

Philippines Army releases political prisoner

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First win for amparo: Zambo activist freed By TJ Burgonio, Leila Salaverria, Margaux Ortiz Inquirer Last updated 06:02am (Mla time) 11/09/2007

MANILA, Philippines — Bowing to the writ of amparo, the Philippine Army has freed a left-wing activist after holding him for 14 days — the first detainee to be released from military custody under the newfound power of the courts. Detained in Zamboanga del Sur province, Ruel Muñasque, a Bayan Muna organizer and a leader of the Christian Youth Fellowship-United Church of Christ in the Philippines, walked home a free man on Wednesday afternoon.

Muñasque, 33, is the first known case of a detainee getting such a relief from a local court since the Supreme Court introduced the writ of amparo on Oct. 24 to stem the tide of extrajudicial killings and so-called “forced disappearances” in the country.

He was freed the same day the Pagadian City Regional Trial Court granted his petition for a writ of amparo — a judicial remedy for people being allegedly held illegally by the military or the police, or those being subjected to military harassment.

The Supreme Court on Thursday confirmed the release of Muñasque.

Under the writ of amparo, the military or the police will no longer be able to simply deny involvement in abductions or extrajudicial killings. They must also prove they are not involved and, on court orders, open their detention facilities for inspection.

5 writs of amparo

The courts have issued at least five writs of amparo since the measure took effect. They involved the cases of missing University of the Philippines students Karen Empeño and Sherlyn Cadapan, and the brothers Raymond and Reynaldo Manalo, who had escaped from military custody and sought court protection against further military harassment.

Writs have also been issued for urban poor leader Lourdes Rubrico, who had been abducted by the military and later released, for Romulos Robiño and Ryan Supan, both missing after being abducted in Pampanga, as well as for Romulos’ sister Leny and his mother Lolita, who both fear military harassment.

The Supreme Court scheduled a hearing of the Robiños’ case for Nov. 19 before the Court of Appeals.

Thursday, the appellate court held hearings on the cases of the two missing UP students and

the brothers Manalo.

“We rejoice that the writ worked,” Marie Hilao-Enriquez, secretary general fo the rights group Karapatan, said on news that Muñasque had been released. “We hope this will happen in other cases.”

Tirsendo Poloyapoy, counsel for the Muñasque family, said: “This is the last weapon of victims of extrajudicial killing and disappearance.”

Muñasque and peasant Roger Morales were stopped at a military checkpoint in Dumalinao, Zamboanga del Sur, while en route to Pagadian City on Oct. 24.

Elements of the Army’s 53rd Infantry Battalion noticed that Muñasque’s knee was bleeding and brought the pair to an unknown place in blindfold and handcuffs. Morales was freed the next day but Muñasque had remained in custody.

Enriquez said that the case of Muñasque was a clear proof that the military had been carrying out abductions, illegal arrest and detention of individuals.

Poloyapoy, a member of the Free Legal Assistance Group (FLAG), said: “It (the writ) is a deterrent. This would give the military second thoughts about doing illegal arrest because the victims can be taken back through the writ of amparo.”

Judge Abraham Ramas of Pagadian ordered Muñasque’s release on the ground that the military failed to justify his continued confinement, he said.

The mothers of the two UP students asked the Court of Appeals to subpoena farmer Raymond Manalo, who had escaped from detention, so that he could confirm his claim that one of the students had been killed by his captors.

The mothers’ lawyer, Rex Fernandez, said the testimony of Raymond would also help them support their demand for an inspection of several military detachments, where the students Cadapan and Empeño, as well as their companion Manuel Merino, were allegedly held.

Fernandez said he had received information that Raymond knew what had happened to Cadapan, Empeño and Merino.

Raymond, with brother Reynaldo, escaped from military detention in August and said in a statement filed with the Supreme Court that he saw Cadapan, Empeño and Merino while they were all detained by the military.

Raymond also said Merino had been killed by his captors.

Fernandez said during Thursday’s hearing that he had received information that Raymond knew that Cadapan had “followed the fate” of Merino, whose body supposedly had been burned.

Opposition to inspection

Assistant Solicitor General Amparo Tang opposed the inspection order sought by the families, saying opening military detachments would jeopardize national security.

In their petition, Erlinda Cadapan and Concepcion Empeño asked the high court to stop the

military from harming their daughters and Merino.

If the three are dead, the parents asked that the military be told to reveal where the bodies were buried and to pay their families P5 million in damages.

In the separate hearing of the writs for the Manalo brothers, Court of Appeals Associate Justice Vicente Veloso said that contrary to the assertions of the government lawyer, the writ of amparo "is an overarching writ that does not have to comply with the requisites of a search warrant."

Senior Solicitor Luis Simon also opposed demands for the inspection of military camps.

Lawyer Jose Manuel Diokno, representing the Manalos, said there was a need for the inspection because the brothers had indicated in their affidavits that other victims were still detained in those camps.

The Manalo brothers said they were abducted on Feb. 14, 2006, in San Ildefonso, Bulacan, but managed to escape from a house somewhere in Pangasinan province last Aug. 13.

Another forced disappearance

In Davao City, the mother of a 22-year-old youth who went missing in Paquibato district over a week ago filed a petition for writ of amparo before the regional trial court.

Bebelita Bustamante, 47, said her son, Luisito "Yongyong" Bustamante, was held for questioning by militiamen belonging to the Army's 73rd Infantry Battalion on Oct. 27 and had not been seen since. With a report from Germelina Lacorte, Inquirer Mindanao

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