was also disclosed, through visual examination from the recovered firearms, that the same were positive of the presence of gun powder indicating that the same had just been recently fired. Later, **Pendatun L. Magelna, Datu Kadtog S. Malang, Datuisan B. Masukat** and **SPO1 Tinuun M. Entoc** arrived and requested the release of Kanapia and Dilun.

The evidence submitted by the CIDG not only reveals the persons involved and their respective participation but also the chronological order of events that transpired before, during and immediately after the alleged commission of the multiple murders on November 23, 2009 in Ampatuan, Maguindanao.

The evidence was derived from the statement of the following police officers during the investigation as contained in their respective sworn affidavits, to wit:

<u>RANK</u>	<u>NAME</u>	<u>POSITION</u>	<u>PLACE OF ASSIGNMENT</u>	<u>LOCATION OF CHECKPOINT</u>
Police Officer 1	Herich M. Amaba	Member	1508 th Maguindanao Provincial Mobile Group	Sitio Malating, Brgy. Salman, Ampatuan, Maguindanao (Nov. 18-23, 2009)
Police Officer 1	Pia S. Kamidon	Member	-do-	-do-
Police Officer 1	Espilieto G. Lejarso	Member	-do-	-do-

Police Chief Inspector	Sukarno Adil Dicap	Assistant Provincial Director	Maguindanao Provincial Police Office, Camp Datu Akilan, Ampatuan, Shariff Aguak, Maguindanao	Sitio Malating, Brgy. Salman, Ampatuan, Maguindanao (Nov. 19-23, 2009)
Police Inspector	Rex Ariel Tabao Diongon	Group Director	1508 th Maguindanao Provincial Mobile Group	-do-
Police Officer 3	Felix Escalate Enate, Jr.	Member	-do-	-do-
Senior Police Officer 1	Eduardo H. Ong	Team Leader	-do-	-do-
Police Officer 1	Esmael Manuel Guidal	Member	-do-	-do-
Police Officer 3	Rasid Anton	Member	-do-	-do-
Police Officer 1	Narkouk Duloanmascud	Member	-do-	-do-
Police Officer 2	Hamad Nana	Member	-do-	-do-
Police Officer 1	Arnulfo A. Soriano	Member	-do-	-do-
Police Officer 2	Hernanie Saulong Decipulo, Jr.	Member	-do-	-do-
Senior Police Officer 2	George S. Labayan	Member	1507 th Maguindanao Provincial Mobile Group	-do-
Senior Police Officer 1	Sunaid Usman Maguindanara	Member	1507 th Maguindanao Provincial Mobile Group	Sitio Binibiran, Brgy. Matagabang, Ampatuan, Maguindanao (Nov. 19-23, 2009)
Senior Police Officer 1	Alimola Langalen Guinatan	Member	-do-	-do-
Police Officer 3	Ricky Duya Balanueco	Member	-do-	-do-
Police Officer 2	Rex Son Diocolano Guima	Member	-do-	-do-

Police Officer 1	Tamano	Member	-do-	-do-
Police Officer 1	Sahibal Hadi	Member	-do-	-do-
Police Officer 1	Abdulbayan Um Mundas	Member	-do-	Sitio Masalay, Brgy. Salman, Ampatuan, Maguindanao (Nov. 19-23, 2009)
Police Officer 3	Felix Ababao Daquilos	Member	-do-	-do-
Senior Police Office 1	Alic Miuk Salano	Member	-do-	-do-

NOVEMBER 18, 2009

According to the following members of the 1508th Police Provincial Mobile Group, namely respondents PO1 Herich M. Amaba, PO1 Pia S. Kamidon and PO1 Espilieto G. Lejarso, as early as November 18, 2009, they had already established a checkpoint at Sitio Malating, Brgy. Salman, Ampatuan, Maguindanao. The instruction to establish a checkpoint was relayed to them by Police Inspector Rex Ariel Tabao Diongon ('Diongon' for brevity) upon the directive of P/Chief Inspector Sukarno A. Dicay ('Dicay' for brevity).

NOVEMBER 19, 2009

PO3 Anton avers that the order of P/Chief Inspector Dicay to conduct a checkpoint was a directive coming from P/Supt Maguid.

PO2 Decipulo, on the other hand, stated that a temporary barracks was set up in the area of Sitio Masalay.

PO1 Soriano asserts that aside from them, members of the Civilian Volunteers (CVO) or men identified with accused/respondent Datu Unsay were also in the said area and were positioned around them. He also stayed in an Arabic School near Brgy. Malating because they were not able to go back to their office.

On November 19, 2009, according to the following members also of the 1508th Provincial Group, namely respondents PO1 Esmael Manuel Guialal, PO3 Rasid Anton, PO1 Narkouk Duloan Mascud, PO2 Hamad Nana, PO1 Arnulfo A. Soriano and PO2 Hernanie Saulong Decipulo, Jr., they established a checkpoint between the hours of 8:00 in the morning and 5:00 in the afternoon in Brgy. Malating, Ampatuan, Maguindanao, together with respondents P/Chief Inspector Dicay, P/Inspector Diongon and P/Inspector Michael Joy Macaraeg. The reason cited by P/Chief Inspector Dicay in conducting the checkpoint is the alleged information they received that armed men will enter their area of responsibility in Maguindanao.

On the same date, the following members of the 1507th Provincial Mobile Group, namely respondents SPO2 George S. Labayan, SPO1 Sunaid Usman Maguindanara, SPO1 Alinala Langalen Giunatan, PO3 Ricky Duya Balanueco, PO2 Rex Son Diocolano Guima, PO1 Tamano and PO1 Sahibal Hadi were dispatched to Shariff Aguak, an area which, according to them, is not within their area of responsibility. The said directive allegedly came from their Commanding Officer, respondent Police Inspector Saudi M. Mokamad ('Mokamad' for brevity). SPO2 Labayan adds that the directive implemented by P/Inspector Mokamad came from P/Chief Inspector Dicay. SPO2 Labayan further states that they were twenty-seven (27) in all and P/Inspector Mokamad was with their group when they proceeded to Shariff Aguak.

SPO2 Labayan, PO3 Balanueco, and PO1 Tamano aver that when their group reached Shariff Aguak, they saw P/Chief Inspector Dicay waiting along the highway. They saw Dicay giving instructions to P/Inspector Mokamad, after which, they immediately proceeded to Brgy. Salman, Ampatuan, Maguindanao.

It was in Brgy. Salman, Ampatuan, according to SPO2 Labayan, that their group was divided into two by P/Inspector Mokamad. According to SPO2 Labayan, he was designated by Mokamad as team leader of the group that provided road security at Sitio Binibiran, Brgy. Matagabang, while Mokamad led the other group that provided road security at Sitio Masalay, Brgy.

Salman. P/Inspector Mokamad then accompanied the group led by SPO2 Labayan to Sitio Binibiran where Mokamad instructed his group to just stay in place and not to conduct checkpoint in the area. P/Inspector Mokamad thereafter left for Sitio Masalay to join his group. At Sitio Binibiran, SPO2 Labayan noticed the presence of two teams from the Special Caggu Auxiliary Army (SCAA) and Police Auxiliary (PAU) identified with the Ampatuans. The SCAA and PAU teams were fully armed with high-powered guns such as M14, M16, and M60.

On the other hand, police officers PO1 Abdulbayan U. Mundas, PO3 Felix Ababao Daquilos and SPO1 Ali Mluk Salano narrate that they all belong to the 1507th Provincial Mobile Group and were part of the other group led by P/INSP SAUDI MOKAMAD. They allegedly provided road security at Sitio Masalay, Brgy. Salman, Ampatuan, Maguindanao.

SPO1 Solano narrates that upon reaching Shariff Aguak, Maguindanao, they were met by P/Chief Inspector Dicay.

PO1 Rainer T. Ebus, assigned at the Unsay Municipal Station and detailed as escort of accused/respondent Mayor Andal "Unsay" Ampatuan, Jr. ('Datu Unsay' for brevity), was allegedly on duty on November 19, 2009, because of a red alert order they had received. He was inside the barracks situated in the house of accused/respondent Datu Unsay, located in Shariff Aguak, when he was advised by a CVO at around 8 o'clock in the morning about their supposed trip to the crossroad with accused/respondent Datu Unsay. According to PO1 Ebus, the purpose of their trip was to check if their companions were already conducting a checkpoint at the "crossroad." PO1 Ebus claims that the checkpoint was being conducted in connection with the directive of accused/respondent Datu Unsay to lay in wait for the arrival of the group of Vice Mayor (Esmal) Toto Mangudadatu who will be going to the Kapitolyo for the filing of his certificate of candidacy for the gubernatorial race. According to PO1 Ebus, their convoy going to the "crossroad" comprised of six (6) vehicles, composed of three (3) police vehicles, a black Toyota Revo, a black Hi-lux Vigo wherein accused/respondent Datu Unsay was riding, and a Hummer on which a 50-caliber was mounted. Upon reaching the "crossroad," he allegedly saw a

group of CVOs already waiting. According to PO1 Ebus, accused/respondent Datu Unsay, together with a certain PO1 Guiadem, proceeded to a waiting shed where they waited for the group of Vice Mayor Toto Mangudadatu to arrive. At lunchtime, their group, according to PO1 Ebus, went back to the house of accused/respondent Datu Unsay for lunch and returned to the “crossroad” at around 3pm. They left the “crossroad” at around 5:30 pm while the CVOs remained at the “crossroad” to wait for the convoy of Vice Mayor Toto to arrive.

NOVEMBER 20, 2009

On November 20, 2009, SPO2 Labayan was directed by P/Inspector Mokamad through text messages to proceed to Brgy. Salman, Ampatuan, Maguindanao, to give a situational report on his area of responsibility.

According to the members of SPO2 Labayan’s group who were securing Sitio Binibiran, they were ordered to be on “stand by,” while waiting for new instructions. They noted that the SCAA and PAU teams were still in the area. PO2 Guiama and PO1 Hadi also noticed several vehicles including police cars and an armored vehicle known as “Sanggoku” traveling toward Crossing Sanyag-Matagabang where the SCAA and PAU teams were based.

SPO1 Salano, who was part of the group conducting road security in Sitio Masalay, also noticed the convoy of four (4) PNP white cars with SCAA and PAU passengers, and the “Sanggoku.”

The group securing Sitio Malating remained in the said area.

PO1 Ebus on his part confirms that their group headed by accused/respondent Datu Unsay again went to the “crossroad” to ensure they will not miss the convoy of Vice Mayor Toto Mangudadatu. He adds that nobody was allowed to be absent on that day.

NOVEMBER 21, 2009

On November 21, 2009, the same thing happened to the groups conducting road security at Sitios Masalay and Binibiran, in that they noticed again the convoy of vehicles bringing members of the SCAA and PAU together with the “Sanggoku” proceeding to Crossing Sanyag-Matagabang in the morning and then going back to Shariff Aguak in the afternoon.

Meanwhile, the group in Sitio Malating continued its conduct of checkpoint in the said area.

PO1 Ebus again confirms that their group led by accused/respondent Datu Unsay proceeded to the “crossroad” in the morning and went back in the afternoon to Shariff Aguak.

NOVEMBER 22, 2009

On November 22, 2009, PO1 Pia Kamidon noticed four (4) policemen from the Municipal Police Station (MPS) augmenting their group in conducting the checkpoint in Sitio Malating.

Both groups conducting road security in Sitios Masalay and Binibiran noticed the arrival in the morning of convoy of vehicles bearing members of the SCAA and PAU and the departure of the same from the area in the afternoon.

Again, PO1 Ebus confirms their trip to the “crossroad” in a convoy led by accused/respondent Mayor Andal “Datu Unsay” Ampatuan, Jr. and their departure therefrom in the afternoon going back to Shariff Aguak.

NOVEMBER 23, 2009

According to the police officers conducting road security in Sitio Binibiran, Brgy. Salman, as early as 7:00 a.m. of that day, they noticed that residents of the said area were carrying their bags and leaving their homes because they fear that they might be caught in the crossfire. SPO2 Labayan claims to have pacified

the residents who were afraid. He informed P/Inspector Mokamad of the situation in the area through a text message but he (Mokamad) did not reply nor did he give any directive. The group also noticed the “Sanggoku” positioned in the middle of the street of Crossing Sanyag-Matagabang. The group was later informed by an SCAA member that a convoy will be arriving. At about 10:00 in the morning, the group in Sitio Binibiran saw the arrival of a convoy of more than seven (7) vehicles traveling toward the direction of Shariff Aguak. The “Sanggoku” and other PNP mobile cars remained in the vicinity.

According to SPO1 Guianaton, at or about 12 o’clock, he heard successive and sometimes sporadic gunshots coming from the mountainous area of Brgy. Salman.

The group noticed that at past 12 in the afternoon, the “Sanggoku” and PNP vehicles left the vicinity.

PO1 Hadi further adds that he noticed the SCAA and PAUs left the area and headed towards Shariff Aguak.

At past 1:00 in the afternoon of that day, P/Inspector Mokamad and his group arrived at Sitio Binibiran and informed them that they will stay overnight in that area. However, according to SPO2 Labayan, at 6:00 in the afternoon, he was directed by P/Inspector Mokamad to inform the group that they should leave the area to proceed to their area of responsibility: Brgy. Capiton, Datu Odin Sinsuat.

The group assigned to provide road security in Sitio Malating, Brgy. Salman, Ampatuan, recalls that while they were conducting checkpoint, a convoy of vehicles led by a UNTV vehicle arrived. PO1 Soriano and PO1 Anton made mention that the convoy was comprised of six (6) or more vehicles including three (3) grey vans, a green van, a red Vios and a light blue FX. According to PO1 Lejarso, PO1 Amaba and PO1 Kamidon, they requested the said convoy to stop; however, they were not able to conduct security check because of the arrival of another convoy of vehicles lead by accused/respondent Mayor Andal Ampatuan, Jr. PO3 Enate avers that the second convoy comprised more or less a hundred heavily armed men, mostly in camouflage grey

uniform. According to SPO1 Ong and PO1 Guialal, the convoy of accused/respondent Mayor Datu Unsay Ampatuan, Jr. consisted of more or less 20 vehicles. PO1 Guialal recalls that in the second convoy were a black Hi-Lux, a Hummer loaded with a 50-caliber machine gun and a "Sanggoku." He also saw some men wearing bonnets. The police officers securing Sitio Malating all aver that at gunpoint, accused/respondent Mayor Ampatuan, Jr. and his men warned them not to interfere with their plan otherwise they will be killed. P/Inspector Diongon specifically recalls accused/respondent Datu Unsay's words: "HUAG KAYONG MAG PAPADAAN KUNG HINDI PAPATAYIN KO KAYONG LAHAT"; P/Chief Inspector Dicay allegedly heard accused/respondent Datu Unsay saying, "HUAG KAYO MAKIKIALAM KUNG HINDI MAMATAY KAYO." According to P/Chief Inspector Dicay, he shouted "HUAG DATU, HUAG DATU, HUAG KAYONG MAGPAPAPUTOK," because of fear at that time.

According to PO3 Enate, upon the order of Mayor Ampatuan, Jr., the armed men confiscated the camera of the passengers of the UNTV vehicle. Accused/respondent Mayor Ampatuan, Jr. ordered all the passengers to alight from their vehicles, while he and his men were brandishing their high-powered guns. PO3 Enate asserts that the passengers were ordered by Mayor Ampatuan, Jr. to lie face down. While Vice Mayor Datu Kanor Ampatuan was pointing his long firearms and shouting "DAPA DAPA," PO2 Ulah also heard accused/respondent Mayor Ampatuan, Jr. shout "BABA, BABA, DAPA, DAPA."

According to PO3 Enate, PO1 Guialal and PO2 Ulah, upon orders of accused/respondent Mayor Ampatuan, Jr., his armed men confiscated the documents, laptops, cellular phones, jewelry, money and other personal effects of the passengers.

After the passengers were divested of their personal belongings, they were ordered to board their vehicles which were then already being driven by the men of accused/respondent Mayor Ampatuan, Jr. According to PO3 Anton, he witnessed the driver of the red Vios placed in the car compartment of Mayor Ampatuan, Jr.

PO2 Nana states that he heard two gunshots at that time.

According to PO2 Ulah, PO1 Guialal, and PO3 Anton, the armed men allegedly pointed guns at the police officers while Mayor Ampatuan, Jr. warned them, “KAYO MGA PULIS wala kayong nakita at kapag nagsalita kayo papatayin ko kayo.”

According to PO1 Soriano, P/Chief Inspector Dicay, and Police Inspectors Diongon and Macaraeg did not do anything after the convoy left the area.

Upon orders of P/Chief Inspector Dicay, the conduct of checkpoint resumed in Sitio Malating after the convoy left the area.

According to P/Chief Inspector Dicay, he had no idea where the convoy was brought.

After more or less one (1) hour from the time the convoy left Sitio Malating, PO1 Enate and PO3 Anton narrate that Philippine Army soldiers arrived and informed P/Chief Inspector Dicay of the abduction that happened in Sitio Masalay.

P/Inspector Diongon on his part reasons out that he was not able to report the abduction out of fear that the army personnel that arrived might be loyal to the Ampatuan clan.

After a few minutes, the army vehicle returned and looked for P/Chief Inspector Dicay. According to PO3 Anton, a team was formed by P/Chief Inspector Dicay to go to Sitio Masalay to provide assistance in the clearing operation. According to PO3 Anton and PO2 Ulah, the group was not able to enter the crime scene because it was secured and cordoned by the Philippine Army.

PO1 Lejarso, PO1 Amaba and PO1 Kamidon who were also part of the group securing Sitio Masalay, recall seeing PO1 Warden Legawan riding in his motorcycle immediately before the arrival of the Mangudadatu convoy. Afterwards, PO1 Legawan was seen blending with the convoy of accused/respondent Mayor Ampatuan, Jr. They also vividly recall seeing Mayor Ampatuan, Jr. grab the cellphone being used by a woman at that time. Mayor Ampatuan, Jr. allegedly frisked the woman and pulled up

the woman's dress. The companion of Mayor Ampatuan, Jr. allegedly grabbed the money taken from the pants pocket of the woman. The woman allegedly resisted but Mayor Ampatuan, Jr. fired the baby armalite (M203) he was holding, but the woman was not hit. PO1 Lejarso further states that he was not able to do anything because he was not armed at that time nor was there any instruction given to him by his officers, namely P/Chief Inspector Dicay, and P/Inspectors Diongon and Macaraeg. According to PO1 Lejarso, PO1 Amba and PO1 Kamidon, they witnessed how the other passengers of the convoy were brought to a nearby lot and ordered to lie face down and were hit by accused/respondent Mayor Ampatuan, Jr. and his men using the butt of their guns.

After about thirty (30) minutes, accused/respondent Mayor Andal "Datu Unsay" Ampatuan, Jr. allegedly ordered the passengers of the convoy of Mangudadatu to board their vehicles. They proceeded towards the direction of Shariff Aguak. The vehicle of the wife of Vice Mayor Toto (Mangudadatu) was allegedly driven by a person belonging to accused/respondent Datu Unsay's convoy.

According to PO1 Lejarso and PO1 Amaba, they saw PO1 Rainer Ebus driving the police back-to-back vehicle at that time.

According to PO1 Kamidon, he saw Sultan Baoy, Vice Mayor Zukarno Badal together with PO1 Ka Koy Baday pick up the the personal effects belonging to the passengers of the convoy. PO1 Alfie Pagabangon, PO2 Tang Dalgen and PO1 Dukol were beside Vice Mayor Badal. PO1 Juharto Kamidon was seen poking a gun at the companions of the wife of Toto Mangudadatu.

PO1 Lejarso, PO1 Amaba and Kamidon saw army personnel arrive and talk to P/Chief Inspector Dicay, after which they left the area.

After a few minutes, the army personnel left and asked for assistance for the conduct of clearing operations. P/Chief Inspector Dicay stayed at the checkpoint but sent a team of police officers namely PO2 Diapul, PO1 Masud, PO2 Ulah, PO3 Abeledon, PO1 Lejarso, PO2 Pasutan and PO1 Kamidon to Sitio Masalay. The team sent to the area was headed by P/Inspector

Diongon and allegedly stayed in Sitio Masalay for only 30 minutes and then returned to the checkpoint. They proceeded to Shariff Aguak where they met the group from 1507th PMG and they stayed there for the night.

They add that no report was prepared in connection with the November 23, 2009 incident because there was no directive at all from P/Chief Inspector Dicay to prepare one.

Police Officer Solano, one of the police officers providing road security at Sitio Masalay, Brgy. Salman, narrates that on or about 8:00 in the morning, he noticed the arrival of PNP mobile cars “back-to-back” going toward the direction of Crossing Sanyag-Matagabang where the “Sangguko” was parked and the SCAA and PAU groups were deployed. At that time, his group was ordered to conduct security by the side of the road. At 10:00 in the morning, the “Sangguko” entered the inner part of Sitio Masalay and later maneuvered back and eventually parked at the entrance of the alley while the SCAA and PAU groups positioned themselves at the entrance of the alley. After 20 minutes, PO1 Solano narrates the arrival of a convoy of more or less 10 vehicles consisting of a UNTV van and other vans that he thought would be going to the MILF Camp, as he noticed the word “MILF CAMP” posted in the alley. After the convoy entered the alley, the “Sangguko,” and the SCAA and PAU troops arrived in the area.

After an hour from the time that the convoy entered the alley, SPO1 Solano allegedly heard gunshots coming from the area where the convoy entered. The gunshots allegedly lasted for five (5) minutes, comprising single shots of automatic fire, which were not continuous and not in unison. PO3 Daquilos, who was cooking at that time, also heard the successive and sporadic gunshots. He allegedly took it for granted because it was quite far from where he was then.

PO1 Mundas, who was allegedly on board a van on his way back to Sitio Masalay, Brgy. Salman, that day narrates that the bus he was boarding was stopped by uniformed police and soldiers upon reaching Brgy. Labu-labu, Shariff Aguak, Maguindanao. He was informed by a police officer that private and public vehicles were not allowed to enter the area. The reason given by one police officer was the unsafe and risky

situation on the road leading to South Cotabato. After an hour, travel recommenced but their vehicle was again stopped at another checkpoint manned by policemen and soldiers. He alighted from the bus and took a tricycle instead to Sitio Masalay. He reached Sitio Masalay at 12:00 noon. After lunch, army troops arrived and entered the remote part of Brgy. Salman where his group was posted. They were informed of the hostage-taking that happened in the area.

The police officers waited for instructions. After they had their lunch, they got word from P/Inspector Mokamad ordering the group to leave the area and to proceed to Sitio Binibiran where the group led by SPO2 Labayan was posted. According to SPOI Solano, no order was issued by P/Inspector Mokamad in connection with the gunshots they heard. At past one o'clock, they reached Sitio Binibiran where they waited together with the group securing the said area. At 6:00 p.m., P/Inspector Mokamad ordered the two groups to return to their detachment at Brgy. Capitan, Datu Odin Sinsuat.

PO1 Ebus recalls that at 8:00 in the morning of that day, their convoy led by accused/respondent Mayor Ampatuan, Jr. had breakfast at Tweeny Restaurant in Shariff Aquak. Thereafter, the convoy proceeded to the "crossroad" where they waited for the arrival of the group of Vice Mayor Toto (Mangudadatu). The convoy of said accused/respondent comprised the following: two (2) police cars, an Izuzu D-Max, one black Toyota Revo and one black Toyota Hilux-VIGO with accused/respondent Mayor Ampatuan, Jr. on board, and a Hummer armed with a 50-caliber (machinegun). He also noticed the arrival of the nephews of Mayor Ampatuan, Jr., namely Datu Ulo, Datu Ipi, Datu Harris and Datu Moning and other CVOs armed with high-powered guns. According to PO1 Ebus, at around 10:00 in the morning, he saw the arrival of six (6) vehicles including an FX, a red Vios, a vehicle with a sticker "BUBUWIT" and three (3) vans. At this instance, PO1 Ebus saw Mayor Ampatuan, Jr. rise from the "kanto/purok" where he was waiting and use his cellular phone. He noticed that all their companions scampered to their respective vehicles and proceeded to the checkpoint area where P/Chief Inspector Dicay was posted at that time. There were conversations between the members of the

Mayor Ampatuan, Jr.'s convoy and P/Chief Inspector Dicay in Iranon dialect. PO1 Ebus also noticed the SANGGOCO police armored car block the "kanto/purok" to prevent the entry of vehicles coming from Isulan. Upon arrival at the place where the convoy of Mangudadatu was stopped, PO1 Ebus who was on board the D-Max parked in between the van and the vehicle marked "Bubuwit" saw that the passengers of the Mangudadatu convoy had already alighted from their vehicles. According to PO1 Ebus, he decided to wear a bonnet to insure his cousin "SEDIK" who was driving one of the vans will not notice him. He proceeded to blend with the group of about six (6) to eight (8) PNP members. At that time, he saw accused/respondent Mayor Ampatuan, Jr. together with his security a certain PO1 Engid and a member of the army named Abdulkarim Falcon herd the members of the Mangudadatu convoy with the use of their long firearms. He also saw Mayor Ampatuan, Jr. together with his escorts checking each and every vehicle of the convoy to look for documents. After successfully locating the documents, accused/respondent Mayor Ampatuan, Jr. issued an order for the passengers of the Mangudadatu convoy to board the vehicles and for his men to drive the said vehicles and to proceed to the "crime scene," which is part of the Ampatuan municipality. According to PO1 Ebus, upon his arrival at the said "crime scene," accused/respondent Mayor Ampatuan, Jr. ordered the passengers of the Mangudadatu convoy to alight and to line up. He (Ampatuan Jr.) also announced to his men that he will be the one who will gun down the family of Mangudadatu and their supporters. PO1 Ebus further avers that Mayor Ampatuan was using a baby armalite with an M203, and when the armalite got stuck, he used a K3 in gunning down the members of the convoy with the help of Vice Mayor Datu Kanor Ampatuan of Pagatin, Maguindanao. PO1 Ebus further adds that upon seeing accused/respondent Mayor Ampatuan, Jr. and respondent Vice Mayor Kanor firing at the passengers of the convoy, the other passengers started alighting from their vehicles to escape but the CVOs started firing at them. Some female members of the convoy were killed inside their vehicles. After witnessing the incident, PO1 Ebus decided to go inside one of the vehicles to ensure he will not be included in the firing spree. PO1 Ebus saw the backhoe arriving after the shooting and also saw Mayor Ampatuan, Jr., Mayor Datu Bahnarin Ampatuan together with

their convoy leaving the area. Together with a certain PO1 Ibad and two CVOs, PO1 Ebus informed Datu Kanor that they will follow Mayor Ampatuan, Jr. at his residence in Shariff Aguak and will just wait for further instructions.

Between 2:00 and 3:00 in the afternoon, PO1 Ebus allegedly received a call from PO1 Guiadem asking him and PO1 Ibad and two (2) CVOs to go the mountainous part of Shariff Aguak. At 4:00 in the afternoon, they arrived at the said place where PO1 Ebus allegedly saw PO1 Guiadem, PO1 Kadir and soldiers named Alnor Ampatuan and Abdul Sokor Abdullah. Later in the evening, PO1 Ebus allegedly saw accused/respondent Mayor Ampatuan, Jr. together with PO1 Jonathan Engid and PO1 Joharto Kamindon coming from the upper part of the mountain.

Mayor Ampatuan, Jr. allegedly instructed them to go their separate ways in the meantime and to just report on a later date.

PO1 Ebus allegedly stayed from November 24 to 26 at his barracks located inside the compound of accused/respondent Mayor Ampatuan, Jr. in Shariff Aguak.

In the investigation conducted, the following officers were able to identify the companions of accused/respondent Mayor Andal “Datu Unsay” Ampatuan, Jr. when the latter arrived at Sitio Masalay and herded the victims of the massacre last November 23, 2009, to wit:

Name of Police Officer	Persons Identified as companions of Mayor Andal “Unsay” Ampatuan, Jr.
PO3 FELIX E. ENATE, JR.	<ul style="list-style-type: none">a. Vice-Mayor Datu Kanor Ampatuanb. Tony Kenis Ampatuanc. Tumi Timba Abasd. PO1 Abbey Guiamene. Dahutay (Cafgu)f. Sanggutin Musag. Hajid Abedin Alamadah. Rolex Kuseni. Buto Umal

	<ul style="list-style-type: none"> j. Toktok Guiabal k. Surin Kayukay l. Batuti K. Bara m. Mohades A. Ampatuan
PO1 ARNULFO A. SORIANO	<ul style="list-style-type: none"> a. Surin K. Mentang b. Rudel V. Ampatuan c. Samsuding M. Daud d. Abedin D. Alamada e. Misuari S. Ampatuan f. Bassir L. Abdulmaguid g. Rolex K. Kusen h. Rene B. Guiapal i. Gambayan M. Kasim j. Moctar D. Daud k. Alex U. Zaipon l. Alex Kadil m. Akad B. Macaton n. Buto K. Umal o. Latip L. Gani p. Kertz B. Ampatuan q. Mamugkat R. Camsa r. Mohades A. Ampatuan s. Mohades Ampatuan t. Taya M. Bangkulat u. Fahad N. Utto v. Zamora G. Sambulawan w. Datu Dainga D. Ampatuan x. Salik S. Bangkulat y. Tokan A. Pamansag z. Sukot S. Kamsa aa. Macto A. Bilungan bb. Manny U. Ampatuan cc. Abdul Maula E. Uday
PO3 RASID T. ANTON	<ul style="list-style-type: none"> a. Akil Z. Pama b. Phods S. Kamong c. Alamada D. Abedin d. Datu Dainga D. Ampatuan e. Kudza U. Masukat f. Serin K. Mentang g. Toni T. Dek

	<ul style="list-style-type: none"> h. Alez U. Zailon i. Alex D. Kadil j. Kempar Silongan k. Nasser S. Esmae
PO1 PIA S. KAMIDON	<ul style="list-style-type: none"> a. Sultan Barangis b. Vice-Mayor Zukarno Badal c. PO2 Tany Dalgan d. PO1 Dukoy Badal e. PO1 Alfie Pagabangan f. PO1 Joharto Kamendan g. PO1 Warden Legawan h. Abedin Alamada i. Kempar Silongan j. Alex U. Zaipon k. Lingkong Tagadaya l. Abdul Maula Uday m. Butukan Malang
PO1 ESMAEL GUIALAL y MANUEL	<ul style="list-style-type: none"> a. Datu Kanor Ampatuan b. Tony Kenis Ampatuan (Cafgu) c. PO1 Abbey Guiadem d. Abedin D. Alamada e. Moctar Ali Daud f. Gani Lukes Latip g. Bong Santiago Andal h. Theng P. Sali
PO2 HAMAD M. NANA	<ul style="list-style-type: none"> a. Naser S. Esmael b. Datu Dainga Ampatuan c. Abedin Alamada d. Maot M. Bangkulat e. Bong S. Andal f. Moctar D. Daud g. Mando M. Balangan h. Alimudin S. Sangguyod i. Rene Guiapal j. Latip Gani k. Alez U. Zaipon l. Alex Kadil m. Batuta G. Sailon n. Alex Kadil o. Kamper Silongan

	<ul style="list-style-type: none"> p. Tokan M. Kayukay q. Sukor S. Kamsa r. Rodel U. Ampatuan s. Edres G. Kasan t. Akad B. Macaton u. Maot M. Dumla v. Naser Talib w. Sanggutin Musa x. Fahad N. Utto
PO2 HERNANIE S. DECIPULO, JR.	<ul style="list-style-type: none"> a. Batuti K. Bara b. Butukan S. Malang c. Zamora G. Sambulawin d. Rex Tony T. Dex e. Denga O. Mentor f. Batuta G. Zailon g. Sukor S. Kanisa h. Rakim M. Amil i. Macton A. Bilugan j. Ebrahim M. Alon k. Sanggutin G. Musa l. Surin K. Mentang m. Akad B. Macaton n. Ben Mendong o. Samsudin Daud p. Abedin Alamara q. Maoctar D. Daud r. Akad Macaton s. Gambayan M. Kasim t. Theng P. Sali
PO1 NARKOUK DULOAN MASCUD	<ul style="list-style-type: none"> a. Vice Mayor Datu Kanor Ampatuan b. Maoctor D. Daud c. Rene N. Guiapal d. Maguid D. Amil e. Taya G. Bangkulat
PO1 HERICH M. AMABA	<ul style="list-style-type: none"> a. PO1 Rainer Ebus b. PO1 Ebad Musa c. Datu Kanor Ampatuan d. PO1 Warden Legawan e. Rek Tony T. Dek

	<ul style="list-style-type: none"> f. Batuta G. Zailon g. Alex U. Zaipon h. Abedin D. Alamada i. Haron E. Arob j. Alimudin Sanguyod k. Maguid S. Alba l. Tho A. Amino
PO1 ESPRIETO GIANO LEJARSO	<ul style="list-style-type: none"> a. Rek Tony Dek b. Denga Mentol c. Sanggutin Musa d. Alimudin Sanguyod e. Rene Guiapal f. Akad Macaton g. Abedin Alamada h. Alex U. Zaipon i. Theng Sali j. Fahad Utto k. Mohanad Datumanong l. Kerds Ampatuan m. Toktok Guiabal n. PO1 Warden Legawan o. Maot Bangkulat p. Salik Bangkulat q. Latid Gani r. Batuti Bara s. Surin Mentang t. Bong Andal u. Rodel Ampatuan v. Maguid S. Alba
PO3 ABIBUDIN S. ABDULGANI	<ul style="list-style-type: none"> a. Rex Tony T. Dek b. Abas G. Anongan c. Datutuhon M. Esmael d. Alex U. Zaipon e. Maoctar T. Daud f. Dhods A. Kamong g. Alimudin S. Sanguyod h. Fahad N. Utto
PO2 SAUDI P. PASUTAN	<ul style="list-style-type: none"> a. Surin K. Mentang b. Haron K. Arob c. Samsudin M. Daud

	<ul style="list-style-type: none"> d. Alimudin S. Sanguyod e. Alez U. Zaipon f. Theng P. Sali g. Toktok K. Guiabal h. Fahad N. Utto i. Rek Tony T. Dek j. Batuta G. Zalion k. Macton A. Bilungan
PCI SUKARNO ADIL DICAY	<ul style="list-style-type: none"> a. Muhamad Sangki b. Datu Ulo Ampatuan c. Tammy Masukat d. Mayor Bahnarin Ampatuan e. PO1 Abbey Guiadem
PO2 SAUDIAR ABO ULAH	<ul style="list-style-type: none"> a. Haron K. Arob b. Akad B. Macaton c. Thong P. Sali d. Norhato M. Kamino e. Zamora Q. Sambulawan f. Dau Dainga Ampatuan g. Rex Toby T. Dek h. Lingkong K. Tagadaya i. Butukan S. Malang j. Keds B. Ampatuan
SPO1 EDUARDO H. ONG	<ul style="list-style-type: none"> a. Vice-Mayor Datu Kanor b. Ampatuan c. Sanggutin Musa d. Surin Mentang e. Haron Arob f. Kudsa Masukat g. Abedin Alamada h. Misuari Ampatuan i. Naot Duma j. Alex Zaipon k. Rene Guiapal l. Gambalan Kasim m. Akad Macaton n. Fahad Utto o. Datu Daingan Ampatuan p. Sukor Kamsa q. Batuti Bara

	<ul style="list-style-type: none"> r. Macton Bilungan s. Bong Andal
PO1 RAINER T. EBUS	<ul style="list-style-type: none"> a. PO1 Abbey Guiadem b. PO1 Musa Ibad c. PO1 Joharto Kamindan d. PO1 Datu Not Kadir e. PO1 Jonathan Engid f. Abdul Sokor Abdullah g. Abdulkarim Falcon h. Alnor Ampatuan i. Bazar Maulana j. Master Andrada

The above-named police officers were impleaded as respondents in these cases. In a joint sworn statement, SPO1 Ong, PO3 Enate, Jr., PO3 Abdulgani, PO3 Anion, PO2 Nana, PO2 Pasutan, PO2 Decipulo, PO2 Ulah, PO1 Soriano, PO1 Guialal, PO1 Kamidon, PO1 Amaba, PO1 Mascud and PO1 Lejarso, all members of the 1508th PPMG, adopted their respective sworn statements given to the CIDG as their counter-affidavits, adding that they had nothing to do with the massacre and that they were merely following orders from their superiors to conduct the checkpoint.

On the other hand, members of the 1507th PPMG, particularly, SPO1 Elizer S. Rendaje, PO1 Bensedick T. Alfonso, PO3 Gibrael R. Alano, PO3 Rexson D. Guiama, PO1 Badjun Ibad Panegas, PO1 Pendatun A. Dima, PO1 Ebara G. Bebot, PO1 Michael M. Macarongan, SPO1 Ali M. Solano, PO1 Ysmael N. Baraguir, PO1 Mahammad K. Balading, PO1 Jerry Utto, PO2 Kendatu S. Rakim, PO1 Jimmy M. Kadtong, PO1 Marjul T. Julkadi, PO1 Abdurahman S. Batarasa, PO1 Abdulmanan L. Saavedra and PO1 Marsman E. Nilong, narrated the incidents leading to the November 23, 2009 massacre, which were substantially similar to those explained by Inspector Mukamad, SPO2 Labayan, SPO1 Maguindra, PO3 Balanueco, SPO1 Guinaton, PO1 Hadi, PO3 Daquilos and PO1 Mundas.

Respondents' accounts:

Respondent Datu Zaldy Uy Ampatuan ('respondent Zaldy' for brevity), the Governor of the Autonomous Region of Muslim Mindanao (ARMM), vehemently denies the accusation and avers that no single specific allegation in the complaint showed his supposed involvement in the November 23, 2009 incident. He points out that on November 23, 2009, he attended a meeting in Malacañang, Manila with President Gloria Macapagal-Arroyo, Congressman Yusoph Jikiri, Congressman Munir Arbison and other political leaders from Sulu Province. There, they discussed how the national government, in cooperation with the ARMM, can resolve the conflict in Sulu. He claims that he was surprised to know that he is being linked to the incident when he learned of the same only after his meeting with the President.

Respondent Zaldy explains that from November 20 to 22, 2009, he was in his residence at Juna Subdivision, Davao City, attending to some personal matters requiring his presence. He states that it was physically impossible for him to be in Shariff Aguak, particularly on November 22, 2009, because Davao City is about 300 kilometers away from the said city. He asserts that even Kenny Dalandag's statement cannot demonstrate his actual participation or overt act affirming the alleged meeting at his father's (respondent Datu Andal Ampatuan, Sr.) house in Shariff Aguak on November 22, 2009.

In a supplemental counter-affidavit submitted on January 5, 2010, respondent Zaldy annexed a copy of his Smart telephone billing statement for the period covering November 4, 2009 up to December 3, 2009 as well as copies of his airline tickets to prove his averment that he could not have been in a meeting with his father on November 22, 2009 as claimed by witness Kenny Dalandag.

Respondent Datu Saudi B. Ampatuan, Jr. ('respondent Saudi' for brevity), the municipal mayor of Datu Saudi Municipality, likewise denies the charges and points out that the evidence presented both by the NBI and CIDG show no overt act was imputed to him to warrant his inclusion as a respondent. He asserts that the statements of Rasul Sangki and Kenny Dalandag

do not inspire credence. He manifests that he never went to the hut in Saniag Crossing as claimed by Sangki as he was in the Provincial Capitol of Maguindanao at Shariff Aguak the whole morning of November 23, 2009 waiting for the endorsement letter of the Provincial Governor relative to the partition of the Municipality of Parang, Maguindanao. To corroborate this claim, he submitted the affidavits of Sumail K. Usman, Racman P. Sangguyod and Eugene Francis Louie M. Ealdama. Respondent Saudi further claims that neither could he be present in the alleged meeting on November 22, 2009 at 7 o'clock in the evening as claimed by Dalandag, and counters that he was in Davao City resting and attending to some personal matters as attested by his wife and househelp.

Respondent Datu Akmad "Tato" Ampatuan, the Vice-Governor of Maguindanao, also denies the accusations and asserts that the evidence submitted failed to allege his involvement. He claims that the affidavit of a certain Kenny Dalandag, which was belatedly submitted, did not describe his direct or indirect participation in the crime. He explains that on November 22, 2009, he was in his residence preparing for a medical mission the following day. The said medical mission pushed through from 7:00 a.m. to 5:00 p.m. on November 23, 2009 at the municipal gymnasium. He avers that numerous persons saw him on that occasion.

Respondent Datu Sajid Islam U. Ampatuan, acting governor of Maguindanao, denied any involvement in the killings and avers that the present charges were fabricated to emasculate him from his supporters and decimate his family for purely political purposes. He narrates that from 8:00 a.m. to 12:00 o'clock noon of November 23, 2009, he was at the Comelec office in Shariff Saydona Mustapha accompanying his wife, Bai Zandria S. Ampatuan, in filing her certificate of candidacy as Mayor of the said municipality. He also vehemently denies what he calls Kenny Dalandag's fabricated statement that he attended a meeting on November 22, 2009 at his father's house in Shariff Aguak, Maguindanao. He states that he spent the whole afternoon of that day supervising the cleaning and repairs of the municipal office of Shariff Saydona Mustapha and thereafter spent the night in the company of his wife and in-laws. He

asserts that no single specific allegation showing his supposed involvement in the incident was presented in the complaint.

Respondent Datu Anwar U. Ampatuan, the Mayor of Shariff Aguak, Maguindanao, vehemently denies any participation in the multiple murder of fifty-seven (57) people on November 23, 2009 and avers that the allegations in Kenny Dalandag's belatedly executed affidavit is silent as to his alleged involvement in the crime. He claims that he cannot be present in the purported meeting of November 22, 2009, as stated by Dalandag, because he was supervising the conduct of the ocular inspection of a housing project site the whole day. He thereafter went to his office to finalize the housing project and discuss some matters pertaining to the regular joint session of the Sangguniang Bayan scheduled the next day. He explains that he attended the joint meeting on November 23, 2009 at the municipal hall but adjourned the session after his staff informed him of the incident. He submitted affidavits of his witnesses as well as a so-called Letter of Appeal from the Office of the Sangguniang Bayan to substantiate his averments.

Respondent Police Superintendent Abusama Mundas Maguid ('respondent Maguid' for brevity), the Officer-In-Charge of the Maguindanao Police Provincial Office stationed at Camp Datu Akilan Ampatuan, Shariff Aguak, Maguindanao, points out that he was not, in any manner directly or indirectly involved in the multiple murder cases. He avers that no material allegation was leveled against him by the CIDG. Moreover, he claims that the NBI did not include him as one of the respondents in the gruesome incident which transpired on November 23, 2009.

Respondent Police Superintendent Bahnarin U. Kamaong, former Group Director of the 15th Regional Mobile Group (RMG) PNP PRO-ARMM, stationed at Camp S. K. Pendatun, Parang, Maguindanao, narrates that aside from his designation as Group Director, he was also assigned as security officer of respondent Zaldy, the ARMM Regional Governor, in his out-of-town trips. Thus, on November 18, 2009, he accompanied respondent Zaldy to Manila and attended the Lakas Party National Caonvention at the PICC on November 19, 2009 and

thereafter accompanied the Governor to a meeting with the President in Malacañang Palace. He claims they left Manila for Davao City on November 20, 2009 only to return to Manila again on November 23, 2009 for the Governor's meeting with the President scheduled at 10:00 o'clock in the morning of the same day. When he came to know of the incident, he states that he immediately called up one of his commanding officers in the person of Police Senior Inspector Abdulgapar Abad and inquired from him what happened. Senior Inspector Abad however, told him that he did not know what transpired because he was at the detachment, which was 10 kilometers from the place where the abduction happened. He claims he and the Governor returned to Maguindanao on November 24, 2009. He was relieved from his post on November 25, 2009 and was later told to report to the CIDG.

Respondents Police Chief Inspector Sukarno Adil Dicay ('respondent Dicay' for brevity) **and Police Inspector Rex Ariel Tabao Diongon** ('respondent Diongon' for brevity), the Assistant Provincial Director and the OIC-Group Director respectively of the 1508th Provincial Mobile Group (PMG) based in Camp Datu Akilan, Shariff Aguak, Maguindanao, uniformly declare that pursuant to an order coming from their Provincial Director, respondent Police Superintendent Abusama Mundas Maguid, their group belonging to the 1508th PMG of Maguindanao, started conducting checkpoint operations on November 19, 2009. They claim their task was to maintain peace and order more so when the persistent talks about Vice-Mayor Esmael Mangudadatu's plan of running as governor of the province were circulating and the Ampatuans resented this. They aver that they had no idea as to what the Ampatuans would be doing in case Vice-Mayor Mangudadatu files his certificate of candidacy and it was also unknown to them as to when the latter would file the same.

Both respondents stood by their respective statements given to the CIDG on November 29, 2009 narrating what they witnessed on November 23, 2009. In these statements given to the CIDG, they state that at around 10 o'clock in the morning of November 23, 2009, a convoy of vehicles led by a van with "UNTV" markings arrived at their checkpoint situated in Sitio Malating, Brgy. Salman, Ampatuan, Maguindanao. Immediately

thereafter, a group of more or less one hundred (100) armed men, mostly wearing green camouflage uniforms, led by respondent Mayor Unsay also arrived and all the passengers belonging to the convoy of vehicles were ordered to alight and to lay prostrate or face down on the ground. The group of respondent Unsay then started taking the personal belongings of the passengers while respondent Unsay pointed his M16 baby armalite rifle at these people. With respondent Unsay at that time were respondents Muhamad Sangki, Datu Ulo Ampatuan, Mayor Bahnarin Ampatuan, Tammy Masukat, Vice-Mayor Datu Kanor Ampatuan, and PO1 Abbey Guinadem. When the group of respondent Unsay took the victims with them, they were not able to report the matter because of fear.

Respondent Dicapay denies the claims of Rasul Sangki, Noh Akil and PO1 Rainier T. Ebus, asserting that nobody from their group had a two-way radio. Both respondents point out that the day immediately after the massacre, they were already 'restricted to barracks' at the PNP Provincial Headquarters of Maguindanao and later proceeded to the CIDG, Camp Crame on November 26, 2009.

Respondent Police Superintendent Abdulwahid U. Pedtucasan, Deputy Group Director of the 15th Regional Mobile Group (15th RMG-ARMM) points out that his name was never mentioned as a person involved in the multiple murder nor was there any allegation in the complaints placing him at the crime scene. He claims that on November 20, 2009, their group director, respondent Kamaong, instructed him to augment the troops at the Maitumaig detachment in Datu Unsay, Maguindanao Provincial Capitol and the Labo-Labo detachments, all in Shariff Aguak, Maguindanao, and that forthwith, additional troops were deployed in said detachments. He states that he was in his office at Camp Pendatun, Parang, Maguindanao the whole day of November 23, 2009.

Respondent Police Inspector Saudi M. Mukamad, the Group Director of the 1507th PPMG based at Blensong, Upi, Maguindanao, avers that in compliance with a lawful order from his superiors, respondents Dicapay and Maguid, he and his police group went to Ampatuan, Maguindanao, to form part of the

augmentation group that will provide police visibility and road security along the National Highway, Ampatuan, Maguindanao, from the Municipality of Esperanza, Sultan Kudarat to Cotabato City. He explains that this assignment was beyond his area of responsibility and so he asked respondent Dicay for a formal written order but the latter told him that the order has not been signed by respondent Maguid. On November 19, 2009, he and 26 other police officers, in complete uniforms with visible name plates and issued firearms proceeded to Shariff Aguak where they were met by respondent Dicay who told him to divide his men into two (2) groups. The first team which he headed posted itself at the National Highway, Sitio Masalay, Barangay Salman, Ampatuan, while the second team led by respondent SPO2 George Labayan were at the same highway in Barangay Binibiran. He and his men stayed at their respective posts without mixing with the CVOs who were also in police uniforms from November 19, 2009 until November 23, 2009 when respondent Dicay told them to pull out at around 1:00 o'clock in the afternoon. He claims that no untoward incident took place while they were at their posts. When he saw the convoy of vehicles with unknown passengers heading towards the direction of Cotabato City pass at around 10:30 a.m. on November 23, 2009, they were about 150 meters away from where the vehicles turned left at the road leading to the entrance of the MNLF Camp. He narrates that CVOs manning the corner closed the road going to Cotabato City and, upon inquiry, was informed that the same was closed because of a bomb placed along the national highway where respondents Dicay and Diongon were posted. He received unconfirmed information that a massacre took place in Sitio Masalay, Brgy. Salman, Ampatuan, Maguindanao and he tried calling respondents Dicay and Maguid to no avail. He asserts that he and his men did not commit nor participate in the killings and avers further that they did not have any knowledge of its commission.

Respondent Police Inspector Michael Joy Ines Macaraeg ('respondent Macaraeg' for brevity), a commanding officer of the 1508th PPMG whose immediate superior officers are respondents Dicay and Diongon, explains that he reported to his post in Maguindanao only on November 22, 2009 at around 4:00 o'clock in the afternoon after staying for a few months in Manila. He

claims that he was immediately deployed at a checkpoint and at around 7:45 a.m. of November 23, 2009, respondent Dicay called them and told them that nobody should leave their posts and to prepare because somebody will file a certificate of candidacy and they will get that document. Thereafter, he states that respondent Vice-Mayor Datu Kanor Ampatuan ('respondent Datu Kanor' for brevity) arrived and was met by respondent Dicay. He later on asked respondent Dicay why checkpoints were established and the latter told him that "*May utos to na harangin ang magpa-file ng certificate of candidacy.*" He responded by asking Dicay that is it not their right to file their CoC but was met by respondent Dicay's cold stare. He thereafter heard respondent Datu Kanor telling respondent Dicay the following: "Green Toyota Grandia, Plate Number 884" and the latter ordered their group to stop this vehicle when it passes. When this vehicle finally arrived at their checkpoint together with a UNTV vehicle, two (2) more Toyota Grandias, an FX and a red Vios, the convoy was stopped by respondents Dicay and Datu Kanor, and documents were taken from the passengers.

Respondent Macaraeg narrates that he saw respondent Dicay talking to Henry Araneta and when he asked respondent Dicay about it, the latter told him that he knew Araneta because he is from DZRH and that "*Pinatatakas ko siya, kasi papatayin sila*" Although already fearing what would transpire next, he tried to calm himself when another convoy of about ten (10) vehicles led by a hummer type with a 50-calibre (machinegun) mounted on it also arrived. He claims that he recognized respondent Datu Unsay, who before alighting from his vehicle, put on a bonnet and shades, and thereafter ordered all the passengers of the first convoy to lay face down on the ground. He witnessed how some of the CAFGUs/CVOs mauled the male passengers while respondent Datu Unsay pulled a woman and fired his M16 with M203. Respondent Datu Unsay also ordered the confiscation of the car keys, which his men took and were the ones who drove the vehicles of the group belonging to the first convoy. Before leaving, respondent Datu Unsay shouted "*Bantayan maigi! Baka makatakas ang mga baboy!*" The FX vehicle was left because its car key was missing and so respondent Dicay ordered somebody to get the FX from the checkpoint. After this incident, he asked respondent Dicay, "Sir,

paano na ito? At, ano ang gagawin nyo Sir?” but the latter merely stared at him and did not respond. When respondent Maguid arrived on board a Hi-Lux vehicle, he told respondent Dicay, “*Basta may naresib kayong bomb threat at palabasin na false alarm ha,*” to which respondent Dicay answered, “Ok, sir.” Before leaving, respondent Maguid told Dicay, “*Oh, baka may naiwang ebidensya, ayusin,*” and the latter again replied, “Yes, sir.”

Respondent Macaraeg further narrates that he overheard respondent Dicay talking to somebody in muslim dialect over the radio telling that person, “*Way Datu, walang hudas dito sa grupo.*” When troops from the Philippine Army arrived and asked them about the alleged abduction, it was respondent Dicay who answered “*Wala sir, walang abduction na nangyari.*” While respondents Dicay and Diongon and others left the checkpoint, he was directed to stay with four (4) other PNCOs but was later on told to leave the checkpoint and meet with respondent Dicay's group in Labo-Labo, Ampatuan. On November 24, 2009, he was deputized to take over the troops since respondents Dicay and Diongon were under investigation. Later, a certain Col. Coyne told him “*pinapa-safe keeping ka*” but he left for Manila on November 27, 2009. He met respondents Maguid and Dicay again on December 1, 2009, at the CIDG where the two told him to say that somebody pointed a gun at him; thus, he was not able to do anything. He, however, asserts that he had no participation whatsoever in the crime and he chose to remain silent out of fear. He reiterates that what he narrated is the truth and that he wants to help in solving the Maguindanao massacre case.

Respondent Police Officer Johann M. Draper of the Municipal Police Station of Datu Unsay, Maguindanao, avers that since December 2007, he has been assigned as security for the child of respondent Mayor Datu Andal Ampatuan, Jr. in the person of Datu Andal Ampatuan V who was studying in Davao City. He claims that for the whole month of November 2009, he was in Davao City securing the safety of Datu Andal Ampatuan V. He manifests that he has never been assigned to the 1507th PMG but is under the Maguindanao Provincial Police Office.

Respondent PO1 Sandy D. Sabang explains that he is assigned as a station guard of the Datu Unsay Municipal Police

Station but his Chief, respondent PO1 Abbey Guiadem also designated him as the security/escort of Mrs. Laila Uy Ampatuan, wife of respondent Governor Andal Ampatuan, Sr. He claims that he reports for work in Shariff Aguak everyday and goes home to Cotabato City every afternoon. On November 23, 2009, he states that he was in the house of Mrs. Ampatuan the whole day and left at the usual hour. He also states that he has never been assigned to the 1507th PMG.

Respondent SPO1 Oscar Daria Donato of the 1508th PPMG avers that on November 19, 2009, their group director, respondent Police Inspector Diongon instructed them to conduct mobile checkpoint at Brgy. Malating, Ampatuan, Maguindanao. He claims that he was there until November 22, 2009, when he had a conflict with his troop and so when he reported back to his post on November 23, 2009, at around 7 a.m., respondent Dicay relieved him from his post, confiscated his issued firearm and ammunition and was told to immediately report at the PHQ Camp Datu Akilan Ampatuan. In the headquarters, he received a "Relieve Order with SO#352" signed by respondent Dicay and was reassigned to Buldon, MPS effective November 23, 2009. He points out that he never left the headquarters until November 24, 2009.

Respondent PO1 Anwar Masukat ('respondent Masukat' for brevity) explains that although his assignment is at the 1508th PPMG, he was designated as personal security of respondent Datu Kanor D. Ampatuan ('respondent Datu Kanor' for brevity), the Vice-Mayor of Datu Salibo Municipality, Maguindanao, tasked to accompany him whenever he went to Davao or General Santos City and bring his children to the Notre Dame School for Girls at Cotabato City. He claims that at around 7 a.m. of November 23, 2009, a Monday, he went to the house of respondent Datu Kanor at Poblacion, Shariff Aguak, to report for duty but was told that the latter was at a checkpoint near Ampatuan where he proceeded. He saw respondent Datu Kanor at the 1508th PPMG checkpoint at Sitio Malating, Brgy. Masalay, Ampatuan, where he was told to stand by. While thereat, he saw Datu Kanor hailing a convoy of vehicles coming from Esperanza to a stop at the 1508th PPMG checkpoint and soon thereafter, respondent Datu Unsay arrived and shouted to the occupants of

the vehicles “*Dapa! Dapa! Dapa!*” He heard gunshots being fired in the air and sounds of blows of gun barrels being rained on the occupants of the vehicles; thereafter, the passengers were herded back to the vehicles and taken to Sitio Sanyag, Brgy. Salman, Ampatuan. He emphasizes that he followed the vehicles because he needed to get money from respondent Datu Kanor for his transportation to Cotabato City. At Sitio Sanyag, he claims that he saw respondent Datu Unsay alight from a black Willys jeep (off the road) and ordered two (2) women and a man to alight from the UNTV vehicle and lined them up in front of him (respondent Datu Unsay). Respondent Datu Unsay, using his Baby Armalite with grenade launcher, started shooting the victims. Respondent Masukat then turned his back and heard continuous gunfire which lasted for about 15 minutes. After the shootings, a CVO, herein respondent Dhods A. Kamong, told him that respondent Datu Kanor was calling for him. Respondent Datu Kanor told him to go to Cotabato City to fetch and secure his children and also told him that he (respondent Masukat) did not see anything. He claims that he knew nothing of the plan to kill the victims nor did he participate in the slaughter. He likewise claims that he is not named as respondent in the present complaints.

Respondent PO1 Warden Legawan (‘respondent Legawan’ for brevity), assigned at the Provincial Police Office in Shariff Aguak, Maguindanao, vehemently denies the statements given by respondents PO1 Espilieto Lijarso, PO1 Herich Amaba and PO1 Pia Kamidon claiming that he (respondent Legawan) was with the group of Ampatuan on November 23, 2009, and that he even took a bag from Mangudadatu's group. He states that said police officers were jealous of him because he was detailed as an office staff at the provincial office while they were assigned in operations. He claims that at around 9:30 a.m. of November 23, 2009, he asked permission from respondent Dicay to bring home his wife’s bag. Since his wife was running a fever, he decided to stay with her the whole day. He points out that the police officers who implicated him only want to free themselves from any liability in the massacre.

Respondent SPO2 Badawi Piang Bakal, the Officer-In-Charge of the Municipal Police Station of Ampatuan, Maguindanao, for his part, vehemently denies having participated

in the commission of the offenses charged against him. He points out that other than the mere mention of his name in the CIDG referral, there is no other material allegation indicating his participation in the multiple murder and requests that he be excluded from the list of respondents.

Respondent Mohamad Sangki y Simpall (‘respondent Sangki’ for brevity), a board member of the Sangguniang Bayan of Datu Abdullah Sangki, Maguindanao, narrates that at around 6 p.m. of November 19, 2009, he received a call from respondent Mayor Bahnarin Ampatuan (called ‘Datu Ban’ for short), the Mayor of Mamasapano, Maguindanao, and a grandson of respondent Datu Andal Ampatuan, Sr., telling him that respondents Datu Unsay and Datu Andal, Sr. ordered the deployment of thirty (30) police auxiliaries. He was also told to proceed to crossing Saniag and receive his instructions from respondent Talembo “Tammy” Masukat (‘respondent Tammy’ for brevity). Respondent Tammy informed him of the plan to stop the filing of the certificates of candidacy of the people from Buluan. He claims that he called up Jojo Dumansal Nabe, the head of the police auxiliary and ordered him to organize a group of auxiliaries and proceed to crossing Saniag and look for respondent Tammy. He states that when he and respondent Tammy went to the house of respondent Datu Unsay on November 20, 2009, he saw respondent Maguid (the PNP Provincial Director of Maguindanao), respondent Datu Ban and board member Zainadin Abutazil with respondent Datu Unsay. While thereat, respondent Datu Unsay gave him P15,000.00 for his police auxiliaries when he informed him (respondent Datu Unsay) that he has deployed around twenty (20) auxiliaries. He was also told by respondent Datu Unsay that the deployment will last until December 2, 2009, upon orders of the old man. On his way out of the house of respondent Datu Unsay, he met soldiers from the 64th Infantry Batallion, particularly one with a name patch “Mustapha,” entering the said house. He states that he went back to crossing Saniag several times before the November 23, 2009 incident where he again saw and met respondent Datu Unsay this time with some of the latter’s nephews, together with Councilor Paikan Ampatuan and board member Faisal Ampatuan. He likewise spoke to respondent Norodin Datumanong Ampatuan (called ‘Datu Nords’ for short), a close

confidante of respondent Andal Ampatuan, Sr., who told him that respondent Andal Ampatuan, Sr., RG (respondent ARMM Regional Governor Zaldy Ampatuan) and Norie Unos, the provincial administrator of Maguindanao and the trusted man of Andal, Sr., were fully supporting the plan.

Respondent Sangki claims that on November 23, 2009, he went to see his nephew, Vice-Mayor Rasul Sangki, who had called for a meeting. Later, he joined Rasul Sangki in going to crossing Saniag where they saw respondent Datu Unsay and his men. He states that Rasul told him to wait inside the car and at around 10 a.m., Rasul went back and they proceeded to Sitio Malating. This is where he saw respondents Datu Unsay and Dicay holding their firearms, while kicking the people lying face down on the ground while respondent Datu Kanor Ampatuan, the Vice-Mayor of Salibo, Maguindanao, dragged two (2) women and pushed them into a black Revo. Respondent Datu Kanor then called Rasul Sangki and told him to board the vehicle of respondent Datu Unsay. Before leaving, Rasul Sangki told him to remain where they were and wait for him. Around 20 to 30 minutes thereafter, he heard successive gunshots being fired at the upper portion of Sitio Masalay which lasted for about twenty (20) minutes. When Rasul Sangki came back, he was told that all the passengers of the convoy were shot by respondents Datu Unsay, Datu Kanor, Vice-Mayor Sukarno "Uka" Badal and their men. He explains that he did not report the incident because of fear, particularly fear of the Ampatuan clan.

After the cases have been submitted for resolution, **respondent Datu Andal Ampatuan, Sr.** ('respondent Andal Sr.' for brevity) filed his counter affidavit. He avers that the present charges were fabricated and that no single evidence could suggest his presence during the November 23, 2009 incident. He asserts that Kenny Dalandag was lying when he said that an alleged meeting took place in his residence at Barangay Bagong, Shariff Aguak on November 22, 2009 at 7 o'clock in the evening. He claims he does not know Dalandag or the CAFGU leader named Mogira Hadji Anggulat and would not allow them to enter his residence. He points out that his sons, respondents Zaldy, Sajid, Anwar, Akmad and Unsay, are his children of his first wife while his residence in Bagong is being occupied by his second

wife; thus, it is against both practice and culture that they will be seen with him in the house of his second spouse because that would be equivalent to an act of disrespect and abandonment of their mother. Besides, he states that his sons seldom visit him due to their existing misunderstanding with his other families.

Respondent Andal Sr. likewise denies Rasul Sangki's claims and avers that the purported conversation between him and respondent Unsay never took place. He asserts further that no credible proof was submitted to show his supposed involvement in the incident.

We now resolve.

Undeniably, fifty-seven (57) innocent persons were butchered and ruthlessly shot to death in that horrifying episode of November 23, 2009. The maimed cadavers of the fifty-seven (57) victims bearing gunshot wounds were discovered in the afternoon of the same day at Sitio Masalay, Barangay Salman, Ampatuan, Maguindanao. The fatalities, mostly members of the media, lawyers, relatives and supporters of Vice-Mayor Esmael “Toto” Mangudadatu, were later identified by their relatives. As a consequence, the gruesome murders earned the Philippines the infamous distinction of being the most dangerous place for journalists, replacing war-torn Iraq.

What makes the commission of the crime repugnant is the callousness and brutality of the perpetrators. And in “a much vaunted democracy such display and use of brutal force and terrorism, cannot, and must not be, tolerated; and those resorting to such violence, shall be held strictly responsible for the acts committed by them” (People vs. Gonzales, 76 Phil. 480).

From the evidence herein above set forth, all the elements of the crime of murder have been laid out.

The elements of murder are: 1) that a person was killed; 2) that the accused killed him; 3) that the killing was attended by *any* of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and 4) the killing is not parricide or infanticide (Luis B. Reyes, The Revised Penal Code, 15th ed., p.463).

The ghastly carnage was evidently attended by the qualifying circumstance of treachery. Treachery is present when the offender commits the crime employing means, methods or forms in its execution which tend directly and specially to insure its execution without risk to himself arising from the defense that the offended party might make (People vs. Mandigo, G.R. No. 167954, January 31, 2008). The attack against the victims, who were unarmed, was sudden. They were unaware of the poignant and cruel fate that awaited them while they were on their way to Shariff Aguak, Maguindanao. There was employment of deliberate or calculated means, method or manner of execution, which ensured the safety of the perpetrators from defensive or retaliatory acts on the part of their victims.

The qualifying aggravating circumstance of evident premeditation also attended the commission of the crime. The essence of evident premeditation is that the execution of the criminal act is preceded by cool thought and reflection upon the resolution to carry out the criminal intent within a space of time sufficient to arrive at a calm judgment (People vs. Barriga, et al., G.R. 178545, September 29, 2008). From the witnesses presented by complainants, it can be deduced that the commission of the crime was planned deliberately by the perpetrators and that, until its consummation, there was an inexorable resolve to kill. There was also a considerable period of time that gave said assailants the opportunity to reflect and meditate on their intended acts. However, despite such period of time during which they could have withdrawn from their sinister plot, they still decided to consummate the crime.

The grisly killing of the victims was further accompanied by the qualifying circumstance of reliance on the aid of armed men. Eyewitnesses' accounts detailed that about one hundred (100) heavily armed men blocked the path of the victims to their destination and brought them to the hilly portion in Barangay Salman, Ampatuan, Maguindanao. It was where the *coup d' grace* was rendered by the assailants when they bombarded their victims with gunfire hitting them in their heads, trunks and extremities, resulting to the victims' untimely and gruesome death. Considering the number of heavily armed men

participating in the crime, the existence of the qualifying circumstance of reliance on the aid of armed men also becomes patent.

The presence of the circumstance of cruelty likewise qualified the crime to murder. For cruelty to be appreciated against the accused, it must be shown that the accused, for his pleasure and satisfaction, caused the victim to suffer slowly and painfully as he inflicted on him unnecessary physical and moral pain (People vs. Cortes, G.R. No. 137050, July 11, 2001). There was ample proof to show that the assailants, for their bliss and contentment, caused the victims to agonize slowly and excruciatingly by inflicting unnecessary physical and moral pain. The mere fact that some of the victims' dead bodies were dismembered denotes sadism on the part of the offenders with marked degree of malice and perversity.

Further, the various wounds suffered by the victims in different parts of their heads, trunks and extremities also qualify the crime to murder. These mean there is either cruelty if the victims were still alive when the wounds were inflicted or, otherwise, outraging or scoffing at their corpses (People vs. Lozada, G.R. No. L-47692, June 4, 1943).

We now come to determine the liability of each of the respondents in this case.

Complainants claim that herein respondents are the ones responsible for the untimely and gruesome death of fifty-seven (57) victims. In support thereof, the sworn statements of Esmael "Toto" Mangudadatu, Rasul M. Sangki, Kenny B. Dalandag, Noh S. Akil, Salha S. Biruar, Buka Sakilan Ali, Cpl. Zaldy V. Raymundo (PA), Elo M. Sisay, Efren Macanas, Pedro N. Fudolig, Jesus L. Pele-in, Lt. Rolly Stefen Gempesao (PA), Sgt. Jimmy R. Coronel (PA), Cpl. Emilio F. Ysita (PA), Cpl. Michael Roy G. Dulce (PA), Fremar S. Arriola, Ramonita S. Salaysay, Dodie L. Tagabunlang and Gemma Palabrica among others were presented. Their statements augur well for a finding of probable cause for murder and herein respondents conspiring in the commission thereof.

From the evidence adduced, respondents Datu Andal “Unsay” Ampatuan, Jr., Datu Kanor Ampatuan, Datu Bahnarin A. Ampatuan, Datu Mama Ampatuan, Datu Sajid Islam U. Ampatuan, Datu Anwar Ampatuan, Datu Saudi Ampatuan, Jr., Datu Ulo Ampatuan, Datu Ipi Ampatuan, Datu Harris Ampatuan, Datu Moning Ampatuan, Mogira Hadji Anggulat, Parido Zangkala Gogo, Jun Pendatun, Kagi Faizal and Sukarno Badal were positively identified by witnesses as some of those who directly participated in the carnage of the victims. These respondents were plainly pinpointed as among those who fired their high-powered firearms which consequently ended the lives of their intended victims. Positive identification of a person being implicated in a crime, when categorical, resounding, consistent, and without any ill motive on the part of the eyewitnesses testifying on the matter, is given credence. Considering such positive identification of these respondents as direct participants in the commission of the crime of murder, they should be indicted.

Moreover, piecing together the evidence on record will show the existence of conspiracy. Conspiracy is deemed to arise when two or more persons come to an agreement concerning the commission of a felony and decide to commit the same. Conspiracy need not be proven by direct evidence of prior agreement to commit the crime. In criminal law, where the quantum of evidence required is proof beyond reasonable doubt, direct proof is not essential to show conspiracy – it may be deduced from the mode, method, and manner by which the offense was perpetrated, or inferred from the acts of the accused themselves when such acts point to a joint purpose and design, concerted action and community of interest (*Aquino vs. Paiste*, G.R. No. 147782, June 25, 2008).

The confluence of events before and immediately after the commission of the offense leads us to no other inference than that respondents Andal U. Ampatuan, Sr., Datu Zaldy “Puti” U. Ampatuan, Datu Akmad “Tato” Ampatuan, Sr., Datu Norodin Ampatuan, and Datu Jimmy Ampatuan connived with the actual perpetrators. The evidence on record established that these respondents instigated the plan to ambush members of the Mangudadatu clan who were to travel to the COMELEC office in

the provincial capitol of Maguindanao. Consequently, their plan was carried out leading to the mass murder of the herein victims. There is direct evidence that these respondents agreed to commit the crime. Their acts and the attendant circumstances surrounding the commission of the crime unveil a common aim that would make all of them co-principals in the crime committed. We can deduce from their communal conduct a common design, concerted action and concurrence of sentiments. It is common design which is the essence of conspiracy – conspirators may act separately or together, in different manners but always leading to the same unlawful result. The character and effect of conspiracy are not to be adjudged by dismembering it and viewing its separate parts but only by looking at it as a whole; thus, acts done to give effect to conspiracy may be, in fact, wholly innocent acts. Once proved, the act of one becomes the act of all. All the conspirators are answerable as co-principals regardless of the extent or degree of their participation.

There was unanimity among respondents Datu Zaldy “Puti” U. Ampatuan, Datu Saudi B. Ampatuan, Datu Akmad “Tato” Ampatuan and Datu Sajid Islam U. Ampatuan in refuting the allegations against them. They asseverated defenses of denial and alibi in order to escape culpability. However, such defenses will not sway the outcome in their favor. For one, positive identification when categorical and consistent and without any ill-motive on the part of the eyewitnesses testifying on the matter prevails over alibi and denial (People vs. Barlaan, 531 SCRA 849). Alibi is the weakest defense not only because of its inherent weakness and unreliability, but also because it is easy to fabricate (People vs. Pandapatam, 521 SCRA 304). Further, alibi and denial, if not substantiated by clear and convincing evidence, are negative self-serving evidence undeserving of weight in law (People vs. Tumulak, 539 SCRA 296).

It is also appalling that there is viable evidence to prove that some members of the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP), organizations whose primary task is to ensure a more effective, sustained, and successful campaign against criminality, dipped their fingers in the preparation and subsequent consummation of the despicable killing of the

victims. Evidence extant on record pin respondents P/Chief Insp. Sukarno A. Dicap, P/Insp. Rex Ariel T. Diongon, P/Insp. Michael Joy Macaraeg, P/Sr. Insp. Abdulgapor Abad, P/Insp. Saudi M. Mukamad, P/Supt. Abusama Munda Maguid, P/Supt. Bahnarin Kamaong, P/Supt Abdulwahid U. Pedtucasan, SPO2 George S. Labayan, SPO2 Oscar Donato, SPO2 Badawi P. Bakal, SPO1 Samad Usman Maguindara, SPO1 Alimola L. Guianton, SPO1 Ali Mluk Solano, SPO1 Eduardo H. Ong, SPO1 Elizer S. Rendaje, PO3 Gibrael R. Alano, PO3 Radi Anton, PO3 Felix E. Ente, Jr., PO3 Felix A. Daquilos, PO3 Abibudin Abdulgani, PO3 Ricky D. Balanueco, PO2 Hamad Nana, PO2 Kendatu S. Rakim, PO2 Hernanie S. Decipul, Jr., PO2 Tany Dalgan, PO2 Saudiar Ulah, PO2 Saudi Pasutan, PO2 Rexson D. Guiama, PO1 Herich Amaba, PO1 Amir Solaiman, PO1 Michael Madsig, PO1 Badjun Ibad Panegas, PO1 Pendatun A. Dima, PO1 Ebara Bebot, PO1 Michael M. Macarongon, PO1 Bensedick T. Alfonso, PO1 Sandy D. Sabang, PO1 Johann M. Draper, PO1 Ysmel Baraquir, PO1 Mohammad K. Balading, PO1 Datu Jerry M. Utto, PO1 Abdula Baguadatu, PO1 Abbey Guiadem, Ebad Musa, Cader Datunot, PO1 Pia Kamidon, PO1 Espilieto G. Lejarso, PO1 Esmael Manuel Guialal, Dukoy Badal, Alfie Pagabangan, PO1 Jimmy Kadtong, PO1 Marjul T. Julkadi, PO1 Abdurahman S. Batarasa, PO1 Abdulmanan L. Saavedra, PO1 Marsman E. Nilong, PO1 Warden Legawan, PO1 Narkouk D. Mascud, PO1 Jonathan Engid, PO1 Datu Nor Kadir, PO1 Joharto Kamindan, PO1 Arnulfo Soriano, PO1 Anwar Masukat, PO1 Rainer T. Ebus, PO1 Tamano Salubal, PO1 Abdulbayan U. Mundas, Sgt. Abdullah Karim Falcon, Sgt. Bazar Maulana, Sgt. Abdul Sokor Abdullah and Sgt. Alnor Ampatuan, performing specific acts with such closeness and coordination as unmistakably to indicate a common purpose or design with their cohorts in bringing about the death of the victims. It is quite implausible that these officers and members of the PNP and AFP could do nothing to take preventive or corrective actions before, during, or immediately after the slaughter of the victims. From there, it can be deduced that these respondents were in unison with others in bringing about the death of the victims.

Incidentally, the sworn statements executed by respondents PO1 Herich Amaba, PO1 Pia Kamidon, PO1 Espilieto G. Lejarso, PO1 Esmael Manuel Guialal, PO3 Rasid T. Anton, PO1 Marsouk

D. Mascud, PO2 Hamad M. Nana, PO1 Arnulfo A. Soriano, PO2 Hernanie S. Decipulo, Jr., PO2 Saudiar Ulah, PO3 Felix E. Enate, Jr., SPO1 Eduardo H. Ong and PO1 Anwar Masukat are in the nature of an extrajudicial confession, having been made in any other place or occasion as compared with one made before a court (judicial). We find the extrajudicial confession of these respondents does not violate **Section 12 (1), Article III of the Constitution** which provides:

“Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.”

The objective of this provision is to prevent the use of coercion in extracting a confession from a suspect. Any form of coercion, whether physical, mental, or emotional, in extracting confessions, stamps the confession with the taint of inadmissibility. A confession constitutes evidence of high order since it is supported by the strong presumption that no person of normal mind would deliberately and knowingly confess to a crime unless prompted by truth and his conscience. It is admissible until the accused successfully proves that it was given as a result of violence, intimidation, threat, or promise of reward or leniency (People vs. Montiero, G.R. No. 110106 July 31, 1995).

It was amply shown that there was compliance with the constitutional requirement on pre-interrogation advisories. Respondents PO1 Herich Amaba, PO1 Pia Kamidon, PO1 Espilieto G. Lejarso, PO1 Esmael Manuel Guialal, PO3 Rasid T. Anton, PO1 Marsouk D. Mascud, PO2 Hamad M. Nana, PO1 Arnulfo A. Soriano, PO2 Hernanie S. Decipulo, Jr., PO2 Saudiar Ulah, PO3 Felix E. Enate, Jr., SPO1 Eduardo H. Ong and PO1 Anwar Masukat's confessions are in writing. The constitutional requirement of providing these respondents with a counsel to protect their rights and the process of explaining to them their rights were also satisfactorily met. Further, there is no proof that

the extrajudicial confessions were secured through duress, intimidation, or improper inducement. As such, we are convinced that the extrajudicial confessions of these respondents are admissible in evidence and may be used against them. For the declaration of an accused acknowledging guilt of the offense charged, or of any offense necessarily included therein, may be given in evidence against him (Sec. 33, Rule 130 of the Rules of Court, as amended).

It is not amiss to stress at this stage that the extrajudicial statements of an accused implicating a co-accused may not be utilized against the latter. In **People vs. Raquel, et al.** (G.R. No. 119005, December 2, 1996), the Supreme Court enunciated:

“Extreme caution should be exercised by the courts in dealing with the confession of an accused which implicates his co-accused. A distinction, obviously, should be made between extrajudicial and judicial confessions. The former deprives the other accused of the opportunity to cross-examine the confessant, while in the latter his confession is thrown wide open for cross-examination and rebuttal.

“The res inter alios rule ordains that the rights of a party cannot be prejudiced by an act, declaration, or omission of another. An extrajudicial confession is binding only upon the confessant and is not admissible against his co-accused. The reason for the rule is that, on a principle of good faith and mutual convenience, a man's own acts are binding upon himself, and are evidence against him. So are his conduct and declarations. Yet it would not only be rightly inconvenient, but also also manifestly unjust, that a man should be bound by the acts of mere unauthorized strangers; and if a party ought not to be bound by the acts of strangers, neither ought their acts or conduct be used as evidence against him.”

However, the above-stated rule admits of certain jurisprudential exceptions, including:

1. The confession is used as circumstantial evidence to show the probability of participation by the co-conspirator (People vs. Vasquez, G.R. No. 54117, April 27, 1982);

2. Several accused persons voluntarily and independently executed identical confessions without collusion, which confessions are corroborated by other evidence (People vs. Mateo, et al., G.R. No. 65165, June 29, 1984);

3. Several accused are charged as co-conspirators of the crime which was confessed by one of the accused and said confession is used only as corroborating evidence (People vs. Cortez, et al., L-31106, May 31, 1974); and

4. Where the co-conspirator's extrajudicial confession is corroborated by other evidence (People vs. Agdeppa, et al., L-17489, December 24, 1969).

The foregoing jurisprudential exceptions considered, taken together with the independent evidence on record and the extrajudicial confessions of PO1 Herich Amaba, PO1 Pia Kamidon, PO1 Espilieto G. Lejarso, PO1 Esmael Manuel Guialal, PO3 Rasid T. Anton, PO1 Marsouk D. Mascud, PO2 Hamad M. Nana, PO1 Arnulfo A. Soriano, PO2 Hernanie S. Decipulo, Jr., PO2 Saudiar Ulah, PO3 Felix E. Enate, Jr., SPO1 Eduardo H. Ong and PO1 Anwar Masukat, there exists enormous corroboration that the following respondents keenly participated in the hideous massacre of the victims:

1. Datu Dainga Ampatuan
2. Misuari S. Ampatuan
3. Rodel U. Ampatuan
4. Manny A. Ampatuan
5. Kertz B. Ampatuan
6. Tony Kenis Ampatuan
7. Jonathan S. Ampatuan
8. Intan B. Ampatuan
9. Mohades A. Ampatuan
10. Kagi Amar Ampatuan
11. Mohamad D. Ampatuan
12. Rek Tony T. Dek

13. Abas G. Anongan
14. Muhamad Sangki
15. Datutuhon M. Esmael
16. Alex U. Zaipon
17. Moactar T. Daud
18. Dhods A. Kamong
19. Alimudin S. Sanguyod
20. Fahad N. Utto
21. Surin K. Mentang
22. Haron K. Arob
23. Samsudin M. Daud
24. Theng P. Sali
25. Toktok K. Guiabal
26. Batuta G. Zailon
27. Macton A. Bilungan
28. Naser S. Esmael
29. Abedin Alamada
30. Maot M. Bangkulat
31. Bong S. Andal
32. Mando M. Balangan
33. Rene Guiapal
34. Latip Gani
35. Alex Kadil
36. Kamper Silongan
37. Sukor S. Kamsa
38. Edres G. Kasan
39. Akad B. Macaton
40. Maot M. Dumla
41. Naser Talib
42. Sanggutin Musa
43. Rolex Kusen
44. Buto Umal
45. Surin Kayukay
46. Batuti K. Bara
47. Bassir L. Abdulmaguid
48. Gambayan M. Kasim
49. Mamugkat R. Camsa
50. Taya M. Bangkulat
51. Zamora G. Sambulawan
52. Salik S. Bangkulat
53. Tokan A. Pamsag

54. Abdul Maula E. Uday
55. Maguid S. Alba
56. Tho A. Amino
57. Tumi Timba Abas
58. Mads P. Utto
59. Abedin E. Kenny
60. Gie S. Takilid
61. Malaguial S. Tanuri
62. Zacaria P. Akil
63. Andami M. Singkala
64. Nasrudin S. Guiamadil
65. Denga O. Mentol
66. Toy K. Datumanong
67. Samaon M. Andatuan
68. Kudza Masukat Uguia
69. Salipad M. Tampogao
70. Talembo "Tammy" Masukat
71. Ben A. Mendog
72. Sahid A. Guiamadil
73. Kominie K. Inggo
74. Esiam Mantawil
75. Mama Habib
76. Mohamad K. Macauyag
77. Rusty U. Daud
78. Kasim T. Lingkong
79. Abusama B. Guiapal
80. Rakim M. Amil
81. Datunot G. Ayob
82. Norman M. Taktak
83. Butukan S. Malang
84. Sonny K. Pindi
85. Kasim K. Dalending
86. Edris Tekay Nanding
87. Abdulkarim L. Manalasan
88. Maguid Amil Datun
89. Thong E. Guimano
90. Tino T. Sanday
91. Armando O. Ambalgan
92. Nasser M. Malaguia
93. Ebrahim M. Abon
94. Muktar Santo Kindu

95. Andro K. Awil
96. Upam S. Saudi
97. Samsudin R. Kamilon
98. Marco G. Enged
99. Dexson A. Saptula
100. Norhato M. Kamino
101. Mohamad T. Datumanong
102. Nasser I. Guia
103. Nasser Adam

It must be emphasized that above-enumerated respondents were positively identified by witnesses as those who, one way or the other, participated in the carnage of the victims last November 23, 2009 at Barangay Salman, Ampatuan, Maguindanao. Some of these respondents were seen abducting the victims from their vehicles when they passed the makeshift “checkpoint” at Barangay Salman, Ampatuan, Maguindanao. While others repeatedly shot the hapless victims. As such, these respondents cannot just invoke the defense that they had nothing to do with the massacre based on their uncorroborated claims. Their denial and alibi cannot exculpate them from criminal liability. After all, denial like alibi is a weak defense, and must be rejected when the identity of a person is sufficiently and positively established by an eyewitness to the offense (People vs. Maxion, 361 SCRA 414). Further, well-settled is the rule that the positive identification of the accused when categorical, consistent and without any ill-motive on the part of the eyewitness testifying on the matter prevails over alibi and denial (People vs. Pinuela, 396 SCRA 561).

After the smoke cleared from the site of the mass execution, an attempt was made to conceal the cadavers of the fifty-seven (57) victims. Respondent Hamid Delayudin operated the backhoe that was used to bury the dead bodies and his liability being apparent, he is equally responsible as his co-conspirators.

However, there is insufficiency of evidence to establish probable cause that respondent Pedro N. Fudolig had a hand in the mass murder. In a complaint, it is incumbent upon the complainants to establish the existence of probable cause that a respondent committed, or at least participated or connived with

others in the crime being imputed. Undeniably, there is nothing on record that demonstrated said respondent's actual participation in the massacre. His inclusion was principally on the account of suspicion. But mere suspicion, speculation, relationship, association and companionship do not prove conspiracy (People vs. Patano, 399 SCRA 90).

Finally, we also find insufficient proof against respondents insofar as the charges for damage to property and robbery are concerned. Similarly, the complaint for abduction cannot prosper because the evidence on hand clearly shows that the intent was to murder all the passengers who were part of the ill-fated convoy and not to restrain their liberty.

WHEREFORE, it is respectfully recommended that the following respondents be indicted for 57 Multiple Murder:

1. Datu Andal Ampatuan, Sr.;
2. Datu Andal "Unsay" Ampatuan, Jr.;
3. Datu Zaldy "Puti" U. Ampatuan;
4. Datu Akmad "Tato" Ampatuan, Sr.;
5. Datu Jimmy Ampatuan;
6. Datu Kanor Ampatuan;
7. Datu Bahnarin A. Ampatuan;
8. Datu Mama Ampatuan;
9. Datu Sajid Islam U. Ampatuan;
10. Datu Anwar Ampatuan;
11. Datu Saudi Ampatuan, Jr.;
12. Datu Ulo Ampatuan;
13. Datu Ipi Ampatuan;
14. Datu Harris Ampatuan;
15. Datu Moning Ampatuan;
16. Mogira Hadji Anggulat;
17. Parido Zangkala Gogo;
18. Jun Pendatun;
19. Kagi Faizal;
20. Vice-Mayor Zukarno/Sukarno Badal;
21. P/Chief Insp. Zukarno/Sukarno A. Dicay;
22. P/Insp. Rex Ariel T. Diongon;
23. P/Insp. Michael Joy Macaraeg;
24. P/Senior Insp. Abdulgapor Abad;

25. P/Insp. Saudi M. Mokamad/Mukamad;
26. P/Supt Abusama Munda Maguid;
27. P/Supt Bahnarin Kamaong;
28. P/Supt. Abdulwahid U. Pedtucasan;
29. SPO2 George S. Labayan;
30. SPO2 Oscar Donato;
31. SPO2 Badawi P. Bakal;
32. SPO1 Eduardo H. Ong;
33. SPO1 Samad Usman Maguindara;
34. SPO1 Elizer S. Rendaji;
35. SPO1 Alimola L. Guianon;
36. SPO1 Ali Mluk Solano;
37. PO3 Gibrael R. Alano;
38. PO3 Felix Ababao Daquilos;
39. PO3 Rasid Anton;
40. PO3 Felix E. Enate, Jr.;
41. PO3 Abibudin Abdulgani;
42. PO3 Ricky D. Balanueco;
43. PO2 Hamad Nana;
44. PO2 Kendatu S. Rakim;
45. PO2 Hernanie S. Decipulo, Jr.;
46. PO2 Tany Dalgan;
47. PO2 Saudiar Ulah;
48. PO2 Saudi Pasutan;
49. PO2 Rexson D. Guiama;
50. PO1 Herich Amaba;
51. PO1 Amir Solaiman;
52. PO1 Michael Madsig;
53. PO1 Badjun Ibad Panegas;
54. PO1 Bensedick T. Alfonso;
55. PO1 Sandy D. Sabang;
56. PO1 Johann M. Draper;
57. PO1 Ysmael Baraquir;
58. PO1 Mohammad K. Balading;
59. PO1 Datu Jerry M. Utto;
60. PO1 Abdula Baguadatu;
61. PO1 Abbey Guiadem;
62. PO1 Tamano Sahibal;
63. PO1 Abdulbayan U. Mundas;
64. Ebad Musa;
65. Cader Datunot;

66. PO1 Pia Kamidon;
67. PO1 Espilieto G. Lejarso;
68. PO1 Esmael Manuel Guialal;
69. Dukoy Badal;
70. Alfie Pagabangan;
71. PO1 Jimmy Kadtong;
72. PO1 Marjul T. Julkadi;
73. PO1 Abdurahman S. Batarasa;
74. PO1 Abdulanan L. Saavedra;
75. PO1 Marsman E. Nilong;
76. PO1 Warden Legawan;
77. PO1 Narkouk D. Mascud;
78. PO1 Jonathan Engid;
79. PO1 Datu Nor Kadir;
80. PO1 Joharto Kamindan;
81. PO1 Arnulfo Soriano;
82. PO1 Anwar Masukat;
83. PO1 Rainer T. Ebus;
84. PO1 Ebara G. Bebot;
85. PO1 Pendatun A. Dima;
86. PO1 Michael M. Macarongon
87. Sgt. Abdullah Karim Falcon;
88. Sgt. Banzar Maulana;
89. Sgt. Abdul Sokor Abdullah;
90. Sgt. Alnor Ampatuan;
91. Datu Norodin "Nords" Datumanong Ampatuan;
92. Hamid Delayudin;
93. Datu Dainga Ampatuan;
94. Rodel U. Ampatuan;
95. Manny A. Ampatuan;
96. Misuari S. Ampatuan;
97. Kertz B. Ampatuan;
98. Tony Kenis Ampatuan;
99. Jonathan S. Ampatuan;
100. Intan B. Ampatuan;
101. Mohades A. Ampatuan;
102. Kagi Amar Ampatuan;
103. Mohamad D. Ampatuan;
104. Rek Tony T. Dek;
105. Abas G. Anongan;
106. Muhamad Sangki;

107. Datutuhon M. Esmael;
108. Alex U. Zaipon;
109. Moactar T. Daud;
110. Dhods A. Kamong;
111. Alimudin S. Sanguyod;
112. Fahad N. Utto;
113. Surin K. Mentang;
114. Haron K. Arob;
115. Samsudin M. Daud;
116. Theng P. Sali;
117. Toktok K. Guiabal;
118. Batuta G. Zailon;
119. Macton A. Bilungan;
120. Naser S. Esmael;
121. Abedin Alamada;
122. Maot M. Bangkulat;
123. Bong S. Andal;
124. Mando M. Balangan;
125. Rene Guiapal;
126. Latip Gani;
127. Alex Kadil;
128. Kamper Silongan;
129. Sukor S. Kamsa;
130. Edres G. Kasan;
131. Akad B. Macaton;
132. Maot M. Dumla;
133. Naser Talib;
134. Sanggutin Musa;
135. Rolex Kusen;
136. Buto Umal;
137. Surin Kayukay;
138. Batuti K. Bara;
139. Bassir L. Abdulmaguid;
140. Gambayan M. Kasim;
141. Mamugkat R. Camsa;
142. Taya M. Bangkulat;
143. Zamora G. Sambulawan;
144. Salik S. Bangkulat;
145. Tokan A. Pamsag;
146. Abdul Maula E. Uday;
147. Maguid S. Alba;

148. Tho A. Amino;
149. Tumi Timba Abas;
150. Mads P. Utto;
151. Abedin E. Kenny;
152. Gie S. Takilid;
153. Malaguial S. Tanuri;
154. Zacaria P. Akil;
155. Andami M. Singkala;
156. Nasrudin S. Guiamadil;
157. Denga O. Mentol;
158. Toy K. Datumanong;
159. Samaon M. Andatuan;
160. Kudza Masukat Uguia;
161. Salipad M. Tampogao;
162. Talembo "Tammy" Masukat;
163. Ben A. Mendog;
164. Sahid A. Guiamadil;
165. Kominie K. Inggo;
166. Esiam Mantawil;
167. Mama Habib;
168. Mohamad K. Macauyag;
169. Rusty U. Daud;
170. Kasim T. Lingkong;
171. Abusama B. Guiapal;
172. Rakim M. Amil;
173. Datunot G. Ayob;
174. Norman M. Taktak;
175. Butukan S. Malang;
176. Sonny K. Pindi;
177. Kasim K. Dalending;
178. Edris Tekay Nanding;
179. Abdulkarim L. Manalasan;
180. Maguid Amil Datun;
181. Thong E. Guimano;
182. Tino T. Sanday;
183. Armando O. Ambalgan;
184. Nasser M. Malaguia;
185. Ebrahim M. Abon;
186. Muktar Santo Kindu;
187. Andro K. Awil;
188. Upam S. Saudi;

189. Samsudin R. Kamilon;
190. Marco G. Enged;
191. Dexson A. Saptula;
192. Norhato M. Kamino;
193. Mohamad T. Datumanong;
194. Nasser I. Guia;
195. Nasser Adam;
196. Takpan Dilon and
197. Esmael Canapia

It is likewise respectfully recommended that the attached amended Informations impleading the aforesaid respondents be forthwith approved for filing in the proper court.

Manila, Philippines, February 5, 2010.

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as Acting Provincial Prosecutors of Maguindanao
under Department Orders No. 935 and 948

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