

# 'No proof Marcos, Imelda, Danding had Ninoy killed'

Gerry Lirio, ABS-CBN News

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There is time for everything.

If the last surviving member of the Agrava Commission that investigated the August 21, 1983, murder of former [Sen. Benigno "Ninoy" Aquino Jr.](#), would have his way, it's about time the nation closed the book on the assassination.

Now 72, former Sen. Ernesto Herrera, then the youngest member of the Agrava board, said the country would be better off to move forward.

"It is time to close it," he told ABS-CBN News in an interview. "Time to move on, there are lessons to be learned. It is now history. I don't think it could still influence future events."

Herrera said the Agrava Commission found no sufficient evidence to link former President Ferdinand Marcos and his wife, Imelda, or businessman Eduardo "Danding" Cojuangco to the killing of Aquino, one of Marcos' worst critics, at the then Manila International Airport.

"How I wished we had solid evidence against Marcos, but there was none. Not against Imelda, not against Danding. Unless there come new

pieces of strong evidence to link or charge either one of them in court, we have to close that chapter in our history," he said.

So, who was the mastermind?

“There was indeed military conspiracy,” Herrera said, recalling the commission’s investigation that lasted for a year. “The government was involved, for how else could you explain that over 1,000 military personnel were deployed supposedly to secure Senator Aquino—secure him from whom? It was a well-organized murder plot.”

Then a 41-year-old labor leader, Herrera completed the five-person team of investigators led by retired Court of Appeals Justice Corazon Juliano Agrava. The others were lawyer Luciano Salazar, educator Amado Dizon, businessman Dante Santos, all of them Marcos’s appointees, with lawyers Andres Narvasa, Mario Ongkiko and Paquito Villa, as counsels.

In October 1984, the commission released its findings rejecting the military thesis that the killing was the handiwork of communists, thus clearing alleged NPA hitman Rolando Galman, who was found dead with Aquino in the tarmac.

The panel disagreed over who among military men was responsible, however.

Justice Agrava authored and signed a report recommending the filing of charges against Brig. Gen. Luther Custodio and six other soldiers; the men in the panel indicted 26, including Gen. Fabian Ver, Marcos’ Armed Forces chief of staff, and a civilian, supposedly Cojuangco’s business associate. “I was the first to announce to the body that I was preparing my own report,” he said.

**[READ: Son asked General Ver: Dad, did you kill Ninoy?](#)**

In December 1985, the Sandiganbayan acquitted all the 26 accused.

After Marcos was ousted in 1986, another trial took place finding guilty sixteen defendants, including Custodio and Aquino's military escorts, Constable Rogelio Moreno and M/Sgt. Pablo Martínez. It was Moreno who gunned down Aquino, the court declared.

Herrera would turn 73 on September 11.

Looking back, Herrera said he and his colleagues received a lot of information about Marcos, Imelda, and Cojuangco, all trying to convince them that either one or all of them had a role in the killing.

One military colonel, he said, repeatedly approached him asking him to link Cojuangco, in particular, to the killing. "He would come to my office, talk to me for hours, but all the while reporting to General Ver what we were talking about, trying to reinforce what he allegedly knew of the murder plot," he said.

"But we would realize later, that all that was meant to include one and clear the other. Marcos was too sick then. And I suspect there was rivalry in the ranks of Imelda, Danding, and Ver. One supporter wanted to put blame on the other," he added.

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Reacting to the Agrava Commission's findings, Aquino's widow, Corazon, said in a prepared statement dated October 24, 1984: "The Agrava report confirms what we knew all along: That it was not Galman who shot and killed Ninoy, but that it was a military conspiracy. But the report does not answer the question which has troubled me since August 21, 1983: 'Why was Ninoy assassinated by the military?'"

Throughout Ninoy's incarceration, Mrs. Aquino said it was clear to her family that everything that concerned her husband had to be cleared with Marcos. "As a matter of fact, when Mr. Marcos proclaimed martial law, Ninoy headed the list of persons to be detained. The records will show that Ninoy was the first to be booked in Camp

Came on the early morning of September 23, 1972. Ninoy was arrested while discharging his duties as Senator of the Republic, in palpable violation of the Constitution. Mr. Marcos exercised and insisted on complete control of everything that affected Ninoy. Nothing could be done regarding Ninoy without Marcos' approval."

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Cory Aquino later became president, but didn't lift a finger to initiate a new investigation. She didn't want the investigation to end up indicting a member of her own clan, a former investigator had theorized.

Aquino's children, including President Benigno Simeon Aquino III, had dismissed the theory, especially suggestions that Danding might have a hand in the cover-up, if not in the killing. President Aquino himself has publicly cleared his uncle of the double murders, especially after he assumed the presidency.

Said Herrera: "It would have been ridiculous to indict Danding if we have no evidence."

Asked if he thought Aquino's widow was satisfied with his own findings, Herrera replied: "I think so. Otherwise, she would have ordered a reinvestigation. He would have sought a reinvestigation. We have two President Aquinos."

Herrera recalled that moment when he and other members of the Agrava commission set foot in Malacanang to submit to President Marcos in October 1984 the panel's two reports on the Aquino assassination. "It was the shortest meeting I ever had," he said. "In less than three minutes, it was over."

Marcos reportedly thanked Agrava. When he turned to Herrera and the other Agrava members, Marcos remarked: "I hope you could live with your conscience with what you have done." It was the worst of times.

Herrera was elected senator in 1987, with no less than President Corazon Aquino endorsing his candidacy, and then later as congressman of Bohol, continuing his advocacy as labor leader, including investigating all other anomalies in government after the Marcos administration.

“I have been living with my conscience clear,” he said. It was the best of times.

Agrava and other members of the commission died years later. Herrera is now the head of the Trade Union Congress of the Philippines, replacing its founder Democrito Mendoza.

In March 2009, the last remaining 10 convicts of the Aquino-Galman double-murder case were released from the Bilibid’s Maximum Security section. Bilibid Chaplain Robert Olaguer said the 10 had no part in the killings.

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