ANNEX "II"

JUDICIAL AFFIDAVIT OF EMILIANO N. RODRIGUEZ

The judicial affidavit of the witness was taken and recorded at the office of Center for International Law (Centerlaw) – Philippines, located at 1105 Antel Corporate Centre, 121 Valero St., Salcedo Village, Makati City, with ATTY. CRISPIN FRANCIS M. JANDUSAY conducting the examination of the witness. The witness, who has limited knowledge of the English language but is fluent in Filipino, has been advised in Filipino: 1) to answer truthfully the questions being asked of him; 2) is and has been made aware that his testimony is under oath; and 3) that he may be criminally liable for perjury or false testimony on account of the answers that he will give. The questions, initially propounded in English, were translated in Filipino for the benefit of the witness. The answers of the witness in Filipino were recorded as is but translated into English in this Judicial Affidavit.

PETITIONERS' COUNSEL: Your Honor, we formally offer the testimony of witness Emiliano N. Rodriguez for the purpose of proving the following:

1. He is one of the petitioners in this case and the twin brother of Ramon Rodriguez, who was shot and killed inside his house on June 10, 2017 at around 2:00 in the morning;

2. He saw his twin brother Ramon a few minutes before he was killed;

3. He heard the whole killing incident as it took place and even heard the men who killed his twin brother say that they killed the wrong person;

4. He did not receive any police report or heard any explanation from the police with regard his twin brother's death;

5. The police stationed at the Police Community Precinct in Dagonoy St., San Andres Bukid, Manila, which is under the Manila Police District (MPD) Station 6 in Sta. Ana, Manila were in close coordination with the perpetrators in the killing of Ramon Rodriguez;

6. Because of the killing of his twin brother Ramon Rodriguez, combined with the continuing incidents of extralegal killings, illegal arrests, illegal searches, harassment and intimidation by the police assigned in Manila Police District (MPD) Station 6, and other grave violations of the constitutional rights to life, liberty and security, he and many other residents of Sta. Ana and San Andres Bukid, Manila are paralyzed by fear;

7. All the other allegations in the Petition for the Issuance of the Writ of Amparo.

Q1. Please state your name and personal circumstances.

(Pakisabi po ang iyong pangalan at iba pang personal na impormasyon.

A1 Ako si Emiliano N. Rodriguez, 55 taong gulang, Pilipino at nakatira sa 2343 I-1 Pasig Line St., Sta. Ana, Manila.

(I am Emiliano N. Rodriguez, 55 years old, Filipino and a resident of 2343 I-1 Pasig Line St., Sta. Ana, Manila.)

Q2. What is your involvement in this case, if any?

(Ano po ang inyong kinalaman sa kasong ito, kung meron man?)

A2. Isa po ako sa mga petitioner sa kasong ito. Kambal po ako ni Ramon Rodriguez, na pinatay sa loob ng kanyang bahay noong Hunyo 10, 2017 bandang 2:00 ng madaling araw.

(I am one of the petitioners in this case. I am the twin brother of Ramon Rodriguez, who was killed inside his house on June 10, 2017 at around 2:00 in the morning.)

Q3. Where does Ramon live?

(Saan po nakatira si Ramon?)

A3. Tabi lang po ng bahay ko, sa may unahan ng eskinita.

(Beside my house, at the front portion of the alley.)

Q4. Who do you live with, if any?

(Sino po ang kasama ninyo sa bahay, kung meron man?)

A4. 'Yung tatlong apo ko lang po. Kakamatay lang po kasi ng asawa ko noong Abril. Kaya nga po sobrang bigat ng pakiramdam ko ngayon. Sa isang iglap nawalan ako ng asawa at kapatid.

(I live with my three grandchildren. My wife just died last April. That's why my heart is very heavy now. In a very short time, I lost my wife and brother.)

Q5. My condolences. What is the name of your wife and what caused her death?

(Ano po ang pangalan ng asawa ninyo at ano ang kanyang ikinamatay?)

A5. Virginia O. Rodriguez po. Diabetic po kasi siya tapos nakagat siya ng daga sa daliri ng paa. Kaya namatay siya sa impeksiyon at komplikasyon.

(Virginia O. Rodriguez. She is diabetic; a rat bit her foot. She died from infection and complications.)

Q6. How are you after the death of your wife?

(Kumusta naman po kayo matapos ang pagkamatay ng inyong asawa?)

A6. Pinipilit kong harapin ang buhay na wala ang asawa ko. Binubuhos ko na lang ang oras ko sa iba pang mahal sa buhay. Hindi pa ako tuluyang nakakaahon tapos biglang ito naman ang di-inaasahang nangyari sa kambal ko.

(I try to face life without my wife. I spend time with my loved ones. I haven't even moved on completely and yet here comes the untimely death of my twin brother.)

Q7. Where were you when your twin Ramon was killed?

(Nasaan po kayo noong napatay ang iyong kambal na si Ramon?)

A7. Nasa loob po ng bahay ko.

(Inside my house.)

Q7. What were you doing when Ramon was killed?

(Ano ang ginagawa mo noong oras na napatay si Ramon?)

A7. Kakauwi ko mula sa paghahanap sa mga apo ko.

(I just got back home from looking for my three (3) grandchildren.)

Q8. (What happened in your search for your grandchildren?

(Anong nangyari sa paghahanap mo sa mga apo mo?)

A8. 'Yung dalawang lalaki ko na apo, nakita kong naglalaro ng kompyuter sa isang shop at 'yung babae naman, nasa bahay na namin ng makabalik ako. Sa paghahanap ko sa kanila, nakita ko si Ramon na naglalakad pabalik ng bahay niya. Hindi ko alam na 'yun na pala ang huling beses na makikita ko siyang buhay.

(I found the two boys playing computer in a shop while the girl was already home when I got back. While looking for my grandchildren, I saw Ramon walking back towards his house. I did not know that whould be the last time I would see him alive.)

Q9. Where did you see Ramon?

(Saan mo nakita si Ramon?)

A9. Nakita ko siya sa tindahan na bumibili ng sigarilyo. Medyo patulog-tulog pa nga po siyang naglalakad pabalik ng bahay.

(I saw him buy cigarettes in a store. He looked half-asleep while walking back to his house.)

Q10. At around what time was this?

(Mga anong oras po ito?)

A10. Lagpas 2:00 po ng madaling araw.

(Past 2:00 in the morning)

Q11. Who does Ramon live with, if any?

(Sinong kasama ni Ramon sa kanyang tirahan, kung mayroon man?)

A11. Mag-isa lang siya sa bahay. Hiwalay na kasi siya sa pamilya niya.

(He lives alone. He was already separated from his family.)

Q12. When you got home, what happened, if any?

(Nang makauwi ka sa iyong bahay, ano ang nangyari, kung mayroon?)

A12. May narinig akong kalabog at mga naghahabulan sa eskinita sa labas ng bahay.

(I heard a crashing sound and people running in the alley outside the house.)

Q13. Where did the crashing sound come from?

(Saan po nanggaling 'yung kalabog na narinig ninyo?)

A13. Galing sa harapan, sa bahay ni Ramon.

(From the front, at Ramon's house.)

Q14. What happened next, if any?

(Ano po ang nangyari pagkatapos, kung mayroon?)

A14. May narinig akong sunod-sunod na putok ng baril.

(I heard a volley of gunshots.)

Q15. How many gunshots were you able to hear?

(Mga ilang putok po ng baril ang narinig ninyo?)

A15. Sa bilang ko po, halos labing-isa.

(By my count, around eleven.)

Q16. Who was shot, if you know?

(Sino po ang binaril, kung alam ninyo?)

A16. 'Yung kambal ko po na si Ramon.

(My twin brother, Ramon.)

Q17. What did you feel at that time?

(Ano po ang naramdaman ninyo ng mga panahon na iyon?)

A17. Parang may naramdaman akong tumatama nang tumatama nang tumatama sa akin. Kasi kambal ko e, kaya pakiramdam ko parang binababaril din ako ng paulit-ulit sa mga oras na iyon.

(I felt like I was being hit, one blow after another. He is my twin, that is why I felt I was being repeatedly shot too.)

Q18. What happened next, if any?

(Ano ang sumunod na nangyari, kung mayroon?)

A18. Pagkatapos ng mga putok ng baril, narinig ko ang mga pulis na nag-uusap at sinasabing "Mali yan, mali yan!" Malinaw na malinaw na napagkamalan lang po yung kambal ko.

(After the gunshots, I heard the policemen talking and saying, "Mali yan, mali yan!" Very clearly, my twin was mistaken for someone else.)

Q19. How did you know that policemen were the ones who killed your twin brother?

(Paano po ninyo nalaman na mga pulis ang pumatay sa kakambal ninyo?)

A19. Kasi sobrang bilis pong nakarating ng mga pulis sa amin pagkatapos ng pamamaril, halos kasabay ng insidente.

(Because the policemen very quickly, arrived at the scene after the shooting, almost instantaneous with the incident)

Q20. How did you know that your twin was mistaken for someone else?

(Paano po ninyo nasabi na napagkamalan lang ng mga pulis ang kakambal ninyo?)

A20. Kasi wala naman pong kaaway ang kapatid ko. Nagta-trabaho po siya ng marangal bilang taga-gawa ng susi. Nataon lang talaga na nasa labas siya noong mga oras na iyon dahil bumili siya ng sigarilyo kaya nakita at napagkamalan

(Because my twin brother had no enemies. He worked decently as a locksmith. It just happened that he was outside buying a cigarette and the police saw him and mistook him for someone else.)

Q21. Were you able to see the whole incident?

(Nakita mo ba ang buong pangyayari?)

A21. Hindi po, natakot po akong sumilip. Pero narinig ko lahat.

(No, I was scared to take a peep. But I heard everything.)

Q22. How long did the incident last?

(Gaano katagal nangyari ang insidente?)

A22. Sobrang bilis lang po. Hindi na nga nakasigaw 'yung kambal ko para humingi ng tulong. Dire-diretso lang po at mabilis 'yung mga putok ng baril.

(It happened really fast. My twin brother had no chance to shout for help. The gunshots were continuous and rapid.)

Q23. What else did the police do, if any?

(Ano pa ang ginawa ng mga pulis, kung mayroon?)

A23. Nanakot po sila. Itinutok nila 'yung mga flashlight nila sa mga bintana at binabantaan ang mga tao na huwag sisilip.

(The police sowed fear. They pointed their flashlights at the windows and threatened people not to take a look.)

Q24. What happened next, if any?

(Ano po ang nangyari pagkatapos, kung mayroon?)

A24. Nalaman ko na lang po sa ibang kapitbahay ko na naka-sibilyan daw 'yung mga bumaril sa kambal ko. Pero 'yung kumuha sa bangkay niya, isang babaeng pulis na naka-uniporme. 'Yung isang lalaking pulis naman na naka-uniporme din ang nagbitbit ng ebidensya.

(I learned from my neighbors that those who killed my brother wore civilian clothes. But the one who took my brother's body out was a policewoman in uniform, while the one who carried the evidence was a policeman also in uniform.)

Q25. What did you do after you were told by your neighbors who were responsible in the killing of your twin brother?

(Ano ang ginawa mo matapos mong malaman sa kapitbahay mo kung sino ang may gawa sa pagpatay sa kakambal mo?)

A25. Pumasok na ako sa kuwarto ko at umiyak. Wala na rin naman po akong magagawa at natatakot din ako na madamay.

(I went inside my room and wept. There was nothing I can do and I am also afraid to be implicated.)

Q26. Were you able to see the body of your twin brother at the crime scene?

(Nakita niyo po ba 'yung bangkay ng kapatid ninyo sa pinangyarihan ng krimen?)

A26. Hindi na po. Pinagbawalan po kasi kami ng mga pulis na pumasok sa loob habang inilalabas nila 'yung bangkay ni Ramon.

(Not anymore. The policemen forbade us to go inside while they were taking out the body of Ramon.)

Q27. What did the police tell you about the incident, if any?

(Ano naman po ang sinabi sa iyo ng mga pulis tungkol sa insidente, kung mayroon man?)

A27. Wala po silang binigay na kahit anong report o paliwanag. Kahit sorry po wala po akong natanggap. Basta parang walang nangyari tapos kinalimutan na lang nila lahat.

(The police did not give any report or explanation. There was no apology. It is as if nothing happened and they have already forgotten the whole incident.)

Q28. What did the Scene of the Crime Operatives (SOCO) tell you about the incident, if any?

(Ano naman ang sinabi sa iyo ng mga Scene of the Crime Operatives (SOCO) tungkol sa incidente, kung mayroon man?)

A28. Wala pong dumating galing sa SOCO.

(No one from the SOCO arrived.)

Q29. What did the officials in the barangay say about the incident?

(Ano naman ang sinabi ng mga opisyal ng inyong barangay tungkol sa insidente?)

A29. May isang barangay kagawad lang po na dumalaw pero wala namang sinabi tungkol sa insidente.

(One barangay kagawad visited but he did not say anything about the incident.)

Q30. What did the media say about the death of Ramon, if any?

(Ano naman ang sinabi ng media patungkol sa pagkamatay ni Ramon, kung mayroon man?)

A30. Wala po. Hindi naman po ito na-cover ng media.

(Nothing. This was not covered by the media.)

Q31. Would you know if the policemen who killed Ramon have a search warrant or warrant of arrest?

(Alam niyo po ba kung mayroong dalang search warrant o warrant of arrest ang mga pulis na pumatay kay Ramon?)

A31. Wala po silang search warrant o warrant of arrest.

(They did not have a search warrant or warrant of arrest)

Q32. How were you able to recover Ramon's body?

(Paano ninyo nakuha ang bangkay ni Ramon?)

A32. Sinabihan ko 'yung ate ko na sundan ang mga pulis at na-recover niya ang bangkay ni Ramon sa Santa Ana Hospital.

(I asked my sister to follow the police and she was able to recover Ramon's body at Santa Ana Hospital.)

Q33. With your brother having been killed, how do you feel now?

(Matapos patayin ang iyong kapatid na si Ramon, ano po ang pakiramdam ninyo ngayon?)

A33. Takot po. Kahit po mga bata pa ang mga apo ko at hindi naman gumagamit ng droga, binabantayan ko sila at hindi na masyadong pinapalabas ng bahay. Sunod-sunod na ang patayan. Wala na talagang ligtas sa panahon ngayon.

(I am scared. Although my grandchildren are young and do not use drugs, I look after them and do not let them go out of the house as often. The killings are continuous. No one is safe nowadays.)

PETITIONERS' COUNSEL: That is all for the witness, Your Honor.

IN WITNESS WHEREOF, I have hereunder affixed my signature this ______th day of September 2017.

16 OCT 2017

Emiliano M. Rodriguez
EMILIANO M. RODRIGUEZ
Affiant

SUBSCRIBED AND SWORN TO before me this 16 OCT 2017 day of September 2017 in MAKATI CITY __________, affiant appearing before me and presenting the foregoing Judicial Affidavit, showing and presenting to me her (Personally known) ______ bearing the number ______ valid until ______ and taking an oath before me as to the said document.

IN WITNESS WHEREOF, I have hereunder affixed my signature.

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Page No. 14
Book No. I
Series of 2017.

JESSICA ANNE G. CO
Notary Public for Makati City
Until December 31, 2018
Appointment No. M-455
Roll No. 65444
IBP No. 014819 / Lifetime
PTR No. 5919754/ Jan. 11, 2017 – Makati
1904 Antel Corporate Centre, 121 Valero St.
Salcedo Village, Makati City

Republic of the Philippines }
Makati City } S.S.

ATTESTATION

I, **ATTY. CRISPIN FRANCIS M. JANDUSAY,** with office address at 1904 Antel Corporate Center, 121 Valero Street, Salcedo Village, Makati City hereby attest to the following:

1. I faithfully recorded the questions I asked and the corresponding answers that the affiant/witness gave;

2. No person then present or assisting us coached the witness regarding the latter's answers to my questions in this Judicial Affidavit.

Makati City, 16 OCT 2017 October 2017.

ATTY. CRISPIN FRANCIS M. JANDUSAY

SIGNED, SUBSCRIBED AND SWORN to before me this 16 OCT 2017 day of October 2017 in Makati City, Metro Manila by the affiant, affiant exhibiting to me and to me known to be the same person who executed the foregoing instrument, presenting a competent evidence of his identity - namely his IBP ID with No. 68298.

NOTARY PUBLIC

JESSICA ANNE G. CO
Notary Public for Makati City
Until December 31, 2018
Appointment No. M-455
Roll No. 65444
IBP No. 014819 / Lifetime
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