



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

GABRIEL TOMATAO PERMITIS,
Complainant,

- versus - NPS RXIV-04-INV-16H-00179
For: Kidnapping

OMINTA ROMATO MAUTE, et al.,
Respondents.

X-----X

ALFREDO SARSALEJO CANO-OS,
Complainant,

- versus - NPS RXIV-04-INV-16H-00180
For: Kidnapping

ABDULAH ROMATO MAUTE, et al.,
Respondents.

X-----X

ESPERANZA PERMITIS JANUBAS,
Complainant,

- versus - NPS RXIV-04-INV-16H-00181
For: Murder (2 counts)

ABDULAH ROMATO MAUTE, et al.,
Respondents.

X-----X

ADONIS ANTIPISTO MENDEZ,
Complainant,

- versus - NPS RXIV-04-INV-16H-00182
For: Kidnapping

ABDULAH ROMATO MAUTE, et al.,
Respondents.

X-----X

JULITO PERMITIS JANUBAS,
Complainant,

- versus -

NPS RXIV-04-INV-16H-00183

For: Kidnapping

ABDULAH ROMATO MAUTE, et al.,
Respondents.

X-----X

JOINT RESOLUTION

This resolves jointly the supplemental complaints filed by Gabriel Tomatao Permitis, Alfredo Sarsalejo Cano-os, Esperanza Permitis Janubas, Adonis Antipisto Mendez and Julito Permitis Janubas against the second (2nd) set of respondents, namely, Abu Akmad, Je Mimbantas @ Zakaria, Alihasan Panolong @ Abu Amar, Fakhrudin Dilangalin @ Abu Said, Osoph Hadji Nasif, Hafis Maute, Abang Alawiya Dimapi, Abang Samsoden Ragaolan, Abdul Malik, Omar Khalil @ Omar Khalil @ Umair Pacora Khalil, Jamil B. Amir, Hata M Lantud, Abu Apghan, Eyemen Alonto, Anthony Jake Perez @ Yusoph Macuto @ Abu Rasas, Datu Hashim Balawag Maute @ Apple @ Apol, Felix Quiamson @ Abu Sheerah, Moises Franklin Bronia Mahusay @ Abu Samin @ Musa, Rodolph Legarda Paras @ Mohammad Anzar @ Abu Hana, Joselito P. Melloria @ Ali, Abu Khalid, @ Said, @ Harit, @ Subair, @ Samim, @ Tarlak Mohammad Noaim Maute @ Abu Jadid, @ Bobby, @ Katine, @ Assad Ben Mohammad, @ Baby, Abdul Sidiq Raupan Maute, @ Abu Subair, @ Cardawi, @ Gazem, @ Nail, @ Alnor, @ Osama, @ Baghdadi, Abdul Jalil Moda Burot, Abdul Jalil Saipoden Bilao, Jama Romato, @ Hadid, @ Khatab, @ Bemboy, @ Matinek, TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail, Wendell Apostol Facturan @ Wendel Apostol Facturan @ Muraimin, Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming, Zack Villanueva @ Haron @ Zack Haron Villanueva Lopez @ Herwin Madrona, Mohammad L. Chenikadiyil @

Datu Boy, Ausan Abdualлах Mamasapano @ Abu Hamsa, Russell Salic a.k.a. Russell Salic, Hadja Anisah Gunda, and @ Ambro, for four (4) counts of kidnapping and two (2) counts of murder.

On March 28, 2017, a Joint Resolution was issued by the undersigned in these cases insofar as the first (1st) set of respondents, namely, Abdulah Romato Maute, Madie Romato Maute, Mohammadkhayam Romato Maute alias (@) "Otto", Omarkhayam Romato Maute, Abdulrahman Romato Maute alias (@) "Damam", Hamsa Romato Maute, Mahater Romato Maute, Hashim B. Maute @ "Apol", Abdul Jalil Sarangani Sarip, Alimar Hilal, Fahad Cornell, Jihad Abdulhamid @ "Jihad", Najib Calimba Pundog, Owayda Benito Marohombsar @ "Humam", Abdul Najid @ "Wai" @ "Abu Dar", Aliasgar A. Maute @ "Abu Basher", Ali Amintao @ "White Lawaan", Junaid Kiram Undag, Azam Taher Ampatua @ "Hamdan", Mahsoury R. Mimbantas, Sohaylie Mohammad Cader, Edris Bao, Ibrahim Maute, Saidamen B. Macauyag @ Idang, Marzawaan M. Abataan @ "Secret", Abdula M. Abatuaan @ "Badu", Amelodin B. Ansarona, Box Ali Amboto @ "Macalnas", Wahab A. Macabayao @ "Wabi Bakie", Zacaria S. Romato @ "Zacariah", Abduljabbar Marohom Maute, Mortiba Marangit @ "Jamil", Saidamin Mortaba, Jomar Labay, Mortiba Jamal Ominta Romato Maute @ "Farhana", Cayamora Macaraya Maute, Casan Romato @ "Carter", Marwasan Butua, Hilal Biston, Acasa Zamsoden, Amero Diamoaden, Tatay Hadji Suwaib, Bulki Gunda, Alikasan Panulong, Alimar Pamaloy Biston, Marswan Maute, Usman Baki, Mubarak Gunda Sandab, Bensar M. Jaar, Idrus Abdullah Ramie Payao, Jonemar Cabanban, Tamsi Pahad, Sakmal Abdel Ikram, Ben Najar T. Gulam, Mabror J. Ahmad, Kardawi Maute, Zakariah Hadji, Munaim Ander, Amiro Safra Diamoadin, Tambakan Panaundan, Bulkia Adele Gunda, Fahad Najid, Mmrenta Aka Amenden Corot, Jihad Maute, Abu Asam, Amano Romato, @ "Napi" @ "Abu Absir" or "Ali", @ "Hapis", @ "Jiran", @ "Abu Asma", @ "Usman", @ "Oping", @ "Abu", @ "Boy", @ "Gafar", @ "Jamaron", @ "Abu Aps", @ "Khalid", @ "Pendaton", @ "Abu Sumpa", @ "Adnani", @ "Isnadie", @ "Hamdani", @ "Hafid", @ "Commander Cleft", @ "Onyok", are concerned.

Complainant Gabriel Permitis, Alfredo Cano-os, Adonis Mendez and Julito Janubas allege that, on April 4, 2016, Jaymart Capangpangan

Salvador Janubas and themselves were working in a lumber yard owned by respondent Hadja Anisah Gundah, at Barangay Sandab Butig, Lanao del Sur. At about 1:00 p.m., twelve (12) members of the Maute group, on board a white pick-up, arrived. These men poked their rifles on them and shouted *dapa dapa*, to which they obliged. Their hands were tied and they walked towards a white pick-up. While they were walking, their abductors fired their guns. On board the white pick-up, they were brought to, and detained at, Barangay Poktan, Butig, Lanao del Sur, where they saw more than one hundred (100) armed members of the Maute group. These armed men guarded, investigated, tortured, and threatened to kill and behead them. They were forced to admit as spies of the Philippine Army. While detained at the Maute Camp in Barangay Poktan, they saw Ominta Romato Maute @ "Farhana" and Cayamora Maute whom they recognized since they ordered lumber in the place where they worked few days before their abduction. On the fourth (4th) day of their detention, they were made to wear orange clothes and were photographed. According to the persons detaining them, the photographs will be uploaded in the internet to show their support to the Islamic State of Iraq and Syria (ISIS). They were told that they will be beheaded because the Government refuse to release one (1) of their (Maute) member who is in custody of the Philippine Army and to prove to the world that theirs is a legitimate ISIS organization. In the afternoon of April 10, 2016, Jaymart Capangpangan and Salvador Janubas were beheaded. They were about ten (10) meters away and witnessed the beheading. Thereafter, their captors shouted *alawakbar* and told them that they will also be beheaded. After few hours, they were blindfolded, boarded on a vehicle and left at a vacant lot. When the police arrived, they were brought to Butig Municipal Police Station.

Among their abductors and/or those who detained them were respondents Abu Akmad, Jer Mimbantas @ Zakaria, Alihasan Panolong @ Abu Amar, Fakhrudin Dilangalin @ Abu Said, Osoph Hadji Nasif, Hafis Maute, Abang Alawiya Dimapi, Abang Samsoder Ragaolan, Abdul Malik, Omair Khalil @ Omar Khalil @ Umair Pacora Khalil, Jamil B. Amir, Hata M. Lantud, Abu Apghan, Eyemer Alonto, Anthony Jake Perez @ Yusoph Macuto @ Abu Rasas, Datu Hashim Balawag Maute @ Apple @ Apol, Felix Quiamson @ Abu

Sheerah, Moises Franklin Bronia Mahusay @ Abu Samin @ Musa Rodolph Legarda Paras @ Mohammad Anzar @ Abu Hana, Joselito P. Melloria @ Ali, Abu Khalid, @ Said, @ Harit, @ Subair, @ Samim, @ Tarlaki, Mohammad Noaim Maute @ Abu Jadid, @ Bobby, @ Katine, @ Assad Ben Mohammad, @ Baby, Abdul Sidi Raupan Maute, @ Abu Subair, @ Cardawi, @ Gazem, @ Nail, @ Alnor, @ Osama, @ Baghdadi, Abdul Jalil Moda Burot, Abdul Jal Saipoden Bilao, Jamal Romato, @ Hadid, @ Khatab, @ Bemboy, @ Matinek, TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail Wendell Apostol Facturan @ Wendel Apostol Facturan @ Muraimin Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming, Zack Villanueva @ Haron @ Zack Haron Villanueva Lopez @ Herwin Madrona, Mohammad L Chenikadiyil @ Datu Boy, Ausan Abdualлах Mamasapano @ Abu Hamsa, and Russel Langi Salic a.k.a. Russell Salic.

Further, they argue that respondents Hadja Anisah Gunda and her nephew, respondent @ Ambro, conspired with those who kidnapped, abducted and/or detained them. Few days prior to their abduction, they saw respondents Hadja Anisah Gunda and @ Ambro talking with spouses Ominta Romato Maute @ "Farhana" and Cayamora Maute. Prior to their abduction, on April 4, 2016, at 1:00 p.m., respondents Hadja Anisah Gunda and @ Ambro already left the lumber yard hence, they never saw who their abductors were. However, on April 4, 2017, respondent Hadja Anisah Gunda executed an "Affidavit of Witness" and stated that:

"1. I am the same person who executed this affidavit and the former employer of Jaymart J. Capangpangan, Alfredo C. Cano-os, Julieta P. Janubas, Salvador P. Janubas, Adonis A. Mendez and Gabriel T. Permitis, who were kidnapped on April 4, 2016 and murdered the two (2) of them at Butig, Lanao del Sur.

"2. I was the one who personally talked to the Maute Group and worked for the released of our six (6) workers/laborers when they were kidnapped by said group on April 4, 2016 at Barangay Sandab, Butig, Lanao del Sur, which resulted to the released of four (4)

of them except Jaymart Capangpangan and Salvador Janubas who were later on killed and found dead;

"3. The persons of Amanoden Gunda Romato who was tagged as Amano Romato, Saidamen B. Macauyag and Mashory R. Sharief, tagged as Mahsoury R. Mimbantas, were not among the kidnappers I have seen who kidnapped my six (6) Band Saw workers at Barangay Sandab, Butig, Lanao del Sur;

"4. I know personally these said three (3) persons who are charged and among the respondents that are totally innocent to the crime charged of kidnapping and murder of my workers because they are purely members of the MILF, not with the Maute or ISIS Group who are alleged culprits;"

Insofar as respondent Russel Langi Salic a.k.a. Russell Salic is concerned, they allege that during their captivity, they saw a bald and stocky man staying in a room adjacent to where they were held as captives. They were told that he is a doctor. They observed him inside the adjacent room full of firearms. They saw him cleaning and guarding these firearms. At one time, while their hands and feet were tied, respondent Salic told other members of the Maute group to prepare coffee and food for them.

Finally, they allege that the persons who abducted and detained them introduced themselves as members of ISIS and also known in Lanao del Sur as the Maute Group, Islamic State-Ranao, IS-Ranao, Lions of IS Ranao, Islamic State of Lanao, Daulat UI Islamiyah, Daulat Islamiyah, Islamic State in Southern Philippines, Islamic State East Asia, Ang mga Sundalo ng Khilafah sa Silangang Asya, Dawlat Islamiyah Ranao and Dawlah Islamiyah.

Complainant Esperanza Janubas avers that she is the mother of Jaymart Capangpangan and the sister of Salvador Janubas.

Subpoena, with attached copies of the complaint, supplemental complaint, sworn statements of the complainants and other

documentary evidence, were sent to

- (1) respondents Hadja Anisah Gunda and @ Ambro, at Barangay Sandab, Butig, Lanao Del Sur;
- (2) respondents TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail, Wendell Apostol Facturan @ Wendel Apostol Facturan @ Muraimin, and Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming, at the Davao City Jail, Ma-a, Davao City;
- (3) respondent Russel Langi Salic a.k.a. Russell Salic, at the NBI Jail/Security Management Section, General Services Division, National Bureau of Investigation, Taft Avenue, Manila; and
- (4) the remaining forty-nine (49) respondents at Barangay Poktan, Butig, Lanao Del Sur, their last known address,

directing them to appear before the undersigned at the designated date, time and place, and to submit their counter-affidavit and controverting evidence.

Preliminary investigation was conducted on:

- (1) August 14, 2017 at the Department of Justice, Manila;
- (2) August 23, 2017, at the Department of Justice, Manila;
- (3) September 7, 2017, at the Office of the Regional Prosecutor, Region X, Carmen, Cagayan De Oro City;
- (4) September 8, 2017, at the Davao City Jail, Ma-a, Davao City;
- (5) September 13, 2017, at the Department of Justice, Manila; and
- (6) September 27, 2017, at the Department of Justice, Manila.

During the preliminary investigation, only the following respondents filed their counter-affidavit and/or controverting evidence:

- (1) TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail;
- (2) Wendell Apostol Facturan @ Wendel Apostol Facturan @ Muraimin;
- (3) Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming;
- (4) Zack Villanueva @ Haron @ Zack Haron Villanueva Lopez @ Herwin Madrona; and
- (5) Russel Langi Salic a.k.a. Russell Salic.

Respondent TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail denies the charges. He avers that from April 4 to 10, 2016, he was in Cotabato City tending to his business. On April 10, 2016, he was at home and recalls that respondent Musalli Mustapha arrived to deliver food because it was the birthday of the latter's sister.

Respondent Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming denies the charges. He avers that from April 4 to 10, 2016, he was in Cotabato City. On April 10, 2016, it was the birthday of his sister Princess Urbano Mustapha. In the evening of the said day, he went to the house of respondent TJ Tagadaya Macabalang to deliver food. Thus, it was impossible for them to be at the crime scene.

Respondent Wendell Apostol Facturan @ Wendel Apostol Facturan @ Muraimin denies the charges. He avers that it was only on June 5, 2016 that he embraced Islam, as witnessed by Jackson M. Usi. In April 2016, he was at home tending to their small store.

Respondent Zack Villanueva @ Haron @ Zack Haron Villanueva Lopez @ Herwin Madrona denies the charges. He avers that it was only during the last week of June 2016 that he embraced Islam. From April 4 to 10, 2016, he was in Luzon doing construction work with his cousin. It was only on June 10, 2016 that he was able to step foot in Mindanao, particularly in Cotabato City.

Respondent Russel Langi Salic a.k.a. Russell Salic denies the allegations of the complainants. He avers that in his entire life he never step foot in Butig, Lanao Del Sur, neither has he cleaned any firearm. He is a resident physician at the Northern Mindanao Medical Center (NMMC) in Cagayan De Oro City, which is 155 kilometers away from Butig and 110 kilometers away from Marawi City. On April 4, 2016, at 6:40 a.m., he reported for work at NMMC and he left the hospital at 7:20 p.m. On April 5, 2016, at 6:21 a.m. he reported at NMMC and left the hospital at 7:00 a.m. for Laguindingan Airport. On April 5, 2016, he boarded Cebu Pacific Flight No. 5J-204 for Mactan-Cebu International Airport; at 1:35 p.m., he boarded Cebu Pacific Flight No. 5J-227 for Puerto Princesa City, Palawan. From April 6 to 9, 2016, he attended the 26th Philippine Orthopedic Association (POA) Mid-Year Convention, at Aziza Hotel, Puerto Princesa City. On April 10, 2016, at 10:20 a.m. he boarded Cebu Pacific Flight No. 5J-638 in Puerto Princesa City for Manila. On April 10, 2016, at 4:00 p.m., he arrived at Laguindingan Airport on board Cebu Pacific Flight No. 5J-389. He submitted his Daily Time Record at NMMC from April 1 to 30, 2016; NMMC Hospital Order No. 046-G s. 2015; Cebu Pacific Itinerary Receipt with Confirmation No. H6BPVY; Certificate of Attendance issued to Russel Salic by The POA, South Luzon Chapter, that he actively participated in its 26th Midyear Convention; and name tag of Russel Salic for the 26th POA Midyear Convention.

In reply to the denials and allegations of respondent Russel Langi Salic a.k.a. Russell Salic, complainants Gabriel Permitis, Alfredo Cano-os, Adonis Mendez and Julito Janubas allege that, while they were detained by the Maute Group, they saw respondent Salic in a room full of firearms. They were guarded while their hands and feet were tied. They cannot be mistaken about respondent Salic's identity since the latter personally ordered other members of the Maute group to give them coffee and to guard them so they will not be able to escape. They have no reason nor ill motive to implicate respondent Salic in their abduction and detention since they do not personally know him. They maintain that the bald and stocky man whom they saw inside a room at the Maute camp where they were detained was respondent Salic and no one else.

In his Rejoinder, respondent Russel Langi Salic a.k.a. Russell Salic reiterated his defense of alibi. He argues that complainants' accusations are fabricated and based on hearsay and they were coached to implicate him. It is beyond belief how complainants were able to identify the names and aliases of all respondents, including his name. The same can only be done by using a list supplied by those who compiled these names and aliases, and furnishing such list to the drafter of the sworn statement of complainants. He had given almost daily diligence to his residency training in orthopedics and traumatology from April 1, 2012 to May 21, 2016. His completion of the 4-year rigorous expertise education is evidenced by the Certificate of Residency Training from the NMMC issued on July 25, 2016. Finally, he submitted photographs of himself, with companions, while he was in Palawan.

After a careful review and evaluation of the evidence submitted by the parties, the undersigned finds probable cause to charge respondents: Abu Akmad, Jer Mimbantas @ Zakaria, Alihasan Panolong @ Abu Amar, Fakhrudin Dilangalin @ Abu Said, Osoph Hadji Nasif, Hafiz Maute, Abang Alawiya Dimapi, Abang Samsoden Ragaolan, Abdul Malik, Omair Khalil @ Omar Khalil @ Umair Pacora Khalil, Jamil B. Amir, Hata M. Lantud, Abu Apghan, Eyemen Alonto, Anthony Jake Perez @ Yusoph Macuto @ Abu Rasas, Datu Hashim Balawan Maute @ Apple @ Apol, Felix Quiamson @ Abu Sheerah, Moises Franklin Bronia Mahusay @ Abu Samin @ Musa, Rodolph Legarda Paras @ Mohammad Anzar @ Abu Hana, Joselito P. Melloria @ Ali, Abu Khalid, @ Said, @ Harit, @ Subair, @ Samim, @ Tarlak Mohammad Noaim Maute @ Abu Jadid, @ Bobby, @ Katine, @ Assad Ben Mohammad, @ Baby, Abdul Sidiq Raupan Maute, @ Abu Subair, @ Cardawi, @ Gazem, @ Nail, @ Alnor, @ Osama, @ Baghdadi, Abdul Jalil Moda Burot, Abdul Jalil Saipoden Bilao, Jama Romato, @ Hadid, @ Khatab, @ Bemboy, @ Matinek, TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail, Wendell Apostol Facturan @ Wendel Apostol Facturan @ Muraimin, Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming, Zack Villanueva @ Haron @ Zack Haron Villanueva Lopez @ Herwin Madrona, Mohammad L. Chenikadiyil @ Datu Boy, Ausan Abdullaah Mamasapano @ Abu Hamsa, Russe

Langi Salic a.k.a. Russell Salic, Hadja Anisah Gunda, and Ambro, for the

- (1) kidnapping and serious illegal detention of Gabriel Tomatao Permitis in NPS RXIV-04-INV-16H-00179;
- (2) kidnapping and serious illegal detention of Alfredo Sarsalejo Cano-os in NPS RXIV-04-INV-16H-00180;
- (3) kidnapping and serious illegal detention with murder of Jaymart Janubas Capangpangan in NPS RXIV-04-INV-16H-00181;
- (4) kidnapping and serious illegal detention with murder of Salvador Permitis Janubas in NPS RXIV-04-INV-16H-00181;
- (5) kidnapping and serious illegal detention of Adonis Antipisto Mendez in NPS RXIV-04-INV-16H-00182; and
- (6) kidnapping and serious illegal detention of Julito Permitis Janubas in NPS RXIV-04-INV-16H-00183.

Article 267 of the Revised Penal Code, as amended by Republic Act (R.A.) No. 7659, provides that:

"Article 267. Kidnapping and Serious Illegal Detention. - Any person who shall kidnap or detain another or in any other manner deprive him of his liberty, shall suffer the penalty of **reclusion perpetua** to **death**:

"1. If the kidnaping or detention shall have lasted more than three days;

"2. If it shall have been committed simulating public authority;

"3. If any serious physical injuries shall have been inflicted upon the person

kidnapped or detained, or if threats to kill him shall have been made;

"4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female, or a public officer.

"The penalty shall be **death** where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above mentioned were present in the commission of the offense.

"When the victim is **killed** or **dies** as a consequence of the detention, or is raped or is subjected to torture or dehumanizing act, **the maximum penalty shall be imposed.**"

The elements of kidnapping and serious illegal detention are as follows:

- (1) That the offender is a private individual;
- (2) That he kidnaps or detains another, or in any manner deprives the latter of his liberty;
- (3) That the act of detention or kidnapping must be illegal;
- (4) That in the commission of the offense, any of the following circumstances is present:
 - (a) That the kidnapping or detention lasts for more than three (3) days;
 - (b) That it is committed simulating public authority;
 - (c) That any serious physical injuries are inflicted upon the person kidnapped or detained or

Jaymart Capangpangan, Salvador Janubas and Julito Janubas, in order to deprive them of their liberty against their will, and the illegality of the abduction and detention of said complainants and victims, are apparent:

- (1) On April 4, 2016, at about 1:00 p.m., in a lumber yard at Barangay Sandab, Butig, Lanao del Sur, twelve (12) respondents, on board a white pick-up, arrived;
- (2) These respondents poked their firearms at Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas and shouted **dapa dapa**, to which the latter obliged;
- (3) These respondents threatened, kicked and hit Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas;
- (4) The hands of Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas were tied as they walked towards a white pick-up;
- (5) While Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas were walking, some respondents fired their guns;

Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas were brought to and detained in the Maute Camp, at Barangay Poktan, Butig, Lanao del Sur;

- (7) In Barangay Poktan, Butig, Lanao del Sur, Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, and Julito Janubas saw more than one hundred (100) respondents, who were armed members of the Maute group;
- (8) These armed members of the Maute group guarded, investigated, tortured, and threatened to kill and behead Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas, as they were forced to admit as spies of the Philippine Army;
- (9) On April 8, 2016, or on the fourth (4th) day of their detention, Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas were made to wear by respondents orange clothes and were photographed;
- (10) According to respondents, the photographs will be uploaded in the internet to show their support to the ISIS;
- (11) Respondents told Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas that they will be beheaded because the government refuse to release one (1) of their (Maute) member who is in custody of the Philippine Army and to prove to the world that the Maute Group is a legitimate ISIS organization.

In the abduction and detention of Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas, the following circumstances were present:

- (1) That the kidnapping or detention lasted for more than three (3) days, i.e., from April 4, 2016 to April 10, 2016 when, few hours after the beheading of Jaymart Capangpangan and Salvador Janubas, Gabriel Permitis, Adonis Mendez, Alfredo Cano-os and Julito Janubas were blindfolded, boarded on a vehicle and were left in a vacant lot;
- (2) Respondents threatened to kill Gabriel Permitis, Adonis Mendez, Alfredo Cano-os, Jaymart Capangpangan, Salvador Janubas and Julito Janubas by beheading because:
 - (a) They were suspected to be spies of the Philippine Army;
 - (b) The Government refuse to release one (1) member of the Maute group who was in the custody of the Philippine Army; and
 - (c) Respondents wanted to prove to the world that their (Maute) group is a legitimate ISIS organization.

On the sixth (6th) day of their detention inside the Maute Camp, at Barangay Poktan, Butig, Lanao del Sur, Jaymart Capangpangan and Salvador Janubas were killed by respondents. Thus,

- (1) In the afternoon of April 10, 2016, Jaymart Capangpangan and Salvador Janubas were beheaded by respondents Abdulah Maute and alias "Azam";
- (2) Gabriel Permitis, Adonis Mendez, Alfredo Cano-os and Julito Janubas were about ten (10) meters away and witnessed the beheading; and
- (3) Members of the Maute group shouted *alawakbar* and threatened to behead Gabriel Permitis, Adonis Mendez,

Alfredo Cano-os and Julito Janubas.

With respect to the beheading of Jaymart Capangpangan and Salvador Janubas, respondents should be charged for the special complex crime of kidnapping and serious illegal detention with murder in view of the amendment of Article 267 of the Revised Penal Code by R.A. No. 7659. Thus, where the person kidnapped is killed in the course of the detention, regardless of whether the killing was purposely sought or was merely an afterthought, the kidnapping and murder can no longer be complexed under Article 48 of the Revised Penal Code, nor be treated as separate crimes, but shall be punished as a special complex crime under the last paragraph of Article 267 of the same Code, as amended by R.A. No. 7659 (*page 582, The Revised Penal Code, Book Two, 18th Edition, 2012, by Luis B. Reyes*).

Insofar as respondents TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail, Wendell Apostol Facturan @ Wendel Apostol Facturan @ Muraimin, Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming, Zack Villanueva @ Haron @ Zack Haron Villanueva Lopez @ Herwin Madrona, and Russel Langi Salic a.k.a. Russell Salic are concerned, their alibi cannot outweigh the positive declarations of complainants Gabriel Permitis, Alfredo Cano-os, Adonis Mendez and Julito Janubas who saw them inside the camp of the Maute group, at Barangay Poktan, Butig, Lanao del Sur, during their detention.

As repeatedly held by the Supreme Court, positive identification prevails over denials and alibis (*People vs. Lagarteja*, 291 SCRA 142; *People vs. Robedillo*, 286 SCRA 379; *People vs. Correa*, 285 SCRA 679; *People vs. Ballesteros*, 285 SCRA 438). Between a positive and categorical testimony on one hand, and a bare denial on the other, the former generally prevails (*People vs. Obello*, 284 SCRA 79). Positive testimony is stronger than negative testimony, and alibi is worthless in the face of the positive identification of the above respondents (*People vs. Abangin*, 297 SCRA 655). Alibi, like denial, is inherently weak and have always been viewed with disfavor by the courts due to the facility with which they can be concocted (*People vs. Dacoba*, 289 SCRA 265; *People vs. Cabiles*, 284 SCRA 199). No jurisprudence in criminal cases is more settled than that

alibi is the weakest of all defenses, for which reason it should be rejected when the identity of the accused is sufficiently and positively identified by credible witnesses to the crime (*People vs. Sumalpong*, 284 SCRA 464).

Moreover, insofar as respondent Russel Langi Salic a.k.a. Russel Salic is concerned, his negative assertion cannot prevail over the testimony of victims/complainants Gabriel Permitis, Alfredo Cano-os, Adonis Mendez and Julito Janubas describing in sufficient detail his active participation in the commission of the crimes charged (*People vs. Gungon*, 287 SCRA 618). As aptly stated, the most natural reaction of victims of violence is to strive to see the appearance of the perpetrators of the crime and observe the manner in which the crime was committed (*People vs. Pulusan*, 290 SCRA 353).

It is of no moment how complainants Gabriel Permitis, Alfredo Cano-os, Adonis Mendez and Julito Janubas later came to know the name Russel Langi Salic a.k.a. Russell Salic as that of the bald and stocky man whom they saw while detained inside the camp of the Mautog group at Barangay Poktan, Butig, Lanao del Sur, since identification of a person is not to be confused with knowledge of his name (*People vs. Barredo*, 297 SCRA 246).

Respondent Salic's arguments that complainants' accusations are fabricated and based on hearsay, and that they were coached to implicate him, deserve scant consideration. It bears emphasis that during the preliminary investigation, on August 14, 2017, Adonis Mendez, Alfredo Cano-os and Julito Janubas cannot hide their emotions when they were requested to identify respondent Salic. Adonis Mendez was so furious that he almost hit respondent Salic but was restrained by DOJ and NBI personnel.

While revenge is a normal reaction of one betrayed, harmed or otherwise of one who lost a loved one, it does not follow that the desire to avenge such betrayal, harm or loss would include implicating even innocent persons or would be directed aimlessly so as to include innocent persons (*People vs. Mendoza*, 292 SCRA 168; *People vs. Baccay*, 284 SCRA 296). If respondent Salic had really nothing to do with the crimes charged, it would be against the natural

order of events and of human nature, and against the presumption of good faith that complainants would falsely testify against him (People vs. Villamor 292 SCRA 384). Absent of evidence that complainants were actuated by improper motive, the presumption is that they are not so actuated and their statements are entitled to full faith and credit (People vs. Ebrada, 296 SCRA 353; People vs. Alfeche, 294 SCRA 352; People vs. Banguis, 291 SCRA 279; People vs. Solis, 291 SCRA 529; People vs. Gementiza, 285 SCRA 478).

As regards respondents Hadja Anisah Gunda and @ Ambro, absent of any explanation as to why they were talking to Ominta Romato Maute @ "Farhana" and Cayamora Maute prior to the abduction of the victims, establishes their complicity with the abductors. Their complicity is also established by respondent Hadja Anisah Gunda's execution of an affidavit stating that certain persons never took part in the abduction of the victims, when in fact she and @ Ambro were not present during such abduction. Their complicity is further strengthened by respondent Hadja Anisah Gunda's statement that she negotiated with the Maute group for the release of the victims, which only proves their association with such group.

Finally, complainants Gabriel Permitis, Adonis Mendez, Alfredo Cano-os and Julito Janubas having positively identified all respondents to be part of their abduction and/or detention, the actual participation of each and every one of the latter is inconsequential, since in conspiracy the guilt of one of them is the guilt of all (People vs. Sumalpong, 284 SCRA 464).

In conspiracy, the act of one conspirator is the act of the other conspirators. It is of no moment that a respondent has not taken part in the actual commission of every act constituting the crime, each of the conspirators being held in the same degree of liability as the others (People vs. Gungon, 287 SCRA 618). Where conspiracy is established, the precise modality or extent of participation of each conspirator becomes secondary. The inaction of a respondent where he could have prevented the crime only reveal his complicity thereto (People vs. Lising, 285 SCRA 595).

Criminal liability exists notwithstanding non-participation in every detail in the execution of the crime (*People vs. Medina*, 292 SCRA 436). In conspiracy, it is not necessary to show that all the conspirators actually killed the victim (*People vs. Umadhay*, 293 SCRA 545). Where conspiracy has been established, it is unnecessary to pinpoint who among the accused inflicted the fatal blow (*People vs. Obello*, 284 SCRA 79). While mere presence in the crime scene, absent of any proof to support the allegation of conspiracy, cannot be considered as an indication of respondents being conspirators, circumstances under which respondents were found, coupled with their conduct, may produce moral conviction that they must have participated in the commission of the offense. To escape from criminal liability, the conspirator must perform overt acts to stop or dissociate himself from the unlawful plan to commit the felony (*People vs. Gargar*, 300 SCRA 542).

WHEREFORE, it is respectfully recommended that this Joint Resolution be **APPROVED**, and the attached Amended Informations in Criminal Cases No. 2017-441, 2017-442, 2017-445 and 2017-446 for Kidnapping and Serious Illegal Detention, and Amended Informations in Criminal Cases No. 2017-443 and 2017-444, for Kidnapping and Serious Illegal Detention with Murder, which include respondents Abu Akmad, Jer Mimbantas @ Zakaria, Alihasan Panolong @ Abu Amar, Fakhrudin Dilangalin @ Abu Said, Osoph Hadji Nasif, Hafis Maute, Abang Alawiya Dimapi, Abang Samsoder Ragaolan, Abdul Malik, Omair Khalil @ Omar Khalil @ Umair Pacora Khalil, Jamil B. Amir, Hata M. Lantud, Abu Apghan, Eyemen Alonto, Anthony Jake Perez @ Yusoph Macuto @ Abu Rasas, Datu Hashim Balawag Maute @ Apple @ Apol, Felix Quiamson @ Abu Sheerah, Moises Franklin Bronia Mahusay @ Abu Samin @ Musa Rodolph Legarda Paras @ Mohammad Anzar @ Abu Hana Joselito P. Melloria @ Ali, Abu Khalid, @ Said, @ Harit, @ Subair, @ Samim, @ Tarlaki, Mohammad Noaim Maute @ Abu Jadid, @ Bobby, @ Katine, @ Assad Ben Mohammad, @ Baby, Abdul Sidic Raupan Maute, @ Abu Subair, @ Cardawi, @ Gazem, @ Nail, @ Alnor, @ Osama, @ Baghdadi, Abdul Jalil Moda Burot, Abdul Jalil Saipoden Bilao, Jamal Romato, @ Hadid, @ Khatab, @ Bemboy, @ Matinek, TJ Tagadaya Macabalang @ Abu Tufael @ Abu Tufail Wendell Apostol Facturan @ Wendel Apostol Facturan @

Muraimin, Musalli Mustafa @ Musalli Mustapha @ Musalli Urbano Mustapha @ Mus @ Abu Hurayra @ Miming, Zack Villanueva @ Haron @ Zack Haron Villanueva Lopez @ Herwin Madrona, Mohammad L. Chenikadiyil @ Datu Boy, Ausan Abdulla, Mamasapano @ Abu Hamsa, Russel Langi Salic a.k.a. Russel Salic, Hadja Anisah Gunda, and @ Ambro as accused, be **APPROVED** and filed before the Regional Trial Court, Twelfth (12th) Judicial Region, Branch 11, Malabang, Lanao Del Sur.

SO ORDERED.

City of Manila, December 12, 2017.


PETER L. ONG

Senior Assistant State Prosecutor
Per Department Order No. 879, December 1, 2016

Recommending Approval:


AMOR L. ROBLES

OIC-Senior Deputy State Prosecutor
(per Department Order No. 105, February 21, 2017)

Approved by:


JORGE G. CATALAN

Acting Prosecutor General
(per Department Order No. 394 dated June 9, 2017)

Copy furnished:

P/INSP ANTONIO SAMILLANO AGUIT
Butig Municipal Police Station
Lanao del Sur Police Provincial Office
Bayabao, Butig, Lanao del Sur

GABRIEL TOMATAO PERMITIS
ALFREDO SARSALEJO CANO-OS
ESPERANZA PERMITIS JANUBAS

**ADONIS ANTIPISTO MENDEZ
JULITO PERMITIS JANUBAS**
Purok 9, Barangay Upper Hinaplanon
Iligan City

**HADJA ANISAH GUNDA
@ AMBRO**
Barangay Sandab, Butig
Lanao Del Sur

**TJ TAGADAYA MACABALANG @ ABU TUFAEL @ ABU
TUFAIL
WENDELL APOSTOL FACTURAN @ WENDEL APOSTOL
FACTURAN @ MURAIMIN
MUSALLI MUSTAFA @ MUSALLI MUSTAPHA @
MUSALLI URBANO MUSTAPHA @ MUS @ ABU
HURAYRA @ MIMING
ZACK VILLANUEVA @ HARON @ ZACK HARON
VILLANUEVA LOPEZ @ HERWIN MADRONA**
c/o Davao City Jail
Ma-a, Davao City

RUSSEL LANGI SALIC a.k.a. RUSSELL SALIC
c/o NBI Jail/Security Management Section
General Services Division
National Bureau of Investigation
Taft Avenue, Manila

**ABU AKMAD
JER MIMBANTAS @ ZAKARIA
ALIHASAN PANOLONG @ ABU AMAR
FAKHRUDIN DILANGALIN @ ABU SAID
OSOPH HADJI NASIF
HAFIS MAUTE
ABANG ALAWIYA DIMAPI
ABANG SAMSODEN RAGAOLAN
ABDUL MALIK
OMAIR KHALIL @ OMAR KHALIL @ UMAIR PACORA
KHALIL**

JAMIL B. AMIR
HATA M. LANTUD
ABU APGHAN
EYEMEN ALONTO
ANTHONY JAKE PEREZ @ YUSOPH MACUTO @ ABU
RASAS
DATU HASHIM BALAWAG MAUTE @ APPLE @ APOL
FELIX QUIAMSON @ ABU SHEERAH
MOISES FRANKLIN BRONIA MAHUSAY @ ABU SAMIN @
MUSA
RODOLPH LEGARDA PARAS @ MOHAMMAD ANZAR @
ABU HANA
JOSELITO P. MELLORIA @ ALI
ABU KHALID
@ SAID
@ HARIT
@ SUBAIR
@ SAMIN
@ TARLAKI
MOHAMMAD NOAIM MAUTE @ ABU JADID
@ BOBBY
@ KATINE
@ ASSAD BEN MOHAMMAD
@ BABY
ABDUL SIDIQ RAUPAN MAUTE
@ ABU SUBAIR
@ CARDAWI
@ GAZEM
@ NAIL
@ ALNOR
@ OSAMA
@ BAGHDADI
ABDUL JALIL MODA BUROT
ABDUL JALIL SAIPODEN BILAO
JAMAL ROMATO
@ HADID
@ KHATAB
@ BEMBOY
@ MATINEK

16

MOHAMMOD L. CHENIKADIYIL @ DATU BOY
AUSAN ABDUALLAH MAMASAPANO @ ABU HAMSA
Barangay Poktan, Butig
Lanao del Sur

16

el Tomatoes Per...etal vs. Ominta P...ete, etal
 RXIV-04-INV-16H-00179 to 00183

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 RD 854 103 186 ZZ

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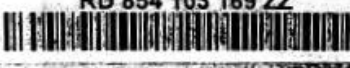
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 (4)

Note:
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 2) Hadja Am... + 8 Ambro
 3) TS...
 4) Weber...
 5) Mucalli Mustafa
 6) Zack Villanueva
 7) Abu Akmad + 20 others
 8) SAID + 26 others