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# A Cry for Justice: 44 Judges Killed in Recent Years



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At least 44 judges have been killed in recent years, proof that theirs has become a dangerous profession. Some have thought of arming them as a solution.

**S**ince moving into a new neighborhood in Metro Manila early this year, the Pattugalan family has been living on the edge. They hardly go out, they are suspicious of strangers, and they keep a low profile.

A single bullet turned their world upside down.

On January 19, the family patriarch, Judge Nathaniel Pattugalan, had just come from Camp Crame to follow up on his request for a permit to carry a gun. He boarded a jeepney en route to his second appointment in Quezon City, clueless that two hired goons on board a motorcycle were following him. When the jeepney reached the Quezon Memorial Circle, the motorcycle came close and one of the two fired a shot that

killed Pattugalan. He was 60 years old.

The gunmen are still on the loose.

It was the second attempt on the judge's life. In October 2005, Pattugalan was on his way to Aparri, Cagayan, to wrap up his pending cases there when unidentified attackers ambushed him. Although badly bruised, he survived. His driver died.

The attack paralyzed half of Pattugalan's body and it took one year before he could fully recover. He sought to be transferred out of Cagayan and was eventually appointed trial court judge in Quezon City.

Pattugalan then asked the Supreme Court to provide him with one security escort. He got one, but this lasted only a week—the Court couldn't afford more. He tried to get police protection but gave up on the idea after being told that he would have to shoulder the cop's daily expenses.

The judiciary doesn't have enough money to assign bodyguards to the 3,000 judges nationwide. Only the Chief Justice enjoys a security detail. Besides, as a matter of policy, the High Tribunal frowns upon the idea of having a permanent security force to provide protection for its members. "That is the main duty of the executive. It is not a function of the judiciary," says Court Administrator Christopher Lock. Pattugalan's killers were aware of these vulnerabilities. That's why they finally caught up with him on that fateful day in January.

Pattugalan's widow suspects that the gunmen are policemen based in Cagayan who were found guilty by the judge for arresting suspects without legal warrants. The National Police's Criminal Investigation and Detection Unit (CIDG) has classified the murder as "under investigation"—police jargon that simply means there's been no progress in the case.

## **RELATED TO VERDICTS**

Pattugalan was the first judge to be killed under the term of Chief Justice Reynato Puno, who assumed the post in December 2006.

Negros Oriental Judge Rolando Velasco was killed six months later, in July, ambushed by two motorcycle-riding men while on his way home. Velasco died in the hospital. Like Pattugalan, the attempt on Velasco's life was related to a decision that he had rendered. Velasco's case, like Pattugalan's, remains "under investigation." The twin murders follow a string of assaults against members of the judiciary that began in 1999,

CIDG records show.

At least 14 deaths have been recorded so far, including that of Pasay Judge Henrick Gingoyon, who had handled the arbitration case of the Ninoy Aquino International Airport Terminal 3.

It thus comes as no surprise that personal security was one of the pressing concerns that members of the judiciary raised in a survey conducted in 2005 and 2006 by the Social Weather Stations titled, "Diagnostic Study of the Challenges in the Judiciary." Physical security was an "extremely important concern" for judges, with 28 percent of those surveyed saying that they needed a bodyguard and only 4 percent claiming they had one, according to the survey.

Seven judges, in fact, have reported receiving death threats since March this year, according to documents obtained by NEWSBREAK from the Office of the Court Administrator (OCA).

The situation is such that judges now want the Supreme Court (SC) to provide them with guns, something that the OCA is seriously considering. As an initial measure, the High Tribunal has facilitated the judges' applications to carry firearms by asking the National Police to waive the P4,000 permit fee.

The Retired Judges Association of the Philippines, led by its president, Doroteo Cañeba, supports the proposal to arm judges. A former "heinous crime" judge, Cañeba owns a .45 caliber pistol and a .9 mm. "I know I have many enemies because I convicted many to life in prison and sent some to the death chamber." He also has his share of death threats.

Ex-Chief Justice Artemio Panganiban puts the issue in perspective: "How can judges give justice to the people when they themselves are victims of injustice?"

## **GRAPPLING WITH SOLUTIONS**



Puno acknowledges, however, that arming judges "is not the ultimate solution" to the problem. Supreme Court Justice Antonio Carpio, a member of the committee on the

protection of the judiciary, agrees, saying that this “creates a false sense of security.” What is needed, Carpio says, is “a good deterrence against the attacks.”

Due to budget constraints, only the Supreme Court—of all the courts in the country—has its own security force.

Deputy Court Administrator Reuben dela Cruz says that the High Court gets only less than 1 percent of the total national budget every year. Out of the P1.138 trillion national budget this year, for instance, the judiciary was allocated P8.613 billion. Most of this goes to salaries of about 28,000 court personnel nationwide.

Amid these logistical obstacles, the Supreme Court and the Department of Justice entered into a memorandum of agreement (MOA) in which the National Bureau of Investigation, in coordination with the OCA, will conduct a security assessment of threatened justices and judges and make the necessary recommendations.

The MOA also states that the NBI will create a unit within its security management division (NBI-SMD) that will solely focus on the protection of members of the judiciary and will serve as the prime agency in the investigation of murder cases. The SC committed to support the unit financially. SMD chief Roel Lasala says that NBI agents will be permanently assigned to the unit to ensure that cases are followed up until the final conviction of the suspects. The creation of the unit may take a while, however, due to lack of money.

Judges are likewise being trained in personal security and taught how to assess if they are “soft targets for attacks,” says NBI Field Operations chief Romulo Asis. The project is being funded by USAID, through the nongovernment organization Rule on Law Effectiveness program.

There have been heartening results. Without meaning to sound morbid, Asis says that the 40 judges who participated in a 2005 training are still alive. Another batch of 40 will undergo the same training soon.

Also being assessed is the immediate working environment of the judges—the courtrooms. Halls of Justice buildings are now being remodeled patterned after US courtrooms in a way that would lessen potential attacks.

Despite recent signs that the authorities are beginning to address this situation, they acted too late for Judge Pattugalan and others.

## **ALARM BELLS**

By 2004, when alarm bells began to be heard over a chain of premeditated slayings of magistrates, 10 judges had already been killed in a span of five years. Two Senate committees, in fact, conducted hearings on the problem.

But it took the death of another judge for the SC to finally acknowledge the crisis.

In August 2004, the High Court issued a resolution abolishing heinous crimes courts because "the set-up makes a heinous crime court judge easily identifiable, making him/her an easy prey to vindictive litigants." The SC also authorized judges facing imminent threats to have at least two escorts.

This move was apparently prompted by the murder of Batangas judge Voltaire Rosales, who had handled heinous crimes. Rosales was felled by two motorcycle-riding killers.

At a hearing conducted by the Senate committees on justice and human rights, and public order and illegal drugs, in 2004, lawyer Filomena Rosales asked the Court to "wake up" and face the issue head-on. "You cannot expect these criminals to respect our courts," she told the committees. "The rule of the gun is stronger than the rule of law."

Since no one has been punished to this point, this only emboldens criminals to carry out the murders with impunity, says lawyer Neri Colmenares. At the very least, the situation "is an indictment of the present state of law and order," abetted by the government's apparent disregard for the rule of law, he adds.

NEWSBREAK was able to trace families of other victims and they share the sentiment that the Court has been slow in addressing the killings.

Court officials acknowledge this lapse. One reason they cite is that security of judges was not a priority concern by previous Chief Justices Hilario Davide Jr. and Artemio Panganiban.

During Davide's term, the focus was on reforms and improvement of the judicial system, which his successor Panganiban pursued. Erring personnel were dismissed and ethical standards were raised. Halls of Justice buildings were constructed to give the Court the dignity it deserved.

Although the murders of magistrates were already on the rise during his term, Davide only took token measures to address these, such as

abolishing the courts handling heinous crimes. (Davide became Chief Justice in 1998 and retired in 2005.)

This anemic response to the problem may be due to the ex-Chief Justice's "fatalist" nature, according to an incumbent justice and a senior court official. "He believed that death comes at the appointed time," the senior court official says.

As for Panganiban, he was Chief Justice for less than a year only, and was more concerned with leaving a legacy for which he would be remembered. He thus succeeded in crafting decisions on civil liberties.

Puno, on the other hand, initiated the holding of the landmark National Summit on Extrajudicial Killings and Enforced Disappearances, an indication that he intends to confront the issue of extrajudicial killings squarely. Puno's interest has a personal twist: his eldest brother, Isaac, a former Manila judge, was killed in front of his family by alleged members of the New People's Army in 1977. Although the killers were tried, convicted, and jailed, Puno considers justice only partly rendered, since the killers were freed nine years after the murder, when then President Corazon Aquino freed political detainees.

## **WITNESSES' FEARS**



The killings of judges add to the growing culture of impunity in the country, which has been witness to the killings of journalists and activists alike.

Almost half of the 14 cases involving slain judges remain unsolved, and no one so far has been convicted.

The CIDG report shows that three cases appeared to be personal in nature while the rest were professionally-related. Six are classified as "under investigation," for lack of leads. One case—that of Judge Eugenio Valles—has been dismissed by the provincial prosecutor for

insufficiency of evidence against the suspects, while five are pending preliminary investigation before the Prosecutor's Office. The rest are undergoing court trial.

Supt. Edwin Diocos, CIDG assistant director for investigation, says that like most high profile cases, the lack—or fear—of witnesses to testify stumps police work.

Even families and relatives of the victims refuse to cooperate for fear of reprisal, Diocos adds. NEWSBREAK has a first-hand experience on this. Gingoyon's family refused to talk to us when sought to shed light on possible motives why the magistrate was killed.

The NBI also has the same problem with reluctant witnesses. It has failed to crack the 20-year-old murder case of Olongapo Judge Emeterio Manalo, a former NBI agent at that, for lack of witnesses.

CIDG records show that except for the case of Borongan (Eastern Samar) Judge Celso Lorenzo, all those who were charged in court were hired killers. In Lorenzo's case, former Balangkayan Mayor Abraham Elpedes was identified as the brains behind the killing. Elpedes, who surrendered to the police, is out on bail after posting a P200,000 bond. In some cases, the masterminds were powerful and influential enough that the police would rather look the other way, complains the family of Tayug Judge Oscar Uson in Pangasinan.

In Dagupan City where we traced them, Uson's family insists he was killed by two bodyguards of a mayor. This, after the judge scolded in full court a lawyer who was close to the mayor.

His younger brother, Rizalino Uson, says Pangasinense police reported facing a blank wall on the case, although they could easily establish the motive. Their only consolation was that their main suspect has died.

Diocos admits that the police force does not only lack the resources but investigative skills as well. He says this is now being addressed with law enforcers getting refresher investigative courses like backtracking or profiling of victims.

Amid all these efforts, however, there is no denying that justice continues to be denied the slain judges. **—with reports from Carole Caangay**