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SINUMPAANG SALAYSAY

AKO, si **ERNESTO AVASOLA y ARU**, Filipino, nasa hustong gulang, mayasawa, tubo at kasalukuyang nakatira sa Relocation Site, Brgy. Mintal, Davao City, matapos makapanumpa ng naayon sa batas, ay nagsasaad ng mga sumusunod:

NA, noong umaga ng July 5, 2009, ako ay pumunta sa Laud Compound na matatagpuan sa Purok 3, Bgy. Ma-a, Davao City, upang makiusyoso sa ginagawang paghuhukay ng mga pulis sa nasabing lugar at sabihin sa kanila ang aking nalalaman sa mga biktima ng pagpapatay na inilibing doon dahil hindi ko na kayang dalhin ang malimit na pagbabagabag sa akin ng aking kunsensiya at ako ay hindi na halos makatulog dahil dito;

NA, noong ako ay dumating sa nasabing lugar ay aking nilapitan ang tumatayong lider ng mga pulis na nakilala kong si COL. (PSSUPT) ROBERTO FAJARDO JR at sinabi ko dito na ako ay may nalalaman sa isang insidente ng pagpatay doon ng anim na katao at ang mga ito ay inilibing sa tatlong magkakatabing kuweba na matatagpuan sa gilid ng bundok ilang metro mula sa likod ng bahay ni retired SPO4 BIENVENIDO LAUD na kilala rin sa tawag na TATAY LAUD na may-ari ng nasabing lugar;

NA, nasaksihan ko ang pagpatay sa anim na kalalakihan na mga nakapiring ang mga mata at may tali ang mga kamay at paa noong mga bandang alas-9:00 ng gabi, mga ikatlong lingo ng Disyembre 2005 at isa ako sa mga naglibing ayon sa utos ni TATAY LAUD sa mga katawan ng biktima sa tatlong kuweba matapos itong patayin ng anim na miyembro ng Anti-Crime Unit ng Davao City Police Office (ACU-DCPO);

NA, nakilala ko lamang sa alyas na PEDRO at alyas MARIO ang dalawa sa anim na biktima at ang dalawang ito ay inilibing namin sa unang kuweba na malapit sa bahay ni TATAY LAUD samantalang iyong dalawa ay sa sunod na kuweba at ang natirang dalawa ay sa pangatlong kuweba;

and water

NA, kaya ako napunta sa nasabing lugar noong December 2005 noong mangyari ang insidenteng ito ay dahil ako ay "utusan" o "asset" ni TATAY LAUD at ako ay kaniyang pinapunta noong gabing iyon sa kaniyang bahay sa Laud Compound at noong dumating ako ay dinatnan ko na doon sina TATAY LAUD, @ ALEX at pitong (7) kalalakihang miyembro ng Anti-Crime Unit ng Davao City Police Office (ACU-DCPO) at iyong anim (6) na biktima;

NA, dinala ko si COL. FAJARDO at kaniyang mga kasamang pulis sa nasabing mga kuweba at doon ay nakita namin sa huli o ikatlong kuweba mula sa bahay ni TATAY LAUD ang isang nakausling buto na ayon sa isa sa mga pulis na isang doctor ay buto ng isang tao;

NA, ginawa ko ang salaysay na ito ayon sa aking sariling kaisipan at kagustuhan na makawala o makaalpas sa pag-babagabag sa akin ng aking kunsensiya at walang sinumang nanakot o nanakit sa akin o nangako ng anumang bagay o pera kapalit ng salaysay kong ito.

BILANG PATUNAY sa mga nakasaad dito sa aking salaysay na may kabuuang dalawang pahina, ako ay lalagda sa ibabang bahagi nito ngayong ika- https://doi.org/10.1007/10.1

ERNESTO A. AVASOLA

Nagsalaysay

SUBSCRIBED AND SWORN to before me this <u>fo</u> day of July 2009, City of Manila, Philippines. I further certify that I have personally examined the herein affiant and I am fully satisfied and convinced that he voluntarily executed his affidavit and fully understood the contents hereof.

WILLIAM SIMON P. PERALIA PRESIDING JUDGE Administering Officer

| REPUBLIC OF THE PHILIPPINES |) |
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AFFIDAVIT

- I, POLICE SENIOR SUPERINTENDENT (PSSUPT) ROBERTO B FAJARDO, of legal age, bonafide member and officer of the Philippine National Police, presently assigned at PNP General Headquarters, NHQ Building, Camp Crame, Quezon City, subscribing under oath, do hereby depose and say THAT;
 - 1. On July 5, 2009, in the course of serving the writ docketed under Search Warrant No. 09-14347 earlier issued by the Honorable Court, I was approached by a male person, who identified himself as Mr. ERNESTO AVASOLA y ARU, 51 years old, married and resident of Relocation Site, Brgy. Mintal, Davao City, and confided to me that he is an "asset" of BIENVENIDO LAUD @ TATAY LAUD, the owner of the premises subject of the Search Warrant;
 - 2. Mr. AVASOLA offered information that human remains of summarily executed victims could be found inside three (3) adjacent caves located a few meters away beside the makeshift house of @ TATAY LAUD at LAUD COMPOUND. Hence, I and other policemen went to the caves and found out that a bone is protruding from one of the caverns in plain view. The accompanying SOCO operative (a doctor of medicine) checked it and positively concluded that it was a human bone. Though it is in plain view, however, I and the other policemen suspect that more of such kinds are still in that hole/cave and in the other two adjoining caverns;
 - 3. After due evaluation, I am convinced with the credibility of Mr. AVASOLA whose statement after my personal verification confirmed that sometime in the third week of December 2005, in his presence, six (6) persons, hogtied and blindfolded, were simultaneously stabbed to death and buried by two's in those three adjoining caves, two of whom were duly identified with certainty by him as one @ PEDRO and @ MARIO;
 - 4. Mr. AVASOLA confessed that in December 2005, at around 9:00 PM, he went to Laud Compound per instruction of @ TATAY LAUD. When he arrived there, he saw @ TATAY LAUD, @ ALEX and seven (7) other male persons/ACU-DCPO members with the six (6) victims still alive outside the



makeshift house. Thereafter, he and the other six (6) ACU-DCPO members brought and laid down the victims beside the house. Then, the six victims were simultaneously killed by the six (6) ACU-DCPO. After which, he along with @ ALEX and the six (6) ACU-DCPO members buried the bodies of @ PEDRO and @ MARIO in the first cave located more or less 13 meters away from the house while the four other victims were buried in the adjacent two caves;

- 5. According to Mr. AVASOLA, months after these summary executions, he began to suffer from sleepless nights and his conscience bothers him and can no longer stand the bark of his conscience; so powerful that impels him into these revelations;
- 6. I gathered from the Criminal Investigation and Detection Group (CIDG) that an earlier application covering the same place/caves was filed before the local court, however, the same was denied allegedly due to political consideration. Though I wish to inform the Honorable Court, that this application is totally different and distinct from that application and we are submitting the affidavit and deposition of an entirely different witness and I was not the applicant or has personal privity in that application;
- 7. Affiant further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this way day of July 2009, City of Manila, Philippines.

PSSUPT ROBERTO B FAJARDO

SUBSCRIBED AND SWORN to before me this 10 day of July 2009, City of Manila, Philippines. I further certify that I have personally examined the herein affiant and I am fully satisfied and convinced that he voluntarily executed his affidavit and fully understood the contents hereof.

WILLIAM SIMON P. PERALTA
PRESIDING JUDGE
Administering Officer

Republic of the Philippines REGIONAL TRIAL COURT NATIONAL CAPITAL JUDICIAL REGION Office of the Executive Judge, Manila City

People of the Philippines

Plaintiff,

Search Warrant No.____ For: Violation of Art. 248 (Murder/ Six Counts), Revised Penal Code of the Philippines

-versus-

Retired SPO4 BIENVENIDO LAUD

@ TATAY LAUD, @ ALEX, Seven (7)
JOHN DOES and other occupants of
Laud Compound, Purok 3, Brgy. Ma-a,
Davao City
(as per attached sketch and photographs)
Respondents

DEPOSITION OF WITNESS ERNESTO A. AVASOLA

I, the undersigned, subscribing under oath, do hereby depose and say;

- Question No. 1- Please state your name and other personal circumstances?
- Answer No. 1- I am **ERNESTO AVASOLA y ARU**, Filipino, of legal age, married, farmer and resident of Relocation Site, Brgy. Mintal, Davao City.
- Q2- Do you have any occupation other than a farmer?
- A2- Yes, sometimes I run errands to retired SPO4 BIENVENIDO LAUD @ TATAY LAUD.
- Q3- Do you know Police Senior Superintendent (PSSUPT) ROBERTO B FAJARDO, the applicant of this Search Warrant?
- A3- Yes your Honor, he is a police officer assigned at the PNP-National Headquarters, Camp Crame, Quezon City.
- Q4- Do you know why **PSSUPT ROBERTO B FAJARDO** is applying for a Search Warrant?

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- A4- Yes your Honor, because last Sunday, July 5, 2009, I provided him with information that sometime in December 2005, at around 9:00 PM, in my presence, six (6) male persons were stabled to death and I was part of those killers who buried the bodies of the victims in three (3) adjoining caves located a few meters away from the makeshift house of **TATAY LAUD** at Laud Compound, Purok 3, Brgy. Ma-a, Davao City.
- Q5- What happened after you gave **PSSUPT FAJARDO** information about it?
- A5- COL. FAJARDO requested me to usher and accompany him to the three caves, so I accompanied him there.
- Q6- What have you found in the caves?
- A6- We saw a human bone in plain view protruding from one of the caves.
- Q7- Who owns the Laud Firing Range, Laud Compound?
- A7- **BIENVENIDO LAUD @ TATAY LAUD**, he is a retired policeman with a rank of SPO4 and member of **ACU-DCPO**, which is also known as the Davao Death Squads or DDS.
- Q8- Is BIENVENIDO LAUD @ TATAY LAUD the actual occupant of the place?
- A8- Yes in the company of **a** ALEX who is a civilian auxiliary member of ACU-DCPO.
- Q9- Who are these six (6) male victims who were killed and buried in the caves in December 2005 at around 9:00 PM?
- A9- I heard **TATAY LAUD** calling the names of the two victims when they were still alive as **PEDRO** and **MARIO**. I don't know the names of the other four victims.
- Q10- What happened after PEDRO, MARIO and the other four victims were killed?
- A10- TATAY LAUD ordered me and the six (6) killers to bring and bury equally the bodies in the three caves. We buried PEDRO and MARIO altogether in the first cave, located more or less 13 meters away from the makeshift house of TATAY LAUD, the other two victims in the second cave and the remaining two in the third cave.
- Q11- How did you get there at Laud Compound in the evening of December 2005?
- A11- I was ordered by TATAY LAUD to go to the place. I run errands to him.

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- Q12- When you arrived at Laud Compound, what have you observed?
- A12- TATAY LAUD, @ ALEX and the seven (7) ACU-DCPO members with the six (6) victims were already there.
- Q13- You said that in your presence the victims were stabled to death, who killed them?
- A13- They were killed by the six (6) **ACU-DCPO** members, I don't know their names, Sir.
- Q14- How do you know that the six killers are ACU-DCPO members?
- A14- TATAY LAUD told me that they are ACU-DCPO members, Sir.
- Q15- What did you do after this incident?
- A15- I started thinking that I should reveal this to other authority, but fear for repercussion popped out in my mind so it held me back.
- Q16- What is your reason why you come out into the open and reveal this information?
- A16- Because I can no longer stand the bark of my conscience, and so I finally decided to reveal what is in my mind when I personally met COL. FAJARDO at Laud Compound.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 10 day of July 2009, City of Manila, Philippines.

ERNESTO A. AVASOLA
Affiant

SUBSCRIBED AND SWORN to before me this <u>IP</u> day of July 2009, City of Manila Philippines. I further certify that I have personally examined the herein affiant and I am fully satisfied and convinced that he voluntarily executed his deposition and fully understood the contents hereof.

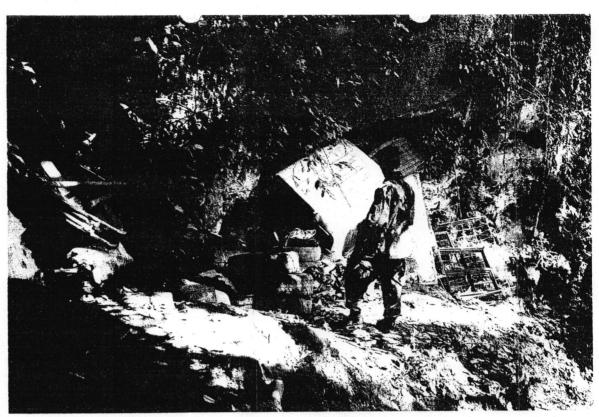
WILLIAM SIMON P. PEKALIA PRESIDING JUDGE Administering Officer

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SSUPE FASARCOO, PAB

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CAVE #1



CAVE #2



CAVE # 3