

STATEMENT OF EFREN C. MORILLO
SURVIVOR OF EXTRALEGAL KILLINGS
AND
LEAD PETITIONER BEFORE THE PHILIPPINE SUPREME COURT
IN THE FIRST LEGAL CHALLENGE
AGAINST OPERATION PLAN TOKHANG,
PHILIPPINE PRESIDENT RODRIGO DUTERTE'S
"WAR ON DRUGS"

SUBMITTED TO THE
TOM LANTOS HUMAN RIGHTS COMMISSION,
UNITED STATES CONGRESS

*English Translation of the Statement Given in Filipino,
the Philippine National Language.
Prepared with the assistance of the
Center for International Law (Centerlaw)-Philippines*

Manila, Philippines, 5 May 2017.

1. I am Efren C. Morillo, 29 years old, Filipino, and a resident of San Isidro, Montalban, Rizal, Philippines.
2. I was not able to finish any formal education. I was not even able to finish the First Grade of my elementary education. Being the eldest among five siblings and the father of two young boys, and with my parents being unemployed, I became the breadwinner of my family. I learned to work hard and take care of myself at a very young age. Though I had very limited schooling, I was able to provide for myself and my family by being a fruit and vegetable vendor. I used to ply the markets and streets of Manila. I also extended credit in small amounts - my meager earnings from selling. It was a hard to make ends meet, but we scraped by on so little. Until that day in August last year when what little peace and comfort that I and my family had were taken away.
3. On August 21, 2016, at one o' clock in the afternoon, I went to see my friend Marcelo Daa, Jr. at his house. Marcelo - more known by his nickname Nonoy - is a garbage picker who lived in Payatas,

Quezon City, where Manila's major dumpsite is located. I went to Nonoy to collect money he owed me in the amount of Php 1,000 (\$20.17). I found him at his house with his three other friends, Jessie Cule, Rhaffy Gabo and Anthony Comendo, who are also garbage pickers. Nonoy's live-in partner Maribeth Bartolay, his sister Marla, and his Aunt Ising were also there.

4. When I asked him to pay what he owed me, Nonoy requested that I wait a few hours while he looked for a way to pay me. I agreed to wait. To pass the time, I played pool with Nonoy and Jessie at the pool table in a shack on one side of the yard. Meanwhile, Rhaffy and Anthony were at the back of the house, dozing in the hammock. The women were inside the house, preparing food.

5. Suddenly, five men and two women in civilian clothes arrived. They did not say who they were. They quickly entered the gate and drew guns. They pointed their guns at us and shouted "Don't run!"

6. Shocked, we immediately held up our hands. The armed men handcuffed Nonoy and me. They pulled electric wire from the ceiling of the shack which they used to tie Jessie's hands. They also took Rhaffy and Anthony from the back of the house and tied their hands with electric wire. Then they made the five of us sit side by side on a bench in the yard.

7. The whole time, the armed men kept accusing the five of us of being involved in illegal drugs. We piteously protested that we are innocent of any crime or wrongdoing.

8. At that point, I realized that the armed men are policemen. Later, I learned their names as Police Chief Inspector Emil Garcia, Police Officer 3 Allan Formilleza, Police Officer 1 Melchor Navisaga, and Police Officer 1 James Aggarao.)

9. Telling us they would kill us if we run, the armed men swarmed over the compound. Some of them entered the house and ransacked it. They were laughing and shouting: "Bring out the Pokemon! Where did you put the Pokemon?!" Shaking in fear, Maribeth told them she did not know what they were talking about.

10. The men did not find any contraband, only a cigarette lighter in the shape of a gun and some shiny paper, which they took. They made Maribeth take off her two silver necklaces and rings, which

they took as well. They also appropriated Nonoy's collection of metal objects he painstakingly retrieved from trash.)

11. While the men were inside the house, Marla ran out and went to her brother Nonoy. Sobbing uncontrollably, she asked Nonoy what would happen to him. Dolefully, Nonoy told Marla to leave. Though handcuffed, he took pains to remove his rings and bracelet and handed them to Marla. Clutching the jewelry, Marla left.

12. The armed men emerged from the house carrying the shiny paper and lighter in the shape of a gun. They insisted that the items prove our involvement in illegal drugs. We fervently denied owning the items and begged them to believe us.

13. The men yanked us up and brought the five of us to the back of the house. They made Anthony, Rhaffy and Jessie kneel on the ground, while one of the gunmen who later on I learned to be Police Officer 3 Allan Formilleza brought Nonoy and I inside a makeshift room with two walls missing.

14. Without warning, Formilleza raised his gun and fired at me. I fell to the ground and felt a burning sensation in my chest, but I did not lose consciousness. I saw Formilleza fire two shots at Nonoy, who fell to the ground beside me and started running after his breath. Formilleza fired another shot at Nonoy, shattering his head.

15. Filled with terror, I closed my eyes and played dead.

16. Outside, I heard many gunshots fired. I heard many voices raised – some angry, some crying pitifully. I heard someone instruct: "Don't touch that, say they fought back. Leave the evidence."

17. When I sensed that Formilleza had left the room, I crawled out of the opening and onto the edge of the ravine only a few meters away. Clutching my chest wound, I slid down the ravine, crossed the stream at the bottom, trudged up the hill on the other side and walked until I reached the highway.

18. While walking, I prayed to God. I prayed that I may live to see my children grow up, and to seek justice for Nonoy and his friends who were murdered.

19. At the highway, people ran away from in fear as I was drenched in blood. Thankfully, I found a neighbor who was the barker of a

jeepney. He and the driver took pity on me and brought me to a clinic near my home in Montalban, Rizal.

20. I arrived at the Montalban Infirmary at five o' clock in the afternoon. To my dismay, there was no doctor on duty to treat me, and the clinic personnel merely covered my chest wound with gauze. Worse, they reported my being shot to policemen at the Community Police Action Center (COMPAC) nearby.

21. Policemen went to see me at the infirmary. I recounted to them the attack against us that afternoon by policemen in Payatas, Quezon City. I listened in growing horror at the policemen's insistence that they turn me over to the Quezon City Police Station 6, the station that covers Payatas and where the perpetrators are most likely assigned. I begged them not to hand me over. I insisted that I did not commit any crime and that I am in fact the victim)

22. Despite my pleas, the Rizal policemen loaded me in an ambulance and brought me to Quezon City Police Station 6 in Batasan Hills, Quezon City. We arrived at the police station at around nine o' clock in the evening. I was made to wait indefinitely. I slipped in and out of consciousness as I lay on the ambulance stretcher. At one time, I heard a voice say: "That kid is strong. He was shot three o' clock, up to now he's alive."

23. Finally, after many pleas by my mother Victoria who accompanied me in the ambulance, the policemen brought me to East Avenue Medical Center. I arrived at the said hospital around midnight. I was made to walk on my own going to the emergency room. Even as I was running after my breath and fighting for my life, the policemen who went with us chained me to the hospital bed.

24. I was operated upon by and given treatment for ten days. My parents, Martino and Victoria Morillo, stayed with me in the hospital. Throughout the ten days, I was held captive. Policemen from the Quezon City Police District Station 6 were posted outside my room. They kept me in handcuffs the whole time, removing the handcuffs only when I needed to go to the bathroom.

25. Thankfully, officials from the Commission on Human Rights rescued me from the policemen. They took me under their care and protection. Shortly after that, my relatives were able to get for me help from lawyers of the Center for International Law (Centerlaw)-Philippines.

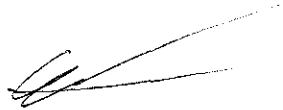
26. Even after that fateful day in August, the ordeal continued. The perpetrators who are policemen filed a criminal case of Direct Assault Upon Agents of Persons in Authority against me with the Quezon City Metropolitan Trial Court. According to the policemen, I resisted arrest and fought back during a Tokhang operation. They alleged that a gunfight ensued between them and me and my companions. They accused us of being caught in the act of using drugs, and being notorious drug suspects and even holduppers.

27. The family members of the deceased victims suffered the same plight. The perpetrators terrorized them even after the incident. They returned to the house of Nonoy Daa several times. Bearing long firearms, they just barged in and took a video of the house and yard.

28. Seeking justice for the deaths of Nonoy, Jessie, Rhaffy, Anthony, and for myself, as well as protection to be given to my whole family, we filed a Petition for the Writ of Amparo before the Philippine Supreme Court on January 26, 2017. We sought the help of the Center for International Law (Centerlaw) - Philippines, a group of human rights lawyers who championed our cause. On January 31, 2017, the Supreme Court issued a Temporary Protection Order against the policemen involved in the killings. On February 10, 2017, the Court of Appeals to which the Supreme Court remanded the case made the protection order permanent.

29. Despite the prompt action of Philippine courts, things are worse. Our lives are so much harder now. My parents were forced to sell our house to pay for my bail and medical bills. They have been given notice by the new owner to vacate the premises by the end of April, 2017. Because I remain under tight custody and protection due to the danger to my life, I am unable to work and provide for my family. Moreover, Operation Plan Tokhang, after a brief suspension when our Petition for the Writ of Amparo was filed, has been brought back. It continues to claim thousands of lives.

30. I survived, but thousands did not. I owe it to them to speak out and join the quest for full justice for all the victims of the killings.



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Manila, Philippines, 5 May 2017.

1. Ako si Efren C. Morillo, dalawampu't siyam na taong gulang, Filipino at nakatira sa San Isidro, Montalban, Rizal, Pilipinas.
2. Ako ay hindi nakapagtapos ng pag-aaral. Kahit ang unang baitang sa mababang paaralan ay hindi ko man lamang natapos. Bilang panganay sa limang magkakapatid at ama ng dalawang batang lalaki, ako ang naging tagapagtaguyod ng buong pamilya dahil walang hanapbuhay ang aking mga magulang. Sa murang edad ay natuto akong magsumikap upang buhayin at alagaan ang aking sarili. Sa kabila ng aking kakulangan sa pag-aaral, itinaguyod ko aking sarili at pamilya sa pamamagitan ng pagtitinda ng prutas at gulay. Masugid kong binabaybay ang mga talipapa at kalye ng Maynila upang magtinda. Mula naman sa aking maliit na kinikita, ako rin ay paminsan-minsang nagpapautang ng maliliit na halaga. Napakahirap ng buhay ngunit pinilit naming pagkasyahin kung anuman ang mayroon kami. Hanggang sa dumating ang araw na iyon ng Agosto noong nakaraang taon nang mawala ang kapayapaan at munting kaginhawaan ng aking pamilya.
3. Noong ika-21 ng Agosto 2016, ganap na ala una ng hapon, pinuntahan ko sa kanyang bahay ang aking kaibigan na si Marcelo Daa, Jr. Si Marcelo -- mas kilala sa kaniyang palayaw na Nonoy -- ay isang mangangalakal ng basura na nakatira sa Payatas, Quezon City, kung saan matatagpuan ang pinakamalaking tambakan ng basura sa

buong ka-Maynila-an. Aking pinuntahan si Nonoy upang singilin ang utang niya na nagkakahalaga ng Php 1,000 (\$20.17). Dumating ako sa kaniyang bahay kung saan kasama niya ang kaniyang tatlong kaibigan na sina Jessie Cule, Rhaffy Gabo at Anthony Comendo, kapwa mangangalakal din ng basura. Naroon rin ang kinakasama niya na si Maribeth Bartolay, nakababatang kapatid na si Marla, at tiyahin na si Tita Ising.

4. Nang singilin ko si Nonoy, sinabihan niya ako na maghintay ng ilang oras habang naghahanap siya ng paraan upang makabayad. Habang naghihintay, nakipaglaro ako ng "pool" kina Nonoy at Jessie sa "pool-an" sa kubo sa isang tabi ng bakuran. Sina Rhaffy at Anthony naman ay natutulog sa duyan sa may likod ng bahay. Ang mga babae ay naghahanda ng makakain sa loob ng bahay.
5. Bigla na lamang may dumating na limang lalaki at dalawang babae na naka-sibilyan. Hindi sila nagpakilala kung sino sila. Mabilis silang pumasok sa tarangkahan at bumunot ng baril. Tinutukan nila kami ng baril at sumigaw nang "Walang tatakbo!"
6. Kami ay nagulat kaya't kaagad naming itinaas ang aming mga kamay. Ako at si Nonoy ay pinosasan ng mga armadong lalaki. Humila rin sila ng electric wire mula sa kisame ng kubo na kanilang ginamit upang itali ang mga kamay ni Jessie. Pagkatapos ay pinaupo nila kaming lima nang tabi-tabi sa isang bangko sa labas ng bahay.
7. Paulit-ulit nila kaming pinararatangan nang pagkakasangkot sa ilegal na droga. Mariin at nagmamakaawa naming iginiit na kami ay inosente sa anumang krimen o maling gawain.
8. Sa puntong iyon, napagtanto ko na ang ilan sa mga armadong lalaki ay mga pulis. Kalaunan, nalaman ko ang kanilang mga pangalan bilang sina Police Chief Inspector Emil Garcia, Police Officer 3 Allan Formilleza, Police Officer 1 Melchor Navisaga, and Police Officer 1 James Aggarao.
9. Pagkatapos nila kaming sabihan na papatayin nila kami kapag kami ay tumakbo, nag-ikot ang mga armadong lalaki sa compound. Ang ilan ay pumasok sa bahay at hinalughog ito. Sila ay nagtatawanan at sumisigaw nang "Ilabas 'nyo na ang Pokemon! Saan 'nyo nilagay ang Pokemon?!" Nanginginig sa takot, sumagot si Maribeth na hindi nya alam kung ano ang tinutukoy nila.

10. Wala silang nakitang anumang kontrabando, maliban sa isang lighter ng sigarilyo na hugis-baril at ilang silver na foil na kanilang kinuha. Kinuha rin nila ang dalawang silver na kwintas at mga singsing na pinahubad nila kay Maribeth. Tinangay din nila ang mga kalakal na bakal ni Nonoy na pinaghirapan niyang ipunin mula sa mga basura.
11. Habang nasa loob ng bahay ang mga armadong lalaki, patakpong lumabas ng bahay si Marla at dumiretso sa kanyang kapatid na si Nonoy. Tumatangis si Marla na tinanong kay Nonoy kung ano na ang mangyayari rito. Kalunos-lunos na sinabihan ni Nonoy si Marla na tumakas na. At kahit na nakaposas, pinilit ni Nonoy na hubarin ang kaniyang mga singsing at pulseras upang ibigay kay Marla. Hawak ang mga alahas, umalis na si Marla.
12. Lumabas ang mga armadong lalaki mula sa bahay bitbit ang mga silver na foil at lighter na hugis-baril. Iginiit nila na ang mga bagay na iyon ay patunay ng aming pagkakasangkot sa ilegal na droga. Mariin naming itinanggi na sa amin ang mga naturang bagay at nagmamakaawang paniwaalan nila kami.
13. Hinila kaming patayo ng mga armadong lalaki at dinala kaming lima sa likod ng bahay. Pinaluhod nila sa lupa sina Anthony, Raffy at Jessie habang ang isa sa mga armadong lalaki na kalaunan ay aking nakilala na si Police Officer 3 Allan Formilleza ang nagdala sa akin at kay Nonoy sa isang kwarto sa likod ng bahay, na bukas sa tagiliran dahil wala ang dalawang pader.
14. Walang kaabog-abog na itinaas ni Formilleza ang kanyang baril at ipinutok sa akin. Bumagsak ako sa lupa at nakaramdam ng parang apoy sa aking dibdib, ngunit hindi ako nawalan ng malay. Nakita kong binaril ni Formilleza si Nonoy nang dalawang beses kaya't bumagsak siya tabi ko at nagsimulang maghingalo. Pinutukan ulit ni Formilleza si Nonoy at nabasag ang ulo nito.
15. Sa sobrang takot, ipinikit ko ang mga mata ko at nagpatay-patayan.
16. Sa labas, nakarinig ako ng maraming putok ng baril. Narinig ko rin ang maraming boses - ang ilan ay galit, habang ang ilan ay umiiyak na nagmamakaawa. Narinig ko na sinabi ng isa: "Huwag na 'yan at sabihing nanlaban. Iwanan ang ebidensya."

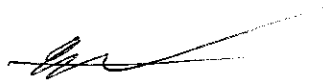
17. Nang mapansin kong umalis na ng kuwarto si Formilleza, gumapang ako palabas ng kuwarto papunta sa gilid ng bangin ilang metro lamang ang layo. Hawak ang aking dibdib na may tama ng bala, nagpadausdos ako sa bangin, tinawid ang sapa sa baba, inakyat ang burol sa kabila at naglakad hanggang makarating ako sa highway.
18. Habang naglalakad ay nanalangin ako sa Panginoon. Ipinanalangin ko na ako ay mabuhay pa nang sa gayon ay makita ko ang paglaki ng maliliit kong anak at nang mahanap ko ang katarungan para kina Nonoy at kanyang mga kaibigan na pinaslang.
19. Sa highway ay nilalayuan ako ng mga tao sa takot dahil ako ay duguan. Sa kabutihang palad ay nakatagpo ako ng kakilala na barker ng jeepney. Naawa siya at ang drayber sa akin kung kaya't dinala nila ako sa Montalban Infirmary sa Kasiglahan Village, Rodriguez, Rizal.
20. Dumating ako sa Montalban Infirmary bandang mga ala singko ng hapon ngunit sa aking pagkadismaya, walang doctor na nakaduty na maaring gumamot sa akin. Isang tauhan lang mula sa klinik ang nag nagtapal bandahe para takpan ang sugat ko sa dibdib. Upang palalain pa ang sitwasyo ay ini-report nila ang aking pagkakabaril sa mga pulis sa malapit na Community Police Action Center (COMPAC).
21. Pinuntahan ako ng mga pulis sa infirmary. Ikinuwento ko sa kanila ang pagsalakay sa amin nang haponng iyon ng mga pulis sa Payatas, Quezon City. Takot na takot akong nakikinig sa pag-giit ng mga pulis na ako ay iturn-over na lamang nila sa Quezon City Police Station 6 na may saklaw sa Bgy. Payatas, ang lugar na pinangyarihan ng insidente. Nagmakaawa ako sa kanila na huwag nila akong ibigay sa mga pulis-Quezon City. Idiniin ko na wala akong ginawang kasalanan at sa katunayan, ako ang biktima.
22. Ngunit sa kabila ng aking mga pagmamakaawa, isinakay ako ng mga pulis-Rizal sa isang ambulansya at dinala sa Quezon City Police Station 6 sa Bgy. Batasan Hills, Quezon City. Dumating kami sa police station bandang alas nuebe ng gabi at ako ay patuloy nilang pinaghantay. Nawawala-wala na ako sa ulirat habang nakahiga ako sa stretcher ng ambulansya. Sa isang punto, may narining ako na boses na nagsabing: "Matibay ang bata na 'yan. Alas tres pa may tama na, hanggang ngayon buhay pa."

23. Sa wakas, pagkatapos ng maraming pakiusap ng aking nanay na si Victoria na kasama ko sa ambulansya, dinala ako ng mga pulis sa East Avenue Medical Center. Bandang hatinggabi ay dumating ako sa ospital. Mag-isa akong pinaglakad papunta sa emergency room. Kahit habang ako ay naghihingalo at nag-aagaw-buhay, ipinosas ako sa kama ng ospital ng mga pulis na sumama sa amin.
24. Ako po ay inoperahan ng doktor at nilapatan ng lunas sa loob ng sampung araw. Ang mga magulang ko na sina Martino at Victoria Morillo ang kasa-kasama ko sa ospital. Sa sampung araw na iyon, ginawa akong bihag ng mga pulis. Nakaposte sa labas ng aking kuwarto sa ospital ang mga pulis mula Quezon City Police District Station 6. Pinosasan ako sa halos buong panahon na ako ay nasa ospital, at saka lamang ako kinakalagan kung kailangan kong pumunta sa palikuran.
25. Sa kabutihang palad, sinakloloan ako ng mga opisyal ng Commission on Human Rights. Kinuha nila ako at kinupkop sa kanilang pangangalaga. Hindi nagtagal, tinulungan ako ng aking mga kaanak na makahingi ng tulong mula sa mga abogado ng Center for International Law (Centerlaw-Philippines).
26. Kahit na pagkatapos ng araw na iyon noong Agosto, nagpatuloy ang aming kalbaryo. Ang mga salarin na kapwa mga pulis ay sinampahan ako ng kasong krimen at pinaratangan ng *Direct Assault Upon Agents of Persons in Authority* sa Metropolitan Trial Court ng Quezon City. Ayon sa kanila, ako raw ay nagpumiglas at nanlaban sa Tokhang na operasyon. Sinabi nila na nagkaroon umano ng palitan ng putok sa pagitan naming ng mga pulis. Pinagbintangan pa nila kami na nahuli sa akto ng paggamit ng droga, at bilang mga kilalang drug suspek at holdaper.
27. Maging ang mga kapamilya ng mga namatay ay pasakit din ang inabot. Pagkatapos ng insidente ay patuloy silang sinisindak ng mga pulis. Makailang ulit nilang binalik-balikan ang bahay ni Nonoy Daa. Tangan ang mahahabang baril, pinasok nila ang bahay at kinunan ng video ang bahay at bakuran.
28. Sa paghahanap ng hustisya sa pagkamatay nina Nonoy, Jessie, Rhaffy, Anthony, at para sa aking sariling proteksyon at ng aking buong pamilya, naghain kami ng Petition for Writ of Amparo sa Korte Suprema ng Pilipinas noong January 26, 2017. Humingi kami ng tulong mula sa Center for International Law (Centerlaw) - Philippines, isang organizasyon ng mga abogado ng karapatang

pantao at nagtatanggol ng mga biktimgang tulad namin. Mabilis naman ang naging tugon ng Korte Suprema. Noong Enero 31, 2017 ay naglabas ito ng Temporary Protection Order laban sa mga pulis na sangkot sa pagpatay. Noong Pebrero 10, 2017, sa pahintulot na rin ng Korte Suprema, ginawang permanente ng Court of Appeals ang protection order na ito.

29. Sa kabila ng mabilis na pagtugon ng mga korte sa Pilipinas, mas lumala lang ang sitwasyon. Mas mahirap ang naging buhay namin ngayon. Ang aking mga magulang ay napilitang ibenta ang aming bahay upang makabayad ng aking piyansa at mga bill sa ospital. Sa katunayan, sila ay pinapaalis na ng bagong may-ari at binigyan lamang palugit hanggang katapusan ng Abril 2017. Dahil nananatili ako sa pagkukop ng Commission on Human Rights dala ng panganib sa aking buhay, hindi ako makapagtrabaho para sa ikabubuhay ng aking pamilya. Higit pa rito, ang Operation Plan Tokhang na saglit na sinuspinde pagkatapos naming i-file ang Petition for the Writ of Amparo ay muli na namang nagbalik-operasyon at naging sanhi sa pagkawala ng libo-libong buhay.

30. Ako man ay pinalad na nakaligtas, libo-libo naman ang namatay. Kaya't pananagutan ko sa kanila na magsalita at makiisa sa laban upang makamit ang ganap sa hustisya para sa lahat ng biktima ng pagpatay.



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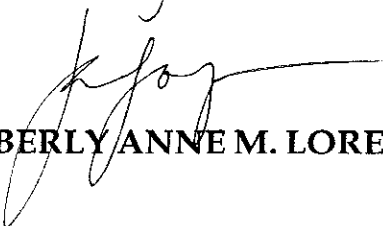

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