

PRESIDENTIAL COMMUNICATIONS OFFICE

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**PRESS BRIEFING HOSTED BY MS. DAPHNE OSEÑA-PAEZ
WITH DEPARTMENT OF JUSTICE UNDERSECRETARY RAUL VASQUEZ
AND DEPARTMENT OF JUSTICE UNDERSECRETARY JESSE HERMOGENES ANDRES**

JULY 10, 2024 [11:32 A.M. – 12:16 P.M.]

MS. OSEÑA-PAEZ: Magandang umaga, Malacañang Press Corps, and welcome sa ating press briefing ngayong araw, July 10.

Earlier, President Ferdinand R. Marcos Jr. led the signing ceremony of the 2024 Department of Justice National Prosecution Service or DOJ-NPS rules on preliminary investigations and inquest proceeding. These rules give authority to the DOJ in promulgating preliminary investigations. The rules set by the DOJ-NPS aim to uphold due process, protect the rights of the accused and facilitate the fair and efficient administration of justice in the Philippines.

We are joined here today by DOJ Undersecretaries Raul Vasquez and Undersecretary Jesse Andres to further discuss details about this topic. Good morning, undersecretaries.

DOJ USEC. VASQUEZ: Good morning. The event this morning is truly momentous and historic because it virtually changes the landscape of criminal investigation and prosecution of crimes in the Philippines.

Before, the preliminary investigation rules were lodged in Rule 112 of the Rules of Court, but following a long line of decisions of the Supreme Court declaring that preliminary investigation is purely an executive function and inquisitorial in character, these rules were now transferred to the Department of Justice as the executive branch and we are truly grateful to the cooperation and collaboration between the Supreme Court and the executive department through the Department of Justice that allowed this particular change in the administration of justice.

If I may say, the collaboration is not a first actually between the Supreme Court and the executive department. We have this Justice Sector Coordinating Council which is a collaborative effort of the three major actors in the criminal administration of justice and this would be the Supreme Court as the lead

convenor, the DOJ and the DILG as co-convenors. And this would transcend all pillars of the criminal justice system – prosecution, law enforcement, judiciary, the corrections and the community.

We already have fourteen such special justice zones that actually pilot the effective, fast and efficient administration of justice and the collaboration of all these actors to ensure that cases would be handled properly and that no miscarriage of justice would be seen in those areas. The grand vision is to have this matter as the norm in the entire Philippines.

So this is a new page, ladies and gentlemen, in the administration of justice – the preliminary investigation – and this actually is just the first step towards greater reforms in the administration of justice because the DOJ envisions the issuance later on of the DOJ rules of procedure on criminal investigation and prosecution that will mimic the same role as the rules of court does in judicial proceedings.

DC20 (Department Circular 20) which is the first major reform that the DOJ issued, institutionalized two major anchors in the reform system on the administration of justice – one, the requirement that the prosecution and the law enforcement should cooperate, coordinate and assist each other in the case buildup; and, secondly, the requirement that there be a higher degree or quantum of proof from a low probable cause level to a much higher prima facie evidence with reasonable certainty of conviction.

And as I said, this is part of the continuing process to ensure that more reforms are forthcoming under the vision of our present administration under the leadership of our president, President Ferdinand “Bongbong” Marcos Jr. and with the guidance given to the secretary of justice, Secretary Jesus Crispin “Boying” Remulla and us as the officials who are implementing it, we are truly empowered and we are privileged of being part of this monumental process.

Thank you very much.

MS. OSEÑA-PAEZ: Thank you, Undersecretary Vasquez. Now, let’s hear from Undersecretary Andres.

DOJ USEC. ANDRES: Para po sa mga ordinaryong mamamayan, sa bagong rules on preliminary investigation, sinisiguro po na hindi kayo makakasuhan or maisyuhan ng warrant of arrest sa isang kaso na walang ebidensiya na hawak ang prosekusyon kasama ang law enforcement agents. Iyan po ang garantiya sa bagong rules na mayroon tayong ebidensiya na tinatawag na “prima facie evidence with reasonable certainty of conviction” na hawak po ng law enforcement agents kasama ng prosecutors bago kayo makasuhan sa korte. Iyan po ang pinakaimportanteng pagbabago na nakasaad dito sa ating rules of procedure.

At, pangalawa po, itong pagsanib-pwersa ng prosekusyon kasama ng mga kapulisan na kumalap ng sapat na ebidensiya at mag-develop ng solid cases bago po kayo mademanda sa korte o maisyuhan ng warrant of arrest. So, iyan po ay para sa proteksiyon ng ordinaryong mamamayan.

MS. OSEÑA-PAEZ: Thank you, Undersecretary Andres. Let's open the floor to questions. For this part, let's focus on the actual updates from today from the DOJ-NPS and then we'll move on to other topics later on. Racquel Bayan, Radyo Pilipinas.

RACQUEL BAYAN/RADYO PILIPINAS: Good morning, Usecs. President Marcos earlier mentioned that this is nine years in the making. And now that it was signed, how soon can we see the effect po? Iyong binabanggit ninyo kanina, mababawasan iyong volume noong mga kaso na makakaakyat sa korte and then iyong speed, sir.

DOJ USEC. ANDRES: If I may answer that. Even now, we already have statistics showing that the case buildup mechanism is very effective. In fact, in the last period that we have measured, in the last year where we have initially started this case buildup mechanism and imposed the higher threshold of evidence-gathering, we already have a 93% conviction rate for all those cases that were subjected to case buildup in a one year's period.

Now that we have institutionalized these new rules on preliminary investigation, we expect the figure to be even higher because we will never file a case where we do not have sufficient evidence to begin with. So, it has to start with the completeness of the evidence at the start of the trial and not during the course of the trial – that is the big change that we have effected under these new rules.

DOJ USEC. VASQUEZ: And to put in context 'no, the new rules on preliminary investigation are not really the ones that started the process of case buildup. We have the Department Circular 20 that was issued last year - March 31, 2023 - that institutionalize these two main pillars – the case buildup and the higher degree of proof in the filing of cases to ensure that no frivolous or harassment cases be filed and no weaponization of penal laws be allowed.

And that more importantly, apart from making sure that there'll be a greater degree of possibility of conviction of those wrongdoers, the main and the greater purpose actually is to ensure that the innocent should not be unduly charged or incarcerated. And that's the idea of trying to ensure that no miscarriage of justice will be done under our watch.

Actually, DC20 that was the statistics mentioned by Usec. Jesse pertained to DC20 which are case specific. What do I mean by that? DC20 on case buildup and the higher degree of proof until the new issuance of the preliminary investigation rules – this would just apply to heinous crimes, drugs cases, terrorism, terrorism financing, capital offenses and so on and so forth. They are not applied across the board. But the new PI rules would now apply the second requirement which is the higher degree of proof for filing of cases across the universe of all penal laws.

RACQUEL BAYAN/RADYO PILIPINAS: Sir, just a quick follow up on that. Binabanggit po kasi iyong mga trial-ready, iyon talaga may mga evidence po iyong maiaakyat natin sa korte. So, sir, mayroon po ba tayong figures like how much volume po ng mga hindi trial-ready iyong mababawas po sa atin?

DOJ USEC. ANDRES: We also have that particular statistics. For the last year, there were around 30,000 cases that were filed and 7,000 of these cases were dismissed – meaning, they were not elevated to the court trial because the prosecution did not have sufficient evidence. So, you can imagine 7,000 cases that supposedly should be filed in court were no longer part of the court dockets because the lack of evidence was apparent at that point in time.

DOJ USEC. VASQUEZ: And let me just clarify ‘no, there’s no such thing as dismissal of cases anymore on the preliminary investigation level because of the case build up. What happens is that the prosecutor should help the law enforcement, that’s the essence of the executive inquisitorial character of preliminary investigation, to ensure that only cases, as mentioned by Usec. Jesse, only cases with the needed evidence – testimonial, real evidence, collaborative witnesses, etc. are already at hand before the filing. And if there would be lacking documents these cases are not dismissed, these are referred back to the law enforcement agency or to the complainant for the production or for the submission of additional pieces of evidence to ensure that they have a greater chance of being filed.

Let me just emphasize, there are only two ways by which cases are ended, criminal cases are ended and that’s the end of it: Number one, if the crimes have prescribed; and number two, if there was double jeopardy already, meaning to say that there was a trial in court and that there was a finding of either guilt or innocence as the case maybe.

So that’s the beauty of a case build up. And the case build up is under the leadership of the prosecutor. They are the ones that take the lead. And thankfully, because we have division in the Department of Justice that goes around and conducts regular trainings, this is the special projects division of the DOJ, many lectures, conventions and symposia have been conducted by them all over the country with the prosecutors and law enforcement as the audience. And when I say law enforcement, it’s not only the PNP but also the NBI and the Bureau of Customs and the like. The matter is such a whole of government approach.

Q: Lastly na lang, sir, from my end. How important it is that the Supreme Court recognizes the authority of the DOJ to promulgate its own rules and preliminary investigation? And what does that say about the judicial system here in the Philippines?

DOJ USEC. ANDRES: It works. It works, and it is being refined as we speak. And in fact, even the rules — these rules, these are not written on stone, ladies and gentlemen, these are subject to refinements as we move forward. And as we see ... and as we deem fit, these could be amended or further revisited in order to ensure that there'll be a faster, more efficient and more effective administration of justice.

The mantra in the Department of Justice is real justice in real time. So we are trying our darnedest best to ensure na wala na talagang inosenteng makukulong o makakasuhan; at iyong mga may pagkakasala, kung sinuman sila, ay hahabulin ng ating pamahalaan.

DOJ USEC. ANDRES: I'd just like to add to that 'no. Ano po ba ang nakalagay dito sa rules na tumutulong diyan sa real justice in real time? Mayroon po tayong tinatawag na e-procedures. Meaning, gumagamit na po tayo ng teknolohiya para sa pag-conduct ng preliminary investigation. Dati-rati po ay hindi natin nagagawa iyan. Ngunit sa bagong rules of procedure, maaari na po tayong mag-conduct ng video conferencing sa preliminary investigation. Ang submission po ng mga affidavit ay puwede na rin through the ICT portal — isa pong internet portal iyan na maaaring ma-access ng lahat ng mga partido para po mas mapabilis dahil karamihan ng mga complainants, wala pong panahon na magpunta sa piskalya para maglahad ng kanilang reklamo.

Ngunit dito sa bagong proseso natin, even a video conference, an e-filed complaint ay iimbestigahan po ng DOJ, and that will be consistent with our objective really to deliver real justice in real time.

DOJ USEC. VASQUEZ: Yeah. This is actually the result of visionary leadership of three individuals eh — the president, President Bongbong Marcos; the CJ, CJ Alex Gesmundo; and DOJ Secretary Boying Remulla. All of us feel empowered because we ourselves were given a wide latitude in terms of initiating different reform programs in the administration of justice. And both of us came from active litigation. All our lives, from the time we graduated from UP Law, both of us, we've been in the rampart, so to speak, of litigation.

So we know more or less the ills and the shortcomings. And, you know, having been there, having done that, this is a time for us to really implement significant measures and reforms that would far outlive us all.

Pati nga iyong daddy ni Ma'am Cris Villonco, kaibigan namin eh kasi he is also an active litigator – Siguion-Reyna, si Opap Villonco.

MS. OSEÑA-PAEZ: Okay. Question from Ivan Mayrina.

IVAN MAYRINA/GMA7: Undersecretaries, magandang tanghali po sa inyo. From a layman, nakikita ko ho kung papaano nito mababawasan ang clogging sa mga korte dahil mababawasan in the first place ang mga umaakyat doon. Pero hindi po kaya lumipat ang clogging sa prosecutor level?

DOJ USEC. VASQUEZ: Tama.

IVAN MAYRINA/GMA7: Because it will be much difficult to elevate cases to courts, so doon sila magtatagal.

DOJ USEC. VASQUEZ: Hindi! Hindi naman, Ivan. Actually, iyan ang unang tanong at unang objection or oposisyon ng ating mga prosecutors. But I tell you this, isa pa kasing level kasi iyan ng pagpa-file ngayon, may tinatawag kaming evaluation stage na hindi pa siya nada-docket. Ito, doon titingnan ... pagkasampa mo ng kaso, hindi pa tinatanggap iyan ng fiscal; wala pang docket. Kasi iyan ang pagkakataon at stage ng proceedings na titingnan ngayon ng assisting prosecutor – not investigating ha – assisting prosecutor kung mayroon bang sapat na ebidensiya. Kung walang sapat na ebidensiya, sasabihin niya doon sa law enforcement agency or sa complainant na, “Sir, ma’am, kailangan ninyo po ng additional na ebidensiya dito, may witness, etc.” At kung kakailanganin, tumulong sila sa pagpapagawa ng mga affidavits. Wala na po iyong divide, iyong unseen wall, impenetrable wall before because of that false notion na ang preliminary investigation was a quasi-judicial function.

With the Supreme Court declaring time and again in many cases na ito ay purely executive in character and inquisitorial even—you know what the inquisition is? How it was done during the middle ages, ‘di ba. The matter is now one where evidence would be presented and the other party, the respondent, under the mantle of our constitution is granted due process by being given all the chance to traverse the charges and the pieces of evidence.

Tama ka diyan, Ivan, na lumaki ang trabaho ng prosecutor. Pero we have to put a stop, kumbaga kailangan nating ihinto iyong gripo sa start eh para it would cut across the five pillars. Sa law enforcement dati-rati kasi, file nang file. Kung hindi mo titigilan iyan, talagang malulunod, at nalunod nga ang ating wheels of justice at that time, iyong administration of justice natin. And this time, we have to put a stop to where the problem arose, which was the undue filing of hasty, frivolous cases, harassment

suits and the like. So only quality cases – that’s our dream – only quality cases supported by sufficient evidence would be allowed to proceed to court and to be later on, litigated.

And that would result to exponential benefits because true, mas malaki iyong pag-assess mo pa lang pero since kaunti lang iyan, liliit ngayon iyong actual na docket sa prosecutor at kaunti din lang ang aakyat sa korte. And since korte iyan, only good cases that are supported by evidence would be heard by the courts and naturally, ang effect niyan is kaunti din lang ang pupunta ngayon sa mga prison system natin, and that would actually add up to the efforts to decongest our jails, apart from the other reforms and efforts to do the decongestion ng jails. And what would be the effect of that kung kaunti lang iyong mga kasong ganiyan? Better communities, safer communities.

DOJ USEC. ANDRES: Just to be clear also on that point ‘no. We are only filing trial-ready cases. So it doesn’t mean that we have neglected to do the case build up on the weak cases. We will continue to do the case build up on the weak cases, but we will file trial-ready cases because it is pointless for you to file a case where you have no evidence ready to present to the court. You are also wasting the resources of the judiciary. And in fact, we have a circular also that mandates the prosecutors to review their weak cases that they’re handling and they will have to cause the withdrawal of these cases to declog the courts.

So that is a full effort on the part of the DOJ to be more rational in deploying its resources, and of course, we need more prosecutors to do this job.

DOJ USEC. VASQUEZ: Yeah. But I have to put in context lang iyon ‘no, iyong automatic dismissal of weak cases, iyong walang ebidensiya of those pending cases, those are right now applicable only to first level courts – Municipal Trial Courts, Metropolitan Trial Courts.

Ang dream ng both ng Supreme Court at ang DOJ is to use that as well sa second level courts. Problema, sa second level courts nandiyan ang mga heinous crimes eh, nandiyan iyong mga serious cases. We are very careful in not giving too much discretion upon the prosecutors and the judges in the automatic dismissal lest there may be a miscarriage at that level. Kaya kumbaga calibrated, tempered iyong moves para lang tingnan [unclear].

IVAN MAYRINA/GMA7: Actually, I was going to that point, Usec., because with these new rules, hindi ba natin binibigyan nang mas malaking discretion ang piskal and therefore baka mas magkaroon ng potential/possibility for abuse of discretion.

DOJ USEC. VASQUEZ: Alam mo, isa pang—well, it's not a joke na sinasabi namin sa kanila na sila ay spider men – with greater power comes greater responsibility. We have also institutionalized the Prosecution Integrity Board. Again, this Prosecution Integrity Board is actually a nod towards the efforts of the judiciary under the Judicial Integrity Board need nila and this means that the Prosecution Integrity Board is the watchdog in the manner, the timeliness and the potential of abuses that maybe performed by the prosecutors in the exercise of their rightly...

IVAN MAYRINA/GMA7: Who will compose the Board, sir?

DOJ USEC. ANDRES: Us, undersecretaries.

DOJ USEC. VASQUEZ: Yeah, us. And that's also under the guidance of the Secretary of Justice Boying Remulla under the actual supervision of assigned undersecretaries.

DOJ USEC. ANDRES: Kasama po kasi sa proseso bago mag-file ng kaso sa korte ang isang sertipikasyon na pipirmahan ng prosecutor na ayon sa kaniyang evaluation ay kumpleto na ang ebidensiya. At kapag mali ang sertipikasyon niya, walang ebidensiya ang pinayl (file) niya, he will be held accountable under the Prosecution Integrity Board. So, pag-iisipan niya iyon kasi requirement po ang isang certification na hawak na niya ang lahat ng ebidensiya para wala pong harassment cases.

DOJ USEC. VASQUEZ: Ito, Ivan, evidence iyan. Sinabi ni Usec. Jesse kanina na 93 percent iyong conviction rate at 7,000 ang na-dismiss – ni isa, walang nag-complain. Ibig sabihin lamang niyan na even the guilty – kulang. At it's actually part of transparency and accountability na if you are truthful and honest to the complainant kahit umiiyak iyan or masama ang loob niya kung sabihin mo hindi mo naman pinapabayaan eh bagkus tinutulungan mo – sabihin mo ganito ang gagawin, ganiyan ang gagawin ng prosecutor.

So, una iyong tanong nila noon mas malaking problema namin, mas malaki ang burden – iyon pa nga lang tanong nila, *"Baka putakihin kami ng kaso"* hindi nakasuhan. Sabi nga nila, *"Baka makasuhan kami sa Ombudsman. Baka makasuhan kami ng administratibo sa IAS"* – IAS pa dati iyan iyong Internal Affairs Section – or *"Makasuhan kami ng kriminal for dereliction of duty, Ombudsman et cetera."* Ang assurance lang namin noon through Secretary Boying, *"We will be behind you. If you perform your job, we will be with you every step of the way."* Thankfully, and I think that's the norm moving forward, walang nakasuhan ni isa.

IVAN MAYRINA/GMA7: Panghuli na lang po mula sa akin. Naiisip ko ho kung papaano ito posibleng samantalain ng defense lawyers naman because itinaas natin iyong quantum of evidence. Hindi ho kaya sa prosecutor level pa lang doon na sila babanat nang babanat para hindi na ma-file at all iyong kaso?

DOJ USEC. ANDRES: Well, seriously we don't have a choice – the Constitution guarantees presumption of innocence and without evidence at hand, you cannot charge a person and possibly deprive him of liberty. So, it is a constitutional guarantee that the evidence should come before the trial because iyong consequence kasi ng trial, you will be issued a warrant of arrest and possibly deprive you of liberty and we have noted that even for bailable offenses, our poor citizens are in jail because they cannot post bail higher than 10,000. And that is another reform that we have institutionalized – the reduced bail...

DOJ USEC. VASQUEZ: Rationalization.

DOJ USEC. ANDRES: For indigent accused. You are allowed to post bail a maximum of 10,000 pesos because you are not yet convicted eh, you enjoy the presumption of innocence. That's why in the courts of trial there is no reason to incarcerate you, that's why we have also addressed the matter of bail by reducing the bail for indigent accused.

DOJ USEC. VASQUEZ: Yeah. Former President Laurel – back in history, little bit of Philippine history – he was the one who said na it's better to let go of a thousand guilty than to incarcerate one innocent. So, iyan din ang mantra namin, kaya nga real justice in real time.

At madagdagan ko lang iyong bail reform na binanggit ni Usec. Jesse, mayroon pa ngang sitwasyon na wala kang babayaran, hindi 10,000 eh, batas iyan – Recognizance Law. Iyan ay kung bibigyan ... mayroong isang tao, either lawyer or citizen of sufficient social and reputable standing in the community who will guarantee that that person accused would be presented in court when required, zero ang babayaran mo doon.

So, that's another area where under what I mentioned kanina na JSCC that could be institutionalized na kami-kami, iyong court allow niya na ganoon ang mangyari kasi maraming mga kaso na pending iyong kaso, hindi makapag-bail or pending iyong kaso, nadesisyunan na probationable. Ibig sabihin, six years or less ang penalty niya pero hindi ma-release dahil wala iyong requirements sa batas na tinatawag nilang pre-probation report dahil sa kakulangan ng mga probation officers.

So, we are trying to do that through the Parole and Probation Administration na gumagawa ng paraan. Nagpapatulong kami sa IBP, sa mga law students, etc., colleges para magkaroon ng force multipliers so to speak para magkaroon ng tsansa na makalabas iyong mga tao, kasi marami ang nakakulong na either

tapos na iyong sentensiya nila, nandoon pa, 'di ba. Iyon ang pinakagrabeng miscarriage of justice! No one of us would want to be inside the jail a minute longer.

MS. OSEÑA-PAEZ: Okay, any other questions regarding this topic? We're ready to move on to the next. Go ahead, Melvin Gascon.

MELVIN GASCON: Hello. Good afternoon. Sir, follow-up ko lang doon sa issue on possible miscarriage of justice, nabanggit nga ni Ivan iyong binibigyan natin ng mas essentially mas malapad na discretion ang mga prosecutors. In cases po na halimbawa looking back a few years ago, iyon pong mga pulis po ang kinakasuhan. Now, ngayon po sa sitwasyon natin, sa kanila din po manggagaling ang ebidensiya eh, so it will be very easy for them to simply siguro just to sabotage the case, kung sila mismo ang may kasalanan they can just sabotage the case by babalewalain lang iyong isang piraso ng ebidensiya. So, hindi ho ba magkakaroon ng kaunting problema doon considering na one single piece of evidence missing would probably not lead to the filing of a case.

DOJ USEC. ANDRES: Well, police officers are also citizens of the country who enjoy the constitutional guarantees on due process. So, whenever there are instances where police officers are involved in a crime, there is also a mechanism, the audit system within the Philippine National Police, the IAS, Internal Affairs where they conduct an independent investigation, not involving the particular police officers involved.

And there is such a mechanism, and in fact, I am pleased to inform you that 200 police officers have been dismissed due to serious offenses and another 180 have been demoted due to this process of investigation where they have committed infractions. So, there is a working accountability mechanism, and this is still guaranteed by the Constitution even to police officers and I do not see any reason this will happen in an unjust manner because the prosecutors now are heavily involved in the investigation of the case at its inception. Unlike before that we just wait for the submissions of the law enforcement agents, now we are involved from the very beginning of the investigation, the prosecutors are there as a way to assure the effective and the fair collection of evidence.

DOJ USEC. VAZQUEZ: Just to add, there is a possibility, iyong sinasabi mo kanina, Melvin. But, that possibility is lessened to a great degree by the case build-up. Bakit? Kasi, kung may makita ang prosecutor na kulang na ebidensya or tinagong ebidensiya, they can ask other law enforcement investigative bodies to do a parallel investigation. The NBI is there, so any other or other units of the PNP, perhaps we could ask the CIDG to come into play in order to ensure a more rigorous and comprehensive investigation. Apart from what you mentioned kanina nga na baka iyong sinasabi mo, withheld evidence or sabotaging et cetera. Though may presumption sa batas din kasi na regularity of functions na itong mga taong iyan ay gagawin nila iyong trabaho nila, kasi kung nahuli sila, gaya ng sinabi ni Usec. Jesse, they would be answerable, not only administratively, by criminally and civilly as well.

So, maraming mga prosesong ganiyan and I think, we just have to give it a serious try para matingnan natin kung saan natin puwedeng i-tweak, i-improved at i-refine pa iyong mga proseso natin kung kakailanganin at maganda naman po ang samahan, pati DILG, kasama po natin sa effort na ito in improving the administration of justice.

Gaya ng sabi ko kanina, iyong JSCC, very active po ang DILG, and DILG at ang Supreme Court to “pilot” the effective collaboration and convergence of the different pillars of the criminal justice system ng Pilipinas.

Q: Sir, clarification lang. You mentioned kanina, wala na iyong “dismissal” of cases at the prosecutor level. What will terminate a certain complaint po, sir, halimbawa may nag-file ng complaint and then it is –hindi talaga siya papasa?

DOJ USEC. VAZQUEZ: Hindi abot? Dismissal iyon! Pero doon sa evaluation stage, iyon ang sinasabi ko, kasi remember na evaluation, hindi pa naka-docket. Kapag mayroon iyong certification na ready for preliminary investigation, then, it is docketed. Then the preliminary investigation is commenced, technically speaking.

Kasi dito sa stage ng evaluation pa lang na titingnan, kinakalap, tinitingnan, maraming ganiyang kaso na hindi pa siya naka-docket, pero nai-file na sa DOJ or sa mga piskalya natin. Titimbangin nila kung kulang ba, kasi at the point, tatakbo na kasi iyong period iyan na mag-decide. So, ginawan din namin ng kaunting allowance na i-evaluate mo muna, kapag ready iyan, iyong mayroong ebidensiya, magsisertipika ngayon iyong assisting prosecutor that this case is ready for preliminary investigation. Then magkaroon ng preliminary investigation, bibigyan ng tsansa iyong respondent na magsampa ng counter affidavit at magsumite ng mga iba't ibang ebidensiya din niya para maipakita na wala talagang kaso.

At kung walang kaso, then dismiss; kung may kaso, then magpapa-file sila, kung aabot sa lebel ng prima facie evidence with reasonable certainty of conviction. Pero may sertipikasyon ulit iyan, doon ngayon iyong certification that this is ready, na may ebidensiya na susuporta sa reasonable certainty of conviction.

DOJ USEC. ANDRES: Idagdag ko lang ha. Ito concept ito ng human justice, kasi it's all based on evidence. So we cannot proceed with the trial of the case without evidence. And what other steps have we taken to ensure that evidence can be properly gathered – we are now engaging the community, civil society organizations, who are helping victims in gathering evidence. Sometimes the government is not approachable or not visible in a particular situation, but these victims come to civil society organizations

and there is nothing wrong with it. And we engage, continue to engage CSOs to be part of the community in the process of gathering evidence. That is why we have now close links with civil society organizations in their quest for justice because we support whatever advocacy that they have.

DOJ USEC. VAZQUEZ: Actually, i-contextualize ko iyan. Noong 75th anniversary ng Universal Declaration of Human Rights sa Geneva, pumunta ang ating gobyerno through Executive Secretary Lucas Bersamin, at tatlo po ang pledges na ginawa diyan. Una, iyong pag-create, pag-establish ng Human Rights Coordinating Council, ito ay naging totoo na, ito iyong Special Committee on Human Rights Coordination.

Pangalawa, itong pagkakaroon ng human rights plan, ginagawa na iyan. Itong isa mayroon na, in fact, itong end of the month ay magiging effective na iyan at isa din sa reform na gagawin, so tapos na iyong isa.

Iyong pangatlo, iyong pagkakaroon ng forensic institute. Ano ba iyong forensic institute, ito po ang pamamaraan na science-based investigation and prosecution at bukas ay magkakaroon ulit ng isang signing naman ng United Nations Office of Drugs and Crime ang Department of Justice at ang UP College of Manila for the autopsies of BuCor deaths. We start with that eh, kasi wala pa tayong mga opisina na mayroong forensic institute, iyon siguro ang NBI later. Pero dalawang beses na pong nagpunta ang special rapporteur on EJK, si Dr. Morris Tidball-Binz on academic visits, para i-train iyong mga doktor natin at ating sa kapulisan at NBI para sa forensic science investigation.

In fact, last June, mayroong mga doktor tayong pinapunta sa Buenos Aires, I think, for training under the Minnesota protocol. Iyong Minnesota protocol ay convention po ito kung paano ang pagkakaroon ng kakayahan, evidence gathering, science-based, et cetera para lalong mas malalim at hindi na haka-haka, hindi na suntok sa buwan na ebidensya, kung hindi science-based ang prosekusyon natin. Iyon po ang purpose.

MELVIN GASCON: Clarification ko lang, sir. Iyon pong remedies available under the Rules of Court in case na mayroon pong abuse of discretion sa part ng fiscal, available pa rin po ito?

DOJ USEC. VAZQUEZ: Of course, the power of judicial review is a constitutional power, so it is still there. Any abuse at any level could still be questioned. Kaya nga lang, iyong proseso, mas simplified, mas klaro at mas direct to the point, hindi na iyong maraming proseso na medyo paikot-ikot.

NIU/DZBB: Hi, sirs! Other topic. Ano po ang progress ngayon doon sa extradition kay former Representative Arnulfo Teves Jr.?

DOJ USEC. ANDRES: We are glad to confirm that we are already in the last stages of the extradition process. We are assuring, Mr. Teves, his right to due process in all aspects of the proceedings, including his right to file the motion for reconsideration on the decision to extradite him, and that will lapse in 30-days. So, we are very confident and we are on top of the situation.

DOJ USEC. VASQUEZ: Yeah. Proseso ng Timor Leste iyan huh, kasi doon ang nangyayari. So iyong binigyan sila ng 30 days para mag-file ng motion for reconsideration which is actually an appeal dahil hindi pa ho kumpleto kasi iyong justices nila sa supreme court ng Timor Leste kaya iyong magdidesisyon niyan, iyong same na nagdesisyon na korte, iyong court of appeals. So, kapag nakapag-file sila, they have 30 days – iyong prosecutor general naman ng Timor Leste ay may pagkakataon din na sumagot at doon magkakaroon na ng desisyon.

Ang ating gobyerno naman ay naghahanda para sa pagpapabalik sa dating Congressman Arnie Teves kasi malakas po ang aming belief, ang paniniwala na since there are no new evidence actually that may be presented dahil naipresenta na lahat-lahat eh. Lima ho ang witnesses natin dapat diyan, dalawa pa lang ang narinig ng Timor Leste Court of Appeals, si Undersecretary Nonoy Catura ng Presidential Human Rights Commission Secretariat at saka si Raul Villanueva ng Court Administrator, hindi na nila pinagsalita iyong tatlo pa at nagdesisyon na sila.

Kasama na diyan dapat si dating retired Supreme Court Justice Francis Jardeleza, si BuCor Director General Greg Catapang kasi kinukuwestiyon nila na baka masaktan siya or papatayin siya while in detention, and then iyong pangatlo ay iyong chairperson ng Amnesty Commission, si Chair Leah Tanodra-Armamento. So iyong tatlong iyon, hindi na pinagsalita eh.

TUESDAY NIU/DZBB: Sir, kailan po nag-start iyong 30 days niya?

DOJ USEC. VASQUEZ: I think two weeks ago, Thursday, oo. Or nakapag-file na, hindi natin alam. Eh, that's their strategy na iyan. Normally, kung ikaw ay depensa, buuin mo iyon hindi ba? Pero kung gusto nila i-advance, wala namang problema din eh.

Pero let me just emphasize 'no, na kahit anuman ang mangyari iyan, sa extradition process na iyan – mayroon pang isang bagay na puwedeng gawin ng Timor Leste, deportation, dahil undocumented na si dating kuwan... kanselado na po iyong passport niya eh. So either case, we are confident na babalik siya sooner or later.

At sana po, para ho malagyan na po ng tuldok itong issue na iyan – kung may kasalanan siya o wala siyang kasalanan – magpunta na lang siya dito at nandiyan naman ho iyong wheel of justice natin na gumugulong eh. Proof positive ay ang ating Senator de Lima – wala namang nangyari!

MS. OSEÑA-PAEZ: Ivan Mayrina.

IVAN MAYRINA/GMA-7: Panghuli po. Nagsalita po iyong kampo ni Pastor Quiboloy, kinukwestiyon iyong pag-aalok ng sampung milyong pisong pabuya sa makapagtuturo sa kaniyang kinaruroonan, sa kaniyang pagkakaaresto, bakit daw tumatanggap ng private money ang gobyerno para mahuli si pastor? Ano ho ang tingin ng DOJ dito?

DOJ USEC. VASQUEZ: Alam mo, mahirap mag-speculate diyan sa bagay na iyan at ang nakakaalam lang at makakasagot ng tama at kumpleto ay ang ating DILG Secretary Benhur Abalos. But you know, let them clear the air about that.

DOJ USEC. ANDRES: I'll give a different perspective on that matter. In the five pillars of the criminal justice system, community is one important pillar and those who have knowledge or information about the whereabouts, should actually cooperate. And those who stand in the way on the enforcement are actually guilty of obstruction of justice. So, let's put it that way – with or without the incentive, the community should really help to give the accused a chance to clear his name in court where due process will be observed to the hilt consistent with the constitutional guarantees.

MS. OSEÑA-PAEZ: Okay. Thank you very much for this briefing. Thank you, Undersecretary Vasquez and Undersecretary Andres and congratulations on—

DOJ USEC. VASQUEZ: Thank you. Pleasure is ours. Thank you very much.

MS. OSEÑA-PAEZ: Yeah. This concludes our press briefing. Thank you, Malacañang Press Corps.

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