



## DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

# PRESS RELEASE

22 June 2009

### **NAPOLCOM SUSPENDS MABANAG, 5 OTHERS FOR GRAVE MISCONDUCT IN CONNECTION WITH HANDLING OF FAILON-ETONG CASE**

The National Police Commission (Napolcom) yesterday suspended for six months Supt, Franklin Moises Mabanag and five other officers of the Quezon City Police District after finding them culpable for grave misconduct in connection with their handling of the arrest of the relatives of the late Trinidad Arteche Etong, the wife of broadcaster Ted Failon, two months ago.

In a 22-page decision, the Napolcom, which is chaired by Interior and Local Government Secretary Ronnie Puno, also ordered the relief of Mabanag as chief of the Criminal Investigation and Detection Unit (CIDU) along with the five other suspended police officers, namely, CIDU deputy chief Supt, Gerardo Ratuira, Chief Insp, Cherry Lou Donato, Chief Insp. Enrico Figueroa, Senior Insp. Roberto Razon Sr. and Insp. Erlinda Garcia.

Three other police officers—Supt., Marcelino Pedrozo, SPO2 Jerry Abada and PO2 Joycelyn Marcelo, were exonerated of the charges filed against them in connection with the Etong case for insufficiency of evidence.

The administrative case against Mabanag and the other respondents were initiated by the Inspection, Monitoring and Investigation Service (IMIS) of the Napolcom following the arrest of the sister-in-law and house helpers of Failon, whose wife, Arteche-Etong, was found with a gunshot wound to the head last April 15. The National Bureau of Investigation, where the Napolcom had transferred the investigation of the case, concluded that Arteche-Etong had committed suicide.

The case stemmed from the arrest by Mabanag and other CIDU officers of Pamela Arteche-Trinchera, Failon's sister-in-law, and four helpers of the Failon household for the supposed commission of the crime of "obstruction of justice" last April 16.

Mabanag claimed that Arteche-Trinchera and the four helpers—Carlota Morbos, Wilfreda Bollicer, Pacifico Apacible and Glen Polan—committed the crime for allegedly giving contradictory statements to police investigators; failing to report the shooting of Arteche-Etong to the police and cleaning and altering material evidence in the incident.

The police officers claimed Arteche-Trinchera and the four helpers were arrested without warrants supposedly because they were committing the continuing offense of obstruction of justice at the time of the arrests.

In its decision, the Napolcom, however, noted that Mabanag and the five other police officers violated not only existing Police Operational Procedures on carrying out valid arrests, but also the Rules of Court as well.

The claim of Mabanag that the warrantless arrests were made because the crime being committed was a continuing offense cannot be justified, considering that the alleged crime of obstruction of justice took place April 15, the day of the shooting incident. The arrests done by Mabanag and his officers, however, were made the day after, at the New Era General Hospital where the late Arteche-Etong was rushed for medical treatment,.

“Clearly, there is no obstruction of justice. Ergo, the warrantless arrests were illegal,” the Napolcom decision stated.

The decision added: “The acts of respondents ...Mabanag and ...Ratuita were patently illegal. These acts constitute Grave Misconduct.”

The Napolcom also ruled that Mabanag and his group failed to substantiate their claim that those arrested were properly read their rights as required under the Miranda Doctrine,

The Napolcom, however, concluded that Mabanag and the other arresting officers did not use excessive force and that the video footage of the incident showed physical force was necessary because a commotion had already erupted inside the hospital where the arrests were made.

“Those who are supposed to enforce the law are not justified in disregarding the rights of the individual in the name of order,” the Napolcom stressed in its decision.

It added: “An overzealous enforcement of laws resulting in the violation of basic rights of our citizens should not be condoned.”

As for respondents Pedrozo, Abad and Marcelo, the Napolcom ruled that there was insufficient evidence against charges that they deliberately concealed the names of the police officers who participated in the arrest of Arteche-Trinchera and the helpers in the Failon household.

Mabanag and Ratuita were earlier placed on preventive suspension for 30 days by the Napolcom pending the investigation of the case against them.