

PRESS RELEASE/ PUBLIC STATEMENT

# **Police Apparent Cover Up on Cabanit Murder Investigation: Surfaced in Melo Commision Hearing**

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**UNORKA-Pilipinas (Ugnayan ng mga Nagsasariling Lokal na Organisasyon sa Kanayunan) ? PEACE Foundation, Inc. ? MFDC (Mindanao Farmworkers Development Center ? PARRDS (Partnership for Agrarian Reform and Rural Development Services, Inc.) UNORKA - MIndanao.**

*Dear friends,*

Please find attached our public statement on the ka Eric Cabanit case as investigated upon by the Melo Commission in Davao last December 11, 2006.

We have also submitted the full report to the Catholic Bishops Conference of the Philippiens (CBCP), the Association of Major Religious Superiors in the Philippiens and AmnestY International.

We are waiting for the report of the Melo Commission on the outcomes of all its investigation on political killigns as well as agrarian related killings.

We shall continue to press for the truth and justice in the Cabanit and Baria Case and for all peasant killings and other human rights violations experienced by faremrs in the course of their agrarian reform struggles.

Thank you for all the support.

Sincerely,

BELINDA L. FORMANES

PARRDS

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December 13, 2006

## **POLICE APPARENT COVER UP ON CABANIT MURDER INVESTIGATION: SURFACED IN MELO COMMISSION HEARING**

The Melo Commission hears the testimonies of PO3 Domingo Ranain and Police Intelligence Chief Wilfredo Puerto on the Enrico Cabanit murder case

The UNORKA, PARRDS, Peace Foundation, MFDC and the UNORKA – Mindanao denounce the apparent police cover-up in the investigation of the murder of UNORKA farmer leader Enrico “Ka Eric” Cabanit.

Ka Eric was gunned down on April 24, 2006 near the Panabo City New Public Market in Davao del Norte at around 6:00 pm. The incident happened one hour after a dialogue with Department of Agrarian Reform (DAR) officials concerning among others, the land redistribution issues involving the vast Floirendo estates and other plantations in Mindanao.

This bolstered the findings of an independent International Fact Finding Mission in June 2006 which investigated the worsening agrarian reform and human rights violations in the so called ‘AR Hotspot Areas’ in the country side—that “the police investigation was compromised and raises more questions than answers”. During the Monday, December 11, 2006 hearing on Cabanit’s murder in Davao City, the Melo Commission found nothing but discrepancies and violations of police investigation protocols in the Panabo police investigation effort.

When Police Intelligence Chief Wilfredo Puerto testified before the Commission, he categorically stated, that based on the outcome of their investigation, the Cabanit case is closed as the main suspect in the killing was killed last May 26, 2006 in General Santos City.

Investigation findings by the police were rebuffed, particularly the police eyewitness’ testimony that – he was able to identify the face of the cadaver of one Enrique ‘Monching’ Solon based on his recall of the face of the alleged assassin during the murder. The eyewitness’ sworn affidavit however indicated that he was not able to see the face of the alleged assassin!!

In the course of the hearing, Chief Counsel Vinluan raised the failure of the police to follow basic rules and procedures in handling murder cases when it failed to conduct an autopsy on Ka Eric. PO3 Domingo Ranain, on the witness stand, told the Commission that the failure to conduct the autopsy do not constitute a violation of police procedures!!

Finally, on the request of the family and of UNORKA, in December 5, 2006, Ka Eric was exhumed by the National Bureau of Investigation (NBI) for autopsy. Dr. Edgar Savella of the NBI testified that the two (2) fatal wounds found in the head of the victim were caused by penetrations of a .45 caliber ammunition. This is contrary to the police report that the murder weapon was a 9mm handgun based on empty bullet shells gathered by the police investigators near the crime scene.

We deem it premature to conclude that the investigation should be considered closed despite the attendant inconsistencies and there is every reason to believe that the investigation is highly suspect. We therefore denounce not only the aforementioned investigators but also their superiors and all those who, in one way or another, should be liable under the principle of COMMAND RESPONSIBILITY for tolerating or perhaps consenting to the compromised Cabanit police investigation.

Now it can be said that there is every reason to believe that KILLINGS, politically motivated or otherwise, remain unabated and are perpetrated with awesome impunity simply because of the gross dereliction and gross negligence, bordering on cover up, of authorities tasked to investigate.

The investigation conducted by the police, specifically by PO3 Domingo Ranain and Police Chief Intelligence Officer Wilfredo Puerto showcase this highly detestable indifference, dereliction, negligence and apparent “cover up” by authorities tasked to investigate, owing perhaps to sheer laziness, or worse, collusion with the perpetrators or the mastermind of the killing!

Specific Recommendations. Taking into consideration the limitations of the power, functions, and prerogatives of the Commission, we are consequently constrained to limit our recommendations regarding the Cabanit case to the following relief and remedial measures:

1. Noting the clear indifference of the authorities (i.e., the police tasked to investigate) as they ever failed or ignored the elementary standard procedure to be observed in the conduct of an investigation like this, a special composite team should be tasked in political or agrarian-related crimes like the Cabanit case. The group with which the victim is affiliated should be represented in the composite team.
2. Stiff sanctions should be immediately imposed as by recommending preventive suspension of the investigators and their immediate superiors for the following reasons:
  - knowingly and willfully submitting a report containing false data material evidence in chief for the prosecution (i.e., report that the wounds were caused by a 9mm pistol);
  - knowingly , willfully and feloniously taking, for personal gain or other ill-motive, the belongings of the victim Eric Cabanit by prying open the backpack/bag of said victim and assuming disposition of its contents against/or without consent or approval of the victim’s spouse or next of kin, which acts are criminally and administratively actionable under existing laws and jurisprudence.
3. A substantial amount be offered to any person/s who could cause the successful arrest of the principal/or accomplices in the murder of Eric Cabanit.
4. This case be considered a showcase which reflects the typical cause/s and atmosphere of obtaining in all similar agrarian-related crime which explain the unabated killing with impunity.

Furthermore, we call on the government to “ let the axe fall where it may” so that the guilty would be meted the proper penalty and those intending to perpetrate shall be deterred!

To the Department of Agrarian Reform, we reiterate our long standing demand to hasten the land redistribution in Floirendo lands and in the commercial plantations in Mindanao through the CARP, which is Ka Eric’s aspiration to the day of his death. All these would be a step forward towards rendering justice to Ka Eric’s case and to the rest of deprived farmers who aspire of having land to till and to live fully and with dignity. ## 30 ##

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