

PANEL ON SLAYING OF AQUINO FINDS A MILITARY PLOT

By Steve Lohr

Oct. 24, 1984



See the article in its original context from
October 24, 1984, Section A, Page 1 Buy Reprints

New York Times subscribers* enjoy full access to
TimesMachine—view over 150 years of New
York Times journalism, as it originally appeared.

SUBSCRIBE

*Does not include Crossword-only or
Cooking-only subscribers.

About the Archive

This is a digitized version of an article from The Times's print archive, before the start of online publication in 1996. To preserve these articles as they originally appeared, The Times does not alter, edit or update them.

Occasionally the digitization process introduces transcription errors or other problems; we are continuing to work to improve these archived versions.

Excerpts from one report, page A6.

MANILA, Wednesday, Oct. 24 - The five-member panel investigating the killing of the opposition leader Benigno S. Aquino Jr. said Tuesday that it had unanimously rejected the contention of the military that Mr. Aquino had been shot by a lone gunman hired by Communists.

Rather, the commission said, Mr. Aquino's death resulted from a military plot.

But, after an inquiry lasting almost a year, the panel split over how high in the chain of command responsibility should be placed. As a result, the panel said, it was issuing two reports on the investigation.

One, representing the views of the head of the group, was released Tuesday and accused an air force general and six soldiers of having plotted Mr. Aquino's death.

Wider Conspiracy Charged

The second report, representing the views of the panel's four other members, was released today and suggests a wider military conspiracy of 26 people, including the chief of the armed forces, Gen. Fabian C. Ver, who is a close associate of President Ferdinand E. Marcos, along with the air force officer and another general.

President Marcos today accepted the request of General Ver to take a leave of absence, effective immediately, according to the Government press office. Gen. Fidel V. Ramos has been named acting chief of staff. (In Washington, the State Department said Tuesday it expected Mr. Marcos to bring to justice all those found involved in the Aquino assassination "no matter who they may be." The statement seemed to be a clear signal that the Administration wants Mr. Marcos to prosecute General Ver. Page A7.)

Mr. Aquino was shot on Aug. 21, 1983, moments after he got off a plane at the Manila airport upon his return from three years of self-imposed exile in the United States.

Communists Blamed

The Philippine military has contended that Mr. Aquino was slain by a lone gunman, Rolando Galman, who himself was shot to death by security guards on the scene shortly after Mr. Aquino was killed. The military has maintained that Mr. Galman had been hired by Communists to kill Mr. Aquino.

The assassination of Mr. Aquino galvanized public opposition to the Marcos Government, led to an economic crisis and prompted a re-evaluation of the United States Government policy toward the Philippines.

Immediately after the assassination, Mr. Marcos said the evidence supported the military version of the slaying. Last month, however, the President distanced himself from the military assertions, saying the military did not reflect his personal opinion, and he pledged to prosecute whoever was implicated by the investigatory panel.

The findings of the investigating panel will now go to a special civilian court. There, a prosecutor will decide which of the people named as having been involved in the military conspiracy should be indicted.

Mr. Marcos, in a televised address Tuesday night, seized on the findings of the chairman of the panel, Corazon J. Agrava, as the report of the full commission.

"I have directed the Minister of Justice to take all appropriate and speedy action on the board's report without letting a day pass," Mr. Marcos said. "I have chosen under my discretionary powers to refer this case to our civil courts."

It was unclear what reception the majority report, with its charge of a broader conspiracy, will get from Mr. Marcos. Air Force Security Chief
Accused

In her 121-page report issued at a news conference Tuesday, Mrs. Agrava accused Gen. Luther Custodio, the former head of the Aviation Security

Command, and six soldiers of plotting to kill Mr. Aquino.

The report of the four other members of the panel cites General Ver, General Custodio and one other general as among 26 people involved in a military conspiracy to kill Mr. Aquino and in a subsequent cover-up.

The seven men named in Mrs. Agrava's report were suspended from duty and confined to quarters Tuesday. It was unclear whether the military personnel who are named in the majority report, including General Ver, would be treated similarly.

The other general charged in the majority report of more than 500 pages is Gen. Prospero Olivas, the commander of the police constabulary for metropolitan Manila.

The majority report states, "We are satisfied that the evidence proves the complicity of General Ver in this tragic affair in attempting, like General Olivas, to cover up the crime or the effects of the crime." Inconsistencies in Testimony

According to the majority report, the finding about the involvement of General Ver is based mainly on inconsistencies in his testimony, especially about the extent of his knowledge of Mr. Aquino's movements before his return to the Philippines last year. Despite their differences, the entire board has rejected the military version of the slaying.

The report of four of the five members of the panel released this morning cited General Ver as among those "indictable for the premeditated killing" of Mr. Aquino.

Response From Marcos Upon receiving the majority report this morning, Mr. Marcos said this report would be transmitted to the Ministry of Justice and special court for "immediate and appropriate trial," just as he had upon receiving Mrs. Agrava's report.

The report said that the murder weapon was not a .357 magnum pistol, as the

military claimed, but that the weapon was either a .38 caliber or .45 caliber pistol. "Prospero Olivas sought to mislead us that it was a .357," the report stated.

The report added that two military escorts, Constable 1st Class Rogello Moreno and Sgt. Filmeno Miranda, were the persons "who had the best opportunity" to have shot Mr. Aquino.

The report also described the military's insufficient efforts to protect Mr. Aquino at the airport as "nothing but an ostensible series of maneuvers designed to mask the real plan."

Leaders of the political opposition in the Philippines were critical of the split decision by the board and have charged Government interference.

"Mrs. Agrava rode roughshod over the other commission members, the majority," said Salvador H. Laurel, president of the United Nationalist Democratic Organization, which includes the main opposition parties. "We see the hand of Marcos here."

In her report, Mrs. Agrava, a 69-year-old retired appeals court justice, named the six soldiers who were nearest to Mr. Aquino when he was killed as having been involved in the conspiracy.

Mrs. Agrava concluded that Mr. Aquino was shot in the back of the head while he was on the steps leading down from the plane under military escort, about 10 seconds after he walked through the door of the aircraft. This directly contradicts the military account, according to which the opposition politician was killed on the tarmac after the gunman had managed to slip alongside him. Assassin Not Named

The chairman's report does not say which of the military escorts shot Mr. Aquino, asserting that any of the six soldiers near him could have done it. To pinpoint the actual assassin beyond reasonable doubt might not be possible with the available evidence, the report states.

Similarly, Mrs. Agrava's report does not find sufficient evidence to go higher in the military hierarchy than General Custodio. It states specifically that General Ver was not a plotter.

In response to the charges, General Custodio said, "God knows my men and I are not guilty." He expressed confidence that they would be found innocent in court.

The commission's finding of military conspiracy poses a challenge to President Marcos's Government, although the effect appears likely to be blunted by the board's split decision.

If high-ranking officers are prosecuted, that could pit Mr. Marcos against the military, one of the most powerful institutions in the Philippines, whose members have been among Mr. Marcos's most loyal supporters during his 19-year rule. Doubts Voiced on Prosecution

However, the report by Mrs. Agrava, finding a more limited military conspiracy, seems to give Mr. Marcos an opportunity to limit the damage to his Government.

Many opposition leaders said they were skeptical of Mr. Marcos's pledge of speedy prosecution, particularly of high-ranking officers close to him.

There is considerable potential for delay in the courts, one foreign diplomat noted, and Mr. Marcos has much tighter control of the judicial system than he did of the Agrava commission.

The citizens' panel, modeled after the Warren Commission that investigated the murder of President Kennedy, can only make allegations and recommendations, and it lacks the power to act on them. Ultimately, that is up to the Marcos Government.

In the wake of the murder, the political opposition was reinvigorated, and large and occasionally violent anti- Government demonstrations have become commonplace in Manila. In elections last May, the opposition

increased its representation in the 200- seat National Assembly from 14 to 62.

Economic Crisis Set Off

The economic crisis began in the weeks immediately after the assassination, when political uncertainty was at its height. Investors lost confidence and pulled their money out of the Philippines, arresting business activity and aggravating the payments problems of a nation saddled with \$25.6 billion in foreign debts and an economy previously weakened by mismanagement and favoritism.

The Aquino assassination also brought a sharp reaction in Washington.

In October 1983, a joint House-Senate resolution asked for a thorough, independent and impartial investigation of the slaying, and called on the United States Government to support genuine, free and fair elections for the Assembly in May. Then a trip to the Philippines planned by President Reagan for last November was canceled.

Although Mr. Reagan expressed support for President Marcos in his debate with Walter F. Mondale two days ago, the overall American policy now is to press the Marcos Government to allow a sharing of power through the revitalization of democratic institutions in the political, judicial and business arenas. These are changes that Mr. Aquino also called for before his death.

Resignation of Marcos Urged

The Ninoy Aquino Movement, an anti-Marcos group, said in New York yesterday that the findings of the Agrava commission provided "a substantial basis to demand" the resignation of the Philippine President.

The movement is named for Benigno S. Aquino Jr., who was known by the nickname "Ninoy."

"Without going into the personal guilt of Mr. Marcos, his political culpability for a conspiracy in his Government sufficiently warrants his resignation from office," said Heherson Alvarez, president of the organization, in a statement issued from its headquarters in New York. The group also has

chapters in eight other countries.

Scene Before Aquino Was Killed