



REPUBLIC OF THE PHILIPPINES
SENATE
Pasay City

Atty. Emma Lirio Reyes
Senate Secretary

For : **HONORABLE SENATORS**

Date : December 6, 2009

Subject : **Report of Her Excellency President Gloria Macapagal-Arroyo
on Proclamation No. 1959**

Per instruction of the Senate President, we are providing each one of you a copy of the Report of President Gloria Macapagal-Arroyo dated 6 December 2009 on Proclamation No. 1959 – “Proclaiming a State of Martial Law and Suspending the Privilege of the Writ of *Habeas Corpus* in the Province of Maguindanao, Except for Certain Areas.”

We were further directed by the Senate President to inform your Honors that an all **Senators’ caucus** to discuss the subject report will be held on **Monday, December 7, 2009, at 10:00 am** after the resumption of *session at 9:00 am*.

In view of the urgency of the matter your attendance is earnestly requested.

Thank you.

A handwritten signature in cursive script, which appears to read "Elreyes", is located at the bottom right of the document.

Office of the Senate Secretary	
Senate of the Philippines	
RECEIVED BY :	<i>Roselle</i>
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Office of the President
of the Philippines
Malacañang

6 December 2009

THE SENATE OF THE PHILIPPINES

GSIS Bldg., Financial Center,
Roxas Blvd., Pasay City

Attention : HON. JUAN PONCE ENRILE
Senate President

-and-

HOUSE OF REPRESENTATIVES

Constitution Hills,
Quezon City, Philippines 1126

Attention : HON. PROSPERO C. NOGRALES
Speaker of the House

Your Honors:

Pursuant to the provision of Section 18, Article VII of the 1987 Constitution, the President of the Republic of the Philippines is submitting the hereunder Report relative to Proclamation No. 1959 "Proclaiming a State of Martial Law and Suspending the Privilege of the Writ of Habeas Corpus in the Province of

Maguindanao, except for Certain Areas”, which she issued on 04 December 2009, as required by public safety, after finding that lawless elements have taken up arms and committed public uprising against the duly constituted government and against the people of Maguindanao, for the purpose of removing from the allegiance to the Government or its laws, the Province of Maguindanao, and likewise depriving the Chief Executive of her powers and prerogatives to enforce the laws of the land and to maintain public order and safety, to the great damage, prejudice and detriment of the people in Maguindanao and the nation as a whole. The text of Proclamation No. 1959 reads:

WHEREAS, Proclamation No. 1946 was issued on 24 November 2009 declaring a state of emergency in the provinces of Maguindanao, Sultan Kudarat and the City of Cotabato for the purpose of preventing and suppressing lawless violence in the aforesaid areas;

WHEREAS, Section 18, Art. VII of the Constitution provides that “xxx In case of invasion or rebellion, when the public safety requires it, (the President) may, for a period not exceeding sixty days, suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law. xxx”

WHEREAS, R.A. No. 6968 provides that the crime of rebellion or insurrection “is committed by rising publicly and taking arms against the Government for the purpose of xxx depriving the Chief Executive or the Legislature, wholly or partially, of any of their powers or prerogatives.”

WHEREAS, heavily armed groups in the province of Maguindanao have established positions to resist government troops, thereby depriving the Executive of its powers and prerogatives to enforce the laws of the land and to maintain public order and safety;

WHEREAS, the condition of peace and order in the province of Maguindanao has deteriorated to the extent that the local judicial system and other government mechanisms in the province are not functioning, thus endangering public safety;

WHEREAS, the Implementing Operational Guidelines of the GRP-MILF Agreement on the General Cessation of Hostilities dated 14 November 1997 provides that the following is considered a prohibited hostile act: "xxx establishment of checkpoints except those necessary for the GRP's enforcement and maintenance of peace and order; and, for the defense and security of the MILF in their identified areas, as jointly determined by the GRP and MILF. xxx"

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by the Constitution and by law, do hereby proclaim, as follows:

SECTION 1. There is hereby declared a state of martial law in the province of Maguindanao, except for the identified areas of the Moro Islamic Liberation Front as referred to in the Implementing Operational Guidelines of the GRP-MILF Agreement on the General Cessation of Hostilities.

SECTION 2. The privilege of the writ of *habeas corpus* shall likewise be suspended in the aforesaid area for the duration of the state of martial law.

DONE in the City of Manila, this 4th day of December in the year of our Lord, Two Thousand and Nine.

In the morning of November 23, 2009, a convoy of six (6) vehicles from Buluan, Maguindanao with around 60 persons composed of family members and supporters of Buluan Vice Mayor Esmail "Toto" Mangudadatu, as well as, media personalities were flagged down in Brgy. Masilay, Ampatuan, Maguindanao, and taken by about one hundred (100) armed men reportedly led by Datu Unsay Mayor *Datu Andal Ampatuan, Jr.* and Police Chief Inspector *Zukarno Adil Dicay*, OIC of the Shariff Aguak PNP and concurrent Deputy Provincial Director of the Maguindanao Police Provincial Office.

As events turned out, the passengers of the convoy were killed and their bodies --- bearing marks of despicable torture, contempt and outrageous torment --- found in "mass graves" in Brgy. Saniag, Ampatuan.

Accounts of the military disclosed that twenty two (22) of the victims were found lying dead on the ground and in the vehicles, while thirty five (35) dead bodies were found in the three (3) newly covered shallow graves, forming a total of fifty seven (57) fatalities. Twenty four (24) dead bodies were found in the first grave, six dead bodies with three (3) vehicles, particularly a Toyota Vios with the seal of the Tacurong City Government, a Tamaraw FX and an L300 owned by the media outfit UNTV were found in the second grave, and five (5) more dead bodies were recovered from the third grave.

The 57 bodies found in the massacre site include twenty one (21) women and thirty six (36) men. 55 of the casualties have been identified as follows:

1. Pinky Balaiman	Cousin of "Toto" Mangudadatu
2. Bai Eden Mangudadatu	Sister/Vice Mayor, Mangudadatu, Maguindanao
3. Bai Genelyn T. Mangudadatu	Wife of "Toto" Mangudadatu
4. Mamotavia Mangudadatu	Auntie
5. Bai Farida Mangudadatu	Youngest sister
6. Rowena Ante Mangudadatu	Relative
7. Faridah Sabdula	Sister of Toto Mangudadatu
8. Soraida Vernan	Cousin
9. Raida Sapalon Abdul	Cousin
10. Rahima Puto Palawan	Relative
11. Lailan "Ella" Balayman	Relative
12. Walida Ali Kalim	Relative
13. Gina Dela Cruz	Saksi News, Gen San
14. Lea Dalmacio	Socsargen News, Gensan
15. Marites Cablitas	News Focus, Gensan
16. Marife Montaña	Saksi News, Gensan
17. Alejandro Bong Reblando	Manila Bulletin, Gensan
18. Mc Delbert "Mac Mac" Areola	UNTV Gensan
19. Rey Merisco	Periodico Ini, Koronadal City
20. Bienvenido Jun Lagarta	Prontierra News, Koronadal City
21. Napoleon Salaysay	Mindanao Gazette
22. Eugene Depillano	UNTV Gen San
23. Rossell Morales	News Focus
24. Arturo Betia	Periodico Ini, Gen San
25. Noel Decena	Periodico Ini
26. John Caniba	Periodico Ini
27. Junpee Gatchalian	DXGO, Davao City
28. Victor Nunez	UNTV Gen San
29. Andres Teodoro	Central Mindanao Inquirer
30. Romeo Capelo	Midland Review, Tacurong City
31. Joy Duhay	Gold Star Daily
32. Ronnie Perante	Gold Star Daily, Koronadal City
33. Benjie Adolfo	Gold Star Daily, Koronadal City
34. Ian Subang	Socsargen, Today, Gen San
35. Joel Parcon	Prontiera News, Koronadal City

36. Robello Bataluna	Gold Star Daily, Koronadal City
37. Lindo Lipugan	Mindanao Daily Gazette, Davao City
38. Ernesto Maravilla	Bombo Radyo, Koronadal City
39. Henry Araneta	Radio DZRH, Gen San
40. Fernando Razon	Periodico Ini, Gen San
41. Hannibal Cachuela	Punto News, Koronadal City
42. Atty. Cynthia Oquendo Ogano	Lawyer
43. Cataleno Oquendo	Father of Atty. Cynthia Oquendo
44. Atty. Concepcion Brizuela	Lawyer
45. Wilhelm Palabrica	Government employee
46. Mercy Palabrica	Government employee
47. Anthony Ridao	Government employee
48. Eduardo "Nonie" Lechonsito	Government employee
49. Daryll Vincent Delos Reyes	Government employee
50. Mariam Calimbol	Civilian
51. Norton "Sidic" Edza	Driver
52. Jephon C. Cadagdragon	Civilian
53. Abdillah Ayada	Driver
54. Joselito Evardo	Civilian
55. Cecille Lechonsito	Civilian

Further investigation disclosed the following appalling revelations:

- (i) Most if not all of the female victims' pants were found unzipped, and their sexual organs mutilated and mangled. Five of them were tested positive for traces of semen, indicative of sexual abuse.
- (ii) Some of the victims were shot in the genital area, and in the face rendering them unrecognizable.

- (iii) The genitalia of Genalin Mangudadatu was lacerated four (4) times, and blown off by a gun fire, and her body horrifyingly mutilated.
- (iv) Two of the women killed were pregnant.
- (v) Some of the victims were hogtied.



Picture 1.



Picture 2.



Picture 3.



Picture 4.



Picture 5.



Picture 6.

This gruesome massacre of innocent people in the Province of Maguindanao resulted in indignation and public outcry for justice. The event was indeed a challenge to this government, and the rule of law.

As an immediate response to suppress lawlessness, the President issued Proclamation No. 1946 on November 24, 2009, declaring the state of emergency in the provinces of *Maguindanao*, *Sultan Kudarat*, and the *City of Cotabato* and calling out the Armed Forces of the Philippines to assist in the restoration and maintenance of peace and order in the affected areas. Accordingly, all law enforcement agencies have been mobilized for the

expeditious investigation, apprehension and prosecution of the lawless elements involved in the gruesome massacre.

A day after the Proclamation, several witnesses surfaced and each positively identified Mayor Andal Ampatuan, Jr. as leader of the one hundred (100) armed men who carried out the ruthless carnage. Thus, without any further delay, the government authorities held Mayor Andal Ampatuan, Jr. in their custody on November 26, 2009, and criminal charges for multiple murder were eventually filed against him by the Department of Justice.

The capture of identified leader Mayor Andal Ampatuan, Jr. would have resulted in the expeditious apprehension and prosecution of all others involved in the gruesome massacre, but situation proved the contrary. The Ampatuan group backed by formidable group of armed followers, have since used their strength and political position to deprive the Chief Executive of her power to enforce the law and to maintain public order and safety. More importantly, a separatist group based in Maguindanao has joined forces with the Ampatuans for this purpose. These are the facts:

- i. Local government offices in the province of Maguindanao were closed and ranking local government officials refused to discharge their functions, which hindered the

investigation and prosecution team from performing their tasks;

- ii. The Local Civil Registrar of Maguindanao refused to accept the registration of the death certificates of the victims purportedly upon the orders of Andal Ampatuan Sr.;
- iii. The local judicial system has been crippled by the absence or non-appearance of judges of local courts, thereby depriving the government of legal remedies in their prosecutorial responsibilities (i.e. issuance of warrants of searches, seizure and arrest). While the Supreme Court has designated an Acting Presiding Judge from another province, the normal judicial proceedings could not be carried out in view of threats to their lives or safety, prompting government to seek a change of venue of the criminal cases after informations have been filed.

Duly verified information disclosed that the Ampatuan group is behind the closing down of government offices, the refusal of local officials to discharge their functions and the simultaneous absence or non-appearance of judges in local courts.

Detailed accounts pertaining to the rebel armed groups and their active movements in Maguindanao have been confirmed:

- (i) As of November 29, 2009, it is estimated that there are about 2,413 armed combatants coming from the municipalities of Shariff Aguak, Datu Unsay, Datu Salibo, Mamasapano, Datu Saudi Ampatuan (Dikalungan), Sultan Sa Barungis, Datu Piang, Guindulungan, and Talayan, who are in possession of around 2,000 firearms/armaments.
- (ii) The Ampatuan group has consolidated a group of rebels consisting of 2,413 heavily armed men, with 1,160 of them having been strategically deployed in Maguindanao. Validated information on the deployment of rebels are as follows:
 - i. Around five hundred (500) armed rebels with 2 "Sanguko" armored vehicles are in offensive position in the vicinity of Kakal, Ampatuan, Dimampao, Mamasapano and Sampao Ampatuan.
 - ii. A group with more or less 200 armed rebels has moved from Old Maganoy into an offensive position.
 - iii. More or less 80 fully armed rebels remain in Tuka, Mamasapano.

- iv. More or less 50 fully armed rebels led by a former MNLF Commander are in offensive position in Barangay Baital, Rajah Buayan.
- v. More or less 70 fully armed rebels with two (2) M60 LMG remain in offensive position in the vicinity of Barangay Kagwaran, Barangay Iginampong, Datu Unsay (right side of Salvo-General Santos City national highway).
- vi. More or less 60 fully armed rebels with four (4) M60 LMG remain in offensive position in the vicinity of Kinugitan, the upper portion of Barangay Maitumaig, Datu Unsay.
- vii. Kagui Akmad Ampatuan was sighted in Sultan Sa Barongis with 400 armed rebels. Locals heard him uttered "PATAYAN NA KUNG PATAYAN".
- viii. More or less 100 armed rebels led by one of the identified leaders in the massacre have been sighted at the quarry of Barangay Lagpan, boundary of Rajah Buayan and Sultan Sa Barongis. The group is armed with one (1) 90RR, one (1) cal 50 LMG, two (2) cal 30 LMG, two (2) 60 mm mortar and assorted rifles.

The strength of the rebels is itself estimated to be around 800 with about 2,000 firearms (FAs). These forces are concentrated in the following areas in Maguindanao which are apparently also their political stronghold:

1. Shariff Aguak
2. Datu Piang
3. Datu Unsay
4. Datu Saudi Ampatuan
5. Datu Salibo
6. Shariff Saydona Mustapha
7. Rajah Buayan
8. Gen Salipada K Pendatun
9. Mamasapano
10. Datu Hoffer Ampatuan
11. Datu Anggal Midtimbang
12. Talayan
13. Talitay
14. Guindulungan
15. Sultan Sa Barongis
16. Datu Abdulla Sangki

The existence of this armed rebellion is further highlighted by the recent recovery of high powered firearms and ammunitions from the 400 security escorts of Datu Andal Ampatuan Sr.:

KINDS OF RIFLE	NO. OF PIECES
Cal .30 M1 Garand	228
Cal 7.62 M-14	108
Cal .30 Carbine	24
KINDS OF MAGAZINE	NO. OF PIECES
M-14 Mag with live ammo	163
M-14 Mag w/out ammo	61
M1 Garand clips with ammo	94
M1 Garand clips w/out ammo	40
Carbine Mag with ammo	18
Carbine Mag w/out ammo	17

On December 3, 2009, the following firearms and ammunitions were recovered by the PNP & AFP Joint Security Coordinating Center from Shariff Aguak, Maguindanao: four (4) 9mm pistols; seven (7) .45 pistols; twenty (20) assorted long HP firearms; one (1) barrett cal 50 sniper rifle; three (3) M60 sub machine guns; one (1) 90 RR; four (4) 60mm mortars; about one hundred thousand (100,000) assorted ammunitions of different calibers and undetermined number of assorted magazines for high powered firearms; and one (1) 81mm mortar. Some assorted AFP and PNP camouflage uniforms, five (5) improvised armored vehicles (AVS) equipped with two (2) cal. 50 high powered machine guns each, and four (4) Humvees also equipped with one (1) cal. 50 high powered machine guns each were likewise recovered.



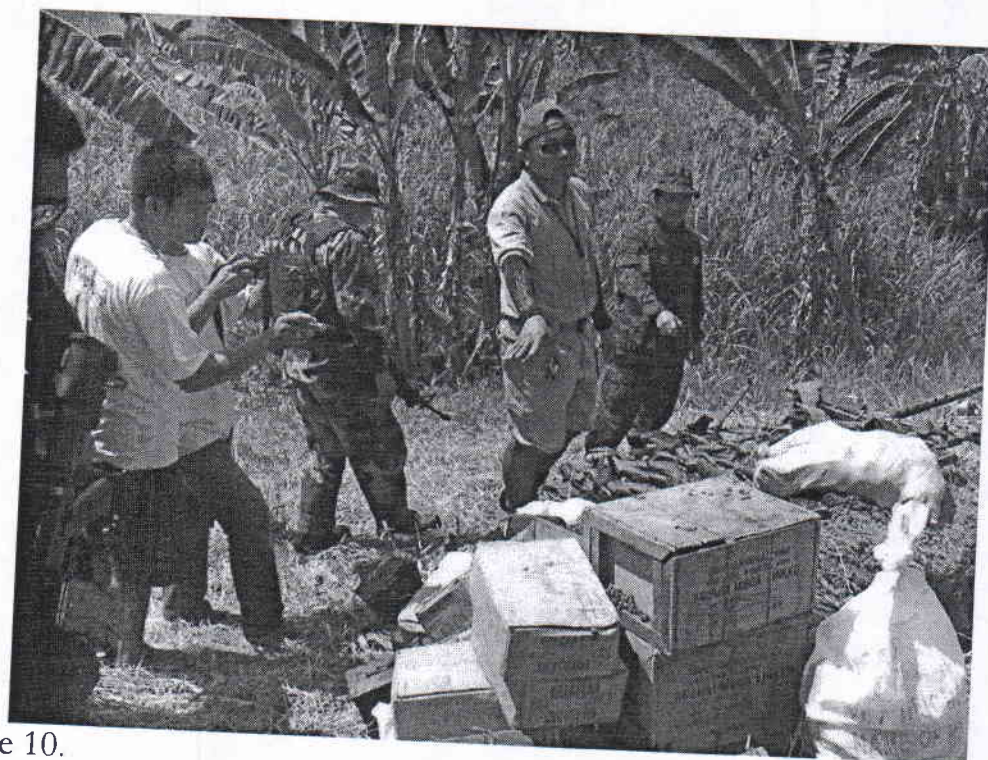
Picture 7.



Picture 8.



Picture 9.



Picture 10.

Armored cars, tanks and patrol cars bearing "PNP/Police" markings that do not belong to the duly constituted government were further recovered from a bodega owned by Datu Andal Ampatuan, Sr. located in Brgy. Bagong, Shariff Aguak, Maguindanao.



Picture 11.



Picture 12.

Indeed, the nature, quantity and quality of their weaponry, the movement of heavily armed rebels in strategic positions, the closure of the Maguindanao Provincial Capitol, Ampatuan Municipal Hall, Datu Unsay Municipal Hall, and fourteen other municipal halls, and the use of armored vehicles, tanks and patrol cars with unauthorized "PNP/Police" markings, all together confirm the existence of armed public uprising for the political purpose of:

- (i) removing allegiance from the national government of the Province of Maguindanao; and,
- (ii) depriving the Chief Executive of her powers and prerogatives to enforce the laws of the land and to maintain public order and safety.

While the government is at present conducting legitimate operations to address the on-going rebellion, public safety still requires the continued implementation of martial law and the suspension of the privilege of the writ of *habeas corpus* in the Province of Maguindanao until the time that such rebellion is completely quelled.

By Order of the President



EDUARDO R. ERMITA
Executive Secretary