

OPINION & FEATURES

Another opaque effort

CONGRESS resumes its session this week with the two chambers having divergent priorities. The Senate is focusing on economic measures to help improve the country's response to the global slump. The House of Representatives, meanwhile, is making a final push for constitutional amendments, with members ready to do away with Senate participation in the process if necessary.

House proponents of Charter change have failed to make clear to the public the reasons for their advocacy. Which provisions need changing, and why are the changes so urgent that they have to be rushed before the 2010 elections? The only thing that is clear at this point is that

pro-administration congressmen want to shift to a parliamentary system of government. Why that would mean the salvation of the government remains unclear, especially since the same faces would serve as members of parliament and even President Arroyo might become a member,



Photo courtesy of Philstar.com

with the potential to become prime minister.

The prime movers of Cha-cha, including the President's two sons, have also failed to dispel fears that in a shift to a new system of government, the 2010 elections would have to be postponed, term limits lifted and incumbent officials allowed to stay in power in a transition period whose duration is anybody's guess at this point.

Speaker Prospero Nograles originally had a more focused objective, identifying two economic provisions whose amendment could bring in more foreign direct investments. His proposed mode of amending those two provisions, through a simple process akin to legislation whose constitutionality would have to be settled by the Supreme

Court, was also controversial. But it seems benign compared to the other House proposal, which is to completely rewrite the Constitution, even without Senate participation, in time to postpone the 2010 elections.

Nograles, reportedly faced with the threat of losing the speaker's post, now supports this proposal to convene Congress into a constituent assembly that will rewrite the Charter. As with the last sloppy signature campaign to amend the Constitution, this latest Cha-cha effort is characterized by deliberate opaqueness, which only heightens public resistance to it. With Nograles' June 6 deadline for a House decision approaching, his chamber still has not made a clear, strong case for Charter change. (*Philstar.com*)

GUEST EDITORIAL

Fiesta time

WE'RE still waiting for the official statistics, but the global downturn does not seem to have made a substantial dent in the Holy Week vacation habits of Filipinos. Some foreign trips were probably canceled in favor of domestic destinations, which was good for local tourism.



SKETCHES
Ana Marie Pamintuan

Traffic going out of Manila still crawled until late night of Wednesday, April 8. By noon of Saturday, April 11, people started returning home. Two of my relatives left Quezon province at 11:30am and reached Metro Manila at 8pm.

On Maundy Thursday, April 9, when I drove to nearby Tagaytay for a visit

to Talisay and Taal Lake, traffic was still crawling. In Talisay's top resort, Balai Isabel, all the 140 rooms, with accommodations for about 400, were fully booked for the week, and 70 percent pre-booked until the end of summer.

An emphasis on eco-tourism is starting to catch on in the town, with developers and owners of waterfront properties cleaning up their own areas and supporting environmental projects that preserve the unique ecological balance in the volcano lake. Even jet skis, increasingly popular in the lake, have been limited to less-polluting four-stroke types.

The environmentally conscious property owners are worried about the impact on the lake ecosystem of fish pens that are spreading in one area of the lake, with government permission.

Talisay, a center for seedlings and ornamental plants in Batangas, has not yet acquired the popularity of Tagaytay as a tourism destination, though it is only a 15-minute drive from the Tagaytay ridge.

Traffic on Maundy Thursday, April 9, in Tagaytay was horrid, especially going to the convent of the Sisters of the Holy Spirit or the Pink Sisters. But the crowds were of course good for tourism, and the narrow street leading to the church was lined with stalls selling fruits, vegetables, local delicacies and religious souvenirs.

The faithful behaved in the church, quietly watching a lone nun in a bright pink habit and white veil praying before the altar.

But outside the mood was festive, as Holy Week has always been in this predominantly Catholic country. The fiesta atmosphere is in fact strongest in the areas where there are Lenten rituals reenacting the passion and death of Christ.

In the town of Sasmuan in Pampanga, Lenten fasting can be a challenge.

The town, dotted with fishponds, rivers and streams, is home to mouth-watering tamales and polvoron, and also to fresh water fish, prawns and crabs oozing with fat. Those without cholesterol problems can feast on crabs sautéed in baby crab fat or *taba ng talangka*.

The town proper is home to Pampanga's oldest church built by the Spanish Augustinians, the Sta. Lucia parish church. The Spaniards were also the ones who misspelled the name of the town, which became officially known as Sexmoan for several

centuries until it was changed to the current spelling in 1987.

The previous name probably attracted more tourist interest, but Sasmuan need not rely on an intriguing name to draw visitors.

On Good Friday, April 10, the streets of Sasmuan were full of penitents, their faces covered, flogging their bare bloodied backs. Others wore white frocks as they bore wooden crosses or logs fashioned out of old lampposts. Occasionally someone bearing a cross would lie face down on the pavement in the scorching afternoon heat and his companions would flog him.

To reach the fish and crab ponds from the town center you have to take a *batulu*—a narrow motorized wooden boat without outriggers and with a sloping hull that makes for a pretty unstable ride, especially when getting on and off, so be sure you know how to swim just in case you fall into the river.

Fortunately for visitors, locals swear there are no crocodiles in the water. What you will see as you leave the town proper are egrets surveying the fishponds for food, and flocks of smaller birds.

In some Asian countries, rivers are turned into showcases of local crops, cuisine and handicraft that are hawked on boats. Riverbanks are developed into commercial areas. Some Thai tourism brochures even pitch the special appeal of the country's brown rivers, without mentioning that the color is due to mud and silt buildup.

There is no such aggressive marketing for Sasmuan, whose riverbanks leading to the fishponds are dotted mainly with huts. The entire province, in fact, could use more tourism marketing, considering its attractions, its distinctive cuisine, and its unique history, which includes one of the world's worst volcanic eruptions ever.

Traces of Mt. Pinatubo's lahar can still be seen in various parts of Pampanga, but much of the volcanic debris is gone. Sasmuan residents say the lahar worsened flooding in their town. During the rainy season, all the bodies of water overflow and floodwaters up to six feet deep force residents to move to the second floor of their homes. The *batulu* and makeshift rafts become the principal modes of transportation. Since this happens only during the typhoon season, the town cannot even be developed into a seasonal Venice for tourists.

Even neighboring Lubao does not look like it has benefited much in terms of development from being the hometown of a former Philippine president and his daughter the incumbent.

Locals have probably benefited more from alliances with the political kingpin, Bong Pineda. Accused of being one of the country's biggest *jueteng* operators, Pineda now operates the state-run small-town lottery in Lubao. His relatives have entered the most lucrative business in this country, politics.

Bad government stunts tourism, although there are visitors who will probably appreciate Pampanga's slow tourism development. Relaxing in a hut in Sasmuan, surrounded by fishponds as far as the eye can see, you feel like you have left your worries behind on another planet.

A similar feeling is experienced in the towns around scenic Taal Lake. The annual recollection of the suffering of Christ also serves as an opportunity for us to explore the beauty of our country. (*Philstar.com*)

Did Galman kill Ninoy?

PROFESSOR Jerome Bailen and Dr. Benito Molino (*Letter to the Editor*, April 7) challenge the judicial decisions cited in my March 15 column that the murder of Benigno "Ninoy" Aquino Jr. was a military conspiracy. They insist that "only Rolando Galman (not anyone of the military escorts on the stairway) could have fired, on the tarmac, the shot that killed Ninoy Aquino."

Long-rejected theory. Their "Galman-did-it" theory, earlier postulated by the Marcos government and the convicts, had been repeatedly and unanimously rejected by:

(1) The Agrava Board composed of retired Justice Corazon Agrava (chair), lawyer Luciano Salazar, businessman Dante Santos, labor leader Ernesto Herrera and educator Amado Dizon. Although Agrava dissented on the involvement of General Fabian Ver, she nonetheless concurred that Rolando Galman was not the gunman. This conclusion was reached after the Board held 125 sessions, heard 194 witnesses and consumed 20,377 pages of transcript. It was courageously made when Ferdinand Marcos was still the president.

(2) The Sandiganbayan, composed of Justices Regino C. Hermosissima Jr., Jose S. Balajadia and Cipriano A. del Rosario. It conducted full-blown trials in which the accused were given all the opportunity to present witnesses, including forensic experts of their choice. A panel of non-nonsense trial lawyers, including Rodolfo U. Jimenez, represented them.

The 177-page decision, dated Sept. 28, 1990 and written by Justice Hermosissima, dissected this "Galman-did-it" defense but chose to believe the expert forensic testimonies of Dr. Pedro Solis, Dr. Ceferino Cunanan and others as well as the many credible eyewitnesses who testified that CIC Rogelio B. Moreno (who was behind Ninoy Aquino on the ramp stairway) pulled the trigger.

(3) The Supreme Court that affirmed the Sandiganbayan decision on July 23, 1991 was composed of Chief Justice Marcelo B. Fernan, Justices Andres R. Narvasa, Ameurfin A. Melencio-Herrera, Hugo E. Gutierrez Jr., Isagani A. Cruz, Edgardo L. Paras, Florentino P. Feliciano, Emilio A. Gancayco, Teodoro R. Padilla, Abdulwahid A. Bidin, Abraham F. Sarmiento, Carolina C. Griño-Aquino, Leo D. Medialdea, Florenz D. Regalado and Hilario G. Davide Jr. (Fernan and Narvasa took no part.)

Same theory, same ruling. In August 2004, the convicted military men through their new counsel, Persida R. Acosta, filed a new motion asking the Supreme Court for a new trial on the main ground of alleged "newly discovered evidence" consisting mainly of a forensic study showing that Galman, not Moreno, fired the fatal bullet. Bailen, Molino et al. authored this forensic study.

On March 8, 2005 however, the Supreme Court in a unanimous, repeat unanimous, resolution written by Justice (now Chief Justice) Reynato S. Puno, denied the motion because it merely reshaped an old theory based on the same evidence already passed upon adequately by the Sandiganbayan and by the Supreme Court.

The Puno ruling was concurred in by Chief Justice Hilario G. Davide Jr., Justices Artemio

COMMENTARY

Artemio V. Panganiban

V. Panganiban, Leonardo A. Quisumbing, Consuelo Ynares-Santiago, Angelina Sandoval-Gutierrez, Antonio T. Carpio, Ma. Alicia Austria-Martinez, Renato C. Corona, Romeo J. Callejo Sr., Adolfo S. Azcuna, Dante O. Tinga, Minita V. Chiconazario and Cancio C. Garcia (Conchita Carpio Morales was on leave.)

Irrelevant, arrogant, errant. Based on the above antecedents, I am aghast that Bailen and Molino had the gall to say "It is understandable for the former chief justice to defend the Court that blocked the reopening of the case during his tenure as chief justice."

This is pure nonsense. It was the Davide Court, not the Panganiban Court, which dumped their study. The Court did not block the reopening; rather, Bailen and Molino miserably failed to convince the Court—not even one justice—to reopen the case. Their fault, not mine. Yet they fume at me. "Defend the Court?" Defense not needed. Nobody was attacking it. Till they surfaced. I was just quoting excerpts to show "Who killed Ninoy Aquino."

The duo's denigration of my book *The Bio-Age Dawns on the Judiciary* which allegedly "pompously trumpets" the judiciary's entry to the "Modern Age of Science" is an extravagant irrelevancy. The book did not mention the Aquino case at all. Neither did it discuss forensic medicine. It took up the impact of genetic engineering, cloning, stem cells and the other new sciences on laws and legal doctrines.

They berated me for not defending their theory that the fatal bullet had an upward trajectory, entering the nape, deflected downwards by the cranium and exiting in the mandible. Why should I uphold an outlandish idea completely debunked by more plausible contrary evidence that the bullet's trajectory was straight from the nape to the mandible?

Their reckless attack on the justices for allegedly betraying "an obdurate and unforgivable ignorance or irremediable idiocy" in rejecting their work is sheer bigotry and arrogance. The two are not the only source of truth; other forensic experts had been aptly judged to be more credible than they.

If they cannot even correctly identify the Court that allegedly "blocked the reopening" of the Aquino case, how can they be believed on matters that require more care and probity? No wonder, not one member of the Aquino family believes the "Galman-did-it" defense peddled by Marcos, the convicts and, belatedly, the Bailen-Molino duo. Whom will the public believe, the errant duo or all the above named men and women of the law?

Retired Chief Justice Panganiban writes a weekly column, *With Due Respect*, every Sunday. He submitted this Commentary to "clear the air" about judicial decisions regarding the Aquino assassination. (*Inquirer.net*)



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