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Army Chief Acquitted in Murder of Aquino : Gen. Ver, 25 Others Freed in Manila; Court Calls Killing 'a Shame' but Finds Evidence Insufficient - Los Angeles Times

NICK B. WILLIAMS Jr

7-9 minutes

MANILA —

A three-judge court today acquitted 26 defendants, including Gen. Fabian C. Ver, head of the Philippine armed forces, who were accused in the 1983 assassination of opposition leader Benigno S. Aquino Jr.

The 90-page decision, read out in court for more than two hours, called the assassination a “national shame and national tragedy.”

The judges said the evidence presented in seven months of trial was conflicting but that the prosecution case was largely circumstantial and not sufficient to convict.

‘All Accused Innocent’

“Considering the evidenciary facts extant in records, the court finds all accused innocent of the crimes charged. . . ,” the decision concluded.

Ver made no comment as he left the courtroom other than to say he was “glad it was over.”

The key point, according to the decision, was the location of Aquino when he was shot at Manila International Airport on Aug. 21, 1983.

The prosecution charged that he was shot from behind by a soldier as he was descending a stairway to the tarmac. The defense said he was shot on the tarmac itself by Rolando Galman, a hired gunman, who was immediately killed by soldiers.

The judges reviewed testimony by purported eyewitnesses presented by both sides. They also dwelled on the testimony of medical examiners, who said the bullet entered Aquino’s head at an upward angle and concluded that he could not therefore have been shot by a soldier behind him on the stairway.

“Sen. Aquino was shot on the tarmac,” the court ruled. According to the judges, the “overwhelming” weight of the evidence indicated that Galman fired the fatal shot. Immediately after Aquino was shot, Galman was slain by security men at the scene.

Acquittal of Ver Foreseen

Acquittal of Ver and eight others, including a civilian, who were accused as accessories had been expected, but public opinion was divided on whether soldiers accused as principals in the assassination would be freed.

Joker Arroyo, a well-known human rights lawyer, said the decision was an indictment of the Philippine judicial system. As soon as it was released, opposition sources predicted, demonstrations against the verdict would be staged. But there were no immediate, spontaneous protests.

“It is as grievous as it is supremely uncharitable that the trial of these cases had to be conducted under the dark clouds of distrust, since seeded in the horizon of political passion,” the judges said in their decision.

Security was heavy in and around the courtroom. The proceedings were shown live on two Manila television channels.

What Augusto Amores, one of the three trial judges, recently called “a simple case of murder” was far more than that. The head of the armed forces plus 24 other soldiers, including two other generals, and a civilian were accused of conspiracy to assassinate President Ferdinand E. Marcos’ foremost political foe.

They were also accused of killing Galman at the assassination site and falsely portraying him as the assassin, hired by Communist agents to kill Aquino.

Marcos has said that Ver, his cousin, confidant and former bodyguard, would automatically be reinstated on acquittal. Ver has been on voluntary leave since his indictment in the case, when Marcos belittled the “alleged charges” against him.

Marcos’ critics here and abroad have identified the tough, 65-year-old Ver with military abuses in the Philippines. His lawyer said he was on trial only because he is “a big fish, nearest to the biggest fish.”

The case against Ver and others accused as accessories collapsed in August when the Supreme Court ruled that their testimony to a civilian fact-finding board in 1984 was self-incriminating and could not be entered as evidence.

The prosecution charged that the accessories participated in a cover-up of a military conspiracy and that their statements to the fact-finding board showed that Ver and the others knew of Aquino’s movements and in fact that the military was tracking him.

‘Trial of Century’

The Aquino murder case was called the “trial of the century” when it began last February, but it ended as a shopworn story, even in Manila.

Public interest waned during the long months of delay and testimony before the court despite the prominence of the drama’s two central characters, Aquino and Ver.

The trial began Feb. 26 in a tiny courtroom in downtown Manila, and testimony and argument ended in late September. The defendants numbered three generals, two colonels, three captains, a lieutenant, two constables, two airmen, 12 sergeants and a businessman. All pleaded not guilty.

The prosecution's case was built around the October, 1984, findings of the Agrava Commission, a civilian fact-finding board appointed by Marcos.

Agapito Aquino, the slain man's younger brother, said the commission's majority report, which returned a finding of a military conspiracy in the assassination, "was more than we (the opposition) could have hoped for." But early in the trial, particularly after Marcos said he would reinstate Ver if acquitted, opposition leaders said they had lost faith that the court would render an impartial verdict.

Benigno Aquino was a longtime political rival of Marcos. When the president declared martial law in 1972, Aquino and other opposition leaders were jailed. In 1978, still in jail, Aquino ran for a Manila seat in the revived National Assembly and lost to a slate headed by the president's wife, Imelda.

Shot Leaving Plane

Aquino was allowed to go the United States for medical treatment a few years later, returning--to his death--after a three-year self-exile. He was shot as he left the plane

that brought him home.

Each side presented what it termed independent eyewitnesses to the shooting.

For the prosecution, Rebecca Quijano testified: “I saw a Metrocom (soldier) pointing a gun at the back of the head of Aquino. At the same time, a shot was fired.”

Quijano was dubbed the “crying lady” for an emotional outburst as she entered the terminal after viewing the shooting through a window of the plane. The defense attacked her character for a series of minor infractions involving her travel papers.

For the defense, the primary purported independent eyewitness was Pelagia Hilario, a bar girl promptly nicknamed the “kissing lady” (she had been seen kissing Aquino on the plane). According to Hilario, “I suddenly saw a man in blue (Galman) appear and point a gun at the head of Sen. Aquino. Immediately, there was a shot.”

Television cameramen had film of Aquino leaving the plane in the company of military escorts and of Aquino’s and Galman’s bodies on the ground. However, no film of the shooting itself was presented.

The prosecution built its case around the film and an audio tape, which, prosecutors argued, proved that Aquino was still on the stairs when he was shot and could have been killed only by a soldier accompanying him. In summing up their evidence in October, the

prosecution named the gunman as Constable Rogelio Moreno, who was behind Aquino on the stairs.

Galman, the defense said, was hired as an assassin by leadership of the rebel, Communist-led New People's Army. Somehow, according to the defense case, he got through the heavy security at the airport and, wearing the blue uniform of an airport worker, fired the fatal shot.

According to the prosecution, military men had taken Galman, a shadowy, underworld figure, from his home four days before the assassination and then brought him to the airport, setting him up as the alleged gunman.