



Republika ng Pilipinas
KOMISYON NG KARAPATANG PANTAO
(Commission on Human Rights)
Cordillera Administrative Region

MEMORANDUM

FOR : HON. NORBERTO DELA CRUZ
Focal Commissioner
CHR-CAR

THROUGH: ATTY. HOMERO MATTHEW P. RUSIANA
OIC - Executive Director

FROM : Officer-In-Charge
CHR-CAR

SUBJECT : Final Investigation Report of the Case of Cudia

DATE : April 25, 2014

We are respectfully furnishing you with a copy of our Final Investigation Report on the complaint of Cadet 1CI Aldrin Jeff P. Cudia. This case has already been assigned to Atty. Lyndon T. Morales for the drafting of our resolution.

For your information and appropriate action.

Thank you.


ATTY. HAROLD D. KUB-ARON

Cc.: Chairperson Loretta Rosales
Atty. Flora C. Atilano

Karapatang Pantao: Likas Sa Atin, Tungkulin Natin

3/F SSS Building, Harrison Road, 2600 Baguio City
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MEMORANDUM

FOR : ATTY. HAROLD D. KUB-ARON
OIC-Regional HR Director
CHR – CAR

FROM : BIENVENIDO L. REAÑO
Special Investigator III &
Head-Designate, Investigation Division

SUBJECT : CHR-CAR Case No. 2014-0029
For: **Violation of the Right to Due Process; Violation of the Right to Education; and Violation of the Right to Privacy of Communication**

Victim/Complainant: CDT 1CI Aldrin Jeff P. Cudia
Complainant : Mr. Renato P. Cudia (Father of victim)
Mrs. Filipina P. Cudia (Mother of victim)

Respondents : Cdt 1CI Mike Anthony P. Mogol;
Cdt 1CI Rhona K. Salvacion;
Cdt 2CI Arwi C. Martinez;
Cdt 2CI Renato A. Cariño, Jr.;
Cdt 2CI Niko Angelo C. Tarayao;
Cdt 1CI Jeanelyn P. Cabrido;
Cdt 1CI Kim Adrian R. Martal;
Cdt 1CI Jairus O. Fantin;
Cdt 1CI Bryan Sonny S. Arlegui;
Cdt 1CI Dalton John G. Lagura;
Cdt 1CI Shu-Aydan G. Ayada; and
Major Vladimir P. Gracilla

DATE : 25 April 2014

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FINAL FACT-FINDING INVESTIGATION REPORT

I. AUTHORITY TO INVESTIGATE

The Commission on Human Rights (CHR), thru its Regional Office in the Cordillera Administrative Region (CHR-CAR Office), took cognizance of the instant case, pursuant to its investigative and monitoring mandate under the 1987 Constitution of the Philippines (Article XIII, Section 18) and Executive Order 163, dated May 5, 1987, issued by then President Corazon C. Aquino; the corresponding CHR Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses, and the Provisions of CHR Assistance, approved by the Commission En Banc on 19 April 2012; and pertinent international human rights treaty.

II. THE CHR FACT-FINDING TEAM

The CHR Fact-Finding Team is primarily composed of the CHR-Cordillera Administrative Region Office led by Atty. Harold D. Kub-Aron, Officer-in-Charge; Atty. Lyndon Morales; Atty. Mary Grace Manzano-Dalog; Special Investigator III Bienvenido Reano; Special Investigator I Joanne A. Pimentel and Administrative Aide VI Anthony B. Laking.

To support the CHR-CAR team in fast-tracking the investigation and monitoring of the human rights case of Cadet Aldrin Jeff P. Cudia, a team from the CHR Central Office was deployed composed of the following officials: Commissioner Norberto Dela Cruz (Focal Commissioner for CHR-CAR); Commissioner Ma. Victoria Cardona; Atty. Flora C. Atilano (Director of the Legal and Investigation Office); Atty. Diana B. de Leon (Chief of the Investigation Division) and Ms. Laila R. Antonio.

III. PROFILE OF THE VICTIM

ALDRIN JEFF P. CUDIA is a Filipino citizen, 22 years of age, single, a resident of Arayat, Pampanga and a Cadet First Class at the Philippine Military Academy (PMA). He was a consistent upper bracket cadet in the PMA since first year in the premier military institution.

IV. PROFILE OF THE RESPONDENTS

- (1) **MIKE ANTHONY P. MOGOL**, male, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. He was the Chairman of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.

- (2) **RHONA K. SALVACION**, female, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. She was the Presiding Officer of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.
- (3) **ARWI C. MARTINEZ**, male, Filipino citizen, of legal age, single and a Cadet Second Class in the PMA at the time the CHR took cognizance of this instant case. He was a voting member of the Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.
- (4) **RENATO A. CARINO, JR.**, male, Filipino citizen, of legal age, single and a Cadet Second Class in the PMA at the time the CHR took cognizance of this instant case. He was a voting member of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.
- (5) **NIKO ANGELO C. TARAYAO**, male, Filipino citizen, of legal age, single and a Cadet Second Class in the PMA at the time the CHR took cognizance of this instant case. He was a voting member of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.
- (6) **JEANELYN P. CABRIDO**, female, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. She was a voting member of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.
- (7) **KIM ADRIAN R. MARTAL**, male, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. He was a voting member of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.
- (8) **JAIRUS O. FANTIN**, male, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. He was a voting member of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.
- (9) **BRYAN SONNY S. ARLEGUI**, male, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. He was a voting member of the PMA

Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.

(10) **DALTON JOHN G. LAGURA**, male, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. He was a representative of Hawk Company and a voting member of the PMA Honor Committee which conducted the formal investigation (trial) of Cadet Cudia for Honor Code violation.

(11) **SHU-AYDAN G. AYADA**, male, Filipino citizen, of legal age, single and a Cadet First Class in the PMA at the time the CHR took cognizance of this case. He was a member of the PMA Honor Committee which conducted the trial of Cadet Cudia for Honor Code violation.

(12) **MAJOR VLADIMIR P. GRACILLA**, PA, married, presently assigned with Tactics Group, Philippine Military Academy, Fort Gen. Gregorio H. del Pilar, Baguio City as Operations Officer (TG3) and Intelligence Officer (TG2).

V. FACTS OF THE CASE

On 28 February 2014, the spouses Renato and Filipina Cudia filed a letter-complaint before the Commission on Human Rights-Cordillera Administrative Region (CHR-CAR) Office, for the alleged violations of the human rights (right to life, right to education, right to privacy of communication) of their son Aldrin Jeff P. Cudia.

Cadet 1CI ALDRIN JEFF P. CUDIA, the victim in the subject case was a Cadet First Class of the Philippine Military Academy (PMA) who was supposed to graduate last March 16, 2014 as class salutatorian together with his Siklab Diwa classmates composed of two hundred twenty three (223) cadets.

He was supposed to be the top cadet of PMA class 2014 to join the Philippine Navy but he was dropped by the powerful Honor Committee, composed of cadets, for being late in his class for a mere two (2) minutes and allegedly found lying with regards to the reason he gave for being late.

He was reported for an honor violation, that is, "lying", a violation punishable under the PMA Honor Code. Preliminary investigation was first conducted and after which, Cadet Cudia was subjected to formal investigation and trial by the Honor Committee composed of a Chairman, Presiding Officer, and nine (9) voting members who are all cadets of the

PMA. Two (2) recorders, who are also PMA cadets, were designated to record the trial proceedings in the Cudia case.

After the trial, secret balloting was conducted by the 9 voting members and the result was 8-1 (**8-guilty and 1-not guilty**) sufficient to acquit Cudia for the honor violation he was charged. However, the members of the Honor Committee, allegedly upon order of Chairman Mike Anthony Mogol, resorted to "chamber" or close door meeting, where the 8-1 result(not guilty) was changed to 9-unanimous vote, thus, the guilty verdict on Cudia.

As a result of the guilty verdict of the Honor Committee on Cadet Cudia, on February 8, 2014, he was granted indefinite leave of absence without pay and allowances effective February 10, 2014. Instead of leaving the PMA which served as his school and home for almost four (4) years, Cudia decided not to go out from the PMA and he tried to exhaust all possible remedies to fight for his rights. He was consequently transferred from the cadets' quarters to a "Holding Center" located inside the PMA. His life in the Holding Center was a misery. His visitation privilege was allegedly on and off for more than a month. His family and some of his friends were the ones who provided him food.

On February 21, 2014, a Special Order No. 1 was executed for Ostracism which provides that mere talking to him by any cadet in any form is a CLASS 1 offense.

On February 25, 2014, Cdt Cudia was surprised to find a recording device taped at the wall of the adjacent room beside his bed which was covered with a blanket.

VI. THE CHR FACT-FINDING INVESTIGATION

Consistent with the CHR constitutional mandate, the CHR-CAR Office, thru its Officer-in-Charge, Atty. Harold D. Kubaron, issued subpoenas and/or subpoena duces tecum against the above-named respondents for them to appear before the CHR-CAR Office on the date and time specified in the subpoenas and to submit their written/oral testimony regarding the complaint of spouses Renato and Filipina Cudia and Cadet 1C1 Aldrin Jeff Cudia.

The fact-finding investigations/proceedings were conducted on **March 7, 11, 12, 13, 21, and 24, 2014**, respectively. All fact-finding investigation proceedings, however, were conducted at the Philippine Military Academy premises, except for that conducted on March 7 & 24, 2014 which were conducted at the CHR-CAR Office located at 3F SSS

Building, Harisson Road, Baguio City. PMA officials requested for a change of venue for security reasons and to ensure the availability of the respondents and invited resource persons which was granted by CHR-CAR Officer-In-Charge, Atty. Harold D. Kub-aron.

The other cadets summoned during the CHR fact-finding investigation were the following:

- (1) Cdt 1Cl Radia – to submit Order of Ostracism;
- (2) Cdt 1Cl Balmeo – observer during the trial, to appear as witness;
- (3) Cdt 1Cl Dag-uman – observer during the trial, to appear as witness;
- (4) Cdt 1Cl Hasigan – observer during the trial, to appear as witness;
- (5) Cdt 1Cl Raguindin – observer during the trial, to appear as witness;
- (6) Cdt 1Cl Paulino – observer during the trial, to appear as witness;
- (7) Cdt 1Cl Arcangel – observer during the trial, to appear as witness;
- (8) Cdt 1Cl Narciso – observer during the trial, to appear as witness;
- (9) Cdt 3Cl Umaguig – observer during the trial, to appear as witness;
- (10) Cdt 2Cl Jocson – observer during the trial, to appear as witness;
- (11) Cdt 2Cl Saldua – observer during the trial, to appear as witness.

Also summoned/invited to appear and testify as resource persons before the CHR fact-finding investigation were the following PMA officials:

- (1) Maj. Gen. Oscar P. Lopez, Superintendent, PMA
- (2) Col. Rozzano D. Briguez, Commandant, CCAFP
- (3) Capt Allan Ferdinand V. Cusi, Chief of Academy Staff, PMA
- (4) Capt Jekyll JD Dulawan, Tactical Officer
- (5) Maj Dennis Hindang, Tactical Officer
- (6) Col. Joseph P. Villanueva, Head, Academic Group, PMA
- (7) Dr. Maria Monica C. Costales, PMA Professor
- (8) Col. Monico S. Batle, Assistant Commandant of Cadets, PMA

VII. EVIDENCE SUBMITTED BY THE COMPLAINANTS/VICTIM

- (1) Letter of Mr. and Mrs. Renato P. Cudia dated February 26, 2014, addressed to CHR, Baguio City, copy furnished the Philippine Military Academy, which is marked as Annex "A" and forms part of this Report;
- (2) Letter of Mr. and Mrs. Renato P. Cudia, dated February 28, 2014, addressed to Atty. Harold D. Kub-aron, OIC Regional Director, CHR – CAR, requesting CHR to look into the case of their son, which is marked as Annex "B" and forms part of this Report;
- (3) CHR Form No. 9 (Complaint Form) duly accomplished and signed by Cdt 1CI Cudia on March 3, 2014, which is marked as Annex "C" and forms part of this Report
- (4) Affidavit Complaint of Cadet Aldrin Jeff P. Cudia, which he subscribed and sworn to on March 3, 2014 before Atty. Mary Grace Manzano-Dalog, Attorney IV, CHR – CAR, which is marked as Annex "D" and forms part of this Report;
- (5) Reply-Affidavit of Mr. Renato Cudia to the Counter-Affidavits of respondents Cadet 1CI Mike Anthony Mogol and Cadet 1CI Dalton John Lagura, which he subscribed and sworn to on 8th April 2014, before Atty. Harold D. Kub-Aron, marked as Annex "E" and forms part of this Report;
- (6) Recording device found by Cadet Cudia attached to the wall of the adjacent room just beside his (Cudia's) bed at the Holding Center.

VIII. EVIDENCE SUBMITTED BY THE RESPONDENTS

Aside from their oral testimonies before the CHR Fact-Finders, the respondents also submitted to the CHR their Counter-Affidavits which are respectively marked as Annexes "F" to "T", inclusive, and which form part of this Report, to wit:

- (1) Arwi C. Martinez (Annex "F")
- (2) Niko Angelo C. Tarayao (Annex "G")
- (3) Renato A. Carino, Jr. (Annex "H")
- (4) Jeanelyn P. Cabrido (Annex "I")
- (5) Jennifer A. Cuarteron ("J")
- (6) Kim Adrian R. Martal (Annex "K")
- (7) Leoncio Nico A. De Jesus II (Annex "L")
- (8) Dalton John G. Lagura (Annex "M")
- (9) Mike Anthony P. Mogol (Annex "N")
- (10) Bryan Sonny S. Arlegui (Annex "O")

- (11) Carlos M. Vera Cruz (Annex "P")
- (12) Bianchiheimer L. Edra (Annex "Q")
- (13) Shu-aydan G. Ayada (Annex "R")
- (14) Jairus O. Fantin (Annex "S")
- (15) Major Vladimir P. Gracilla (Annex "T")

IX. OTHER EVIDENCE GATHERED BY CHR-CAR/CHR FACT-FINDERS

- (1) Photo copy of the Honor Code and Honor System which is marked as Annex "U" and forms part of this Report;
- (2) Procedures of the Honor Committee on the Conduct of the Formal Investigation/Trial, which is marked as Annex "V" and forms part of this Report;
- (3) Oral testimonies of resource persons (PMA officials), cadets who were either observers or non-voting members during the investigation and trial of Cadet Cudia. (Please refer to the Transcripts of the CHR Fact-Finding Proceedings)

Based on records, the following PMA officials voluntarily gave their oral testimonies, to wit:

- (3.1) Major Gen. Oscar P. Lopez
 - (3.2) Col. Rozzano D. Brigue
 - (3.3) Capt. Allan Ferdinand V. Cusi
 - (3.4) Capt Jekyll JD Dulawan
 - (3.5) Major Rommel Dennis Hindang
 - (3.6) Col. Monico S. Batle
 - (3.7) Col Joseph Villanueva, and
 - (3.8) Dr. Maria Monica C. Costales
- (4) Affidavit of Junjie P. Tabuada, CDR PN (GSC), Head Department of Naval Welfare, PMA, which he subscribed and sworn to on March 6, 2014, marked as Annex "W" and forms part of this Report;
 - (5) Affidavit of Cdt 2CL Hian Daryl D Arao, roommate of Aldrin Jeff Cudia at the Holding Center, PMA, which is marked as Annex "X" and forms part of this Report;
 - (6) Request for Reconsideration of Meted Punishment of Aldrin Jeff Cudia, dated 19 December 2013, addressed to Senior Tactical Officer, marked as Annex "Y" and forms part of this Report;

- (7) Written Appeal of Aldrin Jeff Cudia, dated 24 January 2014, addressed to the Chairman, Honor Committee, which is marked as Annex "Z" and forms part of this Report;
- (8) Special Orders No. 26, dated February 8, 2014, signed by Capt Joshua C. Lim, PA, Academy Adjutant to the effect that Cdt 1Cl Jeff P. Cudia is granted Indefinite Leave of Absence without pay and allowances effective 10 February 2014, which is marked as Annex "AA" and forms part of this Report;
- (9) Letter of Aldrin Jeff Cudia dated 13 February 2014, addressed to the Commandant of Cadets, requesting for reinstatement of his status, which is marked as annex "BB" and forms part of this Report;
- (10) Certification issued by Maria Monica C. Costales, PhD, re: as to the aspect of dismissing late, she could not really account for the specific time that she dismissed the class, which is marked as Annex "CC" and forms part of this Report;
- (11) Letter of Mr. And Mrs. Renato P. Cudia dated February 18, 2014, addressed to Major General Oscar P. Lopez, requesting his office to look into the case of their son, which is marked as Annex "DD" and forms part of this Report;
- (12) Letter of BGen Costales, Jr. to Aldrin Jeff Cudia, dated 26 February 2014, informing him that the board will forward his request for extension of time to file his written appeal to the proper authority for reconsideration, which is marked as Annex "EE" and forms part of this Report;
- (13) Appeal Memorandum of Cdt 1Cl Cudia, signed under oath on March 11, 2014, which was submitted by the appellant to the PMA Review and Appeals Board on the same date (March 11, 2014), and which is marked as Annex "FF" and forms part of this Report;
- (14) Official Transcript of Record of Aldrin Jeff P. Cudia, issued on March 18, 2014, by the PMA Registrar, which is marked as Annex "GG" and forms part of this Report;
- (15) Preliminary Findings of CHR Investigation re: Cadet Cudia's Case in the Philippine Military Academy which was signed on March 14, 2014 by Atty. Harold D. Kub-aron and Comm.

Norberto Dela Cruz, which is marked as Annex "HH" and forms part of this Report;

- (16) Affidavit of MC GREYCEN CASTILLO CALDERON signed under oath on April 1, 2014, including several pertinent documents, which is marked as annex "II" and forms part of this Report;
- (17) Newspaper Clippings relative to the case of Cdt Cudia:
- (17.1) Phil. Daily Inquirer (March 6, 2014) – Dismissed PMA Cadet still out of the loop;
 - (17.2) Phil. Daily Inquirer (March 12, 2014) – CHR launches probe into PMA cadet's dismissal;
 - (17.3) Phil. Star (March 13, 2014) – Fate of Dismissed PMA cadet rests on Noy's hands;
 - (17.4) Phil. Daily Inquirer (March 20, 2014) – AFP body to handle cadet's appeal;
 - (17.5) Phil Star (March 21, 2014) – SC orders PMA to explain Cudia dismissal;
 - (17.6) Phil. Daily Inquirer (March 21, 2014) – PMA alum pleads for end to academy bashing;
 - (17.7) Phil. Daily Inquirer (March 25, 2014) – Canned PMA cadet's family goes to SC;
 - (17.8) Phil. Star (March 26, 2014) – Mother of dismissed PMAcadet goes to SC;
 - (17.9) Phil Daily Inquirer (April 7, 2014) – The Armed Forces AND Cadet Cudia.

X. INTERNATIONAL AND DOMESTIC HUMAN RIGHTS AND OTHER PERTINENT LAWS AND POLICIES APPLICABLE

Central to the conduct of the instant fact-finding investigation is the determination of whether or not respondents violated International Human Rights Instruments and domestic laws, and the rules and procedures adopted by the PMA. Whether the PMA, as an institution, and its authorities, as well as the PMA policies in place, are compliant with human rights standards, the rule of law, and due process. Whether traditions, practice and culture in the PMA do not contravene human rights principles, norms and standards, as well as the fundamental law on due process and non-discrimination, and the rule of law.

Hence, the following international human rights instruments and relevant domestic laws and policies have been considered in the investigation and evaluation of the instant case: Universal Declaration of Human Rights; International Covenant on Civil and Political Rights;

International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of Racial Discrimination; the 1987 Constitution of the Philippines, in particular, the Bill of Rights; the PMA Honor Code and Honor System; and the Honor Committee Procedures in the investigation/trial of Cadet Cudia.

XI. INVESTIGATION ANALYSIS AND OBSERVATIONS

On 07 January 2014, Cadet 1CI Aldrin Jeff P. Cudia was reported for honor violation, which states:

"Lying that is giving statement that perverts the truth in his written appeal, stating that his 4th period class ended at 1500H that made him late in the succeeding class"

The said report for honor violation originated from and was signed by Major Dennis Hindang, PAF, the PMA Tactical Officer who has immediate supervision on Cadet Cudia. Maj. Hindang admitted to the CHR that he made such report.

Thus, the preliminary investigation, followed by formal trial of Cadet Cudia before the Honor Committee.

As a background, on 19 November 2013, Cadet Cudia was issued a delinquency report for being "Late for two (2) minutes in his Eng 412 class o/a 14 1500H-1600H November 2013". Thus, he explained "Our class was dismissed a (little) bit late and I came directly from 4th period class...." On 19 December 2013, he was informed that his delinquency report was awarded **11 demerits and 13 touring hours.**

Thus, he approached his tactical officer, Maj. Hindang, PAF, to clarify and ask the reason why it was awarded that day, 19 December 2013. According to Cadet Cudia, he approached Maj. Hindang knowing that he did nothing wrong, because he only obeyed instruction and believing that his reason was justifiable and valid. But not because he did not want to serve punishment.

It should be noted that, Maj. Hindang awarded the 11 demerits and 13 touring hours to Cadet 1CI Cudia **before** he talked to Ms. Costales. Maj. Hindang only talked to Ms. Costales via cellphone after Cadet Cudia told him that it was not his fault.

To quote Cadet 1CL Cudia's Affidavit-Complaint, which was subscribed and sworn to on the 3rd day of March 2014, at Baguio City, before CHR-CAR Attorney IV MARY GRACE M. DALOG:

"4. My case started in a delinquency report dated 19 November 2013:

X X X

"I was reported "Late for two (2) minutes in Eng412 class o/a 14 1500H Nov 2013", I explained, "Our class was dismissed a (little) bit late and I came directly from 4th period classetc". Knowing the fact that in my delinquency report, it is stated that ENG412 class started 1500H and I am late for two minutes, it is logical enough for me to interpret it as "I came 1502 during that class". This was the explanation that came into my mind that time. *(I just cannot recall the exact words I used in explaining that delinquency report, but what I want to say was that I had no intention to be late)*. In my statements, I conveyed my message as "since I was not the only one left in that class, and the instructor was with us, I used the term "CLASS", I used the word "DISMISSED" because I was under instruction, by the instructor, Ms. Costales, *to wait for her to give the section grade*. The other cadets (1CL MIRANDA, 1CL ARCANGEL) who were with me, still had queries and business with her at that time which made me decide to use the word "CLASS", while the others who did not have queries and business with her (ex: 1CL NARCISO and 1CL DIAZ) were also around."

X X X

"The instruction by Ms. Costales was given to me before the two bells rang (indicating the end of class hour, 1500H). I waited for her for about 45 seconds to 1 minute and 30 seconds, which made me decide to write "a little bit late" in my explanation. Truly, the class ENDED 1500H but due to official purpose which was the instruction by Ms. Costales to wait, and the conflict in academic schedule (to which I was not in control of the circumstances, 4th PD class 1330H-1500H and 5th PD class 1500H-160H), and

since I, Ms. Costales, and my other classmates were there, I used the word "CLASS" in my explanation;"

"5. xxx

"I reported to him and said, "Sir, I would just like to clarify with regard to my punishment, Sir". He said that his basis of the award was when he called my instructor and asked "Did you ever dismissed your class late?", my instructor said that she never did dismiss her class late and MAJ HINDANG PAF even added that they have a protocol to dismiss the class, 15 minutes before 1500H.

"Because of this, I explained:

"Sir, I strongly believed that I was not in control of the circumstances, our 4th period class ended at 1500H and our 5th period class, which is ENG412, started 1500H also."

"7. xxx

"Honor Report

"Lying that is giving statement that perverts the truth in his written appeal, stating that his 4th period class ended at 1500H that made him late in the succeeding class.

"Originator: *Maj. Hindang PAF*

"When I received this report, I asked the honor-com chairman what did MAJ HINDANG meant in his report, the chairman said that MAJ HINDANG based his report on his conversations with our instructors and classmates and with what I wrote in my "written request for reconsideration of meted punishment", he even added that somehow MAJ HINDANG waited for me to make a written statement so that he can have a basis. I then asked for an extension of explaining this for the reason that my instructor was on an emergency leave."

"The following, together with CDT ARCANGEL who was with me that time, we approached our instructor for further details. Our instructor said that they are not in the same time preference."

X X X

Maj. Hindang's query to Ms. Costales was made thru cellphone. He did not exert effort to talk to Ms. Costales in person so as to clear out matters pertaining to Cadet Cudia. In fact, as drawn from his testimony before the CHR Fact-Finding Team, the query he posed to Ms. Costales was in general terms. It was not specific. "xxx na Ma'am i-inquire ko po ma'am kung nakapag dismiss po ba kayo ng late ng OR 432 4th period simula po nag start po ng day one ng course po natin ma'am?"

Further, the text messages of Ms. Costales which was sent to Cadet Cudia on 13 January 2014, clearly show that Maj. Hindang did not get it quite clear as to what Ms. Costales explained to him. He just presumed as to what Ms. Costales meant. To quote Ms. Costales text messages:

"Gud pm Cdt Cudia. Mam Belandres gave me bkground na. She told me it's a report dated November. When maj hindang aske me, no time referens."

04:25:11 pm.

"All the while I thot he was referring to dismissal during last day December, presume they wil finish early bec its grp work."

04:29:11 pm.

This just shows further, that Maj. Hindang fell short of his responsibility as Tactical Officer and as a good father of cadets, in this case, to Cadet Cudia. In the process, he has paved the road to Cudia's sham trial by the Honor Committee.

On the other hand, Maj. Jekyll JD Dulawan, the Tactical Officer of the two (2) other cadets, namely, Cadet Narciso and Cadet Arcangel, who admitted that they were late in the next class, exerted efforts to confer with their professor in their presence, which clarified doubts and paved a fair solution at his level. While the said two cadets were meted the corresponding penalty of demerits and touring hours, their case did not merit investigation by the Honor Committee. A good father of the family or of the cadets will never want any of his children or cadets to go astray. Maj. Dulawan clearly went the extra mile to ensure that he gets to the real facts

and establish the truth on the issue at hand and then pass upon a fair and just decision.

The fact-finding investigation conducted by the CHR has established that Cadet Cudia did not go somewhere else when he left the room of Ms. Costales class. Because the truth is, after conferring with Ms. Costales, he proceeded immediately to his next class where he arrived a little bit late (about 2 minutes late).

The PMA Honor Code and Honor System, which is hereto attached and forms an integral part of this CHR Fact-Finding Investigation Report as Annex "U", expressly provides that: "WE, THE CADETS DO NOT LIE, CHEAT, STEAL, NOR TOLERATE AMONG US THOSE WHO DO."¹

The PMA tenet embodied in the Code says that Cadets violate the Honor Code by lying if they make an oral or written statement which is contrary to what is true or use doubtful information with intent to deceive or mislead.² Lying, as also described in the Code means that, cadets violate the Honor Code by lying if they make an oral or written statement, or make a non-verbal communication in the presence of and to another with the intent to deceive.³

The Honor Code is very specific and clear as to when will lying constitute a violation of the said Code. It's not just plain lying, for the language of the Code requires the attendant ingredient or element of intent to deceive or mislead in order for lying by a Cadet to constitute an Honor violation. This is clearly not present in Cudia's case.

Verily, if we are to go by the definition and description of "lying" under the Honor Code, the above explanation of Cadet Cudia cannot be interpreted as lying. And, indeed and in truth, Cadet Cudia did not lie, he did not intend to lie. Cadet Cudia did not intend to deceive nor mislead others. Neither can it be drawn from his actions and/or explanations that he had the intention to produce unfair advantage over another.

It is, however, the other way around. It was the Honor Committee, the recorders, and even Cudia's Tactical Officer, Major Dennis Hindang, the originator of the Honor Code violation report, who actually took advantage of the situation through concerted efforts to ensure the ouster of Cadet Cudia from the PMA, thereby stripping him of his right to education and the right to choose and pursue a vocation in the military service of the country. They twisted facts and truth and circumvented the

¹ Honor Code and Honor System, II. The Honor Code, p.5, series of 2011.

² Ibid., A. FIRST TENET: We do not LIE., p. 9.

³ Ibid.

right to due process in order to convict Cudia guilty for violation of the Honor Code.

While Maj. Hindang advised Cadet Cudia to appeal to the Senior Tactical Officer, Maj. Benjamin Leander, he questioned the action of Cudia when the latter filed his appeal directly to the Senior Tactical Officer. Maj. Hindang emphatically posits before the CHR Fact-Finding Team that, Cudia should have filed his appeal to him being Cudia's Tactical Officer. When asked by the Senior Tactical Officer to comment on the Appeal of Cudia, he did so. However, when he submitted his comment to the STO, he simultaneously furnished a copy thereof to the Honor Committee. (See: **Transcript of Testimony of Maj. Hindang, CHR Fact-Finding Investigation Proceedings, March 12, 2014**). This triggered the investigation on Cudia by said committee for alleged violation of the Honor Code. Maj. Hindang did not wait for the STO's decision or stand on the appeal of Cudia. Obviously, Maj. Hindang was in bad faith. Maj. Hindang and the Honor Code Chairman, Cadet 1CI Mike Anthony Mogol were vent on pinning down Cudia.

Along this point, it is but logical to take note of events prior to the Honor Report of Maj. Hindang on Cudia. On 23 September 2013, Cadet Cudia was reported for honor violation, that is, for alleged "cheating" wherein he was defended by his own classmates and roommates. Sometime in October 2013, he got a NOT guilty verdict. Cadet Cudia then had a conduct report because he did unauthorized things, that is, compiling Naval Science exam papers during an examination upon order of Chief Gumpal who was then waiting after that exam at the guard room, pursuant to the instruction of Lt. De Jesus. At that point he had to choose, to comply with the order of Chief Gumpal who was upon instruction of Lt. De Jesus, which will be beneficial to everyone or not to do it. Admittedly, Cadet Cudia was after the navy cadets to have an opportunity to have an extra instruction that night. (refer to Cadet Cudia's Affidavit Complaint, par. 1)

Further, sometime in November 2013, Cadet Cudia received another honor report, this time from no less than the Honor Committee Chairman, Cadet 1CI Mogol, for alleged "cheating, i.e., conniving, that is giving solutions.." Apparently the class in NS432 was having a hard time dealing with the lessons, that when they failed the exam their instructor had to give a retake to all, except for Cudia who did well in the class. The day came when the instructor asked Cudia's help to give extra instructions for the class, hints and even solutions (but not the exact answers). Cadet Cudia understood his instructor's predicament as it was hard to handle a single class of 59 students in a single chart room. Cadet Cudia did what his instructor asked him to do for he agreed with and honored his principle "*na hindi ko habol ang taas ng mga grado, kundi ang kalinangan na matututunan*

ng kanyang mga estudyante." During an exam in November, he announced how to get the GIVEN and what scale should be used. That one of his classmates asked how, so he answered to the extent that his classmate got the GIVEN and what should be used. Even the chairman of the Honor Committee asked clarification from Cadet Cudia, "Cuds, 2 minutes ba un?" which he answered. However, after that, the Honor Committee Chair reported him and his classmates for honor violation. Cadet Cudia was given a NOT guilty verdict. (refer to Cadet Cudia's Affidavit Complaint, par. 2). The act of the Honor Committee Chair is beyond comprehension. But one thing is clear, the Honor Committee Chair Cadet 1Cl Mogol was in bad faith and determined to destroy Cudia, for reasons of his own.

THE PRELIMINARY INVESTIGATION OF THE PMA HONOR COMMITTEE

The investigation team of the PMA Honor Committee which conducted the preliminary investigation on Cadet Cudia's case were composed of the following cadets:

- (1) Cdt 1Cl Raguindin
- (2) Cdt 1Cl Hasigan
- (3) Cdt 1Cl Dag-uman
- (4) Cdt Gumilab
- (5) Cdt Larnas
- (6) Cdt 2Cl Saldua
- (7) Cdt Espejo

Noticeably, the Honor Committee Chair (Cadet 1Cl Mogol) exercises control and supervision of said preliminary investigation team, considering that the preliminary investigation is part of the preliminary process in the Honor Committee before a case against a cadet for honor violation is submitted for formal trial by the Honor Committee composed of 9 voting members, a Presiding Officer and the Committee Chair. As can be gleaned in earlier observations in this report, Cadet 1Cl Mogol is already biased against Cadet Cudia.

It is evident that, Cadet 1Cl Raguindin has vested interest in the outcome of the case against Cudia, considering that he ranks second to Cadet Cudia in the naval first class cadets. Thus, if Cadet Cudia is dislodged from the PMA, he will take his place in the honor roll of the 2014 graduating cadets as had actually happened. Cadet 1Cl Raguindin should have inhibited himself from the preliminary investigation. Neither did the committee see it appropriate for Cadet Raguindin to inhibit, even for delicadeza. This fact had casted doubt and tainted the process in the PMA justice system even at the preliminary investigation stage.

**THE FORMAL TRIAL ON CADET CUDIA'S
CASE BY THE HONOR COMMITTEE**

The formal trial on Cadet Cudia's case was held for three (3) consecutive nights, starting on 20 January 2014. The members of the Honor Committee which tried Cadet Cudia was composed of the following: Cadet 1CI Mike Anthony Mogol, as Chairman; Cadet 1CI Rhona Salvacion, as Presiding Officer; the nine (9) voting members, namely: Cdt 2CI Arwi C. Martinez, Cdt 2CI Renato A. Cariño, Jr., Cdt 2CI Niko Angelo C. Tarayao, Cdt 1CI Jeanelyn P. Cabrido, Cdt 1CI Kim Adrian R. Martal, Cdt 1CI Bryan Sonny S. Arlegui, Cdt 1CI Dalton John G. Lagura, Cdt 1CI Jairus O. Fantin, and Cdt 1CI Bianchiheimer L. Edra; and the two (2) recorders, namely, Cdt 4CI Jennifer A. Cuarteron and Cdt 3CI Leoncio Nico A. De Jesus II.

From the Chairman, to the Presiding Officers, to the 9 voting members and the two recorders of the Honor Committee, all were one in saying that there were Minutes of the Proceedings. However, they failed to produce the said Minutes before the CHR. One of the recorders, Cadet de Jesus, when asked by Commissioner Cardona, instead of bringing the minutes, produced his laptop and read his notes therefrom. Clearly, it did not include the 8-1 voting result. [For more details, please refer to the transcript of testimonies of witnesses]. Up to the time of the writing of this report, no copy of the Minutes has been submitted to the CHR despite repeated requests made by Commissioners Cardona, dela Cruz and Atty. Kub-Aron.

Pursuant to the Honor Code and the Procedures of the Honor Committee, there shall be nine (9) unanimous votes for a GUILTY verdict on a cadet subject to trial before the committee for honor violation. The voting shall be by secret ballot. This fact was admitted by the Chair, the Presiding Officer, the 9 voting members and even the two recorders. When asked if they believe in the secrecy or sanctity of the ballots, they told the CHR team that they do.

But in the case of Cadet Cudia, the result of the votes of the Honor Committee's voting members was **eight (8) guilty and one (1) not guilty**. ACCORDINGLY, CADET CUDIA SHOULD HAVE BEEN PRONOUNCED RIGHT THERE AND THEN **NOT GUILTY FOR THE CHARGE OF HONOR VIOLATION**. But this was not the case. Instead, the voting members were told to go immediately to chamber or the secret room. It was the Honor Committee Chair who ordered the chambering, not the Presiding Officer. The Honor Committee Chair calling the voting members to chamber and the chambering itself are clearly contrary to the rules of procedures in the Honor Code.

The Honor Committee insisted that the 8-1 vote was only an initial vote. However, an initial voting is not provided in the Code nor in the written procedure of the committee. When the CHR team called their attention that the 8-1 vote is not in the Code nor in the written procedure, the Honor Committee including the recorders posited that it is a practice in the PMA ever since. When asked by the CHR: between a written rule and an unwritten rule, which will prevail? No direct answer was elicited from the respondents and they insisted that it is a practice. But if this has been the practice in the PMA ever since, that when the vote is 8 guilty and 1 not guilty, or 7 guilty and 2 not guilty, the voting members shall be called to chamber or secret room, why is this alleged practice not included in the 2011 or the latest edition of the Honor Code and Honor System? To allow this kind of practice to continue, if it is really true that there is such kind of practice, will palpably result to an unbridled wielding of power by the Honor Committee, as in this case. It should be noted that all the members of the PMA Honor Committee come from the cadet corps. As observed by the CHR, there is no full-fledge PMA military officer or professor directly exercising actual supervision over the Honor Committee proceedings.

The Honor Committee insisted that the chambering resulted to 9-0 unanimous vote, thus, the guilty verdict on Cadet Cudia. ***This position of the Honor Committee cannot be accepted as it is highly irregular, illegal and void.*** To reiterate, there is no such thing as initial voting and there was no actual voting that ever occurred in the chamber. Evidently, the chambering was intended to pressure and convince Cadet 1CI Dalton John Lagura to change his NOT GUILTY vote to GUILTY. As admitted by Cadet Lagura to the CHR Fact-Finding Team and as admitted by the Presiding Officer, the Chair and the other Voting Members of the Committee, after Cadet Lagura decided to change his vote, left the chamber and proceeded back to the court room where the Presiding Officer, Cadet 1CI Salvacion, immediately announced the 9-0 GUILTY verdict on Cadet Cudia.

It should be emphasized that the pronouncement of the 9-0 guilty verdict was made by Presiding Officer Salvacion, even if the new ballot of Cadet Lagura for his "guilty" vote was not yet accomplished, no justification has yet been written therein for his change of vote from "not guilty" to "guilty", and as such, he has not yet submitted his accomplished ballot to the Presiding Officer. Because what happened was, as admitted by Cadet Lagura himself, was that he brought the new ballot sheet to his barracks where he filled up his guilty vote and wrote his justification several hours after they left the chamber, after the announcement of the 9-0 vote by the Presiding Officer. Cadet Lagura further admitted that he did not personally hand the accomplished ballot sheet to the Presiding Officer or to the Committee. Instead, he asked his underclass to submit it to the Committee.

That his accomplished ballot sheet was not also placed in a sealed envelope, but was only folded. Thereby, defying the regular process and defeating the purpose of the secret ballot system and the sanctity of the votes cast.

On the other hand, the 8-1 voting result underwent the regular process – (a) There was a deliberation by the voting members; (b) the Presiding Officer asked the voting members if they were all ready to vote; (c) the members answered the Presiding Officer yes, they are ready to vote; (d) distribution of ballot sheets by the recorders to the nine voting members; (d) actual voting by all voting members; (e) submission of the accomplished ballots to the Presiding Officer; (f) signing and counting of the ballots by the Presiding Officer; (g) announcement by the Presiding Officer of the 8 guilty – 1 not guilty vote result.

Verily, the Honor Committee trampled the PMA justice system, disregarded its own Honor Code and written procedures. The Honor Committee made a mockery of the law on due process. Thus, the trial of Cudia by the Committee was a sham. The Honor Committee, with intent and ill motives, violated the human rights of Cadet Cudia – to due process, to education, to dignity, and thereby transgressing even his right to life.

The Honor Committee alleged that they render and advocate unwavering obedience to the Honor Code. Yet, they dared do, and actually did, in words and actions, sacrificed honor, truth and their own Code when they conducted a sham trial of Cadet Cudia's case. Therefore, it is the Honor Committee who should be proceeded against for Honor Code violations, perjury, human rights violations, including civil suit for damages.

THE MINUTES OF THE FORMAL TRIAL PROCEEDINGS

There were two (2) recorders, namely: Cdt 4CI Jennifer A. Cuarteron and Cdt 3CI Leoncio Nico A. De Jesus II who were designated to record the entire proceedings of the formal trial in Cudia's case. They testified under oath before the CHR Fact-Finding Team that their responsibility in the Committee is to record the entire proceedings of the trial.

The Honor Committee and the two recorders admitted that they have Minutes of the proceedings in Cadet Cudia's case. However, when asked for a copy, they were not able to provide one to the CHR. To this day, no copy of the Minutes has been given to the CHR.

The recorders, particularly Cadet De Jesus, said that they took the Minutes by typing it in the laptop. Thus, when asked by Commissioner

Cardona if he can get his laptop so that he can refer to his notes therein, he did so. When asked to read his notes in the laptop if the discussion and the announcement of the 8-1 voting result are found in his notes, it was established that he did not record the 8-1 voting result. Both recorders reasoned that, the 8-1 vote was just an initial voting.

It has been established that there was deliberate omission of substantial and vital portions of the proceedings in the Minutes, particularly the discussion and pronouncement of the **eight (8) guilty and one (1) not guilty verdict**. [Refer to Transcript of Testimonies of Cadets Cuarteron and De Jesus II Who testified on March 12 and 13, 2014 respectively]. This explains the reason why, at the inception of this case, PMA officials were unaware that there was such an 8-1 verdict.

The recorders said that they prepared and signed the Minutes, which was also signed by the Presiding Officer and the Chair of the Committee. Thus, the Minutes are incomplete, inaccurate, incorrect and tampered.

Again, this only shows the Honor Committee's deliberate and premeditated intent to thwart facts and bury the truth in order to convict Cadet Cudia and oust him from the PMA. Hence, the officers and members of the Committee, including the recorders should be liable for falsifying the records of the proceedings and for violation of the Honor Code, including damages.

THE SUSPICIOUS RECORDING DEVICE

A recording device was discovered by Cadet Cudia taped in the wall of the room directly adjacent to the room where he was billeted at that time. The recording device was covered with a blanket. It was only Maj. Vladimir Gracilla who came to his room that day, 25 February 2014. Sensing that Maj. Gracilla already left the premises, Cadet Cudia went to the other room where he found the recording device. The placing of the recording device in one's place of abode, whether it is temporary abode, like in the case of Cadet Cudia who is held or billeted in the holding center of the PMA, is violative of his right to privacy of communication, which right is guaranteed under the 1987 Constitution (Art. III, Sec. 3[1]), the Universal Declaration of Human Rights (Article 12), and the International Covenant on Civil and Political Rights (Article 17[1]). Thus, the PMA Intelligence Officer, Maj. Vladimir Gracilla, including authorities concerned who gave such instruction or condoned such illegal act, should be proceeded against for violation of the human rights of Cadet Cudia to privacy of communication.

This recording device has already been sent to the National Bureau of Investigation with a request for expert's examination. To this day, CHR has yet to receive the result of such request.

**REFUSAL OF THE PMA CRAB TO ALLOW
CHR LAWYER LYNDON MORALES TO ENTER
THE HEARING ROOM AND OBSERVE/MONITOR
PROCEEDINGS RE: APPEAL OF CADET CUDIA**

Atty. Lyndon Morales of the CHR-CAR Office was refused entry to the hearing room where the Cadet Review Appeal Board (CRAB) was hearing the Appeal of Cadet Cudia. Atty. Morales explained to the one in command at the entrance of the hearing room to inform the CRAB members that he is from the Commission on Human Rights and he is there to observe and monitor the CRAB proceedings, consistent with the CHR constitutional mandate. Still, he was not allowed to attend the CRAB proceedings. This actuation of the CRAB is a violation of the constitutional mandate of the CHR, particularly its mandate to monitor compliance of human rights treaty obligations by the State, in relation to its independent investigation being conducted on the complaint of Cadet Cudia. Thus, the officers/members of the CRAB should be investigated for disregarding the authority of the CHR enshrined in Section 18, Article XIII, of the 1987 Constitution.

XII. FINDINGS AND RECOMMENDATIONS

On the basis of the documentary and testimonial evidence given by the complainant and the respondents, including information gathered from resource persons and other cadets (observers and non-voting members) during the fact-finding proceedings conducted by the Commission on Human Rights on March 7, 11, 12, 13 and 21 and 24, 2014, it was established, That:

1. The Honor Committee designated to conduct a formal trial on the case of Cadet Aldrin Jeff P. Cudia, for alleged violation of the Honor Code, conducted a sham trial;
2. There was a preliminary investigation conducted before the formal trial;
3. The Honor Committee was composed of PMA Cadets, with Cadet 1CI Mike Anthony Mogol as Chairman; Cadet 1CI Rhona Salvacion as its Presiding Officer and nine (9) voting members, namely:

- 3.1. Cdt 2Cl Arwi C. Martinez
 - 3.2. Cdt 2Cl Renato A. Cariño, Jr.
 - 3.3. Cdt 2Cl Angelo C. Tarayao
 - 3.4. Cdt 1Cl Jeanelyn P. Cabrido
 - 3.5. Cdt 1Cl Kim Adrian R. Martal
 - 3.6. Cdt 1Cl Bryan Sonny S. Arlegui
 - 3.7. Cadet 1Cl Dalton John G. Lagura
 - 3.8. Cdt 1Cl Jairus O. Fantin, and
 - 3.9. Cadet 1Cl Banchiheimer Edra
4. There were also two (2) recorders designated to record the entire proceedings of the Honor Committee in the case of Cadet Cudia, namely:
- 4.1. Cadet 3Cl Leoncio Nico A. De Jesus II and
 - 4.2. Cadet 4Cl Jennifer A. Cuarteron
5. There was Minutes of the formal trial proceedings by the Honor Committee on Cadet Cudia's case, which was prepared by the two (2) recorders: Cadet 3Cl Cuarteron and Cadet 4Cl de Jesus II.
- 5.1. Vital portions of the proceedings, particularly the discussion and pronouncement in open court of the **8 - 1** votes, that is **8 guilty and 1 not guilty**, were deliberately omitted in the Minutes prepared and signed by the recorders and also signed by the Chairman and Presiding Officer. Hence, the Minutes of the proceedings are not complete, not accurate, and not faithful reflections of the entire actual processes that transpired during the formal trial.
 - 5.2. Therefore, the recorders: Cadet 3Cl Leoncio Nico A. de Jesus II and Cadet 4Cl Jennifer A. Cuarteron, as well as the Chairman, Cadet 1Cl Mike Anthony P. Mogol, and the Presiding Officer, Cadet 1Cl Rhona K. Salvacion should be charged with violation of the Honor Code. Specifically, for "**dishonesty**" and/or "**lying**" committed by their **deliberate omission** in the Minutes of the real voting results of **8-1, with intent to deceive** the PMA institution and even the public, to destroy the reputation and trample the right to education of Cadet Cudia, and to take undue advantage over the victim Cudia. They made a mockery of the Honor Committee justice system. They abused their authority by trampling Cudia's rights to due process and to a fair and impartial trial before the committee. They twisted facts and concealed the truth resulting to the denial of genuine justice

to Cudia and misled higher authorities of the PMA, the Chief of Staff of the Armed Forces of the Philippines (AFP) and even the Commander-In-Chief of the AFP.

6. That on the last night of the trial and after deliberation, the Presiding Officer (Cadet 1Cl Salvacion) asked the voting members if they were ready to vote by writing therein "guilty" or "not guilty", and also to justify their vote. After all the nine (9) members have voted, they submitted the accomplished ballots to Presiding Officer Salvacion who counted the ballots and announced the 8-1 results. This particular and very important part of the proceedings was, as earlier mentioned, deliberately omitted from the Minutes of the Proceedings of the formal trial of Cudia's case.
7. The decision in a case before the Honor Committee, such as in the case of Cadet Cudia, shall be by secret balloting.
8. It requires a unanimous vote of 9 Guilty or Not guilty vote to convict a cadet for violation of the Honor Code and thereby dismiss him or her from the PMA. This is very clear in the written rules and the Honor Code.
9. **There was only one balloting or voting conducted.** This took place after the voting members have deliberated on the case before them and duly informed the Presiding Officer that they were ready to vote. This is consistent with the rules and the Honor Code.
10. All the voting members, including Cadet 1Cl Dalton John G. Lagura, admitted before the CHR fact-finding body that the result of the voting conducted in open court was **8 guilty and 1 not guilty.**
11. That as a result of 8 guilty and 1 not guilty vote, the Chairman (not the Presiding Officer) called the voting members to chamber.
 - 11.1. The recourse to chambering is not in the written rules or procedures of the Honor Committee. Evidently, in the instant case of Cadet Cudia, the chambering was resorted to, anchored on a misplaced practice, purposely to twist facts and conceal the truth on the not guilty verdict of 8-1 in favour of Cadet Cudia.
 - 11.2. It is very apparent that the chambering was resorted to in order to pressure and convince Cadet 1Cl Dalton John G.

Lagura, the lone voting member who voted "not guilty", to change his vote from "not guilty" to "guilty", thereby ensuring the 9-0 unanimous guilty verdict against Cadet 1CI Cudia.

- 11.3. To reiterate, there is no such thing as initial voting as provided in the Honor Code Pamphlet and the rules. The allegations of the officers and members of the Honor Committee, per their written statements submitted to, as well as their oral testimonies made before the CHR fact-finding body that the 8-1 vote was just an initial vote, has no basis.
- 11.4. To allow cadet-members of the Honor Committee to disregard written policy and resort to or concoct supposition of alleged practice in trying and rendering a verdict on cases before the said committee is very dangerous. This so-called practice of chambering voting members in instances where the result of the voting is 7-2 or 8-1, lay vulnerable the cadet-victim to the whims and caprices of the Committee, as glaringly evident in the case of Cudia. This leads to an unbridled exercise of power and abuse of authority which is prejudicial to the interest of the PMA as an academic military institution, as well as the integrity of the Armed Forces of the Philippines. Foremost, if this so-called practice be allowed to continue, more deserving cadets will fall victim of human rights violations in the hands of the tyrannical and abusive officers/members of the Honor Committee. PMA cadets who are in a position of authority in the PMA, such as those sitting in the Honor Committee, who, even in their youthful years, already do not or refuse to recognize and observe the rule of law and human rights, have no place in and should not be allowed to be part of the security and/or law enforcement sector of the country. All the respondents, witnesses, and the PMA military officers who testified, categorically stated that this chambering is a very good practice and applicable only in cases of 8-1 and 7-2 voting results. Further investigation however revealed that this practice was adopted in a case of a 6 guilty- 3 not guilty voting result (Please refer to the affidavit of Calderon hereto attached as Annex II).
- 11.5. To a certain point, the application of the so-called practice of chambering is in clear disregard of written rules or procedures, and can be construed as a highest form of irregularity or bullying. Hence, violative of the right of an individual cadet to protection from discrimination, right to education, right to due process, right to access to a fair and impartial justice.

12. Granting, for the sake of argument, that there can be a second voting, it was very clear that in the case of Cadet Cudia, there was no second voting held inside the chamber nor in open court after the chambering. There was only a change of vote of one voter. This was established from the testimonies of all the members of the Honor Committee given before the CHR Fact-Finding Team.
 - 12.1. It should be emphasized that, it was only Cadet 1Cl Lagura who was given a new ballot sheet for him to accomplish, this time, by writing therein a guilty vote and his justification therefore.
 - 12.2. As admitted by Cadet 1Cl Lagura, he did not accomplish the new ballot sheet at the chamber. According to him, considering that it was already at the late hour (about midnight or 1:00 in the morning), he brought the ballot sheet to his barracks and accomplished it there before he proceeded to his regular day activities. Thereafter, he asked his underclass to bring and submit the accomplished ballot to the Honor Committee several hours after.
 - 12.3. Cadet 1Cl Lagura admitted, and as drawn from the testimonies of the Chair, the Presiding Officer and other members of the Honor Committee, that Presiding Officer Salvacion announced the guilty verdict of 9-0 meted on Cadet Cudia the moment they came out from the chamber and went back to the court room. It should be noted that, at this point, Lagura has not yet accomplished and has yet to submit his ballot sheet for the guilty vote to the Presiding Officer or the Honor Committee.
 - 12.4. Cadet Lagura has submitted his ballot for his guilty vote several hours after Presiding Officer Salvacion announced in open court the 9-0 guilty verdict on Cadet Cudia. A very blatant violation of the written rule or procedure, granting for the sake of argument, that the second balloting is within the legitimate process.
13. The testimony of Commander Junjie B. Tabuada is credible, that it was Cadet 1Cl Lagura who, when asked, told him that his vote was really not guilty, that he was chambered and was told by the Committee to justify his not guilty vote, and that he was pressured to change his vote from not guilty to guilty vote.

14. The testimony of Cadet 2Cl Maria Debbie Louise V. Jocson has credence over that of Cadet 1Cl Lagura, that it was Cadet Lagura who voluntarily told her and Cadet Cudia that he (Lagura) voted not guilty, but he was pressured to change his vote from not guilty to guilty. Her testimony, undoubtedly corroborated and strengthened the testimony of Commander Tabuada. She spoke for truth and justice. Both were straight forward and consistent. Both evidently stood before the CHR for the truth and justice in Cudia's case.
15. Cadet Lagura, when he testified before the CHR fact-finding body, seemed tensed and uncomfortable, and has to be reminded to speak louder. Apparently, Cadet Lagura was not able to withstand the pressure on him by the committee to change his vote from not guilty to guilty. Thus, he sacrificed truth and justice in the process, and cooperated with the committee in eroding the human rights of the victim Cadet Cudia.
16. Major Dennis Hindang, was not truthful when he repeatedly said before the fact-finding body that he wanted to help Cadet Cudia, that as Tactical Officer of Cadet Cudia and other cadets under his supervision are like his own children. The truth is, he was the originator of the report against Cadet Cudia before the Committee. While he advised Cadet Cudia to appeal to the Senior Tactical Officer, Major Benjamin Leander, yet he questioned the action of Cudia when the latter filed his appeal directly to the Senior Tactical Officer. Maj. Hindang emphatically posited that Cudia should have filed his appeal to him being Cudia's Tactical Officer. That when asked by the Senior Tactical Officer to comment on the appeal of Cudia, he did so. However, when he submitted his comment to the STO, he simultaneously furnished a copy thereof to the Honor Committee. This triggered the investigation on Cudia by said committee for alleged violation of the Honor Code. Maj. Hindang did not wait for the STO's decision or stand on the appeal of Cudia. Hence, bad faith on the part of Maj. Hindang cannot be discounted.

In comparison to Capt. Jekyll JD Dulawan, the Tactical Officer of the other three (3) cadets who reported to the next class late, Maj. Hindang miserably failed in his role as a good father to his cadet, in this case, Cadet Cudia. On the other hand, Capt. Jekyll Dulawan was, indeed, a good father to his two cadets (Narciso and Arcangel) as evident from the extra mile he went to

personally talk to their Instructor together with the cadets to verify and clarify matters.

Notwithstanding that Maj. Hindang was invited only as a resource person, but because of apparent irregularities, biases and hidden motive, he should be investigated by proper authorities, including the CHR.

17. As a result of the concocted 9-0 guilty verdict, Cadet Cudia was ousted from his quarter and was billeted at the Holding Center. Family members, human rights defenders, officials from the Public Attorneys' Office and the CHR visit and confer with Cadet Cudia at the Holding Center.
18. Maj. Vladimir Gracilla, Intelligence Officer, PMA, should be investigated in relation to the recording device found attached to the outer wall to Cudia's room at the Holding Center. Because it is evident that Maj. Gracilla is the PMA officer who has access in and out of said premises, anytime, where Cadet Cudia is housed, hence, Maj. Gracilla should be investigated by proper authorities, including the CHR, in relation to Cudia's right to privacy of communication.

WHEREFORE, the CHR Fact-Finding Investigation Team hereby strongly indorses and recommends the following actions to competent authorities:

1. The Philippine Military Academy and the Honor Code Committee to respect and uphold the 8-1 not guilty verdict in favor of Cadet 1CI Aldrin Jeff P. Cudia;
2. The competent authorities of the Philippine Military Academy to issue an official pronouncement of NOT GUILTY in favor of Cadet Cudia, for the charges filed and tried before the PMA Honor Committee;
3. The PMA authorities, the Chief of Staff of the Armed Forces of the Philippines, including the highest authority of the land in whose hands rest the ends of justice and fate of Cadet Cudia, to:
 - 3.1 officially proclaim Cadet Cudia as a full-fledge graduate and alumnus of the Philippine Military Academy;
 - 3.2 issue to Cadet Cudia the corresponding Diploma for the degree of Bachelor of Science;


- 3.3 issue to Cadet Cudia the corresponding official transcript of his academic records for his BS degree, without conditions therein as to his status as PMA cadet.
4. To file appropriate administrative, criminal and civil suits for violations of the Honor Code, dishonesty, violation of the secrecy of the ballot, tampering the true result of the voting, perjury, intentional omission in the Minutes of substantive part of the formal trial proceedings which is prejudicial to the interest of justice in the case of Cadet Cudia; civil suit for damages for Cudia's fundamental rights to due process, education, privacy, access to genuine justice, and discrimination against the officers and members of the Honor Committee, namely:
 - 4.1. Cdt 1Cl Mike Anthony Mogol, now 2nd Lt of the AFP
 - 4.2. Cdt 1Cl Rhona Salvacion, now 2nd Lt. of the AFP
 - 4.3. Cdt 2Cl Arwi C. Martinez
 - 4.4. Cdt 2Cl Renato A. Cariño, Jr.
 - 4.5. Cdt 2Cl Niko Angelo C. Tarayao
 - 4.6. Cdt 1Cl Jeanelyn P. Cabrido, now 2nd Lt. of the AFP
 - 4.7. Cdt 1Cl Kim Adrian R. Martal, now 2nd Lt. of the AFP
 - 4.8. Cdt 1Cl Jairus O. Fantin, now 2Lt. of the AFP
 - 4.9. Cdt 1Cl Bryan Sonny S. Arlegui, now 2Lt. of the AFP
 - 4.10. Cdt 1Cl Dalton John G. Lagura, now 2Lt of the AFP
 - 4.11. Cdt 1Cl Bianchiheimer L. Edra, now 2nd Lt of the AFP
 - 4.12. Cdt 4Cl Jennifer A. Cuarteron (recorder)
 - 4.13. Cdt 3Cl Leoncio Nico A De Jesus II (recorder)
5. The Office of the AFP Chief of Staff and other competent authorities to investigate Maj. Dennis Hindang, for his failure and ineptness to exercise his responsibility as a competent Tactical Officer and a good father of his cadets, in particular, Cadet Cudia and for failure to respect exhaustion of administrative remedies due to Cadet Cudia, and for Hindang's apparent bad faith, discrimination, and biases against Cadet Cudia.
6. For the Commission on Human Rights to investigate Maj. Dennis Hindang and other PMA officers for the human rights implications on Cadet Cudia as a person and as a student.
7. For the PMA to investigate and file appropriate charges against Maj. Vladimir P. Gracilla, for alleged violation of the right to privacy of Cadet Cudia and/or failure, as intelligence officer, to ensure the protection of the right to privacy of Cudia who was then billeted at the PMA Holding Center.

8. For the Secretary of National Defense, the Chief of Staff of the Armed Forces of the Philippines, the PMA Superintendent, to immediately cause the comprehensive review of all rules of procedures, regulations, policies, including the so-called practices in the implementation of the Honor Code; and, thereafter, adopt new policies, rules of procedures and relevant regulations which are human rights-based. The comprehensive review shall be undertaken in consultation with and/or participation of the Commission on Human Rights.
9. For the Congress of the Philippines to pass legislation defining and penalizing ostracism and discrimination, as being apparently practiced in the PMA, as a criminal offense in this jurisdiction.
10. For the President of the Philippines to certify as priority, the passage of an anti-ostracism and/or anti-discrimination law.
11. Finally, for the AFP Chief of Staff and the PMA authorities to ensure respect and protection of the rights of those who testified for the cause of justice and human rights of Cadet Cudia. Particularly, for PMA authorities and cadets NOT to harass, ostracise, bully, discriminate and persecute nor tolerate or condone any and all such acts to be committed against Cadet Maria Debbie Louise V. Jocson, including military officers concerned.

Prepared by:


BIENVENIDO L. REAÑO
Special Investigator III

Approved by:


ATTY. HAROLD D. KUB-ARON
OIC-Regional Director
CHR - CAR