

Isn't it strange? Why recant now, Nicole?

by MICHAEL LIM UBAC & CHRISTIAN V. ESGUERRA
Inquirer.net

WAS her convicted rapist, if not the US government itself, behind the change of heart of "Nicole," the Filipino woman who briefly served as a symbol of the purported inequity of the Visiting Forces Agreement (VFA)?

At least three senators are nursing suspicions in the wake of Nicole's submission of a sworn statement raising doubt about her rape by Lance Cpl. Daniel Smith, and her flight to the United States, apparently for good.

According to Sen. Loren Legarda, Nicole's case has implications on the VFA, which governs the conduct of US troops in the Philippines and which is now the subject of calls for review or outright termination.

"There's more than meets the eye in this issue," she said, noting that the agreement that became effective in 1999 was very important with respect to the United States' war on terror and its strategic and security interests in the Asian region.

"It cannot be discounted that extreme pressures may have been applied on Nicole for her to recant her [court testimony] at the risk of inviting perjury and other charges against her," said Legarda, who had voted against the ratification of the agreement.

Form and timing
In a statement, Sen. Francis Pangilinan raised "serious questions about the form and timing" of Nicole's sworn statement dated March 12.

"What boggles my mind right now is why the new affidavit came from the lawyer of Daniel Smith and not her own lawyer," Pangilinan said.

"Isn't that strange?" he said, calling attention to "the timing of events" that included the "scuffle over Smith's custody," US President Barack Obama's telephone call to President Gloria Macapagal-Arroyo

stating his commitment to the VFA, and Nicole's affidavit.

"Why just now?" said Pangilinan, who filed in February Senate Resolution No. 892 calling for the termination of the VFA.

He added: "We do not wish to question Nicole's integrity, but we wonder if there's a higher hand behind all this."

On the phone, Senate Minority Leader Aquilino Pimentel Jr. said that if not the US government, "others operating to acquit Smith" were behind Nicole's affidavit.

Pimentel declared, however, that Nicole's moves would have no bearing on the planned review of the VFA.

Japan Airlines

Nicole's departure for the United States was announced on March 17, by her now ex-lawyer, Evalyn Ursua, who said she had no prior knowledge of the move. Nicole's mother confirmed Ursua's announcement.

Based on records of the Ninoy Aquino International Airport and the Bureau of Immigration office, Nicole flew to Japan on Mar. 16 on board Flight 746 of Japan Airlines.

Flight 746, a Boeing 747 plane with 400 passengers, left NAIA 1 at 9:06am and arrived at Tokyo's Narita Airport at 1:55pm.

Nicole was listed among the passengers, but the records did not indicate her connecting flight to United States.

The US Embassy in Manila last March 19, maintained a tight lip on the matter, saying it had no knowledge of Nicole's whereabouts.

Spokesperson Rebecca Thompson told the Inquirer that the embassy was aware of media reports stating that Nicole had flown to the United States.

"We don't have further information suggesting her whereabouts," Thompson said.

"Every day, people come here for visa applications and for privacy

Dumlao fights extradition, posts \$100,000 cash bond

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prevent his extradition," he said. "Who will be paying for the expenses in court for this petition when he's jobless there? But that's just my conjecture," he said.

Gonzalez said Dumlao was possibly being assisted by "a good friend" in trying to stop his extradition.

"I don't know but I'm sure there must be some dialogues or communications moving around," he said.

"Obviously someone has gotten to Dumlao and put up the money to prevent him from testifying on the Dacer-Corbido kidnap slay," a source said.

A trusted man of a politician was asked to go to Florida, get Dumlao a lawyer so they could post the cash bond. The person is a media man who is a personal friend of a politician and writes daily for a tabloid," the same source added.

The DOJ chief said Dumlao might try to convince the court

to let him stay in the US to escape political persecution in the Philippines.

"I think they're trying to delay the reopening of the preliminary investigation. If this game plan continues, I will release (Cezar)

Mancao's statement already," he warned.

But in his radio program *Hustisya para sa lahat* over dwlZ, Gonzalez admitted that Mancao in his affidavit said former police chief and now Sen Panfilo Lacson gave the orders to get Dacer and (former police General now Transportation Assistant Secretary Reynaldo) Berroya.

Gonzalez also said the federal court is unlikely to decide in favor of Dumlao because the extradition order is already "final and executory."

"I don't see the point why he would seek injunction, which is usually sought when a decision is not yet final," he explained.

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