



Manila Standard 7 Nov 1995

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Manila Standard

METRO

Tuesday, November 7, 1995



Makati City Mayor Jejomar Binay recently met with block commanders and the Makati police to discuss the intensive campaign of the city government on peace and order.

NBI investigators say young Navy officer killed himself

After studying pieces of evidence and possible motives, the National Bureau of Investigation (NBI) yesterday concluded that the death of Ensign Philip Azarcon Pestaño was not murder but suicide.

In an interview, NBI director Mariano Mison told reporters that after weeks of probing, investigators have not found any trace of foul play in the young Navy official's death.

"Our findings show that it was suicide. His (Pestaño) family has been informed of the probe's result... They had accepted it," Mison said.

Asked as to what could have been the motive for the suicide, Mison opined that it could be very well have been pressure.

"No one could really fathom what is on our minds. I may be sane today, but not tomorrow," he said.

Early last October, the 23-year-old Ensign Pestaño was discovered dead inside his cabin on board *BRP Bacolod City* where he served as cargo officer.

Pestaño's body bore a gunshot wound on the head. A suicide letter was also discovered beside his body.

The young Navy officer's family at first suspected murder

since they are unaware of any personal problem that could have affected the young navy man, especially when facing promising military career.

The victim's family, likewise, earlier claimed the discovered suicide note was fake and somebody really wanted their son dead.

The victim's family then sought the help of the NBI to determine if there was foul play in Pestaño's death.

However, intensive investigation carried out by NBI Interpol agents Ludovico Lara and Roel Bolivar showed that the suicide note was indeed of the victim's handwriting.

(Mike Frialde)

Navy claims proof Pestaño killed self

Navy officials yesterday said they will present irrefutable proof of their claim that Ensign Philip Andrew Pestaño took his own life, contrary to charges raised by his family that he was murdered.

But Pestaño's family members countered charges made by the Navy officers that Pestaño was taking drugs, which could be a reason he committed suicide.

"That's impossible. He was very idealistic. He strongly opposed the loading of lumber into his ship, I don't think he was capable of taking drugs," Marissa Pestaño, the young officer's sister, said during a Senate investigation into the officer's death in 1996.

"The only drugs I know he was taking were antibiotics for his amoebiasis and later for his wound," she added.

Marissa said the Pestaño family would persist in demanding justice for his brother.

Cmdr. Tirso Danga, chief of naval intelligence, said the Pestaño family's charge that the Navy fabricated evidence to show that Pestaño committed suicide was ridiculous.

"It would be very difficult to put the bullet mark on the wall," Danga said. The Pestaños said no bullet mark was found on the wall of Pestaño's room when it was inspected by a Navy officer a short while after the body of Pestaño was found. **Turn to page 4**

Setting the tone for June 12

A young man weaves through stalled traffic on Roxas Boulevard to hawk Philippine flags in preparation for the celebration of the 50th year of Philippine Independence on June 12, 1996. The Philippine Centennial in 1996, the sale of flags is expected to be even more brisk.

LINO SANTOS



Marcopper turns off power in Marinduque

A mining company that halted operations last year after a massive waste spill has stopped supplying electricity to the island where the mine is located, causing periodic blackouts, officials said Monday.

Tio Benavides, a National Power Corp. manager, said Marcopper Mining Corp. turned off its generator Sunday despite a request from the

state-run power company that it continue supplying electricity to Marinduque island for at least another month.

Marcopper has supplied more than half of Marinduque's power needs for decades at subsidized rates but has not earned any income since the mine spill in March 1996. Marcopper manager Ralph Ante said.

Marcopper produced power for its own needs and provided its surplus to the island as a goodwill gesture. It was also the island's main employer when the mine was operating.

"We were told by our creditors to stop running the generator because it was dissipating assets since we were not earning anything to cover the service," Ante said.

had misused their CDFs and that the irregularities included "overpricing, ghost deliveries, falsification of public documents and failure to liquidate projects."

In a statement, Roxas said the charges were uncalled for since "at no time did the money (CDF) ever pass through my hands."

"I was included in the story for simply having failed to meet the Dec. 31, 1996, deadline to submit the list of recipients of 17,343 livelihood magazines that were funded by the CDF," Roxas said.

"If there's any fault at all, it is simply because we missed the deadline," he said.

The lawmaker explained the magazines arrived in Roxas City on Dec. 16, 1996, two weeks prior to the deadline.

Because of the Christmas-New Year Season and the large number of materials, "there was no possible way for us to comply with the deadline," he said.

The lawmaker said the project was administered by the Department of Interior and Local Government (DILG) Region VI while the role of his district office was only in the distribution of the materials to the recipients in Capiz.

Turn to page 4

He said that with the generator's shutoff, the only activity at the mine is the continuing clean-up of silt from the spill in the Boac River.

Benavides said the National Power Corp. had asked for a 30-day extension of Marcopper's services until the state-run utility can complete the installation of three additional generators on the island. **Turn to page 4**

Navy claims proof Pestaño killed self

From page 1

Danga, however, presented to media Ltjg. Roberto Baranda who claimed he had information pointing to the fact that Pestaño committed suicide.

Baranda said one of Pestaño's friends, identified as Alvin Parrone, had confided in him that Pestaño had killed himself.

Baranda said he shared the same room with Parrone when they were confined in the Cavite naval hospital.

He disclosed that he had asked Parrone what really transpired in the ship, inquiring if there was foul play in Pestaño's death or if it was suicide.

Parrone answered: "Suicide *iyon, bok*."

Navy authorities are also disputing reports that an insurance firm paid

the claim of the Pestaños because it found proof that his death was not a suicide.

Danga said they communicated with the insurance firm, Sun Life of Canada and the Navy was told that it was standard procedure to pay the claim.

If it was found that the death was accidental, then the insurance firm was agreeable in doubling the claim, Danga said.

The Navy, however, would not answer allegations raised that its vessels were being used to transport illegal cargoes, including drugs.

The charge was an offshoot of a report that the ship *BRP Bacolod* where Pestaño was cargo officer, had carried a huge lumber shipment intended for retired Admiral Pio Carranza, the former Navy chief.

In the Senate hearings, Carranza admitted that a part of the log shipment was a gift to him from Gov. Gerry Matba of Tawi-Tawi.

Senators said Carranza violated the anti-graft law as well as a prohibition on the use of Navy vessels for personal use. (Joan Macaspac)

Solon denies
misusing
CDF share

From page 1

Roxas said his district office submitted the list of recipients to Regional Director Rexitto Reyes of

Time on Pestaño wristwatch could prove Navy 'cover-up'

By Joem H. Macaspac

The wristwatch Ensign Philip Pestaño wore when he died could prove there was an attempt by Navy authorities to hide his murder.

This possibility was raised yesterday at the resumption of the Senate probe of Pestaño's death as senators discovered the video footage of the room where Pestaño supposedly committed suicide had been edited.

This bolstered allegations made by the Pestaño family that the young officer was murdered, senators said.

Senate technicians said they noticed a "cut" in the footage which was being presented by Navy officials to belie charges they were involved in a cover-up of the young officer's death.

Sen. Miriam Defensor Sison, who earlier said there was enough evidence to show Pestaño was murdered, said officials of the Western Police District, the Philippine National Police (PNP) Criminal Investigation Group and the Navy have "miserably failed to show guilt beyond reasonable doubt" that Pestaño killed himself.

Santiago maintained that to accuse a person of committing suicide was to accuse that person of a crime since taking one's own life was a crime under the Revised Penal Code.

During yesterday's video presentation taken at the scene of the

crime, technicians of the two Senate committees investigating the case zoomed in on Pestaño's analogue watch which clearly showed the time the film was taken.

The film focused on Pestaño's watch three times. The first time, the watch showed the time of 8:58 a.m.; then 9 a.m.; then at 9:08 a.m. The camera also focused on Pestaño's alleged suicide note, then his body and the blood on the floor.

The film went blank for a second, then resumed running, this time it was focused on the coveralls and the bullet mark.

The footage then showed the wall of the cabin where a bullet mark, partly hidden by the right long sleeve of Pestaño's blue coveralls, was noticeable.

The video presentation lasted about three minutes and was taken by ex-SNI Miguel Baroy on Sept. 27, 1995, the day Pestaño was found in his cabin aboard the *BRP Bacolod City*, with a gunshot wound in his head.

In his earlier testimony before the Senate, Baroy repeatedly stated that he took the footage at 8:30 a.m. and that he was not coached nor assisted by anybody. He also claimed he made the footage in just about three minutes.

But Baroy, during the resumption of the hearing yesterday, claimed he no longer remembered exactly what time he took the video.

This prompted Sen. Marcelo Fernan, who is Senate justice committee chairman, to order Senate experts to determine the time the video footage was taken by Baroy. This would be indicated in the watch that Pestaño wore.

The Pestaño family stressed they have witnesses who would attest that there was no bullet mark in Pestaño's room.

The family said the witnesses, who are willing to testify in court, have meticulously searched the room for any bullet marks.

Forensic expert Dr. Antonio Rebosa pointed out inconsistencies in Baroy's statement that the filming lasted about 10 minutes.

But Navy authorities said it was impossible to doctor the footage as well as fabricate evidence. They challenged the Pestaño family to agree to the exhumation of the young officer's body.

The bullet wound in Pestaño's head will show he had taken his own life since nitrate particles would be found in the head. This is an indication he shot himself in the head, the Navy men said.

They added that an autopsy would show there was a previous attempt by Pestaño to kill himself. His wound in his wrist will show that he deliberately slashed his wrist, they said.

Pestaño slay closed case, says Desierto

BY GERRY T. PAGHARION
PDI Visayas Bureau

ROXAS CITY—Ombudsman Aniano Desierto has declared a “closed case” the five-year-old investigation of the death of Navy Ensign Philip Andrew Pestaño without saying whether it was a suicide or a murder.

Desierto acted on the March 28 report of graft investigator Roy Roque Dador who recommended the upholding of the Sept. 2, 1998 evaluation report of the Office of the Deputy Ombudsman for the Military which declared Pestaño’s case as “closed and terminated without prejudice.”

Upheld by Desierto was the Odom rec-

pering of physical evidence prior to (the) examination by forensic experts.”

The report said some factors that prevented the investigators from identifying the assailant were the ways the gun and the cabin where Pestaño was found dead were handled.

It noted that Ensign Joselito Colico mishandled the gun, allegedly used by Philip in killing himself. The report showed that Colico used a piece of cloth in picking up the gun, which he then brought outside the cabin. He later returned the gun to the place where he picked it up.

The report also noted that Ensign Edwin Vigilar cleaned the body and face of Pestaño with warm water and aimed the water hose at the gunshot wounds to

Upheld by Desierto was the Odom recommendation that "the conduct of further investigation in order to find out the identity of the perpetrator and his accomplices, if any, will only be a waste of time . . ."

Felipe Pestaño, father of Philip, assailed Desierto's decision as "another high level attempt to cover up and whitewash" the case of his son so that those implicated in the crime would "remain free and beyond the gasp of law and justice."

Sen. Aquilino Pimentel, counsel of the Pestaño family, earlier recommended the prosecution of then Navy Rear Admiral Pio Carranza, Navy ship captain Ricardo M. Ordoñez and Navy personnel Lt. Ruben Roque and Lt. Joselito Colico for their roles in Philip's mysterious death.

Desierto approved Dador's memorandum on April 28. The Pestaño family obtained a copy of the approved memorandum on May 12 and in turn released the report to reporters yesterday.

While the Odom report said it was inclined to believe the January 1998 finding of two Senate committees—human rights and defense—that Philip was murdered, it said it was difficult to determine the perpetrators due to the "tam-

ing of the water nose at the gunshot wounds to clean it.

Philip, then 23, was found dead with a single bullet wound in the head inside his cabin in the Navy vessel BRP Bacolod City on the morning of Sept. 27, 1995.

The Navy, the police and the National Bureau of Investigation declared his case a suicide based on the alleged suicide note he wrote.

The Pestaño family believed he was murdered after the young officer allegedly discovered that the Navy ship was used to haul illegally cut logs and prohibited drugs.

Felipe said they never considered the Odom as the proper body to investigate Philip's case because it could not guarantee a fair and impartial investigation.

"Our observation is that because the perpetrators of the crime are military officers of the Philippine Navy they are naturally beyond reach and above the law," Felipe said.

Felipe said the Odom never asked to interview any member of the Pestaño family or requested any documents in their possession that may lead to the identifications of Philip's assailant.

8.10.01

PHILIPPINE DAILY INQUIRER

ross the NATION

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Corpus asked to shed light on Pestaño death

BY GERRY T. PAGHARION
PDI Visayas Bureau

ROXAS CITY—The family of the late Navy ensign Philip Andrew Pestaño is urging Army intelligence chief Col. Victor Corpus to shed light on his earlier statement during a Senate hearing where he linked Philip's death to illegal drugs.

The Pestaño family said they would like to know if the Intelligence Service of the Armed Forces of the Philippines (Isafp), headed by Corpus, had informa-

tion about the death of the Navy ensign six years ago.

In a statement, the family said they wondered if ex-agents Mary "Rosebud" Ong and Angelo "Ador" Mawanay also had personal knowledge about Philip's death but chose to remain silent "because it may incriminate them."

The family recalled that an intelligence report leaked to the media alleged that Philip's ship was carrying a large shipment of shabu (methamphetamine hydrochloride).

A personal aide of a high ranking Navy officer was said to be the "triggerman," the family said.

"That intelligence report came from someone in the intelligence community most likely from the Isafp," the family said.

Corpus earlier told a Senate committee looking into the alleged criminal activities of Sen. Panfilo Lacson that Pestaño was murdered "because he was about to report that they had on board his ship a large shipment of shabu." He, however, did not elaborate.

Philip, then 23, was found dead with a single bullet wound in the head inside his cabin in the Navy vessel BRP Bacolod City in the morning of Sept. 27, 1985.

The Navy, the police and the National Bureau of Investigation declared his case as suicide based on the alleged suicide note he wrote.

But the Pestaño family expressed belief that Philip was murdered after he discovered the illegal loading of logs and drugs in the Navy ship.

The Senate, through its committees on justice and human rights and on national defense and security, had also declared Philip's case as murder.

"Although they all agreed that (their) findings that Philip was a victim of foul play, they said it is also a waste of time, money and government resources to determine who the murderers are. Meaning, they wanted us to conduct the investigation ourselves, and then bring the culprits to them. What a shame!" the family said in a statement.



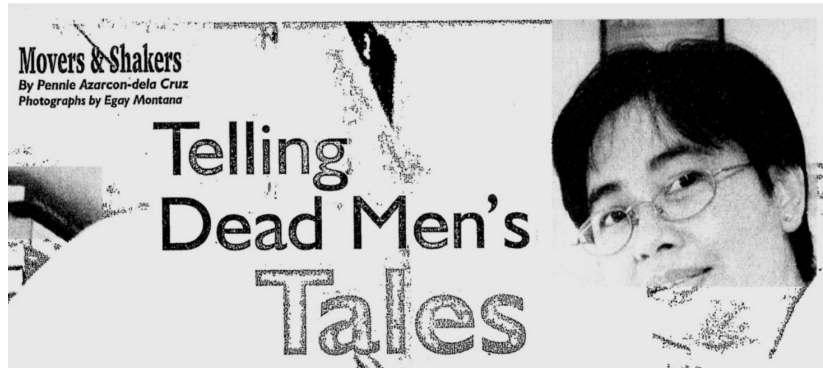
PESTAÑO

Had there been a real inquiry into his death, the family lamented, the exposés of Ong and Mawanay would have been made much earlier and many would have saved from being hooked on illegal drugs.

The existence of narco-politics, which Corpus claimed is now starting to rule Philippine politics, would not have made inroads into the country's political system and gained strength, the family said.

FEATURING:

9.3.03



The lack of resources is another challenge. "Doing an autopsy requires money at least for the chemicals, but if it's an unidentified body, who will pay? Who will give the consent? And if you must know, most funeral homes don't even have refrigeration facilities in this tropical country, so unclaimed or unidentified bodies are disposed of quickly."

It's a grave matter, but not totally hopeless, says Fortun, who's pushing for the Mandatory Autopsy Bill. "It's been filed and refiled in Congress," she says with a weary sigh. "We also need to revamp the curriculum of doctors and lawyers. We must update our books and train faculty who can teach legal medicine."

Indeed, it can be very frustrating, says this 1996 Pathologist of the Year awardee. "The first time I testified in the Senate in the case of Navy Ensign Philip Andrew Pestaño to say that the evidence was consistent with suicide, a senator dis-

ing," she admits of "being proven right. Of course, the media attention also helps me develop networks and contacts that keep me updated in my work," says Fortun, who spent six months in Kobe for legal medicine and stayed briefly in Cyprus to study forensic anthropology and archeology.

Just recently returned from the Hague, Netherlands, where she took up an international criminal investigation course, Fortun, who is grateful to the TOYM Foundation, the Gerry Roxas Foundation, the Jaycees and other awards sponsors for giving her recognition in her homeland, hopes to be able to write a book on the cases she's handled. A good pathologist, she defines, must be meticulous, must have an eye for details, good communication skills, the right demeanor and, in the face of the profession's precarious economic prospects, she laughs, "an alternate source of income!"



Lim resurrects case of navyman's suicide

BY EFREN L. DANA Senior Reporter

SEN. Alfredo Lim on Tuesday raised the inconclusive finding on the alleged suicide of Ensign Philip Pestano in 1995 during his cross-examination of a handwriting expert of the Philippine National Police Crime Laboratory.

The expert, Nelly Sorra, had told the Senate Committees on Public Order and Illegal Drugs and on Games, Amusement and Sports that she was not aware of any court decision overturning her previous expert testimony. Sorra was the handwriting expert who had attested that the handwriting specimens of

Ignacio Arroyo and Jose Pidal submitted to her were written by only one person.

Sen. Panfilo Lacson alleged that the President's husband, Mike Arroyo, used the alias "Jose Pidal" in opening multi-million bank accounts, but Ignacio Arroyo claimed that he was the real "Jose Pidal." He

then presented the findings of the Crime Lab to prove his claim.

Lim said, however, that the findings of the PNP Crime Laboratory are not always accepted. He recalled that when he was director of the National Bureau of Investigation, the bureau had a different finding on the alleged suicide note of Ensign Pestano.

Pestano was found dead on the BRP *Bonifacio* in 1996 with a suicide note nearby. His relatives protested, however, that there was no reason for Pesta-

no to take his own life. They suspected that he was murdered and that his exposé on anomalies committed by a superior had something to do with his death.

The alleged suicide note was sent for examination to the PNP Crime Laboratory, which concluded that the note was written by Pestano himself. Lim said a separate examination by the NBI concluded that Pestano did not write the suicide note.

No charges have been filed on the death of Pestano for lack of evidence.

Lim seeks probe into Pestano death cover-up

BY EFREN L. DANAQ
Senior Reporter

SEN. Alfredo Lim on Monday called for a Senate investigation into the alleged "cover-up" of the "murder" of Ensign Philip Pestano 10 years ago.

In a privileged speech, Lim said the Senate inquiry should identify the naval officers and other government officials responsible for declaring the "murder" of Pestano as a "suicide."

"A person has to be a Plastic man to be able to do that," said Lim, a former police general and former director of the National Bureau of Investigation.

The absence of powder burns on the hands of Pestano and the finding that the gun discovered at the crime scene was not the death gun reinforced the belief that foul play was involved.

Lim said the cover-up had resulted in the mysterious disappearance of two navy personnel,

Pestano as a "suicide."

Pestano, a graduate of the Philippine Military Academy Class '93, was found dead onboard the BRP *Bacolod City* on September 27, 1995.

Investigations by the Navy and the PNP Criminal Investigation and Detection Group ruled Pestano's death a suicide. Lim, however, cited findings to indicate that Pestano was murdered.

"Two shots were fired as indicated by the bullet holes in the wall. A man who shoots himself in the temple will have no opportunity to shoot himself a second time," Lim said.

He also noted that the bullet that hit Pestano's head had a downward trajectory.

pearance of two navy personnel, including the radio operator who had received reports about the presence of drugs onboard the BRP *Bacolod City* and told Pestano about it. The second, said to be a witness, was reportedly washed overboard.

The late Sen. Marcelo Fernan, chair of the Senate Committee on Justice in the Tenth Congress, investigated the Pestano case and filed a 48-page finding that Pestano did not kill himself. The Office of the Ombudsman, however, refused to reopen the Pestano death case, saying it was a "waste of time" because of the passage of time and because the pieces of evidence had been tampered with.

