

Will the Magdalos' saga finally end?

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BY ELLEN TORDESILLAS AND TESSA JAMANDRE VERA FILES Former Marine Col. Arnel Querubin talks to journalists in Camp Aguinaldo after he was granted provisional liberty on Wednesday. AFP PHOTO Last of two parts

Hundreds of junior officers of the Armed Forces of the Philippines (AFP) who took over the Oakwood Hotel in 2003 in a mutiny against military corruption continue to face the consequences of their actions, with lives derailed and careers destroyed.

Most of them spent years in jail, were physically and mentally tortured, and endured the betrayal and humiliation from a government they had rebelled against. But they are now trying to rebuild lives and careers outside the military.

"We may not have suffered as much as our tormentors wished us to but to this day we are suffering the consequences of what we have done: lost opportunities, destroyed careers, broken friendships and homes, and the 'rebel' stigma," said former Air Force First Lt. Francisco Ashley Acedillo, one of the accused and Magdalo spokesman, now the group's chairman.

Acedillo was among the more than 300 junior officers who seized Oakwood the morning of July 27, 2003, and were led by captains in their thirties belonging to the Philippine Military Academy (PMA) Class of 1995. A TV anchor christened the group "Magdalo" after mistaking the officers' red armbands with an image of a radiant sun with 16 rays, inspired by Andres Bonifacio's Katipunan logo, as the symbol of Magdalo, Emilio Aguinaldo's faction in the Philippine revolution.

The young officers declared their withdrawal of support from the Arroyo government and the Armed Forces leadership over the sale of arms and ammunition from the military arsenal to the Moro Islamic Liberation Front, Abu Sayyaf and the New People's Army. They also accused the government of instigating the bombings in Davao City to obtain anti-terrorist funds from the United States and claimed to have discovered a plot by then President Gloria Arroyo to declare martial law to perpetuate herself in power. The Magdalo group also exposed corruption in the Armed Forces, including the Retirement and Separation Benefits System.

Core leaders of the group and negotiators sent by Mrs. Arroyo headed by former Armed Forces Chief of Staff Roy Cimatu later forged a "gentleman's agreement": Only five leaders—former Navy Lt. Senior Grade Antonio Trillanes 4th (Navy), Lt. Senior Grade James Layug (Navy) and Captains Gary Alejano (Marines), Gerardo Gambala (Army) and Milo Maestrecampo (Army)—would be charged in a military court and all the rest only admonished under the provisions of Articles of War 105 authorizing the commanding officer to impose disciplinary punishments without the intervention of a court martial for minor offenses.

Betrayed the first time

But immediately after the rebels returned to barracks, Malacañang turned around and filed charges against all the more than 300 officers before a military court, ranging from mutiny to disrespect to the president, conduct unbecoming an officer and gentleman, conduct prejudicial to good order and military discipline. Trillanes, 28 other officers and two enlisted men were charged with coup d'état, a nonbailable offense, before a trial court in Makati City.

Mrs. Arroyo's military did everything to break up the group, subjecting them to physical, mental and psychological torture. Besides solitary confinement, many were deprived of food and exposed to loud, jarring noise during the night. Female members of the family were allegedly subjected to malicious body searches during their visits.

In their detention cells, some friendships were strained and others strengthened. One officer related how on Christmas eve, they would communicate by tapping the walls of their cells, their way of holding on to each other when they were at their most vulnerable.

The group endured various forms of public humiliation. In September 2004, 14 months into their incarceration, Malacañang staged a televised apology from the group. Trillanes, the group's spokesman then, refused then Press Secretary Ignacio Bunye's request for him to read the prepared statement. The burden fell on Gambala, Philippine Military Academy '95 class valedictorian. The public apology earned the freedom of more than 200 enlisted men involved in the Oakwood incident.

In April 2008, in what looked like a carefully scripted series of actions, nine officers, including Gambala and Maestrecampo, changed their plea in the coup d'état case to "guilty." In a military-arranged televised press conference, they pleaded for—and were granted—Mrs. Arroyo's pardon. Maestrecampo later joined former Armed Forces chief Hermogenes Esperon at the Office of the Presidential Adviser for Peace Process while Gambala pursued his search for spiritual renewal.

The trial of the Magdalo was characterized by clumsy prosecution and blatant disregard of due process. In April 2007, the military court panel declared "with deep sense of justice" that they were dropping charges against Army Second Lieutenants Cesar Daen and Percival Alcanar, admitting that the evidence against them was

“manifestly weak” and that the two were never near Oakwood on July 27, 2003.

Betrayed anew

On November 29, 2007, Trillanes and 11 other Magdalo officers charged with coup d’état walked out of the hearing at the court of Makati Judge Oscar Pimentel, as Lim took the witness stand to attest to the government’s commitment to prosecute only Trillanes and four other Magdalo leaders in a military court for the Oakwood siege, based on the July 27, 2003 gentleman’s agreement.

Lim joined Trillanes and his group as they marched with their security escorts to the Manila Peninsula where they holed themselves up and demanded Mrs. Arroyo’s resignation. The Police Special Action Force forced them out of the hotel and rounded them up, along with members of the media.

Last year, before the two-year prescription period lapsed, Lim and the Magdalo officers, except for Trillanes, were charged in a military court with mutiny and other minor infractions that stemmed from the Peninsula incident.

It was another betrayal for the Magdalo officers who had an understanding with Gen. Alexander Yano, then newly installed Armed Forces chief, who had promised they would not be subjected to a military trial for the Peninsula episode, if they pleaded guilty to Oakwood-related charges, which they did in June 2008. Some of the Magdalo officers were discharged a month later.

Yano, they said, even asked them whether they planned to return to the service, to which they replied they just wanted to get out and move on with their lives.

The Armed Forces, however, asserted its jurisdiction over them, saying they were still active on the day of the Peninsula standoff took place.

The cases were resolved last April with the dropping of the mutiny charge, as it has been absorbed in the rebellion case filed before the civilian court.

The 10 Magdalo officers, minus Faeldon, pleaded guilty to conduct unbecoming an officer and gentleman, disrespect to the president, conduct prejudicial to good order and discipline and breach or escape from arrest. They were sentenced to eight months’ detention, which was deemed served.

Following their discharge, the officers refused to seek clemency from Mrs. Arroyo. As a result, the benefits due them could not be processed.

The Magdalo officers charged before the civilian courts or military tribunal said that they can only hope and pray for a favorable decision so they can reintegrate to mainstream society.

VERA Files is put out by veteran journalists taking a deeper look at current issues. Vera is Latin for “true”;

The July 27, 2003 Oakwood siege

Branch 148 of the Regional Trial Court of Makati City

Accused:

- Sen. Antonio Trillanes 4th
- Capt. Nicarno Faeldon (Marines)
- Capt. Gary Alejano (Marines), who had an unsuccessful run as Sipalay Mayor in Negros Occidental
- Lt. Senior Grade James Layug (Navy)
- Lt. Senior Grade Eugene Gonzalez (Navy)
- Lt. Senior Grade Andy Torrato (Navy)
- Lt. Senior Grade Manuel Cabochan (Navy)
- Capt. Segundino Orpiano (Air Force)
- Lt. Junior Grade Arturo Pascua (Navy)
- First Lt. Francisco Ashley Acedillo (Air Force)
- First Lt. Billy Pascua (Air Force)
- First Lt. Sonny Sarmiento (Army)
- First Lt. Warren Dagupon (Army)
- First Lt. Nathaniel Rabonza (Army)
- First Lt. Lawrence San Juan (Army)
- First Lt. Audie Tocloy (Army)
- First Lt. Von Rio Tayab (Army)
- First Lt. Rex Bolo (Army)
- Second Lt. Jonel Sanggalang (Marines)
- Ensign Armand Pontejos (Navy)
- Enlisted man Cesari Gonzales

- Enlisted man Julius Mesa

The November 29, 2007 Peninsula rebellion case
Branch 150 of the Regional Trial Court of Makati City
Accused:

- Brig. Gen. Danilo Lim (Army)
- Capt. Nicanor Faeldon (Marines)
- Capt. Gary Alejano (Marines)
- Second Lt. Jonnel Sanggalang (Marines)
- Lt. Second Grade James Layug (Navy)
- Lt. Second Grade Eugene Gonzalez (Navy)
- Lt. Second Grade Andy Torrato (Navy)
- Lt. Second Grade Cash Cabochan (Navy)
- Lt. Junior Grade Art Pascua (Navy)
- Ensign Armand Pontejos (Navy)
- First Lt. Dan Orfiano (Air Force)
- First Lt. Billy Pascua (Air Force)

(Except for Faeldon, all are out on bail)