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PERSONAL NA GINAWAN NI MARCOS NG SCRIPT ANG UNANG PAGLILITIS UKOL SA ASSASSINATION NI NINOY AQUINO, KASAMA PA SIYA SA ACTING SABI NG KORTE SUPREMA

Saan ka nakakita na ang Korte Suprema ay nag-conclude na ang presidente ng isang bansa ang nag-script ng pag moro-moro ng isang major court case? Sa Pilipinas po, at ang scriptwriter, behind-the-scenes director at isa sa aktor ay si Pangulong Ferdinand Marcos Sr.

Ito po ang kwento kung paano pinilipit ni Pangulong Ferdinand Marcos, Sr. ang kaso ukol sa pagpaslang kay dating Senador Ninoy Aquino noong August 21, 1983. Words po ito mismo ng Korte Suprema. Ang title po ng kasong ito ay Galman vs Sandiganbayan (G.R. No. 72670, September 12, 1986). Nasa baba po ang link. Paki-click po at basahin mismo. Paki-panood din po ng video.

"After three years of exile and despite the regime's refusal to give him a passport, he (Ninoy) sought to return home "to strive for a genuine national reconciliation founded on justice." He was to be cold-bloodedly killed while under escort away by soldiers from his plane that had just landed at the Manila International Airport on that fateful day at past 1 p.m. His brain was smashed by a bullet fired point blank into the back of his head by a murderous assassin, notwithstanding that the airport was ringed by airtight security of close to 2,000 soldiers and "from a military viewpoint, it (was) technically impossible to get inside (such) a cordon." The military investigators reported within a span of three hours that the man who shot Aquino (whose identity was then supposed to be unknown and was revealed only days later as Rolando Galman, although he was the personal friend of accused Col. Arturo Custodio who picked him up from his house on August 17, 1983) was a communist-hired gunman, and that the military escorts gunned him down in turn. The military later filmed a re-enactment of the killing scripted according to this version and continuously replayed it on all TV channels as if it were taken live on the spot. The then President instantly accepted the military version and repeated it in a nationally televised press conference that he gave late in the evening of August 22, 1983, wherein he said, in order to induce disbelief that the military had a hand in the killing, that "if the purpose was to eliminate Aquino, this was not the way to do it."

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A short background po:

Gumawa si Pangulong Marcos ng isang komisyon (ang Agrava Commission) para imbestigahan ang pagpaslang kay Ninoy Aquino. Ngunit kahit anong pilit ni Marcos na patunayan na si Galman ang bumaril kay Ninoy, ang komisyon na inappoint niya ay UNANIMOUS NA ANG MGA SUNDALO AT HINDI SI GALMAN ANG BUMARIL KAY NINOY AQUINO.

Kaya't nag-file ang Tanodbayan, base sa report, ng kaso ng murder laban sa mga sundalo at kanilang superiors.

Hindi nakuntento si Marcos at hanggang doon, gusto pa rin niyang diktahan ang korte at Tanodbayan. Ayaw niyang magkaroon ng formal charges in court laban sa mga sundalo at



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Korte ang Tanodbayan at Sandiganbayan justices ay humingi ng tulong noong November 1985 sa Korte Suprema upang magdeklara ng mistrial at pigilan ang pagbaba ng isang desisyon na bunga ng pressure ni Marcos. In the meantime, habang dinidinig ang petisyon na ito sa Korte Suprema, inacquit ng Sandiganbayan ang lahat ng mga sundalo na charged with the murder of Ninoy Aquino. Ang response ng Korte Suprema sa petisyon ng Nanay Galman ang ilalahad natin sa post na ito.

Ito pong susunod na naka-quote ay ang formal sworn manifestation ni Deputy Tanodbayan Manuel Herrera sa Korte Suprema ukol sa pagdidikta ni Marcos sa paglilitis at desisyon ukol sa pagpatay kay Ninoy Aquino:

"Deputy Tanodbayan Manuel Herrera, in his comment of April 14, 1986 affirmed the allegations in the second motion for reconsideration that he revealed that the Sandiganbayan Justices and Tanodbayan prosecutors were ordered by Marcos to whitewash the Aquino-Galman murder case. He amplified his revelations, as follows:

#### "1. AB INITIO, A. VERDICT OF ACQUITTAL!

Incidents during the preliminary investigation showed ominous signs that the fate of the criminal case on the death of Ex-Senator Benigno Aquino and Rolando Galman on August 21, 1983 was doomed to an ignominious end. Malacanang wanted dismissal-to the extent that a prepared resolution was sent to the Investigating Panel (composed of the undersigned, Fiscals Ernesto Bernabe and Leonardo Tamayo) for signature. This, of course, was resisted by the panel, and a resolution charging all the respondents as principals was forwarded to the Tanodbayan on January 10, 1985.

#### "2. MALACAÑANG CONFERENCE PLANNED SCENARIO OF TRIAL

At 6:00 p.m. of said date (January 10) Mr. Ferdinand E. Marcos (the former President) summoned to Malacañang Justice Bernardo Fernandez (the Tanodbayan), Sandiganbayan Justice Manuel Pamaran (the Presiding Justice) and an the members of the Panel

"Also present at the meeting were Justice Manuel Lazaro (the Coordinator) and Mrs. Imelda R. Marcos, who left earlier, came back and left again. The former President had a copy of the panel's signed resolution (charging all accused as principals), evidently furnished him in advance, and with prepared notes on the contents thereof.

"The former President started by vehemently maintaining that Galman shot Aquino at the tarmac. Albeit initially the undersigned argued against the theory, to remain silent was the more discreet posture when the former President became emotional (he was quite sick then).

"During a good part of the conference, the former President talked about Aquino and the communists, lambasting the Agrava Board, specially the Legal Panel. Shifting to the military he rumbled on such statements as: "It will be bloody . . . Gen. Ramos, though close to me, is getting ambitious and poor Johnny does not know what to do". . . 'our understanding with Gen. Ramos is that his stint is only temporary, but he is becoming ambitious "the boys were frantic when they heard that they will be charged in court, and will be detained at city jail."

"From outright dismissal, the sentiment veered towards a more pragmatic approach. The former President more or less conceded that for political and legal reasons all the respondents should be charged in court, Politically, as it will become evident that the government was serious in pursuing the case towards its logical conclusion, and thereby ease public demonstrations; on the other hand, legally, it was perceived that after (not IF)





"In the matter of custody of the accused pendente lite the Coordinator was ordered to get in touch with Gen. Narciso Cabrera, Gen. Vicente Eduardo and Director Jolly Bugarin to put on record that they had no place in their respective institutions. The existence of PD No. 1950 (giving custody to commanding officers of members of AFP charged in court) was never mentioned.

"It was decided that the presiding justice (First Division) would personally handle the trial, and assurance was made by him that it would be finished in four to six months, pointing out that, with the recent effectivity of the New Rules on Criminal Procedure, the trial could be expedited.

"Towards the end of the two-hour meeting and after the script had been tacitly mapped out, the former President uttered: "Mag moro-moro na lang kayo." The parting words of the former President were: "Thank you for your cooperation. I know how to reciprocate."

"While still in the palace grounds on the way out, the undersigned manifested his desire to the Tanodbayan to resign from the panel, or even the office. This, as well as other moves to this effect, had always been refused. Hoping that with sufficient evidence sincerely and efficiently presented by the prosecution, all involved in the trial would be conscience-pricked and realize the futility and injustice of proceeding in accordance with the script, the undersigned opted to say on."

Inilahad pa ng Korte Suprema na:

"Herrera further added details on the "implementation of the script," such as the holding of a "make-believe raffle" within 18 minutes of the filing of the Informations with the Sandiganbayan at noon of January 23, 1985, while there were no members of the media; the installation of TV monitors directly beamed to Malacanang; the installation of a "war room" occupied by the military; attempts to direct and stifle witnesses for the prosecution; the suppression of the evidence that could be given by U.S. Airforce men about the "scrambling" of Ninoy's plane; the suppression of rebuttal witnesses and the bias and partiality of the Sandiganbayan; its cavalier disregard of his plea that it "should not decide these cases on the merits without first making a final ruling on the Motion for Inhibition;" and the Presiding Justice's over-kill with the declaration that "the Court finds all accused innocent of the crimes charged in the two informations, and accordingly, they incur neither criminal nor civil liability," adding that "in the almost twenty years that the undersigned has been the prosecutor in the sala of the Presiding Justice this is the only occasion where civil liability is pronounced in a decision of acquittal. " He "associated himself with the motion for reconsideration and likewise prayed that the proceedings in the Sandiganbayan and its decision be declared null and void."

Dahil malinaw ang testimony ni Deputy Tanodbayan Manuel Herrera, at hindi ito pinabulaan ni dating Tanodbayan Bernardo Fernandez, gumawa ang Korte Suprema ng isang fact-finding commission upang mag-evaluate kung totoo ngang na-pressure ang Tanodbayan at kaniyang deputies, at ang Sandiganbayan justices na in-charge sa kaso, upang paboran ang gusto ni Marcos na si Galman at hindi ang mga sundalo ang ideklara ng Sandiganbayan na pumaslang kay Ninoy Aquino.

Ito naman po ang conclusion ng 64-page report na naisubmit ng Supreme Court fact-finding team composed of retired Justices Conrado Vasquez, Milagros German at Eduardo





Tamayo, was originally of the view that all of the twenty-six (26) respondents named in the Agrava Board majority report should all be charged as principals of the crime of double murder for the death of Senator Benigno Aquino and Rolando Galman.

"2. When Malacanang learned of the impending filing of the said charge before the Sandiganbayan, the Special Investigating Panel having already prepared a draft Resolution recommending such course of action, President Marcos summoned Justice Fernandez, the three members of the Special Investigating Panel, and Justice Pamaran to a conference in Malacanang in the early evening of January 10, 1985.

"3. In said conference, President Marcos initially expressed his disagreement with the recommendation of the Special Investigating Panel and disputed the findings of the Agrava Board that it was not Galman who shot Benigno Aquino.

"4. Later in the conference, however, President Marcos was convinced of the advisability of filing the murder charge in court so that, after being acquitted as planned, the accused may no longer be prosecuted in view of the doctrine of double jeopardy.

"5. Presumably in order to be assured that not all of the accused would be denied bail during the trial, considering that they would be charged with capital offenses, President Marcos directed that the several accused be "categorized" so that some of them would merely be charged as accomplices and accessories.

"6. In addition to said directive, President Marcos ordered that the case be handled personally by Justice Pamaran who should dispose of it in the earliest possible time.

"7. The instructions given in the Malacanang conference were followed to the letter; and compliance therewith manifested itself in several specific instances in the course of the proceedings, such as, the changing of the resolution of the special investigating panel, the filing of the case with the Sandiganbayan and its assignment to Justice Pamaran, suppression of some vital evidence, harassment of witnesses, recantation of witnesses who gave adverse testimony before the Agrava Board, coaching of defense counsels, the hasty trial, monitoring of proceedings, and even in the very decision rendered in the case.

"8. That that expression of President Marcos' desire as to how he wanted the Aquino-Galman case to be handled and disposed of constituted sufficient pressure on those involved in said task to comply with the same in the subsequent course of the proceedings.

"9. That while Justice Pamaran and Justice Fernandez manifested no revulsion against complying with the Malacañang directive, Justice Herrera played his role with manifestly ambivalent feelings.

"10. Sufficient evidence has been ventilated to show a scripted and pre-determined manner of handling and disposing of the Aquino-Galman murder case, as stage-managed from Malacañang and performed by willing dramatis personae as well as by recalcitrant ones whipped into line by the omnipresent influence of an authoritarian ruler."

At ito po ang rekomendasyon ng Supreme Court fact-finding committee:

"Considering the existence of adequate credible evidence showing that the prosecution in the Aquino-Galman case and the Justices who tried and decided the same acted under the compulsion of some pressure which proved to be beyond their capacity to resist, and which not only prevented the prosecution to fully ventilate its position and to offer all the evidences which it could have otherwise presented, but also predetermined the final



case have been vitiated by lack of due process, and hereby respectfully recommends that the prayer in the petition for a mistrial in Sandiganbayan Cases Nos. 10010 and 10011 entitled "People vs. Luther Custodio et al.," be granted."

SELF-EXPLANATORY PO ANG KWENTONG ITO. KAYO NA ANG MAG-DRAW NG CONCLUSION – SI MARCOS ANG NAGDIDIKTA NG SCRIPT SA HUDIKATURA AT TANODBAYAN, KAHIT FORMALLY WALA NANG MARTIAL LAW. GAANO KADALAS ITO GAWIN NI MARCOS, ANG MANGBUDOL-BUDOL SA BAYAN MAKAMIT LAMANG ANG KANIYANG LAYUNIN NA HUWAG MANAGOT SA NAPAKALAKING KASALANAN?

SA VIDEO PO SA BABA, NAGKO-CONGRATULATE PA SI MARCOS SA MGA SUNDALONG BUMARIL KAY NINOY AQUINO.

Iniutos ng Korte Suprema ang bagong paglilitis sa kasong ito. At nagdesisyon ang Sandiganbayan noong 1990 na guilty as accused ang 16 soldiers at officers kasama na si Brig. General Luther Custodio. Iku-kwento po natin sa future posts ang iba pang detalye tungkol sa mga sundalong ito.

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