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Consultant

21 December 2007

Director General Avelino Razon
Chief, Philippine National Police
Camp Crame

Attention : **Chief Supt. Luizo Ticman**
Director, Southern Police District

and

Chief Director Geary Barias
National Capital Region Police Office

Dear Director General Razon,

We are writing on behalf of our client, Ayala Land, Inc., in connection with the Multi-Agency Investigative Task Force's investigation of the 19 October 2007 explosion at the Makati Supermarket Building/Glorietta 2.

We are submitting, for your appropriate action, the affidavit of Ms. Aini Ling, a Malaysian engineer working for Forensic Services (M) Sdn. Bhd.

Ms. Ling's affidavit recounts how she took swab samples from the Glorietta 2 area on two (2) different occasions, and the details of her procedure. She sent all her samples to the Armstrong Forensic Laboratory, Inc. in Texas. Ms. Ling's first batch of samples from Glorietta 2 tested negative for explosive residue. However, her second batch of samples tested positive for identifiable components of explosive residue. This led Ms. Ling to conclude that the 19 October 2007 blast was caused by explosives.

Armstrong Forensic Laboratory has more than twenty-five (25) years of experience in conducting tests for forensic purposes. It is accredited by, among others, the American Society of Crime Laboratory Directors/Laboratory Accreditation

Board, the National Environmental Laboratory Accreditation Conference, and the American Industrial Hygiene Association. It is acknowledged by the U.S. Environmental Protection Agency and approved by, among others, the American Academy of Forensic Sciences, the American Board of Criminalists, the American Institute of Chemists, the American Society of Testing Materials and the International Association of Arson Investigators. It was first recommended to Ms. Ling by Rimkus Consulting Group, Inc., a global leader in forensic consulting services.

Ms. Ling is an expert in the investigation of fires and explosions and their causes. She has investigated over 600 fires and explosions, including fires on three (3) water vessels in the Philippines (counting the Superferry 14, which sank in 2004 and resulted in over 100 deaths). She was engaged by Ayala Land, Inc. to look into the possible causes of the 19 October 2007 explosion.

Ayala Land, Inc. received Ms. Ling's report around two to three weeks ago. Immediately thereafter, it sought to verify the same by satisfying itself on the reliability and integrity of the procedures adopted by Ms. Ling, as well as the reputation of Armstrong Laboratory.

Attached is a copy of the report which finds that explosives were detected. This is corroborated by testimonies of a number of witnesses that they smelled gunpowder at or in the vicinity of the blast site immediately after the explosion.

We thus respectfully request that the Task Force examine the affidavit and its attachments with a view to conducting further investigation in light of this scientific proof of the possible cause of the 19 October 2007 explosion.

Very truly yours,

POBLADOR BAUTISTA AND REYES

By:


JAIME G. HOFILEÑA

AFFIDAVIT

I, AINI LING, citizen of Malaysia, of legal age, with address at No. 12A Jalan Mesra, Off Jalan Damai, 55000 Kuala Lumpur, under oath, do hereby state:

1. I am currently a consulting engineer at Forensic Services (M) Sdn Bhd (FSM), a firm which specializes in providing forensic investigation. I have been working for Forensic Services (M) Sdn Bhd since July 1992.

2. My academic qualifications include a Bachelor degree in Science in 1990, and a Bachelor degree in Engineering with Honours in 1992, from Monash University, Clayton, Victoria, Australia. Other training relating to my profession include the following:

- Fire Simulation (Hazard II), Victoria University of Technology, Australia, 1994
- National Association of Corrosion Engineers (NACE) Basic Corrosion Course, USA, 1996
- Fundamentals of Coating Technology. (Corrochem) Kuala Lumpur, 1996
- National Fire Protection Association (NFPA) In-House Training on Fire Investigation, Massachusetts, USA, 1996
- University of Edinburgh 'Fire Science and Fire Investigation', UK, September 1997
- Institution of Fire Engineers, UK, September 1997 - Passed 'Fire Investigation' examination paper
- National Fire Protection Association seminar on Automatic Sprinkler System, USA, October 1998
- Overview of Power System Protection, Institution of Engineers, Malaysia (IEM), Johor Bahru, March 1999
- Interflam 1999 8th International Conference on Fire Science & Engineering, Edinburgh, Scotland, UK, 1999
- Fire and Explosion - Protection and Investigation, University of Leeds, September 2000

- Interflam 2001 9th International Conference on Fire Science & Engineering, Edinburgh, Scotland, UK, 2001 - contributed a paper on fire investigation
- Specialised training on arson investigation by International Association of Arson Investigators (IAAI) & Alcohol, Tobacco and Fire Arms (ATF), Georgia, USA, 2003
- 'Fire, Explosion & Thermal Hazards Training Course', Chilworth Technology, Houston, Texas, USA, 2005
- 'Fire Protection Engineering', Society of Fire Protection Engineers, Baltimore, Maryland, USA, 2006
- 58th Annual IAAI Training Conference, Victoria, Canada, 2007

In addition to my academic and professional training, and about 15 years experience in fire investigation, I have also ensured that my skills and expertise are in keeping with international standards by being part of the relevant professional bodies/institutions such as the Institution of Fire Engineers, the International Association of Arson Investigators (IAAI), and the Institution of Engineers, Malaysia. I am also an associate member of Institute of Chemical Engineers (UK).

I have investigated over 600 fires and explosions, about 500 of which as the key/lead investigator in Asia. A few of the major fires and explosions I investigated are as follows.

- a. The explosion of the Choon Hong III at Port Klang, Malaysia, 1992.
- b. Ginza Plaza explosion in Singapore, August 1992.
- c. Kader toy factory fire in Bangkok, Thailand, May 1993. This was the worst recorded industrial fire in history, with over 200 deaths.
- d. The US\$50M fire at Chungwa Picture Tube factory, Taiwan in 1994.
- e. The fire at Garley Building, Hong Kong, November 1996 with 40 deaths.
- f. Fires on two similar passengers/cargo vessels in the Philippines, 2000.
- g. Fire on passengers/cargo vessel in the Philippines, 2004 with over 100 deaths (Superferry 14).

- Interflam 2001 9th International Conference on Fire Science & Engineering, Edinburgh, Scotland, UK, 2001 - contributed a paper on fire investigation
- Specialised training on arson investigation by International Association of Arson Investigators (IAAI) & Alcohol, Tobacco and Fire Arms (ATF), Georgia, USA, 2003
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- 'Fire, Explosion & Thermal Hazards Training Course', Chilworth Technology, Houston, Texas, USA, 2005
- 'Fire Protection Engineering', Society of Fire Protection Engineers, Baltimore, Maryland, USA, 2006
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- f. Fires on two similar passengers/cargo vessels in the Philippines, 2000.
- g. Fire on passengers/cargo vessel in the Philippines, 2004 with over 100 deaths (Superferry 14).

I attach a copy of my Curriculum Vitae as **Annex "A"** hereof.

3. On 31st October 2007, I was engaged by Ayala Land, Inc. (ALI) to assist in the investigation of the possible causes of the explosion which took place on 19 October 2007 at the basement of Makati Supermarket building. Included in my specific tasks, as a member of the ALI's investigation team, was the collection of samples for laboratory testing.

4. Pursuant to this engagement, on 2 November 2007, at about 6:30am, I went down to the basement of the Makati Supermarket building to take samples of the area. During the entire time that I was at the basement, I was accompanied by Mr. Graham Charlton, a forensics investigator, and ALI's security chief, Captain Fernando Ding Solina.

5. I was informed that the Philippine National Police (PNP) gave its clearance to our visit to the Makati Supermarket basement. Moreover, I recall that our visit to the area was recorded in the logbook kept by the PNP personnel guarding the area and we were issued access/visitor's cards.

6. A brief physical inspection of the explosion damaged ground floor and the basement was carried out. I followed the standard procedure in taking the samples, to ensure that they were free from any contamination and were properly marked and identified. Three samples were collected on 2 November 2007, and included two swabs and one scrapping. Fresh powder free latex surgical gloves were used during the collection of each sample. Pre-cleaned and sterilized spatula and sheets from a fresh rim of white paper were used for the collection of the scrap sample. Individually packaged medical swabs were used for the collection of the swab samples (four to five pieces used for each sample). Each one of the samples was placed in a new glass sampling bottle with plastic insert and cap. The samples were individually labeled and packaged in plastic zip-locked bags *in situ*. An evidence record tag was attached to each sample before the samples were sent to the laboratory.

6.1 Attached hereto are photographs (**Annexes "B-series"**) and a drawing (**Annex C**) showing the samples collected (views showing the labeled, bagged samples, with evidence record tags and the final package to be couriered to laboratory), and areas in the basement where the samples were taken.

7. After the swabs were taken, I brought the collected samples to Kuala Lumpur, Malaysia, and personally prepared them for shipment to the laboratory for testing.

8. On 3 November 2007, I shipped the swab samples, through the courier services of Avanti Worldwide Express, to Armstrong Forensic Laboratory, Inc. at 330 Loch'n Green Trail, Arlington, Texas 76012-4358, USA for testing. I attach as **Annex "D"** hereof a copy of Airway Bill No. MY 708694 covering the said shipment. Also attached as part of the **Annex "E-series"** hereof is my written instruction dated 3 November 2007 to Armstrong Forensic Laboratory, Inc.. A verbal instruction followed with request to test for explosives and this verbal request is reflected on the laboratory's Chain of Custody form included in **Annex "E-series"**

9. Armstrong Forensic Laboratory, Inc. was the laboratory recommended to me by an investigator attached to Rimkus Consulting Group (Rimkus), Inc (an associate to FSM) in 2004 while I was involved in the investigation of the explosion and fire on board Superferry 14. The aforementioned laboratory has more than 25 years of experience in conducting tests for forensic purposes. The laboratory is accredited by AIIA, ELLAP, EMLAP, and ASCLD-Lab International for drugs, fire residue and unknown ID. Included in **Annex "F-series"** are information on FSM, Rimkus and Armstrong Forensic Laboratory, Inc.

10. The laboratory carried out a visual examination of the samples, selected chemical spot tests, and extraction process of the samples for analysis by GC/MS and HPLC.

11. Subsequently, I was asked to return to the basement and take additional samples in view of a new development. I was informed

on 3 November 2007 by an ALI representative that the PNP's Bomb Data Center and the SOCO (Scene of Crime Operatives) were renewing their investigation into the possibility of a bomb having been placed in an area under the stairs in the basement. There had been some clearing of debris in the process. Thus, on 6 November 2007, at about 630am, I returned to the Makati Supermarket basement to take additional samples. Like before, I was accompanied by Mr. Charlton and ALI representative, Captain Fernando Ding Solina.

11.1. I understand that, like the previous sample collection, the PNP gave its clearance to our second visit to the Makati Supermarket basement. I also recall that our visit to the area was recorded in the logbook kept by the PNP personnel guarding the area. Again we were issued access/visitor's cards.

12. I again followed the standard procedure for the taking of samples. Six samples were collected on 6 November 2007 included five swabs and one scrapping. Fresh powder free latex surgical gloves were used during the collection of each sample. Pre-cleaned and sterilized spatula and sheets from a fresh rim of white paper were used for the collection of the scrap sample. Individually packaged medical swabs were used for the collection of the swab samples (four pieces used for each sample). The swabs were each placed in new glass sampling bottles with plastic insert and caps. The samples were individually labeled and packaged in plastic zip-locked bags *in situ*. An evidence record tag was attached to each sample before the samples were sent to the laboratory.

12.1. Attached hereto are photographs (Annexes "G-series") and drawing (Annex "H") showing the samples collected (views showing the labeled, bagged samples, with evidence record tags and the final package to be couriered to laboratory), and the areas in the basement where the swab samples were taken.

13. After the swabs were taken, I brought the collected samples to an ALI office at Glorietta and personally prepared them for shipment to the laboratory for testing. The package for shipment was then handed to Ms Jinky Aguinaldo at the same ALI office (with the *pro forma*

invoice which I prepared) for shipment by courier to Armstrong Forensic Laboratory, Inc. for testing on the same day.

15. On 10 November 2007, I received by email a report dated 10 November 2007 issued by Armstrong Forensic Laboratory, Inc., regarding the results of the laboratory tests on the first batch of samples. I attach a copy of the said report as Annex "H" hereof. The report indicated the samples are negative for low order or high order explosives' residues.

16. On 26 November 2007, I received a Report dated 26 November 2007, issued by Armstrong Forensic Laboratory, Inc., regarding the results of the laboratory tests on the second batch of samples. I attach a copy of the said Report as Annex "I" hereof. The report indicated that the samples are positive for identifiable components of explosive residue.

17. From the foregoing, I ^{concluded that the cause of the blast} conclude that the cause of the blast on 19 October 2007, was the result of an exploded bomb. _(caused by explosive)

I SAY NOTHING FURTHER.

Aini Ling
AINI LING

Affiant

SUBSCRIBED AND SWORN to before me this 13 July 2007

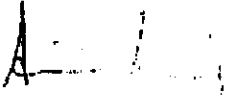
at MARATHI, *affiant exhibiting to me her passport photo*
issued at Malaysia on 13 July 2004

*Doc. No. 157;
Page No. 33;
Book No. III
Series of 2007.*

L. 10.132
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Affidavit-aini ling-3Dec

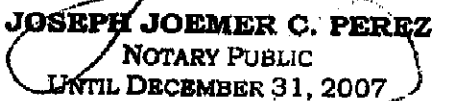
Joseph
JOSEPH Notary Public
NOTARY
Until Dec 31, 2007
PTR No. 039938014
JEP No. 698785724
Roh of Affairs
5th Floor, S.E.A
120 Rada Street
Kuala Lumpur

I reaffirm my affidavit first sworn to on 6th December 2007 at Kuala Lumpur, Malaysia before Notary Public Leong Tuck Onn.


AINI LING
Affiant

SUBSCRIBED AND SWORN to before me this 18th of December 2007 at Makati City, affiant exhibiting to me her Passport No. K13662602 issued at M. Laguna on 13 Jan 2007.

Doc. No. 156;
Page No. 33;
Book No. III;
Series of 2007.


JOSEPH JOEMER C. PEREZ
NOTARY PUBLIC
UNTIL DECEMBER 31, 2007
PTR No. 0339382/1-25-2007/Makati City
IBP No. 698785/1-08-2007/Makati City
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