

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
PADRE FAURA, MANILA

PEOPLE OF THE PHILIPPINES

-versus-

I.S. NO.

REDENDO DELLOSA

Respondent.

x-----x

Republic of the Philippines) S.S.
City of Manila)

COUNTER-AFFIDAVIT

I, REDENDO DELLOSA, of legal age, married, with address at #13-11 Punta, Sta. Ana, Manila, after having duly sworn in accordance with law, depose and say:

**PART I- PRELIMINARY INCIDENTS AND
CIRCUMSTANCES OF “CUSTODIAL INVESTIGATION”**

1. That on April 14, 2004 through subpoena addressed to PACER shown to my legal counsel, Atty. Remedios C. Balbin, during her visit to me at PACER, Camp Crame, where I am detained, I learned that as per PNP investigation, I was alleged to have been identified as one of the so-called ABU SAYAFF Group members involved in the Tumahubong kidnapping, docketed under Crim. Case No. 121887H to 123221H (52 counts) now pending before RTC Branch 162, Pasig City, and for which I was directed to submit my counter affidavit;

2. That I wish to emphasize that it was only then, or only on April 14, 2004, that I was charged with kidnapping allegedly committed on March 20, 2000 in Tumahubong, Basilan Province;

3. That several weeks earlier, or on March 22, 2004 at about 7 p.m., I was abducted, and placed under detention without any criminal charge by the PNP led by a certain PNP officer whose name I later learned to be PINSP Armando L. Barbasa, Jr.;

4. That while I was held by the PNP in a “safehouse” somewhere, and blindfolded throughout, I was subjected to intense physical torture and violence on my person, as result of which I suffered unbearable pain inflicted by my unidentified PNP interrogators who ordered me to admit that it was I who blew up the Superferry last February 27, 2004;

5. That I denied this accusation vehemently but because of the torture I suffered I felt exhausted and weak from the brutality inflicted on me particularly, beginning the same day of my abduction, covering my head with a plastic bag, my eyes covered by a black blindfold, with my interrogator simultaneously “pinching” my neck so I could hardly breathe, I recall quite vaguely that I was made to sign something; or thumbmark something. I do not know what happened but they told me later that they had extracted an admission – a confession from me, about the Superferry incident;

6. That my PNP handlers said that I signed or thumbmarked a confession admitting my accountability for the Superferry Bombing and Fire, although up to this date, no one has shown me a copy of my alleged confession;

7. That my legal counsel, Atty. Balbin, told me that the Government Committee’s Investigation Report at the MARINA Coast Guard Board of Marine Inquiry headed by Capt. Arnie Santiago, on the Superferry found that there was no sign of any explosive at the fire scene and that there is reason to believe that it was caused by the combustion of paints stored in Superferry, and not due to any explosive caused by any man; (See Annex “1” made an integral part thereof)

8. That a day or so later, I was told at PACER that I was not being detained by reason of the Superferry fire but because of my alleged participation in the Tumahabong Kidnapping, subject of a pending case before RTC Branch 162, Pasig City and we were made to join a police line-up and shown to witnesses, and one of my companions was even slapped by an alleged witness, Cachuela;

9. That the documents obtained by my legal counsel and showed to me, was a “Salaysay” dated April 10, 2004, that Cachuela an alleged kidnap victim said, thus:

“Na ang larawan na may numerong 5 na ang narining kung tawag sa kanya ay Abu Ilongo NA NAPAGALAMAN ko **SA IYO** na ang tunay niyang pangalan ay si Redendo Cain Delloso, @ Habil Akmad Delloso, Abu Ilongo, Troy, Uthman, Dexter***” (sworn answer of witness Lani May T. Cachuela before the PINSP Amando L. Barbara, Jr., Tabin in Zamboanga City, (page 2, par. 1))

10. That in other words, witness Cachuela then nine (9) years old, reported that undersigned Accused Delloso’s participation had a gun and was among those guarding, with my name undoubtedly relayed to Cachuela, to be “Delloso”;

11. That according to Cachuela, the kidnapping incident occurred on March 20, 2000, in Tumahubong Elementary School, which continued for over a month;

12. That Respondent vehemently denies the accusation, for the reasons discussed below:

PART II –CHARGE FOR KIDNAPPING

13. That the subpoena shown by the PACER to my legal counsel states that I have to appear and submit my counter-affidavit during the preliminary investigation set on April 22, 2000;

14. That I hereby stress that no Complainant’s Affidavit was ever furnished me or to my legal counsel who had long ago submitted her Entry of Appearance (Annex “2” and made an integral part hereof; despite which no copy of the alleged charge was given)

15. That I will respond, and hereby submits my counter affidavit to what I can deduce is the criminal charge against me, namely, that I allegedly participated in the Tumahabong kidnapping incident that reportedly took place on March 20, 2000 in Tumahabong Elementary School in Mindanao;

16. That from what I can deduce, this is the subject of a pending case before RTC Branch 162, Pasig City, but no information or copies of the documents in said case were ever furnished me or my legal counsel;

17. However, in order to fast-track the proceedings and inquiry into my case, I hereby swear under oath that on March 20, 2000, I was not anywhere in Mindanao during that time, or at any reasonable time, before or after March 20, 2000;

18. That I was an employee of Liberty Broadcasting Network Inc. from June 03, 1996 up to March 15, 2002, reporting for duty regularly and faithfully as “TIC/Welder/Assembler” for Electrical and Mechanical Section, Production Department at the LBNI’s Administrative Offices in Makati City, Metro Manila (See Annexes 3-3a, Certificate of Employment which is made an integral part hereof, and Certificate of Seminar Participation), and my employment records will show that I was never absent from my job on or about the said date;

19. That I resigned from my position when I decided to join a Muslim community in Anda, where I could concentrate on, and undergo, more intensive studies on the Holy Qu’ran and the teachings of Islam;

20. That my studies were interrupted in May, 2002, when the PNP entered the area and accused the members of our community with “terrorism” and illegal possession of firearms, but the case against four(4) including myself was later dismissed when it appeared that there were only two(2) short arms and one(1) air rifle taken from the possession of two(2) of the community members owned by the remaining two(2) companions. These arms were duly licensed although at that time, the licenses had expired two(2) months before the date of the incident, hence, the evaluation is still pending with the DOJ, Secretary of Justice;

21. That to repeat, the case against me was dismissed, but two of my companions – alleged owner of the guns above-described, were to be arraigned but legal counsel elevated it for review by the Department of Justice (DOJ), where it remains pending to this date;

22. That I deny any participation in any criminal offense alleged against me and I am prepared to cooperate and establish my innocence of any violation of law which was allegedly committed, and that I reiterate that I am absolutely innocent of any criminal offense.

April 22, 2004, Manila, Philippines.



REDENDO DELLOSA

SUBSCRIBED AND SWORN to before me, this 22nd day of April, 2004, by Redendo Delloso.



NESTOR S. LAZARO
STATE PROSECUTOR