

UPDATE

# factsheet

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## APRIL 6 DETAINEES STAGE INDEFINITE FAST

Nine political detainees in Camp Bagong Diwa PC/INP Jail (Bicutan) started an indefinite fast last March 22 to protest the "rank militarization of our legal and judiciary system" and their continued detention despite a civil court ruling ordering their release last February 10. The fasting detainees who are identified with the April 6 Liberation Movement are: Rafael Baskinas, Jesus Cellano, Josefino Cellano, Julio McCakeren, Rolando Montiel, Percival Palmes, Modesto Pasana, Manuel Pelias and Pepito Serrano. They were allegedly responsible for the series of bombings in Metro Manila last year including the one at the Philippine International Convention Center (PICC) during the ASTA conference.

Last February 10, after almost 17 months of detention in various military camps and safehouses, the nine detainees were finally arraigned before the Court of First Instance in Quezon City for subversion. They pleaded guilty to the charges filed against them and were meted sentences ranging from four to six months. Since they have been detained for almost 17 months at the promulgation of the sentence, they should be released immediately. However, the military refused to release them.

The nine detainees mentioned in their open letter that new charges were filed against them to detain them further. Modesto Pasana and Pepito Serrano, who did not have any charges filed against them for over a year since their arrests were charged with insurrection and rebellion at the office of the City Fiscal of Manila. Doris Baffrey has been likewise charged at the Court of First Instance of Rizal, Pasay City, Branch 28.

The nine detainees demanded the following:

1. The immediate release of those who remain under detention despite their exclusion from the charge;
2. The immediate implementation of the Court's Order of Release for those who have served their sentences.
3. The immediate release of those of us unjustly categorized as principals in the charge by virtue of statements extracted under duress.

In a letter of support released by their fellow detainees, the detainees asked for the release of Juliet Delima-Sison as recommended by the Minister of National Defense and Rene J. Marciano on humanitarian grounds. They also sought the release of women detainees arrested last February. They are: Avelina Enrile, Belen Diaz Flores, Violeta Marasigan, Laura Ocampo, Elizabeth Protacio, Rebecca Tulalian and Linda Ferrer Valmonte.

STATEMENT OF SUPPORT FOR THE FASTING OF 9 BICUTAN POLITICAL DETAINEES

28 March 1982

The 17 of us have been arrested (from 26 February to 1 March 1982) under questionable circumstances and without proper legal processes. There was no warrant of arrest and a "remedial" PCO (presidential commitment order) was issued only after the fact of our arrest and after our relatives and lawyers had persistently pressed the military to "surface" us.

From the different military camps where we were held and where all of us went through varying degrees of physical and mental torture, we were transferred to the Camp Bagong Diwa PC/INP Jail in Bicutan in three batches from 23 March to 25 March, mainly through the strength of the petitions by our relatives who wanted to be assured that we would obtain better treatment than what we had been experiencing in the detention cells of the various military and intelligence units holding us.

Immediately upon our arrival here, we learned of the indefinite fast launched since 22 March by nine of our fellow political detainees identified with the April 6 Liberation Movement (A6LM) in protest of the maneuvers of the military authorities to tamper with established legal and judicial processes -- indeed a sad and telling commentary on the credibility of the government's policy of "return to absolute normalcy".

As a result of a much-publicized plea bargaining before the Quezon City Court of First Instance last Feb. 10, ten of those accused of subversion identified with the A6LM should have been released immediately -- and on that very day as they had more than served their 4-6 month sentence, having been detained for 16 months as of Feb. 10. Now they are entering their 18th month in detention.

Two others who were excluded from the subversion charge although arrested with the A6LM group should indeed have been freed much earlier, having been detained for so long without charges. But, alas, on 11 March, the military suddenly filed a new case of rebellion or insurrection against the two plus two others already charged with subversion, a clear case of double jeopardy with regard to the latter.

Rightly so, the nine political detainees demand their immediate release and that of their co-accused.

At the same time, the nine detainees demand the scrapping of the military tribunals and the immediate abolition of the practice of solitary confinement of political detainees. They likewise demand the immediate transfer to Bicutan, pending her release, of their co-accused Ms. Doris N. Baffrey, now held among common criminal detainees in Camp Crame; the permission of our friends to visit us; and the early/timely remittance of our food allowance of ₱6 a day.

These are just and reasonable demands. We therefore unconditionally support the nine detainees' fast and ask for the immediate granting of their demands.

As fellow political detainees, we share common plights with the nine detainees on fast. Like them, we suffer varying degrees of deprivation of

our legal and human rights. We suffer the travesty of justice in the hands of our military captors and we have been deprived of the speedy and due process of law.

Not only have we been arrested under questionable circumstances and without proper legal procedures, not only have we been subjected at the same time to varying degrees of physical and/or mental torture, up to now we remain under detention without charges.

If the Marcos government is to be consistent at all with its declaration of a "return to absolute normalcy", "national unity and reconciliation" and "respect for human rights", it should also do the following:

1. Immediate release of all those still without charges and speedy and proper legal and judicial processes for those charged.
2. Immediate release of the spouses of detainees according to the Revised Penal Code and likewise the rules of the Office for Detainees Affairs (ODA) as in the cases of Ms. Elizabeth Protacio-Marcelino and Ms. Rebecca Tulalian, wives of detainees Alex Marcelino and Edwin Tulalian. In similar state is Ms. Juliet Delima-Sison who is detained with her husband and baby in Fort Bonifacio. She has already been recommended for release by the Minister of National Defense.
3. Immediate release of the other women political detainees on humanitarian grounds, particularly Ms. Doris N. Baffrey and those arrested with us last Feb. 26-March 1: Mesdames Belen Diaz Flores, Linda Ferrer Valmonte, Avelina Enrile, Violeta Marasigan and Laura Ocampo.
4. Immediate release of Mr. Rene Marciaro, also on humanitarian ground.
5. Immediate release of all political detainees who have been in prison for unduly long periods.
6. Immediate "surfacing" of the missing political detainee Ms. Linda Ferrer Valmonte and others in similar state, and the transfer to Bicutan of all detainees in solitary confinement in military and intelligence units and those held in "safehouses" and other non-regular detention centers in Metro Manila.

- 17. POLITICAL DETAINEES

ORIGINAL COPY SIGNED:

ROGELIO ABERCA  
NESTOR BODINO  
DANILO DE LA FUENTE  
RODOLFO BENOSA  
NOEL ETABAG  
MANUEL MAPIO GUZMAN  
ALEX MARCELINO  
ROLANDO SALUTIN

ALAN JASMINEZ  
ALFREDO MANSOS  
JOSEPH OLAYER  
MARCO PALO  
BENJAMIN SESGUNDO  
EDWIN LOPEZ  
CHARLIE PALMA  
ARTURO TABARA  
EDWIN TULALIAN

STATEMENT OF SUPPORT FOR THE 9 BICUTAN POLITICAL DETAINEES' FAST

23 March 1982

Yesterday, March 22, nine of our fellow political detainees here in Camp Bagong Diwa PC/INP Jail (Bicutan) started an indefinite fast to protest the "rank militarization of our legal and judicial system", in particular their continued detention despite a civil court ruling virtually ordering their release last Feb. 10, 1982.

The nine detainees demand their immediate release and of a few other co-detainees. They likewise demand the following: the early/timely remittance of our ₱6-a-day food allowance; the unconditional permission of our friends to visit us; and the immediate transfer to Bicutan, pending her release, of Mrs. Doris N. Baffrey, now held among common criminal detainees in Camp Crame.

They also demand the immediate scrapping of military tribunals and the immediate abolition of the practice of solitary confinement of political detainees.

We believe these are just and reasonable demands. We therefore declare our unconditional support for these demands and for the nine detainees' indefinite fast.

Indeed, a travesty of the judicial system and due process has been committed in the case of these protesting political detainees.

Last February 10, ten of those accused of subversion identified with the April 6 Liberation Movement (A6LM) entered into a plea bargaining before the Quezon City Court of First Instance. They were sentenced to prison terms of from four to six months. Since they had been detained for 16 months at the promulgation of sentence, it stands to reason that the 10 should have been released immediately.

Two others arrested with the A6LM group but excluded from the subversion charge should have been freed, too, indeed earlier.

But not one has been released. A month after the plea bargaining, two of those accused of subversion were charged anew, with multiple frustrated murder and destruction of property, in an information filed by military lawyers with the Pasay City fiscal. Last March 19, the fiscal filed with the Pasay City CFI an amended charge of multiple frustrated murder and illegal possession of explosives.

On March 11, military lawyers filed with the Manila City fiscal another information against four political detainees -- two of those accused of subversion and the two who were excluded. The new charge: rebellion and insurrection.

Implicit in these moves is the military's attempt to stop the release of these political detainees for reason(s) of its own, but to the detriment of the judicial process and discredit to the credibility of the Marcos regime's avowed "return to absolute normalcy".

By no means is this development new. Most of the current "long-term" political detainees (in military custody four years) have been deprived of

legal means of early release by the military through the filing against them of two separate charges of rebellion and subversion for basically the same alleged acts, and by the denial in both cases of the writ of habeas corpus and the right to bail.

But what happened to the detainees identified with the A6LM takes the cake for unabashed presidential/commander-in-chief interference with the civilian judicial process.

This interference demonstrate the extent to which militarization has infested the entire system. It negates the vaunted independence of the judiciary and places the latter blatantly under the interlocking executive-legislative-judicial prerogatives of President Marcos. In political cases, bail and release from detention is entirely at the discretion of Mr. Marcos, so the military lawyers aver.

In like manner, the civil courts' authority to issue search and arrest warrants, after determination of reasonable basis, has been superseded by the President's power to issue presidential commitment orders or PCO -- the new version of the arrest, search and seizure order or ASSO under formal martial law.

Thus, in the case of the 23 men and women arrested by the military on Feb. 26 and 28, the PCO was issued after they had already been detained and their relatives and lawyers had pressed the military to "surface" face. This post-arrest PCO parallels the "remedial ASSO" resorted earlier.

Many of those covered by "remedial ASSO" in the past years were freed after months or even years in detention, mostly without any charges at all, or the charges had been dropped for "insufficiency of evidence".

In view of these facts, the Marcos regime ought to immediately grant the demands of the nine political detainees now fasting -- if it wishes to be earnest in its declaration of "normalization", "national unity and reconciliation", and respect for human rights.

For the same reason, the Marcos regime should also do the following:

1. Release immediately Mrs. Juliet Delima-Sison, a nursing mother detained with her husband and baby in MSO, Fort Bonifacio. She has been recommended for release by the Minister of National Defense.

2. Release immediately Mr. Rene J. Marciano on humanitarian ground.

3. Release immediately all women political detainees, also on humanitarian ground, particularly Doris N. Baffrey and those arrested last February - Avelina Enrile, Belen Diaz Flores, Violeta Marasigan, Laura S. Ocampo, Elizabeth Protacio, Rebecca Tulalian and Linda Ferrer Valmonte.

4. Release immediately all political detainees against whom no formal charges have been filed in court after a reasonable time following their arrest, and those who have been detained for unduly long periods.

5. Transfer to Bicutan all political detainees in solitary confinement in military camps and those held in "safehouses" and other non-regular detention centers in Metro Manila.

