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SC: No Aquino-Galman case reopening

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The Supreme Court denied with finality yesterday the petition by 15 soldiers to reopen the case of the 1983 assassination of opposition leader Benigno Aquino Jr. and his alleged gunman Rolando Galman, for which they were convicted.

"The court resolved to deny with finality, for lack of merit, the motion for reconsideration of the resolution of March 8, 2005, filed on March 18 by the Public Attorney's Office (PAO) for the petitioners," the *en banc* ruling stated.

The soldiers, represented by PAO chief Persida Rueda-Acosta, maintain they are innocent of the charges and that it was Galman all along who shot the former senator upon his arrival at Manila International Airport (now named after Aquino) on Aug. 21, 1983, after a three-year exile in the United States.

In her petition, Acosta said new evidence gathered by an "independent forensic team" indicated that Galman alone shot and killed Aquino, and not one of the soldiers as is widely believed.

Her main concern in reopening the case was not to find out who the mastermind was but to seek justice for the 15 soldiers

whom she believes are innocent.

In denying the PAO's petition last March 8, the court said the new forensic findings that Acosta used to back her plea cannot be considered new evidence under court rules and therefore could not warrant a reopening of the case.

Acosta had also intended to present another soldier, a certain SPO4 Ruben Cantimbuhan, who claimed he saw Galman shoot Aquino.

Cantimbuhan drove the military van that was supposed to bring Aquino from the airport to detention.

Justice Secretary Raul Gonzalez, who had served as Tanodbayan during the second trial of the Aquino-Galman double murder case, said the new forensic evidence cannot be classified as newly discovered evidence.

"Personally, I am convinced that the case is not solved totally because the mastermind has not been pointed out. On the scale of one to 10, I think there's only one percent chance it could be reopened," he said. "But it's really the legal grounds that must be overcome before this case can be reopened."

The soldiers — Capt. Romeo Bautista, 2Lt. Jesus Castro, Sgt. Claro Lat, Sgt. Arnulfo de Mesa, Cpl. Rogelio Moreno, Cpl. Mario Lazaga, Sgt. Filomeno Miranda, Sgt. Rolando de Guzman, Sgt. Ernesto Mateo, Sgt. Rodolfo Desolong, Airman 1Class Cordova Estelo, M/Sgt. Pablo Martinez, Sgt. Ruben Aquino, Sgt. Arnulfo Artates and Airman 1Class Felizardo Taran — earlier said they would reveal all if the case were reopened.

In 1985, then armed forces chief Gen. Fabian Ver was indicted

— along with the 15 soldiers — for the Aquino assassination and was acquitted. They were found guilty in a second trial in 1988.

Aquino led the opposition during the brutal Marcos dictatorship and was imprisoned when Ferdinand Marcos declared martial law in 1972.

He was sentenced to death on charges of subversion in 1977 by a military tribunal. In 1980, his sentence was commuted to exile and he was allowed to leave for the United States to seek medical treatment.

He returned to Manila to resume his fight against Marcos. Forensic evidence indicated he was shot in the head as he stepped off the plane.

Aquino's assassination triggered a series of events that eventually led to the downfall of the dictatorship.

His widow, Corazon, took over the opposition and eventually replaced Marcos after a special election in 1986. — **Jose Rodel Clapano**