

**Scope and Implications  
of the Supreme Court Decision  
In the “Batasan Six” and Mass Leaders’  
Certiorari Petitions  
(G.R. Nos. 172070-72; G.R. Nos. 172074-76 and  
G.R. No. 175013)**

**In Relation to the Charges against Prof. Jose Maria Sison  
for the Killings of Romulo Kintanar, Arturo Tabara  
and Stephen Ong and the Wounding of Ruel Murakani  
and Edmundo Ruiz y Martinez**

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**The Rebellion Case  
Against Prof. Sison  
and Fifty Others**

After peremptorily conducting a preliminary investigation which the Philippine Supreme Court, the highest court of the Philippines, later declared as a sham and violative of the due process rights of the respondents, the panel of eight mostly senior state prosecutors of the Department of Justice (DOJ) filed the information or criminal indictment for rebellion against Prof. Sison and all the other respondents who were charged in two letter-complaints of the Philippine National Police (PNP) both dated 27 February 2006 (Annex “1,” “2,” and “3”). Under Philippine law, rebellion is a non-bailable capital offense punishable with the maximum penalty of reclusion perpetua or life imprisonment.

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The 12-page information enumerated extensively a long list of acts, events, activities and common crimes allegedly committed by the 51 accused headed by Prof. Sison as principals and masterminds in furtherance of rebellion including the killing of Romulo Kintanar and Arturo Tabara. The 51 accused were charged with conspiring with one another for the purpose, among others, of overthrowing the duly constituted government of Gloria Macapagal-Arroyo. Among the specific acts imputed to Prof. Sison and his co-accused were:

“ (1) The establishment of the Communist Party of the Philippines (CPP) by Jose Maria Sison and other founding members sometime in 1968 to overthrow the Government and take over the political control of the whole country by means of armed struggle; the creation of its armed wing, the NPA and the Sandatahang Yunit Pampropaganda (SYP) in 1969; the establishment of the Kabataang Makabayan (KM) as its underground youth organization in 1969 and the NDF, the legal front and umbrella organization of all above ground organizations under the CPP/NPA; the holding of CPP/NPA's First Plenum in 1969 in Tarlac, upon the instructions of Jose Maria Sison, to create the National Operation Command (NOC) of the NPA and the approval of the NPA By-Laws; its Second Plenum which was participated by Jose Maria Sison and others, held sometime in 1971 in Isabela; its Third Plenum held in 1992 in Southern Tagalog and attended by Gregorio Rosales @ Ka Rosal, Tirso Alcantara @ Tirso/Ka Selbio, Benjamin Mendoza @ Ivan, Wilma Tiamzon @ Ria, Benito Tiamzon @ Celio, Rafael Mariano, Saturnino Ocampo, Vicente Ladlad, Crispin Beltran, Nathaniel Santiago, Sotero Llamas @ Nognog, @ Kim, @ Tasio, @ Randy, @ Rosa/Sisa/Isid, Julio Atienza @ Kulas/Donato/Adan, Edilberto Escudero @ Egay, @ Novo, @ Ela, Rosemarie Domanais @ Insa/Upeng, @ Rose and Rogelio Villanueva, to discuss, among others, the launching of insurrection in the several parts of the country, improvement of collection of funds and removal of disloyal members of the CPP/NPA/NDF.

(2) The atrocities committed to further the objectives of the CPP/NPA/NDF were: (a) the wanton acts of murder of the following: Conrado Balweg (Abra, 1999); Mayor Florencio Munoz (Albay, 2001); P/Sr. Insp. Marcelo Velasco (Metro Manila, 2001); Mayor Cesar Platon (Batangas, 2001); Col. Rodolfo Aguinaldo (Cagayan, 2001); Romulo Kintanar (Metro Manila, 2003); Arturo Tabara (Metro Manila, 2004), Capt. Renato Evasco (Rizal, 2004) and other persons, as alleged payment for their political debts and/or in furtherance of their objective of the CPP/NPA/NDF to overthrow the government; (b) the “San Marcelino Massacre” in Zambales sometime in 1969; (c) the “Plaza Miranda Bombing” in Quiapo, Manila, on August 20, 1970; (d) the attack of Task Force Lawin at Echague, Isabela sometime in 1971; (e) the armed confrontation by NPA Front Guerilla Unit against guerillas troops at Malabog District sometime in 2005; (f) the armed confrontation against government troops by NPA guerillas in Bukidnon sometime in 2005; (g) the armed confrontations with government troops by NPA guerillas at Paquibato District in 2005; (h) the armed confrontation against government troops belonging to the 73<sup>rd</sup> Infantry Battalion by NPA guerillas somewhere in Bukidnon in 2005; and many other similar incidents of attacks against the police and the military;”

### **The “Evidence” Submitted in the Rebellion Case**

Five thick folders consisting of 392 documents were submitted by the PNP and the DOJ to the Regional Trial Court of Makati (Branch 150) and to the Supreme Court in their attempt to establish probable cause for rebellion against Prof. Sison and his 50 co-accused. A clinical reading and analysis of the contents of these 392 documents would show that the PNP (and the Armed Forces of the Philippines which is the main source of the documents) and the DOJ

prosecutors tried hard but failed to prove that Armando Liwanag is Prof. Jose Maria Sison. They miserably failed to convince the Philippine Supreme Court that Jose Maria Sison is the current chairman of the Central Committee and head of the Communist Party of the Philippines – New People’s Army (CPP/NPA). They failed to prove that he was instrumental or participated in the formulation of the policies and ordered or directed the revolutionary activities of these organizations while living in exile in Utrecht, The Netherlands and while he was in military custody during the Marcos dictatorship from November 1977 to 1986.

### **The Kintanar and Tabara/Ong Killings**

More specifically, the Macapagal-Arroyo government thru the government lawyers that included those from the DOJ and the Solicitor General’s Office tried but failed to prove in the aforecited rebellion case that Prof. Sison ordered the killing of Romulo Kintanar in an incident on 23 January 2003 that also resulted in the wounding of Ruel Murakani and Edmundo Ruiz y Martinez and the killings of Arturo Tabara and Stephen Ong on September 26, 2006. More significantly, the Macapagal-Arroyo government tried but failed to establish even probable cause which requires a lower quantum of proof against Prof. Sison and fifty others for the murders and frustrated murders of above-named persons. And although this

acquittal was pronounced in the rebellion case, Philippine procedural law and long-standing jurisprudence permanently laid to rest the question of culpability of Prof. Sison and his co-accused and perpetually bars any revival or prosecution of the same accused in these crimes either for rebellion or for the common crimes of murder and frustrated murder pursuant to the political offense doctrine and the protection of the double jeopardy clause under the Philippine Constitution and under international law.

### **The Dispositive Part of the Philippine Supreme Court Decision**

The Supreme Court decision dated June 1, 2007 (Annex “4”) ordered the Regional Trial Court of Makati, Branch 150 to dismiss the two criminal cases for rebellion (Criminal Case No. 06-452 and Criminal Case No. 06-944) against Prof. Sison and all his 50 co-accused in the two cases. Pursuant to this decision the Regional Trial Court dismissed the two cases in an order dated July 10, 2007. (Annex “5”) It should be noted that the 392 documents were common evidence against all the accused in the two rebellion cases. The Supreme Court decision explicitly declared that these documents are insufficient to establish probable case against all the accused in both cases.

**Political Offense Doctrine  
Bars the Filing of Murder  
or Any Other Common  
Crime Allegedly  
Committed in Furtherance  
of Rebellion**

Apart from the above findings of the Supreme Court that there is no evidence to establish probable cause to warrant the prosecution of Prof. Jose Maria Sison for rebellion and, by implication for murder, the doctrine of political offense, which has been enshrined in the Philippine legal system since 1956 prohibits the prosecution of any alleged political offender for common crimes allegedly committed in furtherance of rebellion. This doctrine was enunciated in 1956 in the landmark case of *People vs. Amado Hernandez* (99 Philippine Reports, p. 515) where the Supreme Court ruled:

“THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, vs. AMADO V. HERNANDEZ, ET. AL., defendants and appellants.

1. CRIMINAL LAW; REBELLION; ELEMENTS OF; PENALTY. – According to Article 135 of the Revised Penal Code, one of the means by which rebellion may be committed is by “engaging in war against the forces of the government” and “committing serious violence” in the prosecution of said war.” These expressions imply everything that war connotes, namely: resort to arms, requisition of property and services, collection of taxes and contributions, restraint of liberty, damages to property, physical injuries and loss of life, and the hunger, illness and happiness that war leaves in its wake. Being within the purview of “engaging in war” and “committing serious violence,” said act of resorting to arms, with the resulting impairment or destruction of life and property – *when, as alleged in the information, performed “as a necessary means*

*to commit rebellion, in connection therewith and in furtherance thereof” and “so as to facilitate the accomplishment of the \* \* \* purpose” of the rebellion – constitutes neither two or more offenses, nor a complex crime, but one crime – that of rebellion plain and simple, punishable with one single penalty, namely, that prescribed in said Article 135.*

2. ID.; ID.; COMMON CRIMES PERPETRATED IN FURTHERANCE OF A POLITICAL OFFENSE, NOT SUBJECT TO EXTRADITION. – National as well as international, laws and jurisprudence overwhelmingly favor the proposition that common crimes, perpetrated in furtherance of a political offense, are divested of their character as “common” offenses and assumes the political complexion of the main crime of which they are mere ingredients, and, consequently, could not be punished, under Article 244 of the old Penal Code of the Philippines, separately from the principal offense, or complexed with the same, to justify the imposition of a graver penalty.”

More than 30 years later, the doctrine was reaffirmed in the case of *Enrile vs. Salazar* (186 SCRA 217, June 5, 1990) where the Supreme Court held:

“The ruling remains good law, its substantive and logical bases have withstood all subsequent challenges and no new ones are presented here persuasive enough to warrant a complete reversal.

Hernandez remains binding doctrine operating to prohibit the complexing of rebellion with any other offense committed on the occasion thereof, either as a means necessary to its commission or as an intended effect of an activity that constitutes rebellion.”

Based on the theory and the evidence adduced by the public prosecutors in the aforesaid rebellion cases, the killings of Romulo Kintanar, Arturo Tabara and Stephen Ong, and the

wounding of two others, were politically-motivated and allegedly perpetrated, along with the other crimes enumerated in the information, in furtherance of rebellion.

**Macapagal-Arroyo Government  
Has No Evidence Against  
Prof. Sison on the Kintanar  
and Tabara/Ong Killings**

Four years and more than four months since the killing of Romulo Kintanar on January 23, 2003 and almost three years since the killings of Arturo Tabara and Stephen Ong on September 26, 2004, the Macapagal-Arroyo government, with its vast resources and machinery which have been mobilized against Prof. Sison, could not find sufficient evidence of probable cause to charge him for the murders of these three persons in its own courts. In fact, in an information (criminal indictment) for murder filed by the City Prosecutor of Quezon City in connection with the killing of Romulo Kintanar (Annex "5") only a certain Edwin Garcia was charged in court and none other, not even a John Doe or any alleged principal or mastermind. There was absolutely no allegation in the information or any evidence in the entire records of the case linking Prof. Sison to the killing. The complainant in this case is Kintanar's widow Gloria Molina Asuncion Jopson-Kintanar. In her sworn statement dated February 3, 2007 (Annex "6" original statement in Pilipino; Annex "6-

a" translation into English) she was asked if her husband had personal enemies, to which she answered explicitly

"Q: Do you know if your husband has personal enemies when he was still alive and if he received any threat to his life?

A: Of what I know, he has no personal enemy but about the threat he knew that he needs to exercise precaution because he was in the order of battle of the NPA."

This statement contradicts her subsequent statement in her Supplemental Affidavit of Complaint dated January 23, 2006 (Annex "7") accusing Prof. Sison of being politically jealous of her husband and insinuating that such jealousy was Sison's motive in ordering the killing of Kintanar.