

# Nicole's retraction affidavit raffled off to Supreme Court's 1st division

**A** PETITION seeking to investigate the affidavit of retraction of rape victim "Nicole" and the alleged draft decision of the Court of Appeals acquitting her convicted rapist was raffled off to the first division of the Supreme Court a day after it was filed last March 24.

SC spokesman Jose Midas Marquez said Chief Justice Reynato Puno, who chairs the first division, wants the petition resolved immediately.

"The respondents will be asked to submit their answer," he said.

"We'll see what the decision of the division will be. We don't want to pre-empt the decision of the Court."

In their petition, the groups led by Gabriela and Bagong Alyansang Makabayan asked the SC to determine whether lawyer Abraham Rey Acosta and his law firm Sycip Salazar Hernandez and Gatmaitan, which represents US Marine Lance Corporal Daniel

Smith, committed any wrongful acts in notarizing Nicole's affidavit of retraction.

"It is most suspicious that the defense version of events and the questions that defense lawyers raised during the trial and in their memoranda have found their way into a sworn statement supposedly executed by Nicole," read the petition.

"The language of the sworn statement itself is not consistent with Nicole's level of articulation."

The petitioners said Sycip Salazar Hernandez and Gatmaitan might have violated ethical provisions under Canon 8 of the Code of Professional Responsibility that "(a) lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel, much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel."

"A lawyer should not, in the absence of the adverse party's counsel, interview the adverse party and question him as to the facts of the case even if the adverse party was willing to do so," they quoted the canon of lawyers.

The petitioners said they were "most disturbed by the timing of and the questionable circumstances surrounding the execution of the supposed sworn statement of Nicole."

The publication of Nicole's affidavit had the effect of "casting a cloud of doubt" on Nicole's integrity because of the media-generated opinion that it was a "recantation," they added.

Emmi de Jesus, Gabriela secretary-general, said the "unethical execution of the statement," followed by the disclosure of the alleged CA draft decision on Smith's acquittal, is an obvious attempt to sway the public's opinion in favor of an eventual reversal of Smith's guilty verdict. (*Philstar.com*)

# RP TV goes digital

## Kapamilya test run in May

by **BAYANI SAN DIEGO JR.**  
*Inquirer.net*

**F**IRST, the movies. Now TV is going digital, too.

ABS-CBN is gearing up for the big switch from analog to digital television, according to Charo Santos-Concio, network president and chief operating officer.

"In May, the network is launching a test run in Pampanga," she said in interview.

The network is distributing digital boxes to a random sampling of households in the Central Luzon province, Concio explained. "The test run will allow us to get feedback from viewers, too. That will help us determine viewer preferences. Do they want another Filipino movie channel? A men's channel? A channel for children?"

She added: "Going digital means a frequency will be able to accommodate 12 channels. At present, there are 12 channels on both the VHF and UHF bands. In other countries, there are over 500 channels. Eventually, viewers can also have video-on-demand."

More channels could result in innovation, content-wise, Concio said. "A network can go into niche programming. We don't have to service the mainstream all the time. We can address very specific markets."

A network that's not catering to the masses can more easily expand its programming, she said. "A channel can take more risks." This has happened in the US, she noted. "Cable shows like *Sex & the City*, *Six Feet Under* and *Entourage* won at the Emmys. It's the future of television."

The medium needs to evolve with the fast-changing times, Concio said. "In the US, even major networks' audience shares have decreased, with the advent of competing media like the Internet and mobile entertainment."

Further, she said, going digital, which is mandated by the government (deadline is 2015) could also mean more jobs in the broadcast industry.

"It can spell good news to independent filmmakers and content providers," she said.

Right now, the main concern is formulating the rules. "The National Telecommunications Commission has yet to decide whether we will follow the European, American or Japanese standard," said Concio.

She added: "We are also conducting a price sensitivity study for the digital boxes. In other countries, the government purchased them." ■

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