



THE REPORT
OF THE
FACT FINDING COMMISSION

**Pursuant to Administrative Order No. 78
of the President of the Republic of the Philippines
Dated July 30, 2003**

17 OCTOBER 2003

THE REPORT
OF THE
FACT FINDING COMMISSION

Pursuant to Administrative Order No. 78
of the President of the Republic of the Philippines
Dated July 30, 2003

TABLE OF CONTENTS

	Page
Introduction	1
Part One: The Events of 27 July 2003 at Oakwood.....	3
I. The Oakwood Incident: Planned and Not Spontaneous.....	3
A. Planning and Preparation.....	3
B. Discovery and Pre-emption.....	7
C. Negotiation of the Return to Barracks.....	20
D. Return to Barracks.....	22
E. Post-27 July 2003 Events.....	28
1. Search and Recovery Operations	28
2. Filing of Charges.....	31
II. Analysis and Findings	32
A. The Meeting was Planned and not “Spontaneous”.....	33
B. Discovery and Pre-emption.....	34
C. Demands and Grievances.....	35
D. The Negotiated Return to Barracks.....	37
E. Other Findings.....	38
(1) Search and Recovery of Materials Left by Rebels.....	38
(2) Root Causes.....	39
(3) Provocations.....	40
F. Recommendations.....	41
1. Due diligence by commanding officers.....	41
2. Effectively address legitimate grievances.....	42
3. A civilian Secretary of National Defense.....	42
4. Return NICA to its original mandate.....	42
5. Enforce the law against all violators.....	43
6. Observe or respect the military’s political neutrality....	43
7. Provide “negotiators” with clear terms of reference.....	43

Part Two: The Grievances of the Officers and Enlisted Men Expressed at Oakwood: The Challenges of Corruption Control and of the Modernization of the AFP	44
I. Introduction.....	44
II. The RSBS Problem.....	45
A. Introduction.....	45
B. The Nature and Scope of the RSBS Problem.....	46
1. The establishment of the RSBS.....	46
2. Conversion of RSBS into an Investment Company.....	48
3. The RSBS bubble bursts: the 1997 Asian Financial Crisis and the 1998 Senate Blue Ribbon Committee Investigation of the RSBS.....	52
4. The Extent of Implementation of the Senate Blue Ribbon Committee Recommendations.....	57
a. Office of the Ombudsman.....	57
b. Department of Justice.....	59
c. Bureau of Internal Revenue.....	59
d. The Department of Finance/Bureau of Local Government Finance.....	60
e. Integrated Bar of the Philippines.....	61
f. Current RSBS Senior Management.....	61
C. Principal Findings of the Commission.....	62
D. Recommendations of the Commission in Respect of the RSBS Problem.....	63
1. Liquidate present RSBS in an orderly manner.....	63
2. Return the soldiers' RSBS contributions.....	63
3. Initiate an AFP Service and Insurance System.....	63
4. Implement fully the recommendations of the Senate Blue Ribbon Committee.....	64

III. The AFP Procurement System: Conversion and Other Problems..	64
A. Introduction.....	64
B. The AFP Procurement System.....	65
C. Procurement and Delivery Temptations: The Incentives to and Modalities of Corruption.....	66
1. Conversion.....	66
2. “Centrally Managed Funds” and “Contingency Funds”... ..	69
3. “Washing”.....	71
4. “Rigged Bidding”.....	72
5. Purchase Order (PO) Splitting.....	73
6. Other Problems.....	75
a. Ammunition.....	75
b. Petroleum, Oil and Lubricants (collectively “POL”)..	78
D. The AFP Grievance Mechanism: The Limitations of Internal Controls.....	79
E. Recommendations of the Commission.....	81
1. Simplify AFP procurement procedures.....	83
2. Control commanders’ discretionary powers over the CMF.....	81
3. Reduce the amount of CMF in GHQ/service HQ hands....	82
4. Strictly implement control measures over supplies.....	82
5. Set tenure limits for AFP finance and procurement officers.....	82
6. Establish an autonomous Internal Affairs Office (IAO).....	82
IV. Modernizing the AFP: Funding and Consequential Problems.....	83
A. Introduction.....	83
B. The Sad and Obsolete State of AFP Equipage.....	83

B.	The AFP Modernization Act and the AFP Modernization Trust Fund.....	86
C.	Sale of Fort Bonifacio Properties by the BCDA.....	89
D.	Actual Status of the AFP-MATF as of August 2003.....	90
E.	Potential Additional Sources of Funding for the AFP-MATF...	92
	1. The JUSMAG Area Case.....	94
	2. The NOVAI Case.....	97
F.	Principal Findings of the Commission.....	99
H.	Recommendations of the Commission in Respect of the Further Funding of the AFP Modernization Program.....	100
	1. Vigorously pursue recovery of the JUSMAG and NOVAI properties.....	100
	2. Pursue recovery of the “squatted” land in Fort Bonifacio..	100
	3. Substantially increase AFP’s share in Fort Bonifacio’s sale proceeds.....	101
	4. Reinforce Office of the Ombudsman by increasing funding and other support.....	101
V.	The State of the AFP Medical Services.....	103
A.	Introduction.....	103
B.	The AFP Medical Services Today on Paper.....	104
	1. Hospitals and Dispensaries.....	104
	2. The AFP Medical Corps.....	106
	3. Medical Management in Combat Areas.....	108
	4. Doctor-to-Patient Ratio.....	110
	5. Health Insurance.....	111
	6. General Assessment made by the Surgeon General.....	111
C.	The AFP Medical Services as Seen by the Troops Today....	112
D.	Findings and Recommendation.....	114

VI. The Problem of Benefits for Soldiers Killed in Action.....	115
A. The Problem.....	115
B. Pension Management.....	116
C. Benefits of Soldiers Who Die in Combat.....	116
D. Complaints of Delay in Release of Pension Benefits.....	117
E. Processing Needs.....	117
F. Findings and Recommendations.....	118
VII. The Problem of Pilot to Aircraft Ratio or Too Few Aircraft.....	118
A. Introduction.....	118
B. On Pilot-to-Aircraft Ratio.....	119
C. On the Complaint About Delay in Training and Promotion of Pilots.....	120
D. On Air Force Modernization.....	121
VIII. The Inadequacies of AFP Housing for Officers and Enlisted Personnel.....	122
A. On-Base Housing and Allocation Thereof.....	122
B. Off-Base Housing in Military Lands.....	124
C. Recommendations.....	125
Part Three: Findings and Recommendations of the Commission: Reiteration and Collation.....	126
I. Findings of the Commission Concerning the Events of 27 July 2003 at Oakwood.....	126
A. Analysis and Findings.....	126
II. Recommendations of the Commission Concerning the Events of 27 July 2003 at Oakwood.....	135
III. Recommendations of the Commission Concerning the Grievances Voiced by Mutineers at Oakwood.....	137

Concluding	146
Observations.....	
Annex A – History of the Fact-Finding Commission	
Annex B – Administrative Order No. 78	
Annex C – Rules of Procedures of the Fact-Finding Commission	
Annex D – Full Texts of Resolutions of the Commission	
D.1 Resolution 002: Appointment of Commission Counsels	
D.2 Resolution 003: Appointment of Executive Assistants and Office Staff	
D.3 Resolution 004: Visit to Zamboanga City and Basilan	
Annex E – List of Documents Submitted during Commission Hearings and Marked as Exhibits	
Annex F – List of Documents and Items Received by the Commission	
Annex G – List of Witnesses	
Annex H – Procurement Flow	
Annex I -- AFP Modernization Procurement Flow	
Annex J -- Retired Officers Occupying at JUSMAG with Properties at AFPOVAI and Cavalry Hills; <i>Source: BCDA</i>	
Annex K -- Active Officers Occupying at JUSMAG with Properties at AFPOVAI and Cavalry Hills; <i>Source: BCDA</i>	
Annex L -- Occupant Members as of January 2000 <i>Source: BCDA</i>	
Annex M -- List of Overstaying Retired Military Officers Occupying Government Quarters at Southside Housing Area as of September 2003 <i>Source: Maj. Gen. Rodolfo Garcia, AFP</i>	
Annex N -- List of Overstaying Retired Military Officers Occupying Government Quarters at BNS Area as of September 2003 <i>Source: Maj. Gen. Rodolfo Garcia, AFP</i>	
Annex O -- List of Retired Military Personnel Still Occupying at BNS <i>Source: Maj. Gen. Rodolfo Garcia, AFP</i>	

Introduction

On 27 July 2003, three hundred twenty-three (323) junior officers and enlisted men, mostly from the elite units of the Armed Forces of the Philippines (AFP) --- the Philippine Army's Scout Rangers and the Philippine Navy's Special Warfare Group (SWAG) --- took over the Oakwood Premier Apartments in the Ayala Center, Makati City (Oakwood).¹ Led by a small number of junior officers --- the soldiers who called themselves the "new Filipino heroes" and became widely known as the "Magdalo group" --- claimed that they went to Oakwood to air their grievances about graft and corruption in the military, the sale of arms and ammunition to the "enemies" of the state, the bombings in Davao City which were allegedly ordered by the Chief of the Intelligence Service of the Armed Forces of the Philippines (ISAFP) BGen. Victor Corpus in order to obtain more military assistance from the United States, and "micromanagement" in the AFP by then Department of National Defense (DND) Secretary Angelo Reyes. The leaders of the Magdalo group are Navy Lt. Antonio Trillanes IV, Army Capt. Gerardo Gambala, Army Capt. Milo Maestrecampo, Navy Lt. James Layug, and Marine Capt. Gary Alejano. The incident was brief, lasting less than a day. It ended without bloodshed, nor damage to property. But it contributed to the projection of the Philippines as an unsafe, unstable and crisis-prone country.

The leaders of the Magdalo group claimed the take-over of Oakwood was not planned and was spontaneous. They had simply intended to make a dramatic expression of their grievances against the Government and had no political agenda. However, they declared they had a list of demands which they wanted Government to grant and should they be attacked by Government forces, they were prepared to make a stand and die for what they stood for. They ringed the area around Oakwood with explosives.

The investigation by the Fact Finding Commission (Commission) created under Administrative Order No. 78 dated 29 July 2003 of President Gloria Macapagal Arroyo

¹ Taken from the Briefing Manuscript submitted by the Deputy Chief of Staff for Intelligence of the AFP Maj.Gen. Pedro Cabuay who testified before Commission on 12 August 2003.

sought to bring to the surface and pull together all relevant information regarding the Oakwood incident. The Report covers the series of events prior to, during, and after Oakwood. It also sets out the principal findings of the Commission, including the insights and implications that might be derived from these findings, and offers certain recommendations.

Part One of the Report describes the events at Oakwood on 27 July 2003 from the planning and preparation of a comprehensive plot to seize control of the Government, the discovery and pre-emption of the plot, the execution of the fall-back scenario of Plan Charlie, the negotiations for the stand down and return to barracks of the Magdalo group, the stand down and return to barracks, to the post-27 July 2003 events.

In Part Two of the Report, the Commission examines the several grievances expressed by the Magdalo group and seeks to determine the extent to which those grievances are reflective of reality in the AFP. The Commission, at the same time, stresses the critical difference between (a) the concrete objectives which moved the Magdalo group to put the plot in motion, from (b) the justifications offered by the core group of the young officers and soldiers who went to Oakwood.

Part Three of the Report pulls together some of the findings and all of the recommendations of the Commission and its concluding observations.

Comprehensive information about the Commission itself, the Chairman and the Members of the Commission, the staff of the Commission – legal and non-legal - the procedures and methods of fact-finding adopted by the Commission, and other pertinent administrative aspects of the work of the Commission may be found in Annex A of the Report.

Part One: The Events of 27 July 2003 at Oakwood

I. The Oakwood Incident: Planned and Not Spontaneous

Contrary to the statement made by Trillanes before the Commission that the take-over of Oakwood by the Magdalo Group was unplanned and spontaneous, the facts gathered by the Commission show that extensive planning and preparations for several months had preceded the events of 27 July. There was the holding of gripe sessions among soldiers sought to be recruited, the distribution and discussion of copies of the National Recovery Program (NRP) of Senator Gregorio Honasan (Honsan) and a document entitled “The Last Revolution”, bloodletting meetings and taking of an oath of loyalty by the recruits, the purchase of flags, armbands, uniforms, backpacks, and other rebel paraphernalia, and telecommunications equipment and vehicles, and so on.

A. Planning and Preparation

As early as last year, from July to December 2002, rumors had been spreading that some military personnel were inquiring about the grievances of members of the armed forces. Talks about recruitment from the ranks of the discontented and potential rebels in the military were heard from former members of the Reform the Armed Forces Movement (RAM) and junior officers in the military. These reports were relayed to BGen. Victor Corpus.² It was later verified that a series of secret meetings among junior officers in the military had taken place in various parts of the country, in Metro Manila, Central Luzon, and Mindanao.³

² Testimony of PN Commodore Tirso Danga before the Commission on 20 August 2003.

³ Testimony of Cabuay on 12 August 2003.

A bloodletting ritual took place on 4 June 2003 in a house in San Juan, Metro Manila.⁴ Honasan allegedly presided over this occasion with junior officers of the AFP. At this meeting, Honasan discussed the NRP which sets forth his platform of Government, and the document entitled “The Last Revolution” which emphasizes that the only means to achieve that platform or vision is through the use of force, violence, or armed struggle because incumbent officials will not give up their positions voluntarily.⁵ The bloodletting rite was administered to those who agreed to be part of the Magdalo group. To carry out the bloodletting rite, he provided special knives and showed the participants how to inscribe the letter “I” (or “K” in the old Tagalog alphabet) under their left upper arms. It was during this meeting that Major Perfecto A. Ragil, a member of the AFP Communications Electronics Information Service detailed in Malacañang Palace was tasked by Alejano, a member of Philippine Military Academy (PMA) '95, to switch off the Malacañang Palace's telephone system on “D-day.”⁶

The gripe sessions progressed to a recruitment process. Two meetings were held in Metro Manila, one in Robinson's Galleria Suites in Mandaluyong City on 4 June 2003 and another in an old house in San Juan on 12 June 2003. A photograph taken in one of these meetings, which was released to the press by the Presidential Security Group (PSG), shows Trillanes and a person who appears to be Honasan standing before the Philippine flag and a flag or streamer with the Magdalo countersign.⁷

In the 12 June meeting in San Juan, the following topics were discussed: the peace and order situation, the national economy, the alleged illegitimacy of the Arroyo

⁴ Sworn statement of Maj. Perfecto Ragil, a member of the AFP Communications Electronics Information Service, to the Commission on 3 September 2003.

⁵ Exhibit “D” identified by Cabuay on 12 August 2003.

⁶ Testimony of PC Chief Superintendent Eduardo Matillano on 25 August 2003, referring to affidavit of Perfecto Ragil dated 4 August 2003.

⁷ Exhibit “G” presented during the testimony of Trillanes on 13 August 2003.

administration, the Estrada plunder case, the NRP, the need to rectify the errors brought about by EDSA 2, and the contents of a document entitled “The Last Revolution”.⁸ To implement “The Last Revolution” the junior officers took their oath of loyalty as “New Filipino Heroes” in this and other similar meetings.⁹

Based on intelligence reports, two documents of dubious origin were distributed during the meeting in San Juan. These documents were “designed to pollute the minds of the junior officers”.¹⁰ The first is a supposed Memorandum of Instructions addressed to the Secretary of National Defense dated 11 February 2003, directing the full implementation of “Oplan Greenbase.” The document, purportedly signed by the President, contains a plan to capture Hashim Salamat dead or alive and to occupy the Buliok Complex at the Liguasan Marsh area in North Cotabato. Secretary Eduardo Ermita of the Office of the Presidential Adviser on the Peace Process (OPAPP) purportedly signed the other document entitled “The President’s Four-Point Policy Framework in Addressing the Southern Philippines Secessionist/MILF Problem”,¹¹ allegedly pursuant to the 11 February Presidential Memorandum of Instructions. This latter document purports to show that “there is apparently a plan by the government to hold the MILF responsible for AFP-backed bombings in urban areas in Mindanao”.¹² President Arroyo denied having issued the first memorandum, and Ermita denounced the second document as being spurious and fabricated.

⁸ Exhibit “C” identified by Cabuay on 12 August 2003.

⁹ Testimony of NSC Secretary Roilo Golez in his testimony before the Commission on 12 August 2003.

¹⁰ *Ibid.*

¹¹ Testimony of Secretary Eduardo Ermita on 3 September 2003; MILF refers to the Moro Islamic Liberation Front.

¹² Testimony of Golez on 12 August 2003.

The meeting on the night of 12 June was reportedly attended by top RAM officers including Honasan and retired Navy Capt. Felix Turingan, and the rebel leaders Trillanes, Gambala, and other junior officers. The group planned to attack high impact targets such as Malacañang Palace, Ninoy Aquino International Airport, Fort Bonifacio, Camp Crame, Villamor Air Base, Camp Aguinaldo, and all television and radio stations in Metro Manila. The plotters underwent the ritual earlier described as bloodletting, which they termed “dinuguan”.¹³

Apart from the gripe sessions and bloodletting rites, the Magdalo group’s preparations included the acquisition of rebel paraphernalia. On 4 June 2003, a male customer went to the International Flag House (IFH) in Manila and placed a job order for one hundred (100) pieces each of Philippine flags and Bonifacio flags (i.e., displaying the Magdalo symbol). He deposited one thousand pesos (P1,000.00) for the job order, the total cost of which was twenty-four thousand pesos (P24,000.00).¹⁴ The customer wrote his name on Job Order 2186 as Armand Pontejos and his telephone number as 456-3222. Subsequent additional orders were placed for more flags, which orders raised the total cost to forty-five thousand pesos (P45,000.00). The customer was later identified as Navy Ensign Armand Pontejos, PMA ‘00, one of the rebel soldiers who went to Oakwood.¹⁵ Another rebel soldier who went to Oakwood was Navy Lt Manuel Cabochan, of PMA ‘95 who bought forty-nine (49) sets of battle dress attire (BDA) uniforms, t-shirts, and combat boots worth one hundred eight thousand seven hundred and eighty pesos (P108,780.00) on 30 June 2003.¹⁶

¹³ *Ibid.*

¹⁴ Based on the report of the NBI submitted by Dir. Reynaldo Wycoco on 1 September 03, the International Flag House is known as a pioneer and leading manufacturer of quality flags and banners located at 973 Rizal Avenue, Sta. Cruz, Manila.

¹⁵ *Ibid.*, see sworn statement of Glenn Mabag y Pardilla marked as Annexes D-D1.

¹⁶ Sales Invoice No. 007 issued by EREV Military Supply and General Merchandise marked as Exhibit “TT” on 3 September 03.

There is evidence the Magdalo group also acquired vehicles apparently to transport troops to target areas. On 23 July, five (presumably second hand) Hyundai aero buses were purchased for two million one hundred thousand pesos (P2.10 million) in cash by Francisco Dimaculangan and Isidro Samaco from a company named Car Option Sales, Inc.¹⁷ One bus was later found in Oakwood while another was abandoned in Binakayan, Cavite. There is also evidence that some communications equipment used by the rebel soldiers were of the same specifications as those proposed to be acquired under the AFP Modernization Plan. It was established that such equipment was not taken from any known or existing inventory of the AFP.¹⁸

The Magdalo group, it appears, targeted Oakwood as the site for the execution of Plan Charlie.¹⁹ On 19 July, Gambala checked in at Oakwood under the name of George Uy, coincidentally the same name as Southcom Admiral George Uy. A cash deposit of forty-eight thousand eight hundred pesos (P48,800.00) for room rental from 19 to 28 July 2003 was paid by a certain Tina Uy Angeles who made the reservation.²⁰

B. Discovery and Pre-emption

From 21 to 23 July, unauthorized troop movements apparently bound for Manila had been monitored upon validation of the information that there was restiveness among junior AFP officers.

Having validated the coup rumors and considering the troop movements, the Government took a number of pre-emptive measures. It was fortuitous that these rumors

¹⁷ Exhibits “CCC” to “CCC-4” submitted by Mr. Peter Nolasco on 24 September 03.

¹⁸ Testimony of 1st Lt. Lindsey Rex Sagge on 25 August 2003.

¹⁹ Plans Alpha, Bravo and Charlie in relation to the failed coup were discovered through the diskettes recovered by ISAFP in Oakwood. The Plans were referred to by Golez, Cabuay, and Corpus in their testimonies before the Commission.

²⁰ Exhibit “R” provided by Mr. Robert Rosetti, General Manager of Oakwood on 21 August 2003.

and troop movements materialized just prior to the President's State of the Nation Address (SONA) scheduled for delivery on 28 July. In connection with the SONA, the Government was already taking measures to ensure the security of the President and the Government. On 10 July, the National Security Council (NSC) had requested the National Intelligence Coordinating Agency (NICA) to host a "small group" meeting of the Special Monitoring Committee Alpha (SMC Alpha), which was organized to ensure security during the SONA, together with the major service intelligence chiefs of the AFP and counter-intelligence specialists.

SMC Alpha is composed of representatives from various intelligence bodies, and is mandated to monitor domestic threats, particularly destabilization plots against the Government, and to recommend appropriate counterintelligence measures. Its task is to prevent mass mobilizations from turning into a situation similar to the attempted siege of Malacañang Palace on 1 May 2001 by the supporters of former President Joseph Estrada.²¹

At the SMC Alpha meeting held on 11 July, the details of the recruitment by the Magdalo group were discussed and those involved were identified. On the same day, NICA Director General Cesar Garcia reported to National Security Adviser Roilo Golez on the ongoing recruitment activities in the AFP by certain junior officers. Subsequently, SMC Alpha submitted a report from various intelligence sources that the plot being watched involved plans to temporarily reinstate deposed President Estrada.

On 12 July, the intelligence group informed the President about persistent reports of rebel recruitment activities in the AFP and the Philippine National Police (PNP), particularly in Mindanao, Central Luzon, and Metro Manila. The Deputy Chief of Staff for Intelligence (J2), MGen. Pedro Cabuay, presented a summary of what was taken up at NICA the previous day. Considering its highly sensitive nature, the information was kept

²¹ Testimony of NICA Dir. Gen. Cesar Garcia on 14 August 2003 on "How the Coup Was Cracked Down".

within a small group. Apart from the top officers of the AFP and the PNP, only a small number of Cabinet members attended. Recruitment efforts were noted to be most intense in the First Scout Rangers and Special Forces Regiment of the Special Operations Command, the Philippine Navy (SWAG), Fort Bonifacio Units, the Philippine Army's Light Armor Brigade (LABDE) and the Anti-Crime Task Force (ACTAF). Most of those who were approached were junior officers from the PMA '95 up to '99. Considering the situation as having developed into a crisis, the President immediately designated Golez as crisis manager. An action plan was approved which consisted of pre-emptive measures employing persuasion efforts on the one hand, and cracking down on the suspected plotters should they commit any overt illegal acts, on the other.²²

Recruitment activities by suspected rebels were again reported during the 14 July meeting of the Cabinet Oversight Committee - Internal Security (COC-IS). The meeting discussed threats to SONA and the concomitant security preparations. At this time, the Government had not yet established concrete links between the recruitment of military officers as rebels and the anti-government mass actions mobilized for the SONA. In the meeting of SMC Alpha on 15 July, the recruitment had been reported as led by a covert fraternity called the "New Filipino Heroes" who were advocating the adoption of the NRP of Honasan. Plans of the groups to rescue and release ex-President Estrada from the Veterans Medical Memorial Center (VMMC) and to take over radio and TV stations were likewise revealed. Another meeting by the SMC Alpha took place on 18 July to ensure that the action plans agreed upon were already in place and being implemented.²³

Having received reports about the troop movements, PNP Chief, Director General Hermogenes Ebdane, Jr. issued a directive to all field commanders to coordinate with AFP units and investigate any unauthorized movements and other groupings. He also ordered all PNP personnel to be accounted for, and declared a full alert status for the PNP

²² Testimony of Golez on 12 August 03.

²³ *Ibid.*

National Headquarters in Camp Crame, effective 6:00 p.m. on 22 July 2003. There was also an order to reinforce the guards at Camp Crame.

It further appears that the intelligence community had been receiving reports that Honasan had been holding sessions with the members of the Magdalo group in Metro Manila and Sangley Point, Cavite. Information on these sessions was shared during the preparation for the President's SONA. At the meeting on 23 July, the SMC Alpha discussed plans on how to counter the likely staging of mass actions by anti-government groups at the Batasang Pambansa during the SONA. At this meeting, the efforts at recruitment of junior officers in the AFP and the PNP in Mindanao were reported. The 11 February Memorandum of Instructions to the DND Secretary purportedly issued by the President and the "Oplan Greenbase" attributed to Ermita were reported to have been disseminated to bolster the recruitment effort.

Troop movements actually occurred two days before the Oakwood incident. Some forty-seven (47) marines, carrying firearms were sighted coming from Ternate, Cavite. In the early morning of 25 July, 28 Scout Ranger personnel boarded a Cebu Pacific flight for Manila and were monitored to have proceeded to Virramall Shopping Center in Greenhills, San Juan. On the same day several Scout Rangers were also reported surveying the Makati business district.²⁴ Moreover, a group of Scout Rangers and members of the Philippine Marines boarded Superferry 2 from Zamboanga City for Manila via Iloilo City.²⁵ The troop movement was being monitored and it was decided that the soldiers be met once they arrive in North Harbor. Upon their arrival, they were in fact met by some officers, including Col. Danilo Lim of the First Scout Ranger Regiment (FSRR), and were found to have apparently legitimate reasons for coming to Manila. They carried documents showing either they were on rest and recreation or about to undergo training. Despite the coup rumors, Government security forces

²⁴ From the Briefing Manuscript by Cabuay during his testimony to the Commission on 12 August 2003.

²⁵ Testimony of PNP Chief Superintendent Arturo Lumibao on 14 August 2003.

refrained from taking punitive action against the junior officers at that time as nothing overtly illegal had been committed. Some of them came in BDA uniforms and carried arms and ammunition. Some of them ended up in Oakwood.

Before the Oakwood incident, amid the coup rumors, the President met with officers and men, including Trillanes and some members of PMA '94 and '95. On 10 July, Navy Lt. Christopher Magdangal, an Aide de Camp to the President and a member of PMA '95, called his classmate Trillanes to ask him about the veracity of reports that the latter was a leader of a rebel group moving to destabilize the Government. Trillanes said he was surprised to hear such report and later confided to Magdangal, after several exchanges of text and cellular phone messages, that he was in fact receiving death threats over the phone. Trillanes then asked Magdangal if he could see the President in Malacañang on 13 July to clarify the issue with her.²⁶

Trillanes, who would later act as spokesman of the Magdalo group, met with two members of the PSG, Col. Delfin Bangit and Magdangal in the early morning of 13 July. They talked for nearly four hours from 3:00 a.m. onwards.²⁷ The two officers were present when Trillanes met with the President at 7:00 a.m. of the same day. During the meeting with President Arroyo, Trillanes brought up the problem of corruption as discussed in the two term papers which he submitted for his masters program at the University of the Philippines' National College of Public Administration and Governance. He later alleged that the President did not give him a chance to discuss the papers and instead scolded him. The President allegedly ordered the PSG officers to parade him before the media to give him a lesson and called the Flag Officer-in-Command (FOIC), Vice Admiral Ernesto de Leon, to detain him at the Naval

²⁶ Testimony of Trillanes on 13 August 2003.

²⁷ Testimony of Bangit on 9 September 2003.

Intelligence and Security Force (NISF) in Fort Bonifacio.²⁸ In this connection, Magdangal, testified that, to the contrary, the conversation between the President and Trillanes was cordial. The President's parting shot was "*Trillanes, you are a young, very bright and very idealistic officer. Huwag mong gayahin si Honasan at si Cardeño.*"²⁹ The meeting lasted for about an hour.

In the evening of 23 July 2003, about one hundred (100) members of PMA '94 and '95 had dinner and a "photo opportunity" with the President in Malacañang Palace. A few days before the dinner, Chief of Staff, AFP (CSAFP) General Narciso Abaya held separate meetings with the officers of the two classes. He was informed of their sentiments, particularly that they were being unjustly dragged into the alleged plan for a rebellion.³⁰ Through the efforts of their classmates in the PSG and Abaya, the dinner with the President took place. Members of PMA '94 and '95 were invited to the occasion for "pure socializing" through text messages that originated from Magdangal.³¹ The class officers, expecting to have a "dialogue" with the President that night regarding the issues in the AFP that they would like to raise, got frustrated as all Air Force Capt. Segundino Orfiano was able to say after the dinner, when the President briefly asked about the coup issue, was "*...we are against corruption*". Likewise, based on the remarks made on television immediately after the dinner, PMA '94 class president Army Capt. Ma. Noel Tolentino said, "*we assured her that we are still.....we are loyal to her*".

The President also attended on 24 July the turn-over of the command at the FSRR in Camp Tecson in San Miguel, Bulacan as part of the effort to neutralize the coup threat. The President took this opportunity to visit with the members of the FSRR, which at that

²⁸ Testimony of Trillanes on 13 August 2003.

²⁹ Testimony of Magdangal on 9 September 2003.

³⁰ Commission interview with Abaya during ocular visit to GHQ on 29 September 2003.

³¹ Interview by Commissioners Gonzaga-Reyes and Narciso with Capt. Segundino Orfiano in the presence of Atty. David Gabriel and Atty. Irwin Tiamson in the detention facility at the Villamor Airbase on 6 October 2003.

time was reported to have been significantly infiltrated by suspected rebels. She also visited on 25 July the Marine Training Camp in Ternate, Cavite, the PAF 15th Strike Wing, and the SWAG in Sangley Point, Cavite. Abaya made rounds of other units where restiveness had been reported.

In the early morning of 26 July, the 10 suspected leaders declared unaccounted for by the AFP were identified as Trillanes, Layug, Gambala, Maestrecampo, and Army officers Capt. Lawrence Louis Somera, Capt. Albert Baloloy, 1st Lt. Lawrence San Juan, 1st Lt. Florentino Somera, 1st Lt. Jose Enrico Demetrio Dingle, and 1st Lt. Waren Lee Dagupon. At 5:00 a.m., emergency meetings were held by Abaya, Golez, and Garcia with the general staff and senior officers to discuss the reports on the missing officers and the reported destabilization plot.

At around 10:00 a.m., President Arroyo and Corpuz met with a group of NGOs at the EDSA Shrine. Corpuz announced that certain units from Tanay were missing.

At 2:00 p.m., a meeting was held by the same group with House Speaker Jose de Venecia and the House Committee Chairman for Defense and Security, Prospero Pichay, to discuss the matter.³²

At 5:00 p.m. of 26 July 2003, the President convened a full cabinet meeting where Cabuay presented a briefing on the looming coup plot.³³ Thereafter, the President publicly announced for the first time at 8:19 p.m. in the media that “a small band of rogue junior officers and soldiers had deserted their posts and illegally brought weapons with

³² Testimony of Garcia on 14 August 2003.

³³ From the “Briefing on the 2003 SONA and the Attendant Destabilization Activities” given to the Commission by NICA on 14 August 2003.

them”.³⁴ The security plan of action was immediately set in motion. Task Force Libra (TF Libra), the counter-coup composite unit of the AFP, was set in motion. The action forces were immediately dispatched in anticipation of the rumored coup.

A week earlier, a meeting of the leaders of “anti-President Gloria Macapagal-Arroyo” (PGMA) groups allegedly to discuss pre-SONA activities at the Danarra Hotel in Quezon City was monitored by Government intelligence.³⁵ On 25 July 2003, intelligence reports were received that some so-called “anti-PGMA” groups like the People’s Movement Against Poverty (PMAP) and DEMOKRASYA had been instructed to assemble at the EDSA Shrine at 4:00 p.m. on 27 July and hold an overnight vigil thereat before proceeding to the Batasan area to hold anti-government rallies during the SONA. Invitations by the “anti-PGMA” group members to civilians to join the coup to be staged on 27 July were made through cellphone text messages. Among those who were recruited were past and present members of the DIABLO and Philippine Guardians Brotherhood, Inc. (PGBI”).³⁶ Police Chief Inspector Leborio Jangao, one of the founding members of PGBI, stated he received cellphone text messages on 26 July informing him that a coup d’etat would be staged on 27 July. At this time the crime disturbance personnel of the PNP had already been instructed to secure the EDSA Shrine, the Connecticut Street area, and the Ortigas Avenue Extension area from rallyists. There were reports the EDSA Shrine would be the target where another EDSA 2 or EDSA 3 would be staged.³⁷

Early on Friday night of 25 July, the 80th Infantry Battalion based in Camp Capinpin was ordered to augment TF Libra. The mission of the TF Libra included the

³⁴ Statement of President Arroyo ordering the arrest of coup plotters on 26 July 2003 shown on ABS-CBN News Channel The World Tonight on 26 July 2003.

³⁵ Testimony of Garcia of NICA on 14 August 2003.

³⁶ Testimony of CIDG Chief Dir. Eduardo Matillano on 25 August 2003.

³⁷ Testimony of PNP Gen. Reynaldo Vicente Velasco of NCRPO Mandaluyong on 27 August 2003.

securing of vital communications installations such as radio and TV stations. It assisted the PNP in securing the EDSA Shrine and containing civilian groups in the area. The first elements of the joint TF Libra arrived in Camp Aguinaldo at about 11:00 p.m.³⁸

For his part, Ebdane declared a full alert status nationwide, effective 12 noon on 26 July, as a contingency measure. All PNP field commanders were directed to secure vital installations and key establishments.

At around 2:00 p.m. of 26 July, the Mandaluyong City police started the deployment of at least one hundred forty (140) personnel at the Poveda, Connecticut, and Ortigas areas. Later at 3:00 p.m., intelligence reports indicated a change of instructions to the rallyists manning the EDSA Shrine. The anti-government groups were advised to assemble at the EDSA Shrine at 6:00 a.m. on 27 July instead.³⁹

At about 7:00 p.m. of 26 July, MGen. Efren L. Abu, Vice Commander PA and Commander of TF Libra, visited the 80th Infantry Battalion. By this time, TF Libra was already at its full strength. An hour later, President Arroyo went on air and ordered the arrest of the junior officers who had deserted their posts. A conference presided over by Abaya was held at about 9:00 p.m. to assess the intelligence situation. Abu gave an update on the forces composition of TF Libra.

The PNP report on troop movement by Marines from Ternate, Cavite to the North or to Manila was confirmed by Cavite PNP Provincial Director Police Senior Superintendent Roberto L. Rosales and Marine Commandant, MGen. Emmanuel Teodosio. The advancing Marines were able to avoid checkpoints on their way to Makati by evasive movements. The PAF civil disturbance contingent earlier deployed at the Batasan area and the PN contingent at the VMMC, both in Quezon City, were then

³⁸ Testimony of PA Vice Commander Gen.Efren Abu on 14 August 2003.

³⁹ Testimony of Garcia on 14 August 2003.

redeployed to the Makati area. An additional one hundred (100) Special Action Force (SAF) personnel of the PNP were then sent to secure the Batasan complex. In addition, one (1) PA platoon and a PNP contingent reinforced the security forces of TV stations and telecommunications facilities.⁴⁰

Also on 26 July, Naval Base personnel in Cavite received a report that three suspicious-looking vehicles were parked at the back of the Naval Sea Systems Command Armory in Fort San Felipe, Cavite City.⁴¹

Following the order issued by President Arroyo to the AFP and PNP for the arrest of the Magdalo officers at around 8 p.m. and the conference called by Abaya to assess the intelligence reports at 9 p.m., operatives of the PNP's Criminal Investigation and Detention Group (CIDG) were dispatched to Dasmariñas Village, Makati City at around 10:00 p.m. that same night of 26 July to verify the presence of heavily armed men in military uniform reported by security guards of the Dasmariñas Village. National Bureau of Investigation (NBI) agents were also dispatched to monitor this development.⁴²

The Oakwood siege had been facilitated by earlier activities as seen in the foregoing account. The antecedents show that the rebellion was not a spontaneous phenomenon as extensive preparations and mobilization activities were undertaken prior to the occupation and control of the Oakwood Apartments.

⁴⁰ Exhibit "N-1" identified by Garcia on 14 August 2003.

⁴¹ This report was relayed to the command duty officer, Naval Base Cavite and further relayed to Commander of NBC Commo Sanglay. On the investigation of vehicles used by rebel soldiers, a special report submitted by Capt. Alexander Pama, the assistant Chief for Naval Intelligence, provided details on the recovery of vehicles abandoned by the Oakwood mutineers.

⁴² Testimony of Matillano on 25 August 2003.

The rebels took over Oakwood at past 1:00 a.m. of 27 July. Over three hundred (300) soldiers quietly entered the premises of Ayala Center in several groups.⁴³ The soldiers disarmed the security guards and took over Oakwood. They planted claymore mines around the building and in the vicinity. Snipers were posted at the Oakwood roof deck.⁴⁴

Two government command groups were immediately dispatched after reports of the occupation of Oakwood, and of movement of the Marine contingent from Ternate towards Camp Aguinaldo were confirmed. The Crisis Management Staff was formed at the Command Operation Center in Camp Crame, and the Advanced Command Post of the PNP was established behind the Intercontinental Hotel in Makati. Marines and Army officers later joined the PNP at the Makati post, and the Southern Police District Director, Police Chief Superintendent Jose Gutierrez, was designated as the ground commander.

At around 2:00 a.m. on 27 July, Abu was informed by the Joint Operation Center in Camp Aguinaldo about the presence of troops moving towards Metro Manila. Most of these troops were coming from Ternate, Cavite. At this time, the Marines under Teodosio were already poised to stop the troops. They were pre-positioned around the car park behind Oakwood.

At about the same time, the security guards of Dasmariñas Village in Makati confirmed the presence of heavily armed men in full battle gear marching from Paraiso Street to the EDSA-Pasay Road gate of the village. The armed soldiers, wearing red armbands, forced the security guards to open the gate. They were seen crossing EDSA and going towards the direction of Ayala Center, Makati City. The CIDG-NBI composite team confirmed that the rebel soldiers came from a house at 2177 Paraiso Street, Dasmariñas Village, owned by Ramon Cardenas who was residing at 1346 Palm

⁴³ Testimony of Josefino Marcellones, 8 September 2003.

⁴⁴ From the Briefing Manuscript submitted by Cabuay to the Commission on 12 August 2003.

Avenue in the same village. At 4:00 a.m. TF Ayala of the Marine Corps had been activated and had occupied positions with infantry and armor, encircling the Ayala Center Complex.⁴⁵

Between 4 and 5 a.m., the rebel soldiers were able to make arrangements to go on air to issue a public statement. The ABS-CBN News (ANC) network showed a live TV coverage of the prepared statement read by Gambala. In the statement, the rebels declared their withdrawal of support from the chain of command and presented their grievances against the Arroyo government. They demanded the resignation of the Arroyo administration leaders and endorsed the NRP as the solution to the problems of the Philippines.⁴⁶

Also at dawn, Alex Benasin, a resident of the Baseco compound at the Port Area, was busy recruiting residents of the compound to go to Oakwood for a consideration of three hundred pesos (P300.00) each.⁴⁷ Later, at about 8:30 a.m., members of the PGBI carrying banners of the NRP were seen in the Makati area but they were prevented by the PNP from reaching and camping in the vicinity of Oakwood. Pro-Estrada rallyists headed towards the People Power Monument on EDSA were also dispersed by police stationed in the area. It was reported that more pro-Estrada followers actively recruited people from various Metro Manila locations to regroup in the EDSA Shrine. Members of the PMAP marched in the direction of Makati City from Greenhills.

After 9:00 a.m. of 27 July, President Arroyo gave the rebel soldiers a 5:00 p.m. deadline to give up their positions peacefully and return to barracks. At around 1:00 p.m., she declared the existence of a “state of rebellion” and issued an order to use

⁴⁵ From the After-Operations Report of the Philippine Marine Corps dated 28 July 2003 submitted to the Commission.

⁴⁶ From the video tape of ANC’s Special Coverage of the Oakwood Incident of 27 July 2003.

⁴⁷ Exhibits “HH-1” to “HH-7” identified by DILG Sec. Jose Lina, Jr. on 26 August 2003.

reasonable force, and pay due regard to constitutional rights, in putting down the rebellion.⁴⁸ The rebel soldiers held another public airing of their grievances at around 4:20 p.m. By that time, 25 rebel soldiers had surrendered to the TF Libra in two batches, as revealed by the Government command stationed outside of Oakwood. The announcement of the surrender was downplayed by the Magdalo group as part of a “psywar” operation on the part of the Government, during an ambush interview of Trillanes.

During the media briefing in the afternoon, other rebel officers besides the known leaders expressed their grievances against the Government while the press conference was going on.⁴⁹ Trillanes, in a side interview by a news reporter, stated that they were willing to negotiate.

Teodosio arranged for the rebels’ close family members to go to Oakwood and help persuade members of the rebel group to give up their plans.

Shortly before the 5:00 p.m. deadline, the President announced an extension of the deadline to 7:00 p.m. It was during the two-hour reprieve that negotiations with various personalities and groups of negotiators prospered. As the deadline approached, negotiations between the rebel soldiers and the Government team led by the Government chief negotiator, Ambassador Roy A. Cimatu, effectively extended the deadline indefinitely.⁵⁰ An agreement was forged between the two groups at 9:30 p.m. At 10:00 p.m., President Arroyo announced that the occupation of Oakwood was over. The rebels agreed to return to barracks and were out of the Oakwood premises by 11:00 p.m.

⁴⁸ General Order No. 4 read on air by Presidential Spokesman Sec. Ignacio Bunye on 27 July 2003.

⁴⁹ From the video tape of ANC’s Special Coverage of the Oakwood Incident of 27 July 2003.

⁵⁰ From the Briefing Manuscript submitted by Cabuay to the Commission on 12 August 2003.

C. Negotiation of the Return to Barracks

As already noted, there were several occasions when the rebel soldiers made known their demands and grievances publicly. In the early morning ANC TV coverage airing the Magdalo group's prepared statement, the rebels accused the military and the Arroyo administration of open corruption and of sponsoring terrorism.

The statement read by Gambala asserted that the Arroyo Administration: (1) sold arms and ammunitions to enemy groups as the soldiers continued to defend the Government. The thirty (30)-year war against such groups as the Moro Islamic Liberation Front (MILF), Abu Sayyaf, and the NPA (New People's Army), was being used by corrupt officials to enrich themselves;⁵¹ (2) ordered the bombings in Davao City through the special operations team of Secretary Reyes and General Corpus, and then ascribed these bombings to the MILF so that President Arroyo's request for more anti-terrorist support from the United States would be strengthened;⁵² (3) planned to declare Martial Law in August (2003) after a period of planned bombings all over Metro Manila, which would be attributed to various enemy groups. Gambala further announced that the group's demands were (1) for the leaders of the Arroyo administration to resign,⁵³ and (2) for the implementation of the NRP, which is the only "true solution" to the primary problems that beset the Philippines today. In the statement, the group declared that they were members of the AFP representing the junior officers and some senior officers of the AFP, who were disgusted with the corruption in Government and the military. Gambala

⁵¹ From the statement: "*Ginagawa nila ito upang ang giyerang walang katapusan ay maging gatasan ng mga sakim na traydor na mga opisyal ng gobyerno at AFP.*" Read by Gambala on 27 July 2003.

⁵² From the statement: "*Ito ay ginagawa nila upang tuluyang mabansagang terorista ang MILF para maging basehan sa paghingi sa Anti-Terrorist Fund ng America bago si GMA bumiyahe doon. Ang mga buhay ng mga sibilyang namatay doon ang kapalit ng mga military hardware na nilimos ni GMA sa America.*" read by Gambala on 27 July 2003.

⁵³ From the statement: "*Hinihingi namin ngayon ang pagbibitiw ng mga lider ng kasalukuyang rehimen na walang pinagkaiba sa nakaraan.*" read by Gambala on 27 July 2003.

appealed to the Filipinos at large to join the soldiers if the people believed their sincerity in defending the country.⁵⁴

During the afternoon press conference held by the rebel soldiers, Gambala's and other rebels' voices were heard. According to a side interview with Trillanes, the objective was to hold an open forum covered by media where "the other officers can air their gripes". It was on this occasion that Maestrecampo denounced what he called the senseless deaths of his fellow soldiers: "*hindi ko nakita ang kabuluhan ng pagkamatay ng kapwa ko sundalo*".⁵⁵

According to Cabuay, the specific issues raised by the junior officers during the siege related to: (1) corruption in the Government, including the AFP and PNP; (2) corrupt and self-serving politicians; (3) disparity in salaries of AFP and PNP personnel; (4) funds that do not flow down to operating units and troops; (5) the powerful "comptroller family" that controls and manipulates funds, and enjoys promotions and juicy positions; (6) the big difference between the Army's combat pay and the Air Force's flying pay; (7) "militics" and patronage leadership in the AFP hierarchy; (8) "micromanagement" by the Secretary of National Defense; and (9) insufficient supply of medicines at the AFP Medical Center.⁵⁶

These grievances were discussed at length during the discussions between the Government group led by Cimatú and the Magdalo group represented by three (3) of its leaders, Trillanes, Gambala, and Maestrecampo.

⁵⁴ From the video tape of ANC's Special Coverage of the Oakwood incident of 27 July 2003.

⁵⁵ From the video tape of ANC's Special Coverage of the Oakwood Incident on 27 July 2003.

⁵⁶ From the Briefing Manuscript submitted by Cabuay to the Commission on 12 August 2003.

The Cimatu report to the President listed the concerns discussed during the negotiations.⁵⁷ In addition to the issues and demands read from the rebel soldiers' prepared statement earlier that day, the following matters were raised: (1) the creation of an independent investigative body like the Davide Commission to look into the bombing incidents in Davao and Koronadal, which were allegedly carried out by a special Government team upon orders of top officials; (2) the creation of an independent commission to evaluate and recommend reforms in the AFP, particularly in the finance and budget system and logistics and procurement system where institutionalized malpractices exist, cases involving pilferage where sale and trafficking of government arms and ammunition ended up in the enemy's possession, and the speedy resolution of the ongoing investigation and audit of the reported anomalies in the Retirement and Separation Benefits System (RSBS); (3) the personnel morale and welfare of the AFP, for the most part concerning the poor medical and health services delivery system, inadequate housing program for soldiers, and the extreme delays in the issuance of death benefits to families of soldiers who died in battle; and (4) in the case of the Air Force, the patent preferential treatment or favoritism, and the delays in training and promotion due to disproportionate pilot to aircraft ratio. Cimatu reported that the group demanded the immediate removal from office of Reyes, Corpus, and Ebdane who were perceived as incompetent or irresponsible in their respective commands.

D. Return to Barracks

The daylong rebel occupation and the Government siege of Oakwood ended after two extensions of the original deadline, and conciliatory statements on the part of some negotiators. While the crisis situation eventually ended without violence and bloodshed, the terms of agreement on the rebels' return to barracks appeared vague and unclear and may have generated a perception of betrayal among the rebel soldiers.

⁵⁷ Exhibit "XX" identified by OPAPP Sec. Eduardo Ermita on 3 September 2003.

After the President had declared a deadline of 5:00 p.m. for the mutineers “to stand down, surrender their weapons and return to barracks”, the President requested several members of PMA '95 to go to Oakwood to convince their classmates and other officers to stand down. In the late afternoon of 27 July and after a press conference by the rebel soldiers, certain persons arrived at the site apparently to have a dialogue with the rebels. One of them was Honasan who had made arrangements through his fraternity brothers at Malacañang Palace to come to Oakwood.

Renato Velasco, Senior Deputy Chief of Staff, Office of the President (OP) (a fraternity brother of Honasan), who was helping out in the preparations for the President's SONA at the guesthouse of Malacañang Palace that afternoon, received a call from Honasan. Honasan told Velasco that he wanted “to talk sense to the rebels” but he wanted an assurance that he would not be arrested on grounds of alleged involvement in the mutiny. After obtaining clearance from the President, Velasco asked Secretaries Silvestre Afable and Rigoberto Tiglao of the OP to go with him to Mandarin Hotel in Makati where Honasan had arranged for a meeting room. Housing Secretary Michael Defensor, another fraternity brother earlier contacted by Honasan, joined them.⁵⁸

Military officers from various AFP services also joined the dialogues at Oakwood upon request of the rebel soldiers. Abaya, after a call from the President, told Commo. Tirso Danga, who as Camp Commander at that time was attending to the defense of Camp Aguinaldo, that he was being requested by the rebel soldiers to join the negotiating panel. He was told that there were two others --- Air Force Col. Eduardo Oban, Jr. and Lim --- whose presence had been also requested by the Magdalo group. Danga was instructed to coordinate with the two and with Cimatú.

⁵⁸ Testimony of Senior Deputy Chief of Staff, Office of the President, Renato Velasco on 27 August 2003.

Upon learning about the occupation of Oakwood by the Magdalo group and its siege by Government forces in the morning, Senator Rodolfo Biazon and his son, Congressman Rozanno Biazon, went to the Oakwood area to convince the Magdalo group to stand down. Rebel soldiers on the ground floor lobby of Oakwood told him to wait and not to go away --- "*huwag muna kayong umalis*" --- as the PMA classmates of the rebels were still at the 6th floor of the hotel talking to the Magdalo group. In the meanwhile, Biazon was asked to talk to the Magdalo soldiers by Secretary Romulo who had learned he was in the area through Senate President Franklin Drilon.⁵⁹

After some Magdalo soldiers had walked out and surrendered before the first deadline at 5:00 p.m., Trillanes went out of Oakwood to fetch Honasan, Lim, Biazon, Senator Vicente Sotto III, and Congressman Biazon at the Intercontinental Hotel. This was after Honasan had talked to Trillanes on the phone.⁶⁰

On the 7th floor of Oakwood, the negotiators listened to the rebel soldiers' demands. The group talked about the same issues which they had already raised such as the resignation of certain Government officials, the Davao bombing incidents, the issue on pilferages and selling of firearms, equipment, and ammunitions to the "enemy", and the need for reforms within the AFP.

Defensor and Velasco, on several occasions, told the group that their demands could not be decided upon by the group but assured them that they were going to bring the soldiers' demands to the attention of the President. Biazon gave "fatherly" advice to the members of the group and told them not to panic because the President was certainly

⁵⁹ Interview by Commissioner Carolina G. Hernandez with Senator Biazon on 25 September 2003 at his PICC office.

⁶⁰ *Ibid*

going to extend the deadline. The soldiers “were agitated; there was uneasiness in their [eyes]”.⁶¹ It was already past 5:00 p.m., the deadline set for the rebels to stand down.

Honasan talked to the rebel soldiers and discussed the suggested resignation of Ebdane on the grounds of alleged incompetence. He also talked about the NRP and, in doing so, “mesmerized” the junior officers. Honasan explained they were not really official negotiators since the official negotiation process would have to be undertaken with Cimatú. There was initial resistance from the rebel group to Cimatú negotiating for the Government as he was viewed as a member of the “comptroller family”. Cimatú had to wait in the lobby for about half an hour, awaiting the rebel group’s acceptance of him as negotiator.⁶²

Cimatú with Assistant Secretary Abraham Purugannan of the Office of the Presidential Adviser for Special Concerns and retired General Dionisio Santiago of the Bureau of Jail Management and Penology (BDMP) composed the official negotiating team sent by Malacañang Palace to Oakwood. Other military officers who joined the negotiating team were Army Col. Rolando Detabali, Navy Capt. Feliciano Angue, and Domingo. *Philippine Star* publisher Maximo Soliven was also present, upon the rebel group’s request. Everybody’s primary concern was to put an end to the situation in Oakwood without bloodshed and damage to property.

The leaders of the Magdalo group, namely, Trillanes, Gambala, Maestrecampo, Layug, and Alejano sat with the negotiating team. The Cimatú report, however, only noted the first three (3) as taking part in the negotiations. It also mentioned Army Capt. John Andres who participated in the discussion. Trillanes, the Magdalo spokesman, voiced the group’s concerns, interrupted from time to time by Maestrecampo and Gambala.

⁶¹ Testimony of PN Commodore Tirso Danga on 20 August 2003.

⁶² Testimony of Velasco on 27 August 2003.

During the discussions, there were disagreements among the rebels regarding the demand for the resignation of the three Government officials earlier mentioned. Andres asked that they drop this demand as it would mean “non-observance of due process of law”.⁶³ Trillanes initially asked for admonition for the rebel soldiers, except for the core group who would take full responsibility for their actions. Cimatú did not accede to this demand. Members of the negotiating team expressed the view that the rebels should face the “military justice system under the framework of the Articles of War”.⁶⁴ No reference was made to the law punishing coup d’etat as an offense cognizable by the civilian courts. None of the negotiators, including Cimatú, appear to have been aware of this law.

After discussing the proposals and counter proposals for about five hours, Cimatú reminded the group that a decision had to be made immediately on the terms of the pull-out from Oakwood. During a 15-minute break in the negotiations, Cimatú called Secretary Romulo in Malacañang Palace for approval of the proposed terms of the stand down.

In his report to the President, Cimatú stated that “the Magdalo group...further agreed that they would face the consequences of their actions as provided for in the Articles of War”.⁶⁵ In his recollection of the 27 July negotiations submitted to the Commission, he stated that Trillanes said his team agreed “that admonition should be considered only after the followers undergo the process based on the Articles of War”.⁶⁶ Concluding, Cimatú stated that “they further agreed that the core group would face the

⁶³ Testimony of PMEPC Ambassador Roy Cimatú’s regarding his 27 July 2003 report to the President (Exhibit “XX”) given on 22 September 2003 to the Commission.

⁶⁴ Testimonies of V. Adm. Ruben Domingo on 22 Sept. 2003, Col. Eduardo Oban, Jr. on 28 Aug. and 2003, Commo. Danga on 20 Aug. 2003

⁶⁵ Exhibit “XX” identified by Ermita on 3 September 2003.

⁶⁶ Testimony of Cimatú regarding his recollections about the 27 July 2003 negotiations given to the Commission on 22 September 2003.

consequences of their actions as provided for in the Articles of War. And for the followers to likewise undergo the process as called for in the Articles of War before admonition can be considered”. According to two other government representatives who were present, Danga and Lim, they understood that the agreement reached was that the five leaders would bear the full consequences of their actions, while their followers would be punished with admonition under Article 105 of the Articles of War.⁶⁷ Oban claimed, on the other hand, that “prosecuting the rebel soldiers by the civil courts will (sic) be a violation of the agreement reached with Cimatu”.⁶⁸

The mutineers withdrew from the premises peacefully. The soldiers boarded military vehicles and were brought to the PA headquarters in Fort Bonifacio. They were accounted for and their firearms and equipment were deposited at the PA grandstand.⁶⁹

⁶⁷ See, in this connection, the following articles of the Articles of War:

Article 67 on Mutiny or Sedition states that “any person subject to military law who attempts to create or who begins, excites, causes or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct”. (Underscoring added)

Article 105 states that:

“a. The commanding officer of any detachment, company, battalion, squadron, commissioned vessel, or higher command, or such other officers as may be authorized by the President, may, for minor offenses, impose disciplinary punishments upon persons of his command without the intervention of a court-martial.

b. Subject to subsection g of this article, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishment...

x x x

x x x

x x x

e. The imposition and enforcement of disciplinary punishment under this article for any act or omission shall not be a bar to trial by court-martial for a serious crime or offense growing out of the same act of omission, and not properly punishable under this article...” (Underscoring added)

⁶⁸ Testimony of Oban on 28 August 2003.

⁶⁹ Testimony of Rosetti on 21 August 2003.

E. Post 27 July 2003 Events

1. Search and Recovery Operations

The search for staging points and recovery of paraphernalia, equipment, and vehicles was largely made after the pull-out of the rebels from Oakwood. But actual search in other areas started during the day of the rebel occupation of Oakwood. With the recovery of pieces of evidence, staging points for the rebellion were identified by the Government in Cavite, and Makati and Mandaluyong cities.

Cleaning and mopping up operations began after the rebel soldiers left at around 11 p.m. of 27 July. The Ayala Security officers came in to secure the entrance and took control of the Oakwood premises to search for explosives and to clear the building for use the following day.

Among the supplies left behind by the rebel group was a pile of boxes numbering about a dozen, containing communications equipment. These were recovered by PMA '95 Capt. Windell Rebong of the ISAFP Mobile Intelligence Team at around 11:00 p.m. of 27 July, on the ground floor lobby of Oakwood. The recovered equipment had an estimated cost of one million six hundred thousand pesos (P1.6 million). He also found ten (10) physically damaged 1.44 megabyte diskettes in a transparent bag lining the garbage bin in the men's room on the 6th floor. It was Mr. Josefino Marcellones of the Ayala Security who had informed Rebong of the diskettes, but Marcellones was not present during the retrieval of these diskettes.⁷⁰

The contents of the diskettes were later examined by ISAFP. The diskettes disclosed an elaborate campaign plan to overthrow the duly constituted government codenamed "Oplan Andres", with a listing of seventeen (17) task groups that were

⁷⁰ Testimony of Marcellones on 8 September 2003.

organized to carry out specific operations. They reveal the operational details of a planned coup consisting of Plans Alpha, Bravo, and Charlie. Plan Alpha would be implemented if the rebels accumulated sufficient combat power to assault Malacañang Palace and other strategic installations. Plan Bravo contemplated an assault with less intensity due to less combat power at their disposal. Plan Charlie, which was eventually undertaken or implemented by the rebel group, was the planned recourse if there was insufficient combat power but a significant assault could be mounted by using a highly visible target like Oakwood as a staging ground to mobilize potential mass support.⁷¹

The Oakwood housekeeping staff started to clean up debris at 8:00 or 9:00 a.m. of 28 July 2003. Nothing of value to the Oakwood management was found missing from the rooms but the loss of six (6) walkie talkies.⁷² The housekeeping and security staff did not report any equipment left by the rebels in the building.⁷³ In the different rooms searched by Lt. Lindsey Rex Sagge of ISAFP in the afternoon of the same day, documents, maps, overlays, and torn pieces of papers in different rooms were found. Detached Globe and Smart SIM cards were also retrieved inside a trash can.⁷⁴

Abandoned vehicles were found at the parking lot of Oakwood after the departure of the mutineers. One of these vehicles was a Hyundai aero bus with plate number XET-362. In addition to this bus and another one found in Binakayan, Cavite, there were three (3) other Hyundai aero buses that had been purchased from the same dealer but which have not to date been found. Other vehicles were found abandoned at the Oakwood parking area, namely an Elf aluminum van with plate number WPJ-706 and a Mitsubishi L200 pick-up with plate number UMN-405. Documents such as Land Registration Office (LTO) registration papers dated 6 June 2003 and a car insurance

⁷¹ Testimony of Corpuz on 25 August 2003.

⁷² *Ibid*; clarified at Rosetti's recall testimony on 8 September 2003.

⁷³ Testimony of Wycoco on 14 August 2003.

⁷⁴ Testimony of Sagge on 25 August 2003.

certificate bearing the name of a Joey Estrada of 387 P. Guevarra St., Additional Village, San Juan, Metro Manila, were found inside the pick-up vehicle. The name “Joey Estrada” was later found to be fictitious. Investigation revealed that the same vehicle had been stolen from its owner, a certain Jane C. Rey of Cagayan de Oro City on 15 November 2001. LTO records show that it was registered in the name of Luis Nunez of Rosewood, Paranaque, Metro Manila.⁷⁵

The house owned by Cardenas at 2177 Paraiso St., Dasmariñas Village, Makati City, was searched on 28 July at around 2:00 p.m. The NBI secured from the Makati Regional Trial Court a warrant authorizing the search witnessed by representatives from media, the security force of Dasmariñas Village, and a representative of the Chairman of the Barangay.

The search of Cardenas’ house yielded the following items: one M-14 rifle, three M-16 armalite rifles, assorted live ammunition, Philippine flags, Magdalo armbands and banners, empty hand grenade cases, thirty backpacks containing personal effects, and voluminous rebel documents. After the raid and the recovery of evidence claimed to link him to the rebellion, Cardenas, accompanied by his counsel, Atty. Rene Saguisag, went voluntarily to the CIDG in Camp Crame.⁷⁶

An investigation was likewise made by the Mandaluyong City Police Chief in respect of the Mandaluyong townhouses and the flags used by the rebel soldiers. Liezel Magpoc signed an affidavit on 30 July stating that Laarni Enriquez is the real owner of the townhouses in Mandaluyong City and that the Deed of Sale executed in her favor, covering the land on which the townhouses were constructed, was merely for

⁷⁵ Testimonies of Matillano on 25 August 03 and of Wycoco on 14 August 2003.

⁷⁶ Testimony of Matillano on 25 August 03.

convenience and without any consideration.⁷⁷ Enriquez admitted that she is the true and beneficial owner of the property but denied that she had allowed its use as a staging area of the rebel soldiers.⁷⁸ On 11 August, Glenn Mabag of the IFH positively identified the flags recovered from the house of Cardenas as the same flags ordered by Pontejos. Mabag also identified Pontejos from the 2000 PMA yearbook as the man who had ordered the flags from him.⁷⁹

Also on 12 August, the baggage claim stub in the name of Jonah Arugay found inside the house of Cardenas matched the same claim stub issued by Cebu Pacific Air flight number 5J852 in the name of passenger Navy Ensign Jonah Arugay. Arugay arrived in Manila from Zamboanga City via this flight on 26 July 2003. He brought medical kits with him as reflected in his baggage claim (stub number 2842598).⁸⁰ He was one of the rebel soldiers at Oakwood.

2. *Filing of Charges*

On 28 July, Cardenas was brought for inquest proceedings before the Department of Justice (DOJ). He was initially detained at the Office of the Anti-Organized Crime Division of the CIDG. In the afternoon of 28 July, Cardenas was brought to the DOJ. He was later charged with the crime of rebellion. The case is now under trial before Judge Oscar Pimentel of the Makati Regional Trial Court where he filed a petition for bail, which was granted on 10 October 2003.

⁷⁷ Affidavit of Liezel Magpoc dated 30 July 2003, Exhibit "MM" submitted by NCRPO Dir. Supt Ericson Velasquez of the Mandaluyong Police Station in his testimony on 27 August 2003.

⁷⁸ Affidavit of Laarni Enriquez dated 3 September 2003 submitted to the Commission.

⁷⁹ Testimony of Wycoco on 14 August 03.

⁸⁰ From Exhibit O, "Chronology of Events Known to the NBI As A Result of Its Investigation," presented by Wycoco on 14 August 2003 to the Commission.

On 31 July, three hundred twenty-three (323) rebel soldiers were charged by the NBI with the crime of coup d'etat under Article 134-A of the Revised Penal Code. The case was forwarded by the DOJ to the Makati Regional Trial Court under Criminal Case Number 03-2784 (I.S. No. 2003-1103). It is still pending investigation.

Under a 1st Indorsement dated 4 August 2003, Local Government Secretary Jose Lina, Jr. forwarded to the DOJ the affidavit-complaint of PC Chief Superintendent Eduardo Matillano against Honasan,⁸¹ Turingan, Ernesto Macahiya, George Duldulao, *et al.*, and several "John and Jane Does" numbering about one thousand (1,000) persons who are alleged members of the PGBI, for the crime of coup d'etat and other offenses. The case against Honasan, *et al.* has been submitted for resolution at the DOJ.

On 8 August 2003, the PNP Chief Inspector Jesus Fernandez of the Eastern Police District, National Capital Region Police Office (NCRPO) referred to the DOJ investigation records pertaining to an alleged violation of Article 134 (Rebellion and Insurrection of the Revised Penal Code, and/or Violation of P.D. 1866 as amended (Re: Illegal/Unlawful Possession, etc., of Firearms), naming as respondents Laarni Enriquez and Engr. Romy Escalona of JELP Real Estate Development Corporation, *et al.* Charges involving Enriquez and possibly Senator Luisa Ejercito are still being evaluated by the DOJ. No formal charges have been filed to date.

II. Analysis and Findings

In the section that follows, we seek to present the findings of the Commission, as well as the inferences and possible insights that appear to be derivable from the events of 27 July 2003 at Oakwood. The over-arching theme is the distinction that, the Commission believes, must be drawn between, on the one hand, the objectives which the

⁸¹ Twenty-four witnesses executed written statements marked as Exhibits "JJ-1" – "JJ-24", affirming that Honasan had been present in the bloodletting rituals prior to the Oakwood incident.

Magdalo group sought to realize by going to Oakwood -- that is, the forcible seizure of power and the overthrow of the existing Government – from, on the other hand, the grievances and the complaints the existence of which constituted the proffered justification for their attempt to seize control of government by force of arms. The Commission believes that the mutiny had been planned and was not spontaneous and that it was part of a larger plan to achieve political change by military force. At the same time, it will be seen from Part Two of this report that some of the grievances given expression by the rebels at Oakwood, although utilized by them to radicalize soldiers and young officers and to recruit adherents to “Oplan Andres,” are to a substantial degree real, and not merely fictitious. Finally, those grievances are not unique to the military but rather reflect insistent demands for reform made by practically all sectors of our society. The total picture is, indeed, a complex one and the challenges inherent therein truly formidable.

A. The Mutiny was Planned and not “Spontaneous”

1. The rebel group did not take control of Oakwood only to air their grievances nor was the incident “spontaneous”. Facts gathered by the Commission point to the political goal of taking power by the Magdalo group and the establishment of a fifteen (15)-member council after the restoration of former President Estrada to the Presidency for three (3) days only. By early 2003, it was clear that recruitment conducted by the rebel leaders exploited the soldiers’ legitimate grievances against the AFP, for which Honasan’s NRP was the purported sole solution. The “Last Revolution” stressed that since the incumbents in the Government and senior military officers would not give up power voluntarily, they would have to be removed by force.

2. The fact that groups identified with Honasan (Diablo and PGBI) and Estrada (PMAP and DEMOKRASYA) were apparently part of the support group for a planned replication of “people power” further indicates the political character of the

incident. They attempted to mass at the EDSA Shrine and to go to the Oakwood area, but were prevented from doing so by the Government's blocking forces.

3. That the event was not "spontaneous" is strongly indicated by several factual circumstances, including: (1) the wide recruitment of military personnel, which had begun months before the mutiny at gripe sessions at which the bloodletting rite and the oath of loyalty were undertaken by each recruit; (2) the purchase of uniforms and combat boots, rebel flags, and arm bands utilized at Oakwood; (3) the provision to the rebels of backpacks that must have been purchased ahead of time; (4) the purchase of expensive communications equipment and vehicles that were later recovered at Oakwood and various other places by the authorities; (5) the reservation for Gambala under the name of George Uy for 19-28 July at Oakwood, and his actual occupation of the room where he was visited by Trillanes on 24 July; (6) the rebels' use of two staging points in Dasmarinas Village and Mandaluyong City; and (7) the prepositioning of rebel vehicles in the armories of Fort San Felipe and Sangley Point at Naval Base Cavite.

4. The discovery of the plot prompted the rebel group to implement Plan Charlie and stage the Oakwood occupation as soon as the President ordered the arrest of the leaders in the evening of 26 July.

B. Discovery and Pre-emption

1. The fortuitous scheduling of the coup attempt close to the President's third SONA scheduled for 28 July 2003, helped in the timely adoption of countermeasures to avert the plot. Security arrangements for the SONA probably helped Government forces such as TF Libra under Abu and TF Ayala under Teodosio prepare the countermeasures actually adopted during the Oakwood incident.

2. However, the Government authorities failed to prevent the Marines from Ternate, Cavite from moving to Oakwood despite intelligence reports about them. Neither did the authorities succeed in preventing the rebels from occupying Oakwood. Since Oakwood was a “soft target” and prematurely committing Government troops in the area could expose the “hard targets” such as Malacanang Palace, military camps, and television and radio stations that are more critical to the survival of the Government, the authorities continued to watch troop movements and opted not to deny Oakwood to the rebels. Hitting the “hard targets,” according to Plans Alpha and Bravo, was apparently premised on the achievement of the goals of a wider and larger recruitment of rebel troops and civilian components of the plot. As this did not materialize due to the early discovery of the plot, Plan Charlie was activated.

3. The rebels failed to elicit significant support especially from the senior officers in the military. Thus, the Oakwood coup attempt is the first one in the country’s history that had been led by junior officers. This suggests (1) a breakdown in the chain of command that the leaders themselves referred to, (2) alienation of the Magdalo group from their senior officers, which may reflect sentiments shared by other junior officers in the AFP, and (3) a general decline of professionalism in the AFP officer corps.

4. The rebel leaders, it appears, also miscalculated the state of public sentiment or opinion as they failed to draw civilian support from sources other than the PGBI, Diablo, PMAP, and DEMOKRASYA.

C. Demands and Grievances

The grievances aired by the rebels referred to the RSBS, the military procurement system, particularly the practice of “conversion”, the transfer of arms and ammunition to unauthorized parties, and anomalies in the construction and repair of various facilities at Marine Base Cavite.

1. The Commission has looked at these grievances and found some are not without foundation. Nevertheless, it appears that the real impetus for the rebellion, the operative goal of the Magdalo group, was to seize power by force and implement Honasan's NRP.

2. The goal and the plotting and the willingness to use armed violence to secure political changes and thereby, hopefully, correct the grievances proclaimed appear to reflect a certain psychological basis which, in the Final Report (1990) of the Davide Commission, was described as a "Messianic complex".⁸² There is the idealism taught at the PMA which is later challenged by the realities of combat duty and life in the real world. This creates a powerful emotive force that when combined with the issue of graft and corruption and the poor conditions in the field, could make soldiers vulnerable to recruitment by both military and civilian coup plotters.

3. This, however, does not diminish the reality and legitimacy of their grievances, with respect to, for instance, the RSBS, the Modernization Fund, and a few other cases discussed in detail in Part II of this report.

4. Moreover, the military's rigid hierarchy, subordination to seniors, and strict culture of obedience make the grievance mechanisms such as the Inspector General Armed Forces of the Philippines (IG) and the Office of Ethical Standards and Public Accountability (OESPA) ineffective.⁸³

⁸² The Final Report of the Fact-Finding Commission (pursuant to R.A. No. 6832), Chapter III, Sections A and B, and Chapter VII, Section A, October 1990.

⁸³ See below, "The AFP Grievance Mechanism: The Limitations of Internal Controls", Part Two, II-D.

D. The Negotiated Return to Barracks

1. Many groups persuaded the rebels to return to barracks, including their classmates from the PMA and military officers the rebels trusted such as Lim, Oban, Domingo, and Danga. Two groups of negotiators were apparently cleared to negotiate with the rebels by Secretary Romulo. The first consisted of Biazon, Honasan, Sotto, Defensor, and Velasco who apparently obtained authorization from the Executive Secretary at various times and through various means. The second was led by Cimatu who, after obtaining the acceptance by the rebels as the principal Government negotiator eventually succeeded in concluding the return to barracks agreement.

2. Varying accounts of the details of the discussions with the rebels could be due to the large number of people present at different stages of the process, their location relative to the scene of the negotiations as well as to the participants, the variety of personal and positional interests they represented, and the environment of tension and crisis.

3. Not having a more clearly defined mandate other than to end the incident as soon as possible and without bloodshed and damage to property, a military framework defined the terms of the agreement, i.e., that the core group would bear full responsibility for the incident under military law while the followers would be processed according to the Articles of War. The discussions between the Government group led by Cimatu and the Magdalo group is also a classic case of “mutual ignorance” of the applicable laws, neither side being aware of Article 134 of the Revised Penal Code that penalizes coup d’etat. This is a disturbing revelation. Neither, it also appears, was there anyone with a working knowledge of what Article 105 of the Articles of War actually provides.

4. Some have alleged that differences in the interpretation of the terms of the return to barracks agreement by the rebels, by the negotiators, and by the civilian

prosecutorial agencies of the Government may have created a perception that the rebel officers were “betrayed” by the filing of charges in civilian courts. Assuming this sentiment exists and if it becomes widely shared by officers in the AFP, it could become a tool of recruitment and tend to discourage future negotiations with the Government in a similar situation.

E. Other Findings

(1) *Search and Recovery of Materials Left by Rebels*

(a) Materials, including documents left by the rebels in Oakwood and in the vehicles recovered in Naval Base Cavite indicated some civilian support, in cash and in kind, had been extended to the rebels. Communications equipment left at Oakwood, vehicles, uniforms, flags, arm bands, backpacks, and other paraphernalia obviously cost a substantial amount of money. The use as staging points of two houses owned by persons close to former President Estrada described above tends to reinforce the belief that some support from certain civilian sectors had been provided.

(b) There is reasonable basis to believe that the documents and diskettes recovered by Government authorities were not merely fabricated and planted by military authorities. Testimonies regarding the details of the process of recovery and the places where they were recovered tended to be, in part, inconsistent with each other. This is due perhaps to the haste with which the Oakwood management sought to clear the premises, the different views held by the Oakwood management, and the ISAFP operatives on what “valuable” means, as well as the ISAFP officers’ desire immediately to recover whatever materials might have intelligence value.

(c) Authorities that came to investigate and gather evidence regarding the incident appeared less than careful in the observance of standard evidence-collection procedures.

(2) *Root Causes*

(a) The politicization of the military amid the erosion of civilian political institutions that had oversight powers over the military, particularly during and since the imposition of martial law, is a cause of military adventurism. The AFP's role as a partner in national development efforts led them to assume roles that used to be played by civilian authorities. This tended to increase their political leverage over other sectors of society, and contributed to their politicization as they interfaced directly with the people and the problems of the country. During the martial law period, there were no institutional checks on the military's power and influence as well as on the uses to which its power was used, other than the personal power of President Marcos.

(b) Failure on the part of the Government to enforce the law deprives the law of its power to deter, particularly among those who had engaged in previous coup plots against the Government but who were granted unconditional amnesty in 1995 without prior punishment. A number of former coup plotters who had been punished for their participation in the coup attempts of the 1980s and returned to the military after the 1995 grant of unconditional amnesty, have turned their back on military adventurism. Members of their units did not join the Magdalo group in Oakwood. But some of those who received unconditional amnesty without prior punishment were in the list of members of the NRP Council. This suggests that consistent enforcement of the law may be a critical factor in neutralizing the coup virus.

(c) The key role of the AFP in the campaigns against communist insurgency and Moro secessionism creates civilian Government dependence upon the military. In

addition to the clearing of areas of insurgents and defending such cleared areas, soldiers are required to discharge the tasks of consolidation and development that properly belong to civilian authorities.⁸⁴ Not only is the military's political power enhanced, but their politicization is also thereby increased as they confront the problems of these communities on a prolonged basis.

(d) Enlistment by civilian persons, including politicians, of military support for their personal and political ambitions contributes to military politicization and adventurism. Former President Marcos (and not the AFP) initiated the enlargement of the role of the military during his incumbency, particularly during martial law. Civilian persons, including politicians, also sought and encouraged the military breakaway of February 1986 and January 2001, giving thereby the AFP great political leverage over the civilian leaders who appear to rely on the military for political survival. When adequately motivated, military adventurers could exploit this situation to destabilize and overthrow the Government.

(e) At the same time, officers and troops under diligent and respected commanding officers did not join in the 27 July mutiny, suggesting the critical role played by this breed of military leaders in dealing with the coup virus.

(3) *Provocations*

(a) Grievances about graft and corruption in the military, such as the RSBS, the Modernization Fund, and the procurement system provide a fertile ground for the recruitment of officers and men for military intervention and even the overthrow of Government. The expression of grievances resonates to the wider polity who share these

⁸⁴ Army Col. Noel Buan, at the Dialogue between the Commission and the First Scout Ranger Battalion, Isabela City, Basilan, 19 September 2003.

sentiments, even as they do not approve of the means used and the solution proffered by the Magdalo group.

(b) The Commission believes that the discovery or disclosure of the plot led the rebels prematurely to launch “Oplan Andres”, a plot larger than the Oakwood incident. Failure to attain the force requirements of Plans Alpha and Bravo compelled the rebels to launch Plan Charlie.

(c) Moreover, members of PMA '94 and '95 were “frustrated” when the dialogue about their concerns they expected would take place during the dinner hosted by the President on 23 July, did not take place. PMA '94 and '95 had the opportunity to talk to Abaya at the “White House”.⁸⁵ They talked about their class being unjustly linked to a plot against the Government as well as about their commitment to fight graft and corruption ever since their graduation from the Academy. When the dinner with the President arranged for 23 July did not include a dialogue about their concerns, the invitees went away “frustrated.”

(d) Finally, the order by the President aired on national television for the arrest of the coup leaders as “rogue soldiers” was a precipitating factor behind the Oakwood incident. At the time of the President’s order, the leaders of the plot were already missing from their respective units.

F. Recommendations

1. *Due diligence by commanding officers* - Commanding officers in the field need constantly to warn their men against recruitment for destabilization plots against the Government by adventurers in the military. Former military rebels who have turned their back on military adventurism could be used to conduct regular dialogues within the

⁸⁵ This is in reference to the residential quarters of the AFP chief of staff in Camp Aguinaldo

AFP for this purpose. The adoption of a program of this nature should go a long way towards neutralizing the coup virus.

2. *Effectively address legitimate grievances* - The Government and the AFP need to address the legitimate grievances of the military against corrupt officers, officials, bureaucrats, and practices. More specific recommendations on this matter are made in Part Two of this report.

3. *A civilian Secretary of National Defense* – This Commission reiterates the recommendation of the Davide Commission to have a civilian appointed to the position of Secretary of National Defense.⁸⁶ Beyond the need to institutionalize the supremacy of civilian authority over the military, the appointment of persons who have not had long and deep ties to the military, and who have not held positions in the military establishment that itself needs to be reformed, is essential if a reform program is to succeed. Although military officers acquire a civilian status upon retirement, they are likely to bring the rigidity of hierarchy, seniority, camaraderie, and other aspects of the military culture into the office of the SND that would obstruct reform.

4. *Return NICA to its original mandate* – Likewise, echoing the Davide Commission recommendation, this Commission recommends the appointment of a civilian head for the NICA. Moreover, NICA should be returned to its original mandate, that is, to coordinate all intelligence agencies, military and otherwise. The President must have a source of intelligence additional to the ISAFP.⁸⁷ This should provide the Commander-in-Chief (C-in-C) with a parallel intelligence source in the event that

⁸⁶ The Final Report of the Fact-Finding Commission (pursuant to R.A. No. 6832), recommendation C.2.f., pp. 524-525.

⁸⁷ The Report of the Fact-Finding Commission (pursuant to R.A. No. 6832), recommendation C.2.f., pp. 524-525.

information gathered by ISAFP is not made fully available to the C-in-C, for any reason whatsoever.

5. *Enforce the law against all violators* - Erring officers, troops and civilian partners in coup plots must be treated in accordance with law to control and reverse the culture of impunity.⁸⁸ As already noted, former rebel soldiers that were punished for their participation in the coups of the 1980s tended to have abandoned military adventurism. To remedy the recurrence of “negotiation in mutual ignorance” of applicable laws, this gap must be addressed in officer education and training.

6. *Observe or respect the military’s political neutrality* - Civilian political leaders must restrain themselves from enlisting military support for their personal and political agenda as this can only further politicize the military and grievously endanger the constitutional system. This is a theme that should constantly be recalled to politicians and political parties.

7. *Provide “negotiators” with clear terms of reference* - Government “negotiators” in similar incidents should be given clear terms of reference by the authorities to avoid misperceptions that could promote another coup plot in the future. In this regard, strict adherence to the law as recommended in number 5 above need not deter rebel soldiers from “negotiating” with government. In a “negotiation” of a similar nature, it is incumbent on the Government “negotiators” to demonstrate to and persuade the other side that it is to their common interest to “negotiate”. The law itself embodies the basic principle that punishment must be tailored to the degree of participation in the offense to be penalized.

⁸⁸ Although Commissioner Narciso concurs with this recommendation, he stresses that the discussions at Oakwood between Cimatu and the rebel soldiers should be taken into account by the Government in its treatment of the latter.