Gonzalez tells NBI to ignore rumors, stick to facts on Failon case

by EDU PANAY
Philstar.com

MANILA—Justice Sec. Raul Gonzalez last April 27 ordered agents of the National Bureau of Investigation (NBI) handling the probe of the death of ABS-CBN news anchor Ted Failon's wife to ignore rumors and stick to the facts.

Gonzalez said he wants the NBI to be very selective in choosing the circumstances they would consider from the different stories on the death of Trinidad Arteche-Etong.

Trinidad was found with a gunshot wound to her head inside a bathroom of their houses on No. 27 General Aquino Street, Tierra Pura Subdivision in Tandang Sora, Quezon City last April 15.

Failon (Mario Teodoro Failon Etong in real life), a news anchor of ABS-CBN *TV Patrol*, claimed that his wife committed suicide due to financial problems, but the police were still investigating if there was foul play. Trinidad's relatives believe Failon's claim, which was confirmed by the house helpers. Trinidad died the next day at the New Era General Hospital.

Gonzalez said that wild rumors sometimes cloud the search for the truth.

"They say when there's smoke, there's fire. But we should not get carried away by those rumors which could cloud the investigation, just like prejudice," he explained.

He said he had instructed the NBI to focus on two angles – suicide and parricide.

NBI investigators interviewed Failon's house helpers but the probers refused to reveal details of their findings upon the request of Failon.

Lawyer Ricardo Diaz, NBI spokesman and chief of the Anti-Terrorism Division (ATD), said they have granted Failon's request not to release the interviews to avoid making the incident a "media spectacle."

"The purpose of the interview is for clarification and for new information. NBI probers started conducting re-interviews and this will supplement those that were earlier taken by the Philippine National Police (PNP)," said Diaz.

Diaz said Dr. Raquel Fortun, the private forensic expert hired by Failon, the medico legal officer of the PNP who conducted autopsy examinations and even the doctors who treated Trinidad will be invited for a medical case conference.

Businessman Delfin Lee already appeared at the NBI last week to give a statement and even submitted a video grab that

Justice Sec. Raul Gonzales

would back his claim that he was not at the house of Failon at the time the incident occurred.

"He said there were many policemen at the house of Failon when he arrived there. He submitted a video grab that would back up his claim that he was in the office and not at the house of Failon at the time the incident occurred," Diaz said.

The Scene of the Crime Operatives (SOCO) reports, the autopsy report and the statements of Failon, the driver, and the house helpers have been turned over to the NBI, which took over as the lead agency upon order of Department of Interior and Local Government (DILG) Secretary Ronaldo Puno.

NBI Director Nestor Mantaring earlier ordered the bureau's National Capital Region (NCR) headed by Regional Director Edward Villarta to lead the investigation, replacing the Special Task Force (STF).

STF chief Arnel Dalumpines said the focus of the probe is the shooting incident and all angles would be looked into.

QC prosecutor to resolve Failon raps soon

Quezon city assistant prosecutor Mary Jane Pamitan would resolve the obstruction of justice charges filed against Ted Failon, his sister-in-law and the house helpers next week after both parties have submitted their reply and counter reply on the case.

Senior Superintendent Franklin Mabanag, suspended chief of the Quezon City Police District Criminal Investigation and Detection Unit, told The STAR that the police would no longer submit a counter reply on the allegation of the camp of Failon that there was no obstruction of justice since the investigation of the case is ongoing.

The QCPD had filed charges of obstruction of justice against Failon, his driver Glen Polan, houseboy Pacifico Apacible, nanny Wilfreda Bollester, housemaid Carlota Morbos, and Trinidad's sister Pamela Arteche.

QCPD investigators said the house helpers cleaned the bathroom where Trinidad was found while the driver cleaned the Mitsubishi Pajero that was used to transport the victim to the hospital. The house helpers claimed that they cleaned the crime scene on their own and Failon did not order them.

Investigators said Failon might have obstructed justice when he gave limited details to the authorities and refused to surrender his mobile phone.

Failon and his lawyer filed yesterday their counter reply arguing that the investigation of the NBI on the death of Trinidad is still ongoing so there is no crime at this point in time.

"The investigation has not yet come out with their report on whether the death was suicide or parricide," said Failon's lawyer Alfred Molo after the hearing.

He said since there is no crime yet, there is no obstruction of justice.

But Mabanag said there in no need to prove a crime since there was a shooting incident and the police are mandated to determine the cause of the death of the person.

Mabanag also insisted that the alleged suicide letter was not written by Trinidad but by one of the house helpers.

"In fact, the NBI documents expert has considered it a questioned document," he said.

Joker hits Supreme Court's judicial legislation in party-list ruling

by CHRISTINA MENDEZ
Philstar.com

SEN. JOKER Arroyo yesterday slammed the Supreme Court (SC) over its ruling that the party-list representatives are entitled to 55 seats in the House of Representatives.

Arroyo said the High Court violated the principle of separation of powers and encroached on the role of Congress to legislate additional congressional seats.

Sen. Joker Arroyo

The veteran lawmaker said it was not correct for the SC to provide a formula for filling up the entire 55 seats because it is the duty of Congress to pass and enact laws that would approve the creation of new seats at the lower house.

"The High Court has invaded the legislative domain of Congress. It substituted its formula instead of waiting for Congress to correct it. Look at the practical effects of the High Court's judicial legislation which was done without benefit of public hearings so essential to lawmaking," Arroyo said.

"Sad to say, the Supreme Court proclaimed what it rarely does. It ruled that its 'decision is immediately executory,' thereby peremptorily foreclosing any and all remedies that affected parties may pursue and thus negates the sporting chance of fair play," he said.

Arroyo assailed the "display of judicial activism" of the SC in Banat vs. Comelec, which he said "introduced a new dimension regarding the judiciary's involvement in legislation."

"Here, we see the Court overthrowing the time-honored principle of separation of powers and undermining the authority of legislature by encroaching upon the sphere reserved for it by the Constitution," he said.

The Constitution provides that the House "shall be composed of not more than 250 members, unless otherwise provided by law" and out of that membership the party-list representatives shall constitute 20 percent."

Sen. Miriam Defensor-Santiago also criticized the SC decision because, according to her, it caused more problems than it resolved regarding party-list representation.

"In reality, it's going to produce a big, big headache for the bureaucracy. I don't see why that decision has to say effective immediately. What could have been said is effective the 2010 elections. We are completely unprepared for this influx of new party-list representatives," she said.

Santiago said there is a need to address the concerns of office space and the appropriation for the new party-list groups and their staff.

However, the lack of office space at the Batasan complex seems to be the least of the incoming party-list representatives' problems.

Sources at the House told The STAR that the new members of the chamber are eyeing private buildings along Commonwealth Avenue.

If the new lawmakers choose to hold office outside the Batasan complex, it will be the House – and taxpayers – that will foot the bill, in the same manner that it is the Senate that pays for the offices in private buildings of several senators.

To save on office space cost, Speaker Prospero Nograles, who said last Thursday that the House has no funds and space for its new members, has

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