

# **DEATH BY LETHAL INJECTION**

By Alan C. Atkins

The truth about Englishman Albert Wilson's sentence and eventual acquittal in the Philippines.

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## A Remarkable Story

This is a remarkable true story of a happening that took place in the Philippines in 1996. It is about Albert Earnest Wilson (Suny Wilson) a British national and former taxi driver from Kent who was sentenced to death in 1998. He was the first European to be sentenced to death in the Philippines since the reintroduction of the death penalty in 1994. He was wrongly accused of rape of his 12 year old step daughter, and for 4 years fought with the aid of others to secure his acquittal. These others were concerned for this injustice that had occurred not only to Suny and that also threatened other foreign visitors to the Philippines.

This story tells how that the Pio Pasco (A Filipino) the father the 12 girl old step child, who was allegedly raped demanded and sought to black mail Suny for a sum of P1,000,000.00 Peso's and upon payment the charge would be withdrawn by means of a letter of disavowal, which was allowed in the Philippines. Suny refused to pay this money as a matter of principle as he was innocent. As a result he was imprisoned on Death Row, in New Bilibid Maximum Security Prison, and fought for his life and he adopted the title, Dead Man alive. This book tells the story.



Suny Wilson on Death Row

After 4 years he was acquitted, on 19th December 1999, and walked out of Death Row a “dead man” but ALIVE. The Supreme Court of the Philippines had found the accusation against him, “NOT WORTHY OF CREDENCE”; the Solicitor General had found it, “BUT A FABRICATION”.

The author of this text relates how he first heard of Suny's plight from his own brother Michael John Clarke, a British national, who too had been sentenced to prison in the Philippines for 16 years, for a crime he did not commit. Michael too was serving his time in New Bilibid Prison and was able to visit Suny on Death Row each day. This news was received in a letter sent from within New Bilibid Prison

October 18th 1998.

Dear David and family,



Michael John Clarke

I trust this letter finds you all well. I haven't heard from you in over a year since you last sent the photos of your wedding and informed me of your new daughter. I did reply to say that I too got married to "Fe" last October 23rd 1997.

My case is still under Appeal and could be another year before a decision.

This country is really crazy; many foreigners are getting convicted of Alleged Child Abuse and getting long jail terms. Even last week another **British Guy Suny Wilson** got the Death Sentence for raping his 12-year-old stepdaughter. I have spoken to him several times on Death Row. His girl friend Vickie's former husband and daughter framed him up, even the Embassy knows he is innocent but can do nothing.

If you ask me how I am, well to be honest with you I am not at all well. I am very, very thin and old. I'm getting more and more depressed and just cannot come to terms with being in prison for a crime I did not commit. Last September 5th "Fe" died of blood cancer, which has left me in a state of shock.

Etc

Regards Michael.

### **Suny's Release**

On Suny's release, on 19th December 1999, he was escorted from the Prison, by the British Ambassador and officials, to the Airport and he and Vickie, the mother of the alleged abused child, flew to England safely. Suny's first action was to telephoned the brother of Michael John Clarke 25th December 1999, to bring news of my brother and of the National Bureau of Investigations (N.B.I) report that cleared him of the alleged crimes. Michael too had been wrongly convicted of a crime he did not do in 1996 and had served 4 years of his 16 year sentence. It was then Suny and Vickie visited David and debriefed him of the whole affair and activities in the Philippines and of his wish to assist others who were still in prison in New Bilibid Prison. It was this meeting that prompted David to go on a mission of help to the Philippines and bring assistance to his brother and many others. This story is recounted in the books 'Trojan Warriors' and 'Mission to the Philippines'. It was then I decided that I must go on a mission to the Philippines to bring assistance to my brother.

In June 2001 the opponent of Suny, and the father of the child, Poe Pasco died of an apoplectic fit just one year after the release of Albert Wilson, which serves to show

vengeance is mine I will repay sayeth the lord. For it is written, Vengeance is mine; I will repay, saith the Lord. Rom. 12:16.

## **Foreign Travel A Warning**

This story of Suny Wilson also serves to show that foreign travel can be dangerous and advice from the Embassy should be followed in order to avoid unnecessary tragic results.

## **INTRODUCTION** Story by Alan Atkins

“A journey of a thousand miles begins with one step.” This famous saying could be that this journey of one year began with a chance remark and ended with the writing of this book. The remark was made to Earl Wilkinson in an English pub that is situated in the heart of Manila’s central business district, Makati. That chance remark resulted in Wilkinson switching from being an ardent and locally famous anti-pedophile crusader into forming and leading the team of people. In what he describes as a “Mission near impossible,” this team was to obtain the full acquittal of death row convict, Albert Ernest Wilson who had been convicted of raping his twelve-year old stepdaughter. What is more remarkable is that this acquittal was obtained just fourteen months after sentencing, a record period of time in the Philippines where the wheels of justice turn slowly. During this period, Wilkinson spent a large portion of each day interviewing the people involved in the case, telephoning many others, writing copious letters and assembling documented facts. The prisoner, Wilson, was visited and interviewed by him many times over the course of the year. Thus, any conjectures in this book are of minor nature and purely for narrative purposes.

Earl Wilkinson, an Australian, is now into his seventies, and has lived in the Philippines for nearly fifteen years since retiring from his very successful Sydney property corporation. Initially, he enjoyed his retirement while still keeping active controlling his own investments. “After years of making money for others, I decided it was time to make some for myself,” he once stated. To save himself getting bored he maintained his interest in Marlin fishing, big game hunting and activities that would daunt most men half of his age. Some of these are revealed within later chapters.

These activities still left him time to explore parts of the country in which he was now residing, the Philippines. One particular place he visited was Pagsanjan, a tourist spot approximately 60 kilometers south of Manila. Pagsanjan, details of which are aptly described within the appropriate chapter. Here he was horrified to witness open displays of pedophiles from all over the world. Investigating further, he saw similar in tourist areas of Manila itself. He was disgusted that the Philippine authorities did little or nothing to stop it. He started writing letters to the Manila press, and thus began the activity for which he is now locally famous. Wilkinson still has to be the most published letter writer in the Philippines. Almost daily, in one of the many news papers published in Manila, one

could, and still can, read a letter authored by Wilkinson. This continual and virtually lone campaign against foreign pedophiles eventually brought amazing results. People started to take notice. Governments started to take notice. He took his campaign overseas, starting with his own country, Australia. All of this decade-long campaigning eventually led in 1992 to a new law being passed in the Philippines, Republic Act 7610. This law made the arrest and conviction of pedophiles a much simpler task. Although designed to deter foreign pedophiles from even coming to the Philippines, it is interesting to note that the vast majority that have been convicted to date are Filipinos, usually for the rape of their own daughters.

His continual campaigning had many other countries such as Australia, Switzerland, United Kingdom, etc. also passing laws that allowed pedophiles to be tried and convicted in their own countries for offences committed overseas.

His campaigns were not just against pedophiles, however, as he actively promoted HIV/AIDS awareness, often criticizing the Catholic Church's non-condom policy. Wilkinson has turned the use of the letter pages of the press into an art form.

His campaigning was not restricted to letter writing. In 1991, acting upon a telephoned complaint of a person high up in the Philippine Church's hierarchy, about the actions in Pagsanjan of an Australian priest, Father Vincent Kiss, Wilkinson had instigated some inquiries. What he discovered was that Father Kiss was definitely a practicing homosexual and, judging from the fact that he had been expelled from Vanuatu a few years previously for having sexual intercourse with a boy, probably a pedophile. Father Kiss was also the sole trustee for a Melbourne based charity trust fund that was worth millions of dollars. With careful investigation, he discovered that the priest had spent huge sums of money in Pagsanjan building a luxury home under the cover of it being a Rest House for Boys.

With the accumulated knowledge, Wilkinson had made many approaches to the Church, both here and in Australia and had run up against the smoke screen of obscurity and confusion that is used by that body to secrete anything that may result in adverse publicity. Although he had passed an early warning to the ANZ Bank, who was ultimately responsible for the Trust Fund, he had been given the brush-off. It was his work however, that eventually led to Father Kiss being prosecuted and jailed.

Although, over the years, many people now knew of Wilkinson, he had managed to stay relatively physically anonymous. For this work, this was essential. He was continually carrying out secret investigations. This was very dangerous. Many people, many who were influential and powerful, were making substantial sums of money from the child sex trade. A lot of people were vigorously involved, including some of his fellow countrymen, who, on the surface, acted their roles as responsible business men, even being members of and regularly attending the Australian and New Zealand Chamber of Commerce. Wilkinson had been ostracized by many and had even received death threats. He continued, however, keeping as low a physical profile as possible. Some Australians felt so threatened by his activities that they made fake charges against him that resulted in him spending time in

jail. This effectively blew his cover and resulted in a reduction of his activities.

Having pushed to get the laws in place, and still pushing other countries such as Japan and Great Britain to adopt similar laws, by August 1995 Wilkinson was getting a little frustrated. The Philippine Act had been law since 1992 and yet, three years later not one pedophile, foreign or Filipino, had been convicted.

Things were beginning to move though. By the end of 1995 Wilkinson was actively assisting Father Shay Cullen with the prosecution of an Australian, Victor Fitzgerald. In May 1996 Fitzgerald was sentenced to seventeen years jail for pedophilia. In Australia, the first trial was under way whereby a male would be sent to 6 years prison for offenses committed in the Philippines .

Other scalps were to be added to his belt. Michael John Clarke was convicted for operating sex tours from England that offered young under-aged girls for sex. He is currently serving his sentence in the same prison that held Wilson. There are many other cases where Wilkinson assisted in the prosecution and gave financial assistance to the victims.

For a man so active in prosecuting and jailing child molesters in the Philippines to lead a team in the defense of one convicted of this very offence was an enigma. Why then did he do it? “I feared that this man had been a victim of the expected knee jerk reaction common in this country,” he said. “For over a decade I campaigned vigorously for laws to stop foreigners coming here and molesting the small children. It was successful. Very few foreign pedophiles now visit the Philippines. I was happy with the law” until the Philippines brought in the death penalty for this offence. The inequities in the justice system made the poor vulnerable. So it has been proven with nearly thirty death sentences being given per month for child rape, but only to the very poor who cannot afford to defend themselves. I obtained and studied the judge’s decision. It appeared to be a wrongful conviction and a man was to be put to death. I had to study the case further and fight it if this was the case. It was, and I did. But, let me tell you, prosecuting is easier.”

If it was strange that Wilkinson changed sides, the story is even stranger. If written as a television series, viewers would reject it as being not true to life. It reveals the Philippine judicial system at provincial level, the manoeuvring of lawyers, the incompetence displayed even when a man’s life is at stake and the dreadful conditions of the prisons. Even the final acquittal from the Supreme Court of the Philippines affirms that any man on trial for child molesting, even if innocent, stands little chance of being adjudged as such. It is a clear warning to all foreign visitors to the Philippines to act with extreme caution in everything they do.

## **Chapter 1**

### **1 A Storm Is Brewing**

16 September 1996, the front gate of 570A, Coloong I, Valenzuela, a small suburb on the outskirts of Manila, Philippines, was angrily flung open. Out

of it stormed Philippine-born, twelve-year old Veronica Pasco y Delistan, nicknamed Nica. She was very angry. The common-law husband of her mother, Albert Ernest Wilson, from Dover, England, otherwise known to her as Uncle Suny, had just given her an angry dressing-down. He had actually shouted at her. He had told her to leave his house and live with her grandmother.

“I am the boss in this house,” he had shouted, “you can take your clothes, your things, in fact anything you want and leave, but you will learn to respect me and your mother.”

How dare he talk to her like that? Why had he come into their lives? Since 12

July she had been banned from this house and had lived with her grandmother, just 150 meters away. He had kicked her out. Her brother Pio still was allowed to live there, so why not she? She did not want to live there anyway. He was too strict. He wanted her to be in by 9:30 at night, whereas her grandmother let her come and go as she pleased.

She had nearly got her revenge though, the day he had banned her. She had told her grandmother that he had raped her. That caused a stir. Even her brother had tried to put a knife into him. Unfortunately, Uncle Suny had insisted that she be medically examined and she knew that she would have been proved a liar, so she admitted she had fabricated the story. Yet he still would not let her live with him and her mother. He was still insisting that she visit a doctor.

She had tried to apologize. Her mother had asked her to come to the house that very afternoon and talk with Uncle Suny. Her mother wanted her back in the house. It was only him, the foreign pig, who objected. He had not been home when she got there. She had to wait. When he came in and saw her, she could see he was still angry with her. Her mother was the one who wanted her to apologize. What did he do? He shouted at her, loudly, and told her to get out. She hated him, Why didn't he just go away and leave her, her mother and brother to live in peace.

Deep down, she knew it was not true, that Uncle Suny was really a kind man. It was just that he was so strict, and she was not used to discipline. After all, the house he and her brother had built was not actually for him, but for her and her brother. It was not a normal house, but two small adjoining apartments. Uncle Suny intended to go away soon with her mother. She would have one apartment and her brother the other. It was just that he would not forgive her unless she went to a doctor. It was bad enough having to admit she had lied about being raped, but to have to prove that she lied was worse. She just would not do it.

As she stormed out, her very best friend, the girl who really understood her, was coming out from her house, which was directly opposite. Juvy Cabales was twenty one years old and very nice. Some thought it strange that, considering the age differences, such a friendship could exist, but then, Nica was very street-wise, with attitudes beyond her years. She had never really had a family like other people. Her father had abandoned

them for another woman nearly seven years earlier. She and her brother had lived with her grandmother while her mother worked as a maid in a far province in order to send them money. She still saw her father because, when she did, he would give her money.

She was proud of her father, even though he had abandoned her when she was very young. He was a man to be respected. People were afraid of him and he was scared of nobody. He had even come around to the building site to see Uncle Suny. He had pointed a gun at him and-told him to go away and leave her mother alone. Still, she had to admit that Uncle Suny was also a brave man because he didn't take any notice and just carried on building.

Once upon a time, her father had just been a passenger tricycle driver, but he was important nowadays. He worked in the Office of the Mayor of Valenzuela and signed checks. He had been given the job by one of the councillors he had helped to get elected. Her father knew everyone; even policemen were his friends. Why, oh why, couldn't her father abandon his new wife, and come back to live with her mother? They would all be together again and Uncle Suny would have to go away. Her father wouldn't make her be home by 9:30.

She crossed the road to talk to Juvy who was waving and smiling. "Hi, Juvy," she -said, "am I glad to see you!"

"What's the matter?" asked Juvy.

"That sonofabitch has thrown me out of the house. I have to stay with my grandmother. He still insists I see a doctor. I told him I was sorry I lied, but all he did was shout and bawl at me."

"I hate people who shout," replied Juvy.

"All foreigners are ignorant. I think that I'll go and live with my auntie in Las Pifias. Can you lend me some money?" asked Nica.

"I'd like to but I can't. I've only got a few pesos myself," admitted Juvy. "Hell! I've got to get away from here for a while," said Nica. "At least Auntie pays me for looking after my young cousins while she's working. Hey! Wait a minute. I have my gold ring. You could pawn it for me in Malanday. It should fetch enough, so I could lend you some money as well."

"I don't know," responded Juvy, hesitantly, "I really don't want to pawn your ring. It was a gift from your mother to you and it doesn't seem right."

"Oh, come on Juvy," pleaded Nica. "I can't do it myself, they know that I'm not old enough. You are. I really need to get away for a while. Please?"

"Well, maybe. I'm not happy about it, but we are friends," replied Juvy. "Always will be," responded Nica. "You pay for the tricycle fares and I'll give it back to you in Malanday." "Okay", said Juvy.

They saw a motor-tricycle coming along the dirt road and waved it down.

The twenty-minute drive seemed endless. It was hard to talk above the noise of the two-stroke engine. Once there, they walked to the pawnshop, and bumped into another

friend of Juvy's. They all talked for a while and Juvy explained her reluctance to pawn the ring. "I'll do it for a commission," said the friend. Juvy was relieved.

It only took a few minutes. The girl came out with two hundred pesos, which was about an average daily wage, and Nica gave her twenty pesos as a commission. Nica was still angry, but at least she had a plan. They waved goodbye to Juvy's friend and started walking along the road. They were just passing Denmark Grocery when they almost collided with her father, Pio Pasco Sr., emerging with his purchases. He was as happy to see her as she was to see him. They embraced.

"How's everything, little Nica? How's the Kano?" he asked. (Kano is a colloquial term used by Filipinos when referring to almost all non-Asian foreigners. It is a shortened version of Americano). At the mention of Uncle Suny, Nica's anger rose in her.

"I'm not going back there any more," she said, "he locks me up and keeps me a prisoner. I think lie and my mother plan to kill me."

"They what?" shouted her father. Nica felt a surge of warmth flow through her. If her father were angry enough, he would probably go and beat Uncle Suny up and that would teach him not to shout at her.

"Yes," she said, "and my mother has burnt all my clothes and school things." "She what?" shouted the now angry father. "You come with me to your grandmother's house and let me talk to your uncles. We'll sort this out, you can be sure of that."

Nica now felt very happy. Revenge was hers. That Kano was going to get a lesson he would never forget. The three of them waited for a tricycle and rode it back to Coloong.

Her father was one of a large and long-established family in Coloong, the same district where Wilson and his wife's mother lived. Their houses were only about ten minutes walk apart. The fact that Vicky Delistan, the mother of Nica, had returned to the district with not only a boyfriend, but one that was foreign, was what had caused Pio Pasco, Sr. so much anger. He was locally well-known as a playboy. Not only had he abandoned Vicky, his legal wife for another woman with whom he now had children, but also, according to Wilson, he had fathered many other illegitimate children in casual affairs. This may have gained him a bad reputation with women, but among many men he was considered very macho. They respected and even envied him.

With the return of his legal wife to the district, with a 'rich' foreign boyfriend, he had lost a lot of face. What was worse, he wasn't allowed to live in the family compound, so he had to rent a modest apartment for himself and his newer family. It was well known that this Kano was not building the duplex for himself, but for the benefit of his, Pio Pasco's, children, when he had given them nothing. Instead of respect, people were now laughing at him behind his back. He could never forgive either of them, his wife or her Kano boyfriend, for shaming him in such a manner.

He wanted revenge and he now had the excuse for doing it. He was not stupid, however. If he just went around and killed Suny, he would end up in jail. In a fight, it was doubtful that he could beat the foreigner. The Kano was much bigger and probably

stronger. He would need the help of his brothers in order to give the Kano a beating that he deserved. After the beating, the Kano would leave the district and things would return to normal.

They arrived at the family compound where the house of his mother was situated. Some of his brothers had houses there as well. While he and Nica got out, Juvy stayed in the tricycle for the few minutes extra it would take her to get to her own home. Pio and Nica entered the house and called the family together. Pio got Nica to relate what had happened at the house of her Uncle Suny. The family listened but were not as sympathetic as her father. “Look, Pio,” said one of her uncles, “how do we know that this is just not another of Nica’s stories. Remember her telling everyone that he had raped her on 12 July and then she had to admit that she made it up?”

Nica started to panic inside herself. They did not believe her. They did not want to go with her father to beat up Uncle Suny. Worse, they thought she was lying. “He touched me,” she said. The family now appeared more interested. “He touched you?” shouted her father, “what do you mean, he touched you?”

“Nica, don’t tell any more lies. This is serious,” said one of her uncles. “He did,” she cried, “he tried to rape me, today, in the house.”

The family looked at each other. She sounded plausible. “Nica, remember you lied about the July incident,” said another of her uncles quietly. “I wasn’t lying,” she shouted, “he did rape me as I said. He’d raped me before, on 27 June but I was afraid to tell anyone.”

A roar came from her father. “I’ll kill the son of a bitch,” he shouted and went towards the door. His brothers grabbed him. “Calm down, Pio, calm down. Killing him is not the answer. Report it to your friends at the police station and let them handle it. Why get yourself into trouble?”

Placated he sank wearily into a chair. “Is it true, Nica?” he asked. A relieved Nica blurted out, “It is true Papa, he really did rape me in June and July and today, he tried to do it again, but I ran away.”

“In that case, we must go to the police and get him arrested. Who will come with us?” asked Pio. Three of the brothers volunteered.

Outside; the weather had turned dreadful. The rain was pouring down and some of the roads were flooded. They piled into the car of one of the brothers and set off to Valenzuela, a journey of about a half hour.

## Chapter II

### 2 A Very Bad Day

Albert Ernest Wilson, otherwise known as Suny, wearily rode a motor-tricycle towards home. It was a hot day and the build-up of clouds indicated it would rain later. He would have to return to England soon as his money was now running out. There he would buy a run-down house, move in, renovate, and use the profit from the sale to return to the Philippines once again. This time though, he would be able to go back to the one

place he really loved, the beach resort of Puerto Galera. He hated this area. The belligerent husband of Vicky, the lady he was so much in love with, was always asking for a loan of his motorbike, or worse, for money.

His motorbike. He wondered if Erick Tenorio, the nephew of his wife, had finished the repair. It would be good to get it back as these tricycles were not designed for large foreigners to ride in. The tricycle bumped along the unmade road, jolting him continuously.

“Not long now,” he thought. At least he would not even have to visit here again. He had done the right thing by Vicky. He had bought a small piece of land for her close to her mother’s house and built a small duplex so that her two children would always have a place to stay. It was not much. Only an open-plan space with a bathroom. Enough to have a bed and furniture though, and if one climbed the ladder, there was additional sleeping-space under the roof. The two apartments were connected by a door, but otherwise completely separate. Once he and Vicky had left for England, each of the children would have their own apartment and they only needed one of the many relatives to move in with them. This would take the pressure off Vicky’s mother, who, being over seventy, was finding that looking after children was a bit too much. She was a lovely woman, but inclined to get a bit cranky these days. She deserved some rest.

The tricycle pulled up outside his house and he heaved himself out and paid the driver. Straightening his aching back, he went through the gate and entered the apartment they had occupied since the roof had been put in place. He sat down at the table on which sat his beloved computer. He could hear Vicky talking to someone in the other apartment. He heard them come through the adjoining door, so he turned. The trip to the house had not been pleasing, but what he saw was just too much. His wife was leading her daughter Nica towards him. “Nica wants to say something to you,” said Victoria.

Anger welled up in him. What the hell was Nica doing in his house? He had made it very clear to everyone, including Vicky, that Nica was not to be allowed on the premises unless she consented to be examined by a doctor to prove, once and for all, that he had not harmed her, let alone raped her.

“What do you want? You are not allowed here and you know it,” he said. Vicky stole away quietly. It had been her idea. She had spoken to Nica earlier that day and told her that if she apologized to Suny, then perhaps he would relent and allow her back. Vicky loved Nica. She was her daughter, after all. Her son, Pio Pasco, Jr., otherwise known as Jay-R, lived with them. If Suny would allow Nica to return, then she would have her family together again at last. Suny was a wonderful man and very good

to her and her children. If he had one fault it was that he was very stubborn, “Pig-headed,” he was later to describe himself to the authors.

She felt that Suny was being unfair in wanting Nica to be medically examined. Nica was wrong to accuse Suny of raping her on that dreadful day of 12 July 1996. She had admitted that she just made the story up to get back at Suny for grounding her. Surely, if

she were to apologize, then that would be enough. She just wanted them all to be friends and together again. The trouble was that every time she mentioned it, they ended up quarrelling.

She listened. Nica stood in front of Suny with a surly look on her face. ‘I’m sorry,’ she said. He blew his top. She did not even look sorry. So he shouted at her. Told her he was the boss in this house. If she didn’t like it, get all of her things and go. Live forever with her grandmother. Nica turned and stamped out. He glanced through the window and saw her cross the road and stand outside the house opposite. He saw her talking to Juvy and then they both went off together. He returned to staring at his computer. He just did not understand. Why could Vicky not see that he wanted Nica to have the examination for the good of everybody? After all, he had grounded her for staying out at a disco with Juvy. She had not returned until past midnight. Juvy was much older than she was. What if Nica was having sex with a boyfriend? At least a doctor would be able to tell them. If she was not and was still a virgin, Vicky could never harbor even the slightest suspicion about him. He loved Vicky with all his heart and did not want lies from Nica to do anything to ruin this relationship.

He carried on writing a few letters, but found it hard to concentrate. Vicky came in to try to talk with him, but he shouted at her as well. He told her that she knew that Nica was not allowed back in the house until she did as he said and got herself examined. It was hard trying to talk with Vicky and explain why it was important to him. She did speak limited English. Her six months working with him in England had improved it a lot, but sometimes her grasp was not sufficient to allow him to explain complex matters. He tried to learn a bit of the language, Tagalog, but could only use the odd word here and there.

He came to a decision. He had to get Vicky to understand his point of view, otherwise they would always be arguing about Nica. He needed to see Erick anyway, about his motorbike. Erick spoke very good English. He was a great bloke, and the only one that Suny could talk to in the neighborhood. Even though it had started to rain heavily, this incident was important and needed urgent attention. He and Vicky would go and see Erick that very evening and he could get Erick to explain why he was so adamant about Nica. It would cool things down.

Having made up his mind, he called to Vicky and she put on suitable clothing for the walk. Jay-R had been in the house as well when he arrived home. Normally he would not have been home from school until well after seven, but his class had been dismissed early that day because the teachers were having a meeting.

Jay-R was a good kid. He had worked hard helping him build the house and was very willing. Suny had been a bit irritated not only with the fact that had Nica been in the house, but Jay-R had been riding his snake board back and forth. He had bought this for him in England. It was similar to a skateboard, but hinged. With practice, the rider could make it go by moving his feet. Jay-R really enjoyed practicing on it and was getting ‘quite good. Unfortunately, the wheels were delicate and it could only be used on a good surface. The

road outside was unpaved and completely unsuitable. The only place the boy could use the toy was inside the house. Sometimes it was irritating to have him going back and forth, but it was a small price to pay to see him happy.

At six o'clock, Suny and Vicky set off for Erick's, a good twenty minutes walk away. The rain was still pouring down and they had to wear rubber boots as the roads were starting to get flooded.

Erick was pleased to see them. He liked both Suny and his cousin Vicky. He enjoyed working on and riding Suny's big Yamaha bike. He would have loved to own such a bike.

As is usual in Philippine households, he insisted that they sit with him and eat. Suny explained the problems they were having with Nica, and Erick translated this to Vicky. She would put her point of view to Erick in Tagalog, and Erick would translate this into English. Slow progress was being made.

Suny's cellular telephone rang. He put it to his ear and heard a sobbing, hysterical Jay-R shouting in Tagalog. He handed the telephone to Erick and turned to his wife. "Something is very wrong at home," he said, "Jay-R is hysterical and crying."

Erick switched off the telephone. "Jay-R says that his father and the police have been to your house. His father has boxed Jay-R. They are looking for you."

"We must go home now," shouted Suny, and made for the door. "I'll come with you," shouted Erick and ran to get his mountain bike. Outside, the flooding had gotten worse. They waded in the general direction of the house. Nearing, they noticed a van stationary on the road. As they drew close, men dressed in black T-shirts and carrying automatic rifles poured out of it and surrounded Suny and his wife. They were shouting in Tagalog. Suny did not know that they were police, until Erick came up. "They're the SWAT team," he shouted. One grabbed hold of Suny's hands and snapped on handcuffs. "You're being arrested," said a frightened Vicky. "What for?" shouted Suny. "I don't know, but I'm coming with you." They bundled him into the back of the van. There, sitting together in the front seat, he saw Nica and her grinning father.

The nightmare had begun.

## Chapter III

### 3 Pio's Mistake

Upon arriving at the Valenzuela Police Station at about 10:00 p. m. together with Nica and three of his brothers, Pio Pasco, Sr. immediately contacted his friend, Chief Inspector Christopher Tambungan who, amongst other responsibilities, was in charge of the SWAT team.

This "special action" team should not be confused with the highly trained, disciplined foams perhaps more generally known in other countries. Within Philippine culture, machismo is an essential ingredient for success. Any policeman can be appointed to a SWAT team. He receives little or no training, but gets to wear a black T-shirt with the word SWAT emblazoned in white on the back. He will not only carry a side-arm, or

perhaps a 9-mm pistol, but also be issued with a high-powered automatic rifle such as an M-16. These swaggering men of limited intelligence are then allowed on the streets, often causing more damage to nearby civilians than any criminal group they may be attacking. In one recent incident, they peppered a fleeing vehicle containing a kidnapped teenaged girl, not only killing the kidnappers but the victim as well.

Pio Pasco had blurted out the story of the attempted rape by the Kano on his daughter and demanded he be rounded up. The team, most of whom had served in that station for over a decade and were drinking buddies of Pio, were anxious to be off. The complaint was recorded in writing at the police station and they all piled into the SWAT patrol van.

Their first stop was the house of Suny, where they fully expected to find him. Pasco himself directed the men in surrounding the premises. He then threw stones onto the tin roof in order to get someone to answer the door.

Inside the house, the only occupant, son Jay-R, was preparing to go to bed when he heard the stones hitting the roof and rolling into the gutter. He was scared, as he was alone. He opened the door a crack and saw his father peering over the gate.

"Where's the Kano?" shouted his father. "He's not here," answered Jay-R. "Where's your mother?" asked Pasco. "She's with Uncle Suny. They have gone to Erick's," replied Jay-R. There was some discussion. Suddenly, over the sidewall came Pasco. He walked to the gate and unbolted it, admitting the policemen and his brothers. Some entered the house and looked around. Pasco approached his son. "Now look here, son. The Kano has tried to rape your sister this afternoon. We are going to arrest him. So tell us where he is."

Jay-R was frightened. Policemen in black T-shirts, bristling with guns, were now all over the place. "That's not true," he blurted, "I've been at home all afternoon and nothing happened. Nica's lying."

His father then got very angry. Clenching his fists, he hit Jay-R with left and right punches. "Don't bloody lie to me: Tell me where the Kano is." One of the policemen pulled him away from the boy. "Don't worry, Pio. He can't have gone far. Come, we'll drive around and see if we can spot him." Still shouting invectives at Jay-R, Pasco was edged out of the gate and into the van, which then drove off.

Jay-R was shaking and frightened. He did not know what was happening, only that Uncle Suny was in big trouble. He started to cry. He went inside and dialed Suny's cellular telephone number. Suny answered it. Hearing his voice, it was the last straw. He broke down. He could not remember any English. He just babbled, telling what had occurred. It was only the reassuring voice coming through the receiver that made him realize that it was Erick now on the telephone, telling him to calm down. Erick asked him questions and kept on soothing him. "We're on our way," said Erick, and the telephone went dead. Jay-R just sat and cried. He was relieved, but ashamed of his reactions. His face and body hurt where his father had struck him.

He was to remain alone until well after midnight, when Erick turned up with one of his male cousins, Erick explained that his mother and Uncle Suny had been arrested, but

he did not know for what reason. He would sort it out as soon as possible. The boys were to stay together and let nobody into the house.

Meanwhile, back at the police station Wilson had been put in a cell and Vicky had been handcuffed to the bars of that cell. Nica and her father were sitting with the investigator at the typewriter, while they made a statement.

It should be mentioned here, that under Philippine law, both Albert Ernest Wilson and his wife, Vicky Delistan, were being detained illegally. Upon the mere recorded entry of a complaint, heavily armed men had made an arrest. Under law, in the famous case of *People vs. Sequino* in 1979, it had been ruled, "Where a policeman had no personal knowledge of facts indicating a suspect's guilt, at best only an unreasonable suspicion, then the warrantee's arrest was illegal."

The correct procedure, as every policeman is supposed to know, is that, from a recorded complaint the case is handed to an investigator who prepares a report for the Public Prosecutor, known as a Fiscal. He is then supposed to interview the complainant, receive the denial of the accused and determine if there is a case to answer. If bail to be set. It is the court who then issues a warrant of arrest and only after this can a person be arrested.

Upon arrest, the accused has to be informed of his rights.

Wilson was arrested even before any investigation, and was handcuffed, as was his wife against whom no complaint had been made. He was detained without having been read his rights. None of the policemen who made the arrest was able to speak or understand English. Although this is a prerequisite for joining the police force nowadays, all of these men had been members before the rule came in.

Meanwhile, in her statement, Nica was still claiming that Suny Wilson had attempted to rape her on that day but had actually raped her on 27 June and 12 July in 1996. It is significant that neither the policemen nor the fiscal believed her claims to actual rape. The complaint prepared by the fiscal and delivered to the court, together with a recommended bail of P 120,000, (about 2,000 pounds sterling in 1999 values) was for attempted rape on 16 September 1996.

The charge read (verbatim):

That on or about September 1, 1996, in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above named accused, with lewd design and by means of force and intimidation employed upon my person, VERONICA PASCO DELISTAN, 12 years old, did then and there unlawfully, unlawfully, and feloniously Attempt to lie and have sexual intercourse with me, thus commencing directly by overt acts the commission of the crime of rape BUT WHICH NEVERTHELESS DID NOT PERFORM ALL THE ACTS OF EXECUTION WHICH WOULD HAVE PRODUCED THE SAID FELONY AS A CONSEQUENCE, by reason or causes other than his own spontaneous desistance, that is, because of the telephone call that we received, and enable me to run away.

Thus, the alleged actual rapes were not included in the complaint. She and her father read and signed the statement.

It is probable that Pio's friend, Christopher Tambungan, Kad taken him aside and told him that Nica would have to be medically examined. If she were not telling the truth about being raped before, then the examination would expose this and the case for attempted rape would be lost before it started. Surely, endless questioning of his daughter was also putting doubts in the mind of Pio, so he decided that claims of being raped should be dropped. He must have believed that his daughter had never actually had sexual intercourse, and he being a co-signer of the complaint indicated this. To any father, if it were true, would be far worse than just an attempted rape. However, even this lesser charge would force the Kano to leave the district, taking his wife and leaving a valuable house,

By the time all of this had been accomplished, it was late morning fiscal's report was dispatched to the court, the warrant of arrest obtained, and the charge with bail recommendations read to Wilson. Vicky was unhand cuffed and allowed to leave in order to raise the bail money. Wilson was detained until she returned.

Meanwhile, Nica and her father, clutching the official request for an examination by the medico-legal officer, an examination she had so far vehemently refused to have, set off to the clinic, arriving at just after 1:00 p. m.

Dr. Rosaline Cosidon had, only a few years before, received her medical qualifications. Apart from one year in the province, her experience was very limited. Government salaries are extremely low and thus positions are not hard to obtain. She had been working at the Philippine National Police laboratory for just over two years, examining victims of rape and violence.

Upon being presented with Nica and her father, she first conducted an interview. Nica, she was later to testify, was "lucid". She had claimed that the previous day the accused had tried to rape her but she had run away and that the accused had actually raped her in June and July of that year. Thus, when she commenced her examination, she was not looking for signs of recent sexual intercourse, but rather signs of earlier sexual activity. Upon completion, she informed Nica and her father that her hymen was no longer intact and therefore she was "of non-virgin state." This statement was to have a great bearing on future events, and indeed, on the mindset of the judge.

After the examination, Nica and her father, having spent the whole night at the police station, travelled back to his mother's house, where they had a much-needed sleep. The rumor mill had already been working and Pio discovered that Vicky was out raising the necessary bail for Suny. This was disturbing, as it meant that he would be free to come after Pio. He did not like this.

The following morning, it came to him. Bail would not be granted if the charge was consummated rape. His daughter was, technically at least, no longer a virgin. Even if later found to be a lie, the Kano would be behind bars for a long time, and he might be prepared

to pay for his freedom. Whatever happened, the Kano was finished. He would have to leave the country or go to jail. It was a win-win situation. Excitedly, he woke Nica up. She listened to his plan but did not like it. It was one thing to get her own back on the Kano for shouting at her and banning her from the house, but this was getting serious. The Kano was not a bad man.

It can be assumed she then saw a part of her father that she had never seen. He was angry. He told her that she would do as she was told. The Kano was a bad man and had to go. She was told to get dressed as they were going back to the police station to change the complaint. She was now frightened. She dressed and they rode back into Valenzuela and again saw his friend. There she executed the necessary paperwork, altering her original complaint, but without including the alleged rapes of June and July.

Suny was still in the cell. Vicky had returned with the bail money, but had been told that there was nobody at the court with the authority to receive it and issue the release order. Later he was told that bail had been withdrawn as he was a foreigner and likely to flee the country. Once he learned this, he demanded that he be allowed to that he needed to punch in a prefix number in order to obtain an outside line. They just found his efforts amusing. It was not until Vicky had returned with the battery of his cellular telephone fully recharged that he was eventually able to make contact with his embassy.

As bail had been denied, he was taken to the Valenzuela jail to await trial. At the time, he was unaware that the charge had been amended from attempted rape to consummated rape. After just one day, he was informed of this change, so, on 20 September 1996, he lodged a Motion for Reinvestigation with the court. On 23 September 1996, the court ordered the prosecutor's office to reinvestigate the case. Not until 7 October 1996, did the fiscal deny the reinvestigation. The charge was to stand. The strange thing about this was that it was done in spite of no statement of the events being lodged by the complainants, Nica and her father. It was to proceed with the only statement on record being for attempted rape. The first time anyone would learn of the details was to be from the mouth of Nica when she gave evidence on 6 November 1996.

## **Chapter IV**

### **4 Paradise lost**

With Albert Ernest Wilson, alias Suny, now firmly ensconced in Valenzuela jail and Nica living with her father, it is well that we look at some history behind the main participants in this unfolding drama.

Albert Wilson is a private man. He told the authors that he had been given the nickname Suny by his mother, but he didn't know why she used this. He is reluctant to talk about his past, and we must respect this need for privacy. We do need to be sure that he is not a criminal however, and this has been thoroughly checked by the appropriate authorities and found to be true. Suny obviously had experienced a difficult marriage break-up in England. He has adult children, a son, and a daughter Denise who was mar-

ried under common-law, and had three children, one, a grandchild he had never seen.

Whatever his previous experiences, he obviously decided to drop out of the “rat race” and rely upon his own talents to survive, if not prosper. There are a lot of people, who every day traipse off to jobs they hate but need, in order to pay mortgages and to plan for their inevitable retirement. They condemn, out of jealousy, people who manage to escape from this vicious cycle.

Many “runaways” end up in the Philippines, Thailand or other exotic places in the Far East. What money one has can be stretched further in those areas than in their own countries. The climate is pleasant and the people are friendly. For those who run away from their heritage, it is often a paradise.

Suny Wilson was not a hippie or a bum. He discovered that he could be independent by alternating stays in England to earn money, with periods in the Philippines where he spent it slowly and frugally. He would earn the money in an honest but entrepreneurial manner. In England, he would purchase a run-down house, but one that had potential. He would move into the house and work every day on its renovation. Within months he would improve the value dramatically. Then it would be put back on the market and sold. The capital went into the bank and the profit into his savings. Two such deals were sufficient to allow many months in the Philippines, a place that he, like so many other foreigners, had come to love. “I really love it here.” he saus, “the peopel are to friendly , especially in the provinces. I use to walk into the hills outside of Puerto Galera by myself, and I would come across a small village. Always they wanted to give you food and to talk. It’s terrific. The sight of a farmer on the back of a water buffalo that was ploughing a rice field was enchanting. The big animal often had a transistor radio looped over one of its large black horns. Thus, the “tractor” gave out news and fiesta music. Small boys often used this big beast as a school bus.”

He ffirst visited the Philippines in 1990 on the advice of a friend. He was “between houses”, so to say, and the world, frugally speaking, was his oyster. He went to Puerto Galera, which is an exceedingly beautiful place, about 100 kms from Manila, on the island of Mindoro.

To appreciate the effect that such a place would have on a British citizen arriving straight out of an English winter merits some description. To many Filipinos who queue daily outside the foreign embassies in order to get a visa to leave, the fact that a foreigner can find their country so attractive is an enigma. It is important to the whole story that the reader gets to appreciate the genuine character of the man. This is not one of the many who choose to live in the Philippines because of cheap booze and easy sex, but, rather, a sensitive person who appreciates the country for less material things.

Puerto Galera, the “Port of Galleons,” is truly a beautiful place. To reach it one must ffirst travel to Batangas, a city three hours south of Manila. From there, one boards a catamaran ferry for a one-hour trip across often quite choppy water to the large island of Mindoro. Entering the harbor is a spectacular sight. On one side of the entrance is a large

resort with white sand beaches, the other side has thousands of coconut palms covering the small hills. The ferry zig zags to miss the many hidden shoals and you approach Puerto Galera itself, a small bustling township that rises up the hill behind the quay. Few visitors actually stay there, however, for the resorts are both up and down the adjacent coast. They are better reached by using the one of the many motorized bancas, long slim vessels with bamboo outriggers to provide stability, plying their trade for such purpose.

A great number of the “retired” visitors from Europe and Australia tend to gravitate to the small township of Sabang, about a twenty-minute boat ride down the coast. Here, the streets were not built for motorized transport, being very narrow and without footpaths. One feels that one is in the tropical equivalent of Casablanca, with shops, bars and restaurants crowding the alleys. Everything is cheap: accommodation, food, booze and, if you are that way inclined, sex. It probably has one of the finest beaches in the Philippines, but then, one does not go to Sabang to swim, one goes to have fun. The weather is forever warm, the air is fresh and clean of exhaust fumes, and the living is easy and relaxed. Men crowd the many bars from dawn to the early hours of the new day. With bottles of beer at less than fifty U.S. cents and cigarettes at about the same per packet, which are often a fifth of Western prices, every British pound

Vicky Delistan was not a silly young girl. She was a married woman with two children who had all been abandoned by her playboy husband many years before. The fact that there is no divorce in the majority Roman Catholic Philippines had not stopped her husband from taking another “wife” and producing children. Physical separation and a new “wife” and family is a common reality.

Her two children, Pio Pasco Jr., nicknamed Jay-R and Veronica Pasco, nicknamed Nica, were living with her mother, a widow, in a suburb of Valenzuela, on the far northern outskirts of Metro Manila. Vicky was working as a maid in Sabang in order to raise money to help with their keep and education.

Foreigners should realize that in the Philippines, there is no such thing as pensions or child-allowance. If the father refuses to contribute to the needs of his own children, then so be it. A broken family is left entirely to their own devices. There is no help from government sources whatsoever.

Sunny fell in love with Vicky and Vicky fell in love with Sunny. It is as simple as that. Many foreigners, through media reports, have a very bad opinion of Filipinas and an even worse one of those of their own race who marry them. They have been led to believe that all Filipinas are prostitutes and only go with foreign men for their money. This is simply not true. Foreigners are attracted to Filipinas for many reasons. Primarily, they are indeed a beautiful race of people. The skin is of a honey colour rather than brown. The figure generally due to their natural diet, is slim and their nature is exceptional. When a man comes from a society where the women have become totally independent and indeed, at times, aggressive, the Filipina is like a breath of fresh air. She tries to please and this provokes a reciprocal response; thus relationships tend to have an upward spiral rather

than the often inverse one of western society. This does not mean that Filipinas can be made slaves, far from it. Sometimes they can be as concrete-brained about issues as any other race, but generally they are smarter at understanding and handling mere males. For a sensitive man like Suny, Vicky, a Filipina, would be an ideal companion and wife.

Suny had moved out of lodgings and was renting his own small cottage in Sabang. Vicky was working as a nurse maid and general maid for an Australian friend of his who had a Filipina wife. He could not help noticing how badly they treated her, especially the wife. She had only a cupboard to sleep in, was often beaten and was very unhappy. He asked why she put up with it, but her limited English made communication difficult. After one particularly bad event, she ran away from them and to him. He let her sleep in his porch and had a falling out with his friend over the issue. Slowly, in exchange for his kindness, Vicky started to do work around the house and to learn a little English. He suddenly realized that he had become very fond of her and told her so.

Vicky moved in with him and they became the happy ideal couple, taking long walks together, enjoying each other's company. Vicky was a good cook and house keeper. Their house became the Tigar Bar, the eating and meeting -house of a number of foreigners. Suny would sell them beer or soft drinks and they would also eat there. This activity, which subsidized their savings, caused Suny to be late declared in court as a Bar/Restaurant owner, which, if you are a foreigner conjures up a very poor impression of your character. The reason for this is the perception that only foreigners own and run "girlie" bars. These are bars where young, nubile girls dance on a stage, dressed only in bikinis. Other girls, in sexy dress, mingle with the customers. Locally they are termed "hospitality ladies," or more politely, "guest relation officers," GRO's. All get commission on any drinks that are bought for them, at highly inflated prices. Most, for a payment of a fee to the bar, can leave with a customer for the purpose of spending the night in bed with him. They are prostitutes, although they would be shocked if you called them that. Thus, being described as the "owner of a bar and restaurant" immediately would have classified Suny as a pimp of Filipinas.

Many marriages take place between these girls and visiting playboys. So many registered with marriage agencies that an anti "mail-order-bride" law had to be passed. Some of these girls made good wives, and a lot of the foreign men made bad husbands. A great number learned that although they could take the girls out of the bar, often it was a lot harder to take the bar out of the girl. The awareness of HIV/AIDS though has effectively slowed this business in recent years as many realized that they might receive more than bargained for.

The money Suny had brought with him was starting to get a bit low. It was time to go and earn some more. His affection and love for Vicky had grown deeper and deeper. He did not want to leave her, ever. The solution was simple. Vicky would go with him.

So the arrangements were made and off they went, back to England to seek a house they could renovate and so earn funds in order to return.

Many women in the western world would be asking the question, “What kind of a mother is it that would leave her children?” To understand that, one has to understand something about Philippine culture and the extended family life that exists. In the Philippines, where life for most is a continual financial struggle, it is quite normal for the grandmother to raise the children while the actual mother works. If they are lucky, work can be found locally, so the bond remains. In thousands of cases, however, the work can only be found overseas. Saudi Arabia, Hong Kong, Singapore etc. all employ many Filipino women in both domestic and professional areas. Sometime in the future, these women will themselves become grandmothers and be expected to raise their children’s children. Vicky was in this situation. Her husband had abandoned her and the children and paid nothing towards their upkeep. It then fell to her to be the breadwinner of her family. To do this, she had to leave them with her mother. Suny empathized with her situation, and because of his love for her, he wanted to help.

When they returned from England, their savings accounts now at a respectable level, instead of returning to their old life in Puerto Galera, they decided that they would build a modest home for themselves and the children. As at some time in the future, they would need to return to England in order to maintain their income, the house would have to be close to where the mother of Vicky lived. She would be expected to take care of the children while they were away. The children had been raised in the area and attended schools there, so if they settled anywhere else, it would mean a continual changing of schools and taking the children away from long-established friends.

When they returned they moved in with the mother of Vicky and purchased a small block of land about 150 meters away. Suny, with the assistance of his newfound stepson, Jay-R, started to build a small duplex on it. The idea was that each of the children would have an apartment of their own and security for the future.

Suny himself was happy living with his mother-in-law. He is not a man who needs the company of his own compatriots. He is not a man for drinking in bars, which was a blessing, as none were nearby. He enjoyed working on building the house and got on extremely well with his mother-in-law. “She can be a bit cantankerous at times,” he remarked, “but she has a heart of gold.” It was a mutual liking, “Suny is a good man,” she told us through an interpreter, “I never saw him take a drink in all the time he stayed with me, and he was very good to the children.”

What Suny Wilson was doing was compassionate and understandable. Vicky was obviously excited that, at last, her children would have some security and a real home. What they both overlooked was another very important aspect of Philippine culture. *Napahiya*, the loss of respect or “face,” a shameful state that often leads to murder.

Pio Pasco, the still ‘legal’ husband of Vicky, lived with his new ‘wife’ and children not five minutes walk away. He is a complex character. “A braggart and an egoist,” is how Vicky’s mother describes him. In the Philippines, power is profitable. Some achieve power because of inherited wealth. These are the elite, the old families. Others achieve power

through politics, becoming a mayor or just a town councillor or village leader. With these positions, they can make money. Pio did the next best thing. He rode on the back of power. He had at one time been a humble tricycle driver. Being a clever man, he had become the campaign manager for a successful local councillor who had rewarded his efforts by getting him appointed to a job in the Office of the Mayor at Valenzuela Municipal Hall. This position gave him power. He was the one who signed checks before they went to the mayor for final signature. That meant for a small sum of money, Pio would expedite release of checks. The position allowed him close contact with the officers operating the local police station. He was, around town, a big fish in a small pond. Of course, everybody knew that he had, earlier in his life, abandoned his legal wife and children in favor of another. It was rumored that he was the father of other children in the vicinity. He was one of the boys, drinking and carousing his way through each day. Life for him had potential. With power, you could achieve anything and nobody would touch you.

Then overnight, his world collapsed. His wife had returned to the neighbourhood with a boy friend. Wofirst still, the boy friend was a foreigner. People would be laughing at her behind his back. The boyfriend was looking after his children, feeding them, clothing them, and paying for their schooling. What is more, he was probably rich. After all, all foreigners are assumed to be rich, while Pio had little or no money.

He was furious. Suny said that he visited them and pointed a gun at him telling him to get out of town, leave his wife and children alone, or he would kill him. Suny dismissed the threat. "I thought, at the time, that it was childish and stupid," said Suny, "of course, now I know the Philippine culture a bit better, I realise that it was very serious." Nobody was going to threaten him. He carried on building and, with Jay-R assisting him, a bond was formed between them. To Jay-R, Uncle Suny was the father he had never had. "Uncle Suny was a good father," said Jay-R, "he was very strict with us. If we were naughty or rude to our mother, he would ground us for up to three days. He made us speak in English whenever we were in the house."

Although Suny got on very well with Jay-R, the daughter, Nica, resented discipline even by her mother. "She was a bit bolshie," said Suny, "hard-headed." Although she could stay in the house once it was finished, if she resented Suny's discipline she would move back with her grandmother, or visit and stay with her mother's sister. She refused to speak English in the house and communicated with Suny through her mother. Suny would get angry at her attitude and he shouted at her many times.

After one such bout, on 12 July 1996, Nica told her grandmother that Suny had raped her. The grandmother was very upset and did not believe it. She told Vicky who was very angry, not with Suny but with Nica. When Suny heard about it, he was furious. He insisted that she be medically examined to prove that he did not do such a thing. He told Vicky that she wasn't allowed in the house and that she must sleep at her grandmother's unless she was medically examined. Nica then admitted to her grandmother that she had been lying. That she just wanted Suny to go away and leave her and Jay-R with her

mother. I She had learned a valuable lesson. Being a female, she had learned the power one achieved by accusing a man of rape. The stage had been set for the future drama.

## Chapter V

### 5 Serious Bargaining

Soon after he had been formally charged with attempted rape and his bail had been denied, Suny Wilson was transferred from the police station to Valenzuela jail. This is a small jail that is meant to detain prisoners awaiting trial or doing relatively short times for minor offences. The police sergeant in charge of the jail was a woman. It did not take her long to realize that Suny was not a dangerous criminal.

In addition, although he had to be locked up at night with the jail's other thirty-nine occupants, during the day he was allowed to while away his time in the front office. Suny obtained permission to have his computer placed there and she was very appreciative of it because Suny did all of the administrative correspondence for her. He was allowed to go outside and take walks when he wanted. She even told him to look after her side-arm when she had to leave the office. "She hated wearing it and used to keep it in the unlocked cupboard. She would tell me not to let anyone get near it. If I hadn't been in so serious a situation, it might even have been funny," said Suny. This was to cause Wilkinson to later write in a letter to the press, "he could have escaped."

Initially, Wilson had appointed a local lawyer, Attorney Barrientos, to act on his behalf. All of the initial paperwork and motions were prepared by Barrientos.

The then British Consul, Laurie Evan, advised against this. He showed him a list of law firms recommended by the British Embassy, and suggested that Wilson would be better to use one of these. Wilson asked which he would recommend, but was told that they were all good and had been used by both the Embassy and other British nationals.

Running his finger down the list, Wilson made what was later to be deemed a major mistake. He selected the old-established firm of Ortega, Del Castillo, Bacorro, Odulio, Calma and Carbonell, from the Central Business District of Makati. He was not told, and probably the Consul did not know, that this firm specialized in commercial and marine law. The only time that they came anywhere near criminal work was in suing for bouncing checks. In their memory, they had never defended an alleged pedophile alleged rapist. With twenty twenty hindsight, this was proved not to be a very good decision. Although Judge Osorio was happy in the first two hearings, where Atty. Barrientos assisted the firm's young lawyer, Nazareno, he became decidedly unhappy when Barrientos withdrew in the favor of this high profile Makati law firm. Decidedly hostile, in fact. Barrientos, being a local criminal lawyer, had appeared before him many times. He respected Barrientos. By sending such a young and inexperienced lawyer to his court, he probably felt this firm was displaying unnecessary arrogance. This would fit in with the Philippine psyche.

At this stage, even Wilson was not aware that he was charged with anything other than attempted rape, a serious enough charge but not considered "heinous."

It was after the first and only visit of a lawyer from the firm, this young woman not long out of law school, Atty. Nazareno, that he learned from the jail sergeant that he was finally being charged with consummated rape. He was never given any official notification to confirm this. He informed the Consul on the following visit and was assured that if he was found guilty, he could be sentenced to death, but the British Government were sure to get this commuted to a life sentence. Wilson failed to show gratitude for this generosity. As he pointed out, he was innocent and even the current incarceration was unacceptable. One wonders if the Foreign Office of London were aware of the Consul's 'deal' to defeat death. Certainly one person, Canadian Walter Moran, was convinced that not only did they know, but were the instigators. He wrote in a letter:

*Suny's conviction and execution were a serious problem for British policy in SE Asia and were definitely highest profile. Their goal was to see that, at a minimum, Suny was not executed. The FCO, (Foreign Commonwealth Office), would have settled*

*for the sentence being commuted to life. So when I met with the head of the FCO last November 1988, I made it clear that I was working for Suny's acquittal and release and would accept no other result. I told Suny all this last year, so he is aware of the politics of the situation in London.*

Both of the authors had written to British Ambassador Collins requesting he confirm or deny this was the policy, but he failed to reply directly to the question.

The Consul then suggested that he escape. Why take a chance with Philippine justice? This was not England. With a strange foresight, he predicted that Wilson might not get a fair trial. As he was allowed out of the jail, if he wanted to escape, they would have a car waiting and have him on a flight to England before anyone was aware of it.

The amusing thing was that some of the other prisoners were planning an escape and had invited Wilson to join them. They were working two bars out of one of the windows and, one night, seven of them did escape.

It is obvious that Suny could easily have escaped at any time. Just hopped on a bus to Manila and got the hell out of the Philippines. He chose not to do so. "Why should I run? I had not done anything. If I had escaped then I would never have been able to return to the Philippines, and this was just not acceptable," he says. "I might never have seen Vicky, "It was a pig-headed decision. More were to follow.

He was having problems though. Many philosophers have said time and time again, that crime does not pay. This is of course none sense, especially in the Philippines. Crime is very big business. Even the current President, Joseph Estrada, when he was Vice-President, had promised to go after those whom he called, "hoodlums in robes." It is well known that many judges and fiscals accept financial incentives to decide cases. In fact a popular joke is about the judge who, before the case commenced, said, "I want you all to know that the plaintiff has given me P 20,000 to decide in his favor and the defendant has given me P 30,000 to decide his way. I am announcing that I am returning P 10,000 to the defendant in order for you all to know that this is going to be a fair trial."

Suny claims that, after a few weeks inside awaiting the commencement of this trial, the police sergeant informed him that she had been requested to approach him on behalf of the court. That, should he be willing to pay P 100,000 (US \$ 3,900), then the case would be 'solved.' He would be free and clear.

Suny was raised in a generation where being British and honorable in your actions was the accepted thing. He believed in British law and justice. To pay good money when you were innocent was just not on. Paying it would tell people that he was guilty, and he wasn't. He refused the offer.

Many long-time foreign residents of the Philippines believe that in making this decision, he was pig-headed and naive. Manila may have all of the outward appearances of being westernized. Glazed office blocks point like fingers to the sky; a great number of businessmen wear collar and tie; the latest-model cars ply the traffic-choked streets; McDonalds and other franchises fill the monolithic shopping malls and English is widely spoken. However, in spite of these outward appearances, it still is predominantly oriental in culture. If what Suny is saying is true, and it is definitely not beyond the realms of possibility, then either the judge, or the fiscal, was offering him a good deal. He might be innocent, but his lawyer's fees for defending him would reach far above this modest figure. Even if found innocent, his chances of recovering his costs from a twelve-year-old girl were indeed slight.

The other person trying to make money out of the accusation was Pio Pasco, and of this attempt there are independent witnesses. One of the strange things about the law in the Philippines is that one can reach a private settlement and have the case dropped. Even in cases of murder, if the accused privately offers an acceptable amount of money to the family of the victim, then they can drop the complaint and the authorities are helpless to proceed. This is termed a Letter of Desistance.

To those brought up in western civilization and laws, this appears very strange. We are used to the government, through its judicial arm, bringing cases against perpetrators of crime. In the Philippines, there must be a complainant. No complainant, no case. Thus, should the complainant withdraw the complaint, unless another complainant can be found the case cannot proceed and must be dismissed. That allows what can be only described as legal blackmail and perpetuates, particularly if they are wealthy. Wilkinson has been campaigning for a change in this law, but has received little support.

This is becoming very frightening, now that the death penalty has been reintroduced for a wide range of offences. It means that a complaint, even though false, can be lodged against anyone. If it is for child rape, and it is claimed that the offence took place many months before in order to confuse medical examination, then the accused cannot obtain bail. It is already shown that the accused will spend years in prison before and during his trial. Even if innocent, he will have spent not only a part of his life locked away, but also literally hundreds of thousands of pesos with avicious lawyers. Thus, he would be wrong not to be open to a deal. This is happening, and only a change in the law can stop it.

Pio Pasco had visited Suny, gloating, several times. His request was simple. A million pesos and the case would go away. Suny told him that he did not have a million pesos. Ah, but he had a house and lot worth perhaps P 600,000, that would do for a start, then just the difference in cash. Wilson was a foreigner. All foreigners are rich or, if not, they know other foreigners that are. Wilson could borrow from them.

One can feel Pio almost drooling at the prospect. He would have his revenge and everyone would know what a clever and cunning man he was. Not only would he get the foreigner and lover of his legal wife out of the district for good, but also he, Pio Pasco, would live in the house built with the labor of that self-same foreigner. What was more, he would have plenty of money as well.

Suny was incensed and, unintentionally, made a dreadful miscalculation. He told Pio never to come to see him again. He told Pasco that the house was not owned by him, but by Vicky. He also told him that whatever money they had left, which was little, it was controlled by Vicky, not him, so he was not in a position to give him anything.

He was certainly telling the truth about the house. He was a foreigner and foreigners cannot own land in the Philippines. There being no divorce in the Philip-pines, he was not, and never could be, legally married to Vicky, and so he could not even claim a matrimonial share of the property.

This did not dissuade Pasco. Not at all. He was too close to glory to give up. On 4 October 1996, he marched Nica to the police station once again. This time to swear as joint complainants to more rapes, but linking the mother Vicky as the one who offered Nica money to have sex with Suny.

It is highly unlikely that Nica would have preferred these charges voluntarily against her own mother. As she had mentioned alleged rapes of 27 June and 12 July 1996, during her initial complaint of attempted rape, and if indeed there had been other rapes, there was no reason not to mention them as well. Now, after her father discovered the truth about who held the title to the property in Coloong, she charged her own mother with being an accom- plice. We can only imagine the threats she must have endured to do this evil thing.

From one attempted rape on 16th September 1996, consummated rape charges were now in the books covering 28, 29 and 20 Jun; and 16 Septemeber all in 1996. Three warrants of arrest were said to have been issued for Vicky that allowed no bail. Vicky was forced either to go to jail or to run from the police. She chose the latter. The pressure was on for them to hand over the house and pay more.

What was worse, as far as Suny was concerned, Vicky, who had visited him every day, could no longer do so. Years were to pass before he would see her again. What was more, Vicky's evidence of her being in the house at the time of the alleged rape, would only be able to be given by af davit, and was therefore virtually rejected by the judge. In the Philippines, unless cross-examination is able to be undertaken, written statements such as af davits are given little credibility.

Now Suny was not only still in jail, but also the woman he really loved, due to

the arrest warrants, could no longer visit him. His only contact now was through the frequent visits of his mother-in-law, Virginia Delistan, and his stepson, Jay-R. The boy had received another beating from his father once these visits were discovered, but he still came, time after time.

Two years later, in 1998, even though the police had been unable to locate and arrest her, Earl Wilkinson tracked her down. Suny was becoming distraught for lack of news of her. Wilkinson made secret contact, where a weeping Vicky cried, "I don't want my husband to die in the Philippines." Wilkinson took her photograph and presented it to Wilson to prove that he had established contact and would be a pipeline for messages.

## Chapter VI

### 6 A Cry For Help

"For Wilson, the days now went very slowly. It was dawning upon him just how serious a position he was in. Working his computer helped to pass the days, but the evenings and nights, when he was locked up with real criminals, some extremely violent, were endless. At least when Vicky was able to visit him, his morale had been lifted, but the fact that she too was officially a criminal on the run stressed him more than his own problems. He worried about her very much. He could not think of anyone to contact. He was worried that his daughter, Denise, married and living in Dover, England, would find out about the trouble he was in from someone else, so he wrote her a long letter. His lawyer had not visited him and he felt totally abandoned. It was then that he remembered a long-time friend living in Canada.

This was a woman with whom he once had an affectionate relationship. In the desperation that clearly shows in his letter, on 30 October 1996, he wrote to Ms. Maureen Duncum as follows:

*Dear Maureen,*

*I am sorry my last letter did not reach you. I hope desperately somebody opens this and telephones you.*

*I'm in a Philippine JAIL. I am going to be EXECUTED. I am charged with RAPE of a 12 yrs old girl. I am not GUILTY and I sincerely hope you will believe me. The story has been constructed in order to extract money from me but as I refused to submit to blackmail a charge was made. I had no idea of the extent to which corruption extended here, the girl simply submitted a complaint, supported by her father who is the one trying to get money from me, and I was thrown into jail. There are absolutely no HUMAN RIGHTS WHATSOEVER here.*

*The girls mother has been living with me for a long time and even now is fully supportive of me as is her 15 yr. old son. Her ex-husband, who has a position in local government has however been trying to get money from us for some time.*

*The result of the mothers support for me is that she has been charged basically with CHILD ABUSE AND SELLING HER OWN DAUGHTER for sex.*

*The entire situation is beyond belief and I do not know how long I will survive in jail. Poor food, sleeping on the floor, contagious infection (one inmate has TB) and violent incidents coupled with the threat of the father that he will kill me, Vicky (my live-in partner), her son, JR and any other members of her family or neighbors who dare to help us does not give much hope for the future. I honestly do not know what you can do to help me but every letter of support via the British Embassy will help.*

*PARADISE HAS BECOME HELL and with other Philipinos, who are undoubtedly in many cases equally innocent, I await my fate and beg food and money from visitors.*

*PLEASE, I BEG YOU, for the sake of our friendship to try keep in contact with Denise and help her through life and for the sake of every Canadian thinking of coming here contact their foreign office and tell them just what can happen. IF ANY FILIPINO MAKES A COMPLAINT AGAINST YOU TO THE POLICE YOU ARE ARRESTED AND HELD WITHOUT ANY OPPORTUNITY TO DEFEND YOURSELF. YOU ARE TOTALLY ISOLATED FROM THE OUTSIDE WORLD AS FAR AS THEY CAN. AND YOUR COMPLAINANT IS FREE TO PAY CORRUPTION MONEY TO PRESS, ETC. I, FOR EXAMPLE AM TOLD THE PRICE OF MY FREEDOM IS ONE MILLION PESOS.*

*GOD BLESS YOU.*

And keep away from here.

Fortunately for Suny, Ms. Duncum is made of much sterner stuff and ignored his last piece of advice. This remarkable woman deserves knowing a little better.

In the summer of 1991, Suny took his daughter Denise for a week's holiday to a Butlin's Holiday Camp at Bognar Regis on England's south coast. In England, if one is to spend a summer holiday in the unpredictable climate of that country, a holiday camp is the ideal venue. Even if the clouds open for the whole week, there are many indoor activities and entertainments to ensure a good time. Normally, accommodation in such camps is in chalets. Small buildings set along garden paths containing bunks or beds to accommodate just two people with basic amenities. That year, occupying the chalet next to Suny and Denise, was Maureen Duncum with her daughter of a similar age to Denise. Maureen is an attractive divorcee and Suny is not an ugly man by any means. The two girls became friends, as did Suny and Maureen. Before the week was over, the two girls were sleeping in one of the chalets. A romantic attachment was formed between Suny and Maureen, but as with most holiday romances, it was not sufficiently serious for permanency although they were always to keep in touch and have a genuine affection for each other.

Anyway Maureen was moving to Canada, not exactly close enough for anything serious to develop. They still kept in touch. Maureen was forever inviting Suny to visit her in Canada. In 1992, he decided that on the way home from the Philippines, he would divert

and do just this. It would give her a surprise. It was he who had the surprise, however, as he found that she was living with another man, Walter Moran.

When Suny's letter reached Canada, he had a lucky break, probably the first since that fateful September day. Although he had addressed it to Maureen, it was delivered to her last known address, that of the now ex-boyfriend, Walter Moran. Maureen had gone to Australia. Walter, or Wally as he is known to friends, seeing on the outside of the envelope the name of Suny, who he had met and liked, and the address of a jail in the Philippines, had the good sense to open and read it. Walter was horrified and immediately made calls to both the Canadian and British Embassies in the Philippines to find out how he could reach Suny. After several frantic hours of telephoning, he eventually was given the number of the jail at Valenzuela and he telephoned Suny. At last, a frail and fragile lifeline had been established.

Suny was at first shocked and then delighted at receiving the call. As written on the Internet site developed by Wally:

*Once Suny got over his surprise, he gave Wally the history of what had occurred, and his lawyer's name and phone number. Over the next several days, Wally then sent letters to British Prime Minister John Major, among others, and attempted to contact Maureen in Australia.*

*As well, he had copies of the documents faxed over by Suny's lawyer, which were translated from Tagalog into English by a Philippine couple from Wally and Maureen's church in Orillia, Ontario. After substantial effort, Wally was able to reach and inform Maureen of what had happened to Suny. Independently, both began making plans to go to Suny's aid in Manila. Maureen from Australia and Wally from Canada.*

*Wally also contacted the British Newspaper The Guardian, and spoke with reporter Owen Bowcott. By the strangest co-incidence, Bowcott was going to Manila on another story. He agreed to interview Suny in the Valenzuela jail, and filed his story in mid-December.*

Meanwhile, the date for the first hearing of the case had been set for 6 November 1996, in the Valenzuela Regional Trial Court before His Honor Judge Adriano Osorio. The people would be represented by Fiscal Razon and assisted by a private prosecutor, Attorney Lozada, appointed by Nica and her father. The public prosecutor was not good enough for Pasco.

It should be explained that it is quite common for complainants in the Philippines to employ their own lawyers to assist in the government's prosecution of the case. There are many good reasons for this practice. Fiscals are employed by the government by the Department of Justice. Being a government position, the official salary, compared with private practice, is relatively low. The position is only attractive if the lawyer cannot find anything better.

The usual reason that they cannot find anything better is that they lack the necessary talent or contacts. They also have a very a heavy workload and therefore may be unable to

present a strong case. Thus a complainant sometimes will select his own prosecutor from private practice and pay for it.

Wilson had chosen from the list of British Embassy preferred lawyers. He had selected the old-established firm of Ortega, Del Castillo, Bacorro, Odulio, Calma & Carbonell. Geoffrey Robertson Q. C. wrote in one of his books how the worst job that any lawyer can have is to defend a pedophile. Perhaps this is the reason that this prominent corporate law firm selected their most junior of lawyers throughout the trial to represent a man on a capital charge. For such a serious offence, one would have thought a Senior Partner would have been involved. Their decision was to almost prove disastrous for Wilson, and provide years of agony for many.

At the very first hearing, the charge was read out. The young female lawyer of Suny Wilson was amazed. The only complaint that she had seen was for that of attempted rape. It was on this charge that she had interviewed her client. She had not visited him since he had discovered the amendment to consummated rape. Neither had the Consul, Laurie Evan, who had been informed by Wilson, bothered to tell her. Had she been more experienced, she would at this point have objected to the case proceeding against her client due to lack of due process. Her arguments should have been that Wilson had been illegally arrested and detained in the first place. He had not been read his rights and now was facing court on a charge for which no preliminary investigation, report and charges had been given to him. He had not been given the right to refute the charge before it was presented to court.

If this had been done there and then, the court would have had no choice but to dismiss the charges. Whether Wilson would have been satisfied with being set free, but still with the suspicion hanging over his head, is doubtful. He is, and has proven to be in the past, a very stubborn man. He wanted to be cleared, by the court declaring his innocence. However, it is the lawyer's responsibility to defend the client by any means legally possible, and that, in this case, was not done. No objection was made and thus any rights to object on this basis were automatically forfeited.

Before describing the trial, it is necessary to explain a little about the Philippine judicial system.

The one thing the 1997 Constitution did not change was the system of government within the Philippines. In order to attempt some form of check and balance, there are three separate arms of government. These are the Executive, the Legislative and the Judiciary. None has control over the other. In terms of administering the laws of the land, the prosecution of offenders is carried out by the Executive using its Department of Justice. They appoint the Fiscal who will prosecute. The Judiciary, however, maintain sole discretion once a case is lodged and the Courts and accused is arranged. Unfortunately, the judicial system itself really needs a few appraisal and yet only the judiciary themselves can do this. Insufficient court buildings; not enough judges, and too many cases, have caused an enormous pressure on the system in which justice itself is the loser. Only one

judge hears even a capital case, where the penalty is death. The hearing is not continuous, although the prosecution may request this in certain instances, which significantly reduces the overall time of trial. Usually though, a maximum of half of a day or the evidence of one witness, whichever is the shorter, is the rule. Each witness is first questioned by the lawyer of whichever side has called him or her. This is termed the direct examination. The opposing lawyer then carries out cross-examination in order to try to break the testimony, but questions can only touch on points that have been stated in court. When the cross-examination is completed, the original lawyer can now carry out a redirect examination. He can request further explanations of items that may have been unearthed by the cross-examination. Upon completion of redirect, the opposing lawyer now has the opportunity to a re-cross-examination, whereby he can get the witness to elucidate on items that have been brought out in the redirect. Thus, questioning a vital witness can be a lengthy process. Adjournments for many reasons are common as lawyers fees increase and witness fatigue sets in as memory lapses.

This would be bad enough, but sittings are usually programmed to be weeks and sometimes months apart. That means that someone charged with a capital crime, for which bail is disallowed, may spend years imprisoned during the course of the trial. If the court brings in a verdict of 'Not Guilty', then he is compensated at a fixed rate of P 1,000 (US\$ 25.00) for every month that he spent in prison, to a maximum of a measly P 10,000. Albert Wilson entered jail on 16 September 1996 and was sentenced on 30 September 1998, a total of just over 24 months of imprisonment. Even had the Court found him 'Not Guilty', he would still have lost two years of his life.

If the case for the prosecution is deemed weak, the lawyers for the defense can submit what is called a Demurrer to the court before opening the case for the defense. This Demurrer will set out their arguments, quoting the transcript evidence of the prosecution witnesses, in order to persuade the court that there is no case to answer. Should the court agree, then the case is dismissed.

After the defense rests its case, they do not, as in English courts make a final speech, but rather each side submits to the court a Memorandum setting out the points that should assist the Court making a decision, which is read out in court at the final day's hearing.

If found guilty and the case is a capital offence, it will automatically be reviewed by the Supreme Court. Note that the law is harsher for a capital offence than a non-capital offence. If, say, you robbed a bank, were caught and found guilty as charged, then you are able to take the case to the Court of Appeals. In the Court of Appeals you will be allowed to introduce new evidence. If the court confirms the sentence, then you have the right of final appeal to the Supreme Court. If you are found guilty of a capital offence a review by the Court of Appeals is denied you. Also, the Supreme Court does not allow any new evidence to be introduced, neither is personal appearance permitted.

In theory this should work. However, the Supreme Court has fifteen Justices. A capital offence requires these Justices to sit en banc to review the case. This means that each of

the fifteen Justices has to be presented with a copy of all of the documents, including

Demurrer, Memorandum, Decision and Transcripts, which in this case were nearly five inches thick. Both the prosecution and the defense will prepare yet more briefs, one backing the decision and the other attempting to prove that the court was in error. Each Justice will study the case, arrive at a decision and then sit in court with his colleagues to discuss their individual positions. When a consensus is reached, and it could be a split vote, one Justice is nominated to write the majority decision.

This sounds, and is, very fair. However, in capital cases alone, there are currently over one thousand awaiting appeal, with a further thirty to forty being added every month, and the Supreme Court has to deal with many other aspects of the law. This means it will take many years before an individual appeal can be heard, and all of those years are years of being locked away, suffering inhuman conditions, surrounded by a lot of people of doubtful sanity. Many years of living hell. This was the immediate prospect of Wilson.

Thus, the trial began, the trial that would determine Wilson's fate of life or death. The odds were against him. Over 55 percent of heinous crime convictions were for child rape, most of whom were Filipinos charged with raping their own daughters.

## **Chapter VII**

### **7 Nica's "Credible" Story On One Rape**

To open the proceedings, the prosecution presented the private complainant, Veronica Pasco Delistan, known to us as Nica. She was sworn in, and then uttered her first lie, one of very many to come. That she was living at 570A Coloong I, Valenzuela, Metro Manila. This of course was untrue. The date of her statement before the court was 6 November 1996. The address she stated was that of Wilson, the accused. She had not lived at that address since he had thrown her out on 12 July 1996, over four months previously.

After swearing the oath, Judge Osorio intervenes to check that she understands just what the oath means. She tells him she does. That it means she must tell the truth. He asks her if she understands what will happen to her should she not tell the truth. She answers, "Yes. I will be incarcerated."

On cross-examination, she is asked by the defense, "Do you know what incarcerated means?" She answers, "No, ma'am." The lawyer reminds her that she had stated to the judge that she understood that if she did not tell the truth that she would "be incarcerated". She just answers, "Yes, ma'am." This was an early and obvious sign that she was being coached in her evidence.

The request is made to have the court cleared of spectators. After all, this is a young girl about to relate an unpleasant sexual attack. Over his clear objections, even the father is made to leave the court.

Nica then relates, through the questions of the private prosecutor, her alleged ordeal. Nica's version of what happened is this. She stands and apologizes to Suny for her bad behavior. As she is being forced by her mother to apologize, no doubt a little sincerity is

missing. Suny admits to being in a bad mood, as she had been banned from the house until she had a medical examination and he has arrived home to find her there. He has already had an argument with his wife about this. Nica says he grabbed her wrist and shouted at her, in perfect, fluent Tagalog, “Pag hindi raw ako naghubad siya pa rin ang amo pero kung maghuhubad ako masusunod daw lahat pati na ang aking bibilhin, which translates to If I did not undress he is still the master and if I undress I can have all I want to buy.

In evidence given 1 July 1998, Suny stated , I told her this was my house, that I am the boss in my house. She could take out all her clothes, all her things and even the things I bought her. She could have anything she wanted but I will be the boss in my house, not her; either she could respect her mother and myself or go. Admittedly, this was said in English and while Suny was feeling angry at her, so she may not have understood it exactly.

The first version of the rape itself, in the hearing of 6 November 1996, is simple and had she stuck to it, may have provided a little doubt in the mind of the biased. Let us read it as testified, omitting extraneous information and legal argument, just the facts. It should be noted here that throughout this book, for the purpose of accuracy, transcripts are quoted as written, including the often incorrect English and punctuation.

*Q. Will you tell this Honorable Court what happened on 16*

*September 1996 at 4:30 p. m. at 570 Coloong I Valenzuela, Metro Manila?*

*A. He dragged me inside the bedroom and he laid me down on the bed and he held my two hands and he undressed me including my panty and my bra.*

Simple enough. Although, we reiterate, there is not strictly a bedroom in the house. It is an open plan.

*Q. And what happened next?*

*A. He held my hands outstretched and pulled my legs apart and placed himself on top of me.*

*Q. And after that?*

*A. After that, he placed his private organ inside my vagina and when he placed his organ into my vagina the telephone rang and his penis was pulled out.*

*Q. How many times did the telephone ring?*

*A. More than six times.*

*Q, Now do you recall, Veronica, how much of his organ was inserted inside your vagina?*

*A. Yes, ma'am.*

Atty. Lozada, then the private lawyer for the prosecution, states for the record that the witness is demonstrating. The Judge asks, How do you estimate? The Fiscal, Razon, jumps

in and says, One and a half inches. The judge then asks Atty. Nazareno,

Do you agree one and a half inches? , and amazingly , instead of objecting that such evidence is hearsay on the basis that she couldn't see the length of penis already in her vagina, she says, Yes, Your Honor.

On 27 March 1997, Nica was to deny the fact that one and a half inches of penis was inserted in her, as she was questioned about it and stated that it was not she who had said one and a half inches but the lawyers who were then present. Bear in mind that, by this time, others had replaced both the private prosecutor and the attorney who were with me. I estimate of one and a half inches, Judge Osorio, in his Decision, still quotes it.

*Q. And when you stood up, what did you do, if any?*

*A. I hurriedly put on my dress and panty and my bra.*

*Q. And at the time when you were hurriedly putting on your clothes what was the accused doing, if any?*

*A. He answered the telephone call and I immediately ran out of the house.*

*Q. When you were allegedly being sexually abused by the accused in this case during the time what were you doing?*

*A. I told him "Don't. Have pity on me," but he did not listen to me and instead said, "Shut up."*

*Q. And why did you not shout or ask help to anybody? A. Because he covered my mouth with his hands.*

So, the allegation is easy enough. Suny grabbed her, dragged her to the bed, threw her onto it, undressed her, held her hands outstretched, covered her mouth with his hands, spread her legs, inserted his penis for one and a half inches, the telephone rang, he withdrew to go and answer it, (after all, it's much more important than a rape), she got up, put on a dress and underclothes, all unobserved by Wilson who is in the same room, and ran away. She could not shout for help as he was covering her mouth with his hands, but he uncovered her mouth long enough for her to plead with him.

The cross-examination, however, demands more details, and Nica is happy to provide them.

*Q. How did he place you on the bed?*

*A. He grabbed me and suddenly pushed to get me laid on the bed.*

*Q. When you landed on the bed, did you feel pain on the other part of your body which came in contact with the bed?*

*A. My breast, sir.*

*Q. Why, did you land on the bed on your breast?*

*A. Yes, sir.*

*Q. Now, what clothes were you wearing when Suny did this to you? I am wearing*

*short and fitted T-shirt.*

Note that during the first hearing she said, "I hurriedly put on my dress, panty and bra." If she put on a dress, is it not logical to believe that it was a dress that had been removed? If so, why is she now wearing shorts and T-shirt?

It does not take a separate hearing for Nica to alter her mind. During the same hearing of 23 March 1997, she is asked, "When Suny answered the telephone you put on your blouse. Correct? She answered, "Yes sir". A blouse is normally worn with a skirt, so we may have three sets of clothing involved.

*Q. Did Suny take off your shirt?*

*A. Yes, sir.*

*Q. Now when Suny was taking off your shirt, did you try to fight*

*Q. Were you able to hit him?*

*A. At his chest, sir.*

*Q. You mentioned to the court that he held your arms outstretched, him?*

*A. Yes, sir.*

*Q. Could you show the Court how he held your arms outstretched?*

*A. My hands were raised above my head crisscross and he held my hands with one of his hands while he took off my clothes by other hand.*

*Q. You mean to tell me Nica that he was able to take off your shirt with one hand, is that correct?*

*A. Yes, sir.*

*Q. He was able to take off your shorts with one hand?*

*A. Yes, sir.*

*Q. He was able to take off your bra with one hand?*

*A. Yes, sir.*

*Q. He was able to take off your panty with one hand?*

*A. Yes, sir.*

*Q. And all the time you were struggling and kicking him?*

*W. Yes, sir.*

*Q. In order to remove your shirt you have your arm raised?*

*A. He was the one who raised my hand.*

*Q. He used both hands?*

*A. No, sir, his knees were pinning me and one of his hands was holding my hand and the other hand is removing my shirt.*

*Q. Last March 27, 1997 during the cross-examination you were also asked and I quote, did you shout for help? Answer, No, sir. Will you please explain to the Court what you mean by "No, sir"?*

*A. I cannot shout because the hand of Kano is on my mouth.*

*Q. What hand?*

*A. The left hand of Kano.*

*Q. Would you tell the Court how force was used to cover your mouth?*

*A. Pressing his fingers on my both cheeks. Q. What do you feel?*

*A. I feel pain.*

*Obviously not hard enough to produce any bruising, as none was noticed in the medical examination.*

*Q. Now at the time Kano is supposedly raping you, you did not shout. Correct?*

*A. I shouted, sir.*

*Q. Did you shout for help?*

*A. Yes, sir.*

*Q. Now, did you shout in a loud voice?*

*A. Yes sir, but he covered my mouth hardly.*

*Q. All the times that he was supposedly raping you his left hand was covering your mouth?*

*A, Yes, sir.*

*Q. And he was covering your mouth with his left hand?*

*A. Alternate his left and right hand.*

*Q. You mentioned, Nica, that one reason that you could not escape was that the accused was holding both your hands in a criss cross fashion over your head with one of his hand. Correct?*

*A. Yes, sir.*

*You also mentioned that while he was holding your hand with one hand he was taking off your clothes with the other hand, correct?*

*A. Yes, sir.*

*Q. And now, you mentioned that you were not able to shout because all the*

*time he was raping you he had his one hand over your mouth, correct?*

**Objections And Legal Argument.**

COURT:

*Yes, but there was an answer by the witness that she said he covered my mouth alternately with his left and right hand That is the answer of the witness.*

*Q. So there were times that your mouth was not covered in fact, correct?*

*A. Yes, sir.*

*Q. And it was during this time that you shouted for help, correct?*

*A. When he was able to pull off my short I shouted for help and then he covered again*

*my mouth hardly.*

*Q. Now, did you have a bra, by the way?*

*A. Yes, sir.*

*Q. This bra, did it have clutch at the back?*

*A. Yes, sir.*

*Q. Was Suny also the one who took off the clutch at the back?*

*A. Yes, sir.*

*Q. When Suny was taking off your short, did you try to fight him?*

*A. Yes, sir.*

*Q. How did you try to fight ?*

*A. I kick him.*

*Q. Were you able to hit him with your feet!*

*A. No, sir, he was able to evade.*

*Q. When Suny is taking off your panty, did you try to fight him?*

*A. Yes, sir.*

*Q. You also still trying to hit him and kick him, Correct?*

*A. Yes, sir.*

*Q. Now, at this time that you were trying to hit him and kick at him at the time he was taking off your clothes you were able to hit him?*

*A. Yes, sir.*

*Q. And at the time when you were hurriedly putting on your clothes, what was the accused doing, if any?*

*A. He answered the telephone call and I immediately ran out of the house.*

*Q. And why did you not shout or ask for help to anybody?*

*A. Because he covered my mouth with his hands.*

*Q. Was all these time that Suny was taking off your shirt, then your pant then your panty, then your bra, did you not try to scream?*

*A. No, sir, because I was frightened.*

By now you may be getting either bemused or confused, so let us try to make sense of Nica's story. Suny has thrown her on the bed face first so that she feels pain as she lands on her breast. No bruising is detected in the medical exam less than twenty-four hours later.

Now using one of his hands, he holds both of her hands crisscrossed above her head. With the other hand he starts to remove her buttoned T-shirt. She is struggling and kicking, so we believe that he has straddled her, sitting on her stomach. With one hand, he lifts both sides of the T-shirt, manages to get it over her head and up her arms until he can let go of her hands long enough to pull them through. She is shouting for help. No she is not, sorry, she is too frightened to shout for help. Wait, yes she is, she shouts loudly, but with his left hand, he pinches her cheeks together very hard to silence her. It is painful, yet

no bruise is detected by the medical examiner. But wait, one hand is holding her hands crisscrossed above her head. A second hand is removing her shirt, so where does the hand that is pinching her cheeks together come from? In the meantime, with her hands held crisscrossed above her head, she is hitting him in the chest. Where has she suddenly got another pair of hands?

Then, while he is holding her hands above her head and holding her mouth with another hand, the third hand manages to reach under her back and, on a wriggling body, undo the clasp of her bra. Then he has to remove it, which means each arm has to be pulled through the shoulder straps.

Now, he reaches behind him, nil-handed, because he is holding her hands above her head with one hand and, oh dear, alternately covering her mouth with both the left and right hand. Another hand has appeared.

So, he manages to remove her shorts, even though she is kicking him, and he is one-handed. Then, the pantys are off. This entire violent struggle produces not one little bruise or abrasion. Nothing. (“Was he an octopus?” asked a visiting Independent Television Network team from England when interviewing Wilkinson in 1999 in his apartment).

Now he maneuvers on top of her and using one of his four hands to spread her legs apart, shoves just one and a half inches of his penis into her and pumps. This would not be easy, still holding her hands above her head and covering her mouth with alternatively the left and right hand. Made harder indeed by the fact unless Wilson is a complete freak in the penis department, one would expect a nearly six-foot-tall Caucasian to be blessed with considerably more length of penis than one and a half inches. Thus, even a slight withdrawal is likely to cause the penis to be squeezed out of the tighter vagina altogether, and unless he can find yet another hand to guide it, he is unlikely to be able to relocate the entrance to the vagina on a wriggling and squinching body. Fortunately for Nica, the telephone rings; she counts it more than six times. It must be very important, because Suny decides to answer it and postpone the rape. She was effectively saved by the bell. He gets off the bed, walks the three paces required to answer the telephone, stands in full view of anyone who cares to glance in his front window, and just feet away from his neighbor’s window. Nica uses the time to put on a dress, or blouse, depending on which of her stories you believe, stops to put on her bra, which is ever so important in this situation, her pantys and then runs past Suny and out of the front door. There was another door exiting from the sleeping area, but she chose to risk Suny grabbing her again.

If you believe that this story is fantastic, it gets worse. Listen to her evidence on what was Suny wearing.

*Q. Was he wearing, what was he wearing by the way?*

*A. He was not wearing sando, just a short.*

*Q. What kind of short was he wearing?*

*A. Maong shorts, sir*

*Q. This maong short had a zipper on the front? A. Yes, sir*

*Q. It also has a button on the front?*

*A. Yes, sir*

So, he is wearing shorts made of maong, the local term for denim.

*Q. When the accused put his penis inside your vagina were you lying on your back or were you lying on your stomach?*

*A. When my face hit the bed Suny made me lie down with my back on the bed and Suny removed his shorts and undress me and place his penis into my vagina.*

Suny has totally removed his shorts before he starts to undress Nica.

*Q. When did he first expose his penis after he had all your clothes off or before starts*

*to undress Nica. your clothes were taking off?*

*A. While he was removing my dress, while he was undressing me. Now she was wearing a dress, although “dress” in this context could have meant “clothes.”*

*Q. So he was undressing you at the same time that he was holding you at the same time he was pulling out his penis. Is that correct?*

*A. He was holding my hands and his both feet pinned down my legs while he was removing my shirt and holding my hands and removing my bra and unzipped his short.*

*Q. Did he fully remove his shorts?*

*A. No, sir; just to the middle of his buttocks.*

*Q. Was he able to unbutton his shorts?*

*A. Yes, sir.*

Suny could not have removed his shorts as he still has them on when he is straddling her and undressing her.

*Q. Now, when Suny went to answer the phone, did he put on his clothes?*

*A. No, sir; he was just wearing his brief*

*Q. So, let me clarify. When Suny went to the telephone he was only wearing his brief not his maong pants.*

*A. No, sir*

*Q. But you said at first that Suny only pulled his maong pants up to the middle of his buttocks. Correct?*

*A. Yes, sir.*

Now Suny, who had first removed his shorts, then left them on but lowered them to the middle of his buttocks, got off the bed and removed his shorts in order to answer the telephone.

All of this evidence came out during the direct and cross-examination. Atty. Principe, the prosecutor attempts to undo the obvious damage, obvious to anyone but Judge Osorio, that is. He commences redirect and must have been horrified when Nica completely changed her story.

*Q. And I also recall that only two (2) clothes were identified by you and that was the maong denims and the blouse with bows?*

*A. Yes, sir.*

*Q. Why do you know that it was bought by Kano, the accused in this case?*

*A. Because he insisted on getting me the clothes.*

*Q. Do you recall when was that?*

*A. Yes, sir*

*Q. When was that?*

*A. On 12 July and 16 September*

*COURT:*

*Q. What year?*

*A. 1996, sir*

*ATTY PRINCIPE:*

*Q. You said that he was forcing you to fit those clothes, did you comply?*

*A. Yes, sir*

*Q. Why? Why did you comply?*

*A. Because he was forcing me to fit it and he was poking a knife in my neck.*

Why such a large man would require a knife to subdue a small girl is inexplicable. The inexperienced lawyers for the defense did not exploit the embellishments.

*Q. And in those two (2) times that he was forcibly instructed you to fit those clothes, what happened?*

*A. When I fitted the clothes he pulled and poked a knife in my neck and then undressed me.*

*Q. In what part of the house did Kano undress you?*

*A. Inside the bedroom.*

*Q. What date was that?*

*A. On 12 July and on 16 September*

*Q. And what happened after Kano undressed you?*

*A. He inserted his penis into my vagina.*

*Q. What else happened?*

*A. He mashed my breast.*

*Q. And what else?*

*A. And he hold both my hands.*

*Q. Did he force you to wear any dress on 16 September?*

*A. He was using the two (2) dresses as blackmail, so that he not could not noticed that he was raping me.*

*Q. So, when he forced you to wear. By the way, you said that on 16 September he forced you to wear the dress. What dress is that?*

*The blue maong dress or the creme dress with owers?*

*A. Both dresses, sir*

*Q. And did you wear these dresses?*

*A. No, sir*

*Q. What time did he force you to wear these dresses?*

*A, Ajiernoon, sir*

*Q. What time in the afternoon?*

*A. Past 4:30, p. m.*

*Q. So, this was shortly before the time you said he raped you or after he raped you?*

*A. After he raped me.*

*Q. Now Nica, you are telling was that Sunny tried to force you to wear the clothes after you were raped around 4:30 in the afternoon, was this before the telephone rang or after the telephone rang?*

*A. Before the telephone rang.*

*Q. So, he was trying to force you to wear the clothes while he was putting his penis inside and out of you?*

*A. It was after his penis was inserted into my vagina when he let me fix the dress and then the telephone rang for six (6) times and still insisted on tting the dress and when he answer the phone I ran away.*

*Q. When the phone rang, in effect, Sunys penis was not inside of you when the phone rang?*

*A. It was after Suny's penis was inserted.*

So now, she was wearing a dress, or a blouse and skirt, or shorts and fitted T shirt and Suny made her put on not one, but two dresses, at knifepoint. He then made her undress and while his penis was inside her and he was holding her hands while poking a knife at her, he made her put the dresses back on. Even to comment would be to insult the intelligence of the reader. However, one has to question as to why she so dramatically altered her story. Did she, in fact, now fully undefirst and the horri c con- sequences? Was this her way to try to save Suny Wilson without having to confess to the court? She had

been living then with her father for some months, and was learning that he wasn't that nice a person. Did Nica try to rebel against him? If so, she failed, as the forces against Wilson were far too great for them to be dislodged by this particular story.

In spite of this, Judge Osorio found her evidence "credible and convincing." Worse though, in considering the eventual appeal, the Supreme Court stated:

*The main argument raised by the defense that Nica is narration of the rape is riddled with inconsistencies and improbabilities need not be addressed as the purported inconsistencies are not substantial and refer to minor details which would by themselves not ruin the credibility of the narration.*

The reader may be the judge as to whether just these few inconsistencies were not substantial. The Supreme Court went even further, when it created a further dangerous precedent from this case when it stated:

*Variance as to the time and date of the rape, the number of times it was committed or the garments which the accused or the complainant wore at the time of the incident do not generally diminish the complainants credibility.*

One wonders how anyone will be able to prove their innocence in future cases if this ruling is applied. It would appear that the Philippine Supreme Court is stating that no matter how many versions of the alleged incident the victim narrates in court, it does not indicate that she is lying. As long as she states that she was raped, the court must accept this as the truth.

## **Chapter VIII**

### **8 All Is Solved Moran Arrives**

Any normal person, having listened to Nica's many versions of one alleged rape would be hard pressed to believe anything she said, let alone further allegations of rape. However, she had once again asserted from the witness stand her allegations of being raped on 27 June and 12 July 1996. Her complaint lodged in the very same court alleging rapes of 28, 29 and 30 June 1996, were also being mentioned. This trial was clearly for/ one case of alleged rape on 16 September 1996, yet the judge allowed evidence about other allegations to be given by Nica. The defense eventually objected that references to any alleged offence other than that before the bar was hearsay and inadmissible. Judge Osorio overruled the objection as he considered it not evidence, but narrative. Few Western judges would have overruled such an objection. What this meant, however, was that if the case was not dismissed at the end of the presentation by the prosecution, at this stage an unlikely scenario, then the defense would have to provide evidence of rebuttal of these allegations. It was in providing the witnesses and evidence that Maureen Duncum played a major role. Both Wally Moran and Maureen Duncum arrived in Manila on 12 December 1996, meeting at the jail the following day. There had already been three hearings, all of which featured the evidence of Nica. At that time, she was still being held over for testimony. They teamed up, and after discussing with Suny how to proceed, they began

looking into Suny's case. In Manila, Maureen, a complete stranger to the Philippines, did a sterling job in producing what was and is very important evidence, even though, through manipulation of court rules and undoubted intimidation by the Pasco family, it had to be removed from the court records.

Maureen went to Nica's school and interviewed her teacher, Nicasio Caparas, who produced his school attendance records, which clearly indicated that Nica was at school during the times she claimed she was being raped. He agreed to produce these records in court.

Nicasio Caparas appears to be a good man. He had been a teacher for twenty six years, all of them spent at Coloong Elementary School. He had lived in the district all of that time and obviously knew and was known by the Pasco family, also long time residents. He would have taught many of the family over that period. We do not know just how the Pasco family discovered that he would be giving evidence for the defense, but we do know that they had plenty of time to find out, as he did not appear in court until 21 January 1998, over twelve months after his interview with Maureen.

By this time he was terrified, and he only appeared after being subpoenaed and following many talks with the defense lawyer. After direct examination, and even though there was ample time for it, the prosecution refused to carry out cross-examination on that day. They refused to accept the evidence of photocopied records of school attendance and obstructed the evidence in every possible manner. The defense lawyer strenuously objected to them delaying their cross-examination, pointing out that the witness had been subject to threats, but he was overruled by the court. "He should report it to the police," said the judge. The same police who were the drinking companions of Pio Pasco and had arrested Wilson. In spite of a further subpoena and even a warrant of arrest being issued, he never appeared again and, in early 1999, the teachers were still too terrified to talk to the authors. After twenty-six years, he had disappeared from the area, "to the islands" claimed the prosecution. The Philippines has over 7,000 islands, making the tracking of him impossible. They demanded, and were granted, that his evidence be struck from the record on the basis that they had not been able to cross-examine him. The question is, has this kind teacher, who had spent the whole of his working life in the local school, really just gone away, or does his body lie rotting, yet to be discovered? In the Philippines where life is cheap, people have been killed for far less. All was not lost, however, as the Department of Justice, who were studying the complaints of 4 October 1996, did take his evidence into account and on 18 June 1998, issued a letter to the Chief Prosecutor of Caloocan City, with copies to the complainant, Veronica Pasco, Judge Osorio and the Private Prosecutor, instructing him to "withdraw/dismiss" the complaints due to insufficient evidence and the unbelievability of the complainant's story. This should have allowed Vicky to give herself up immediately to the Court and, there being no case against her by the Department of Justice, to have the charges dismissed. At least Vicky would then be able to visit and help Suny. This was thwarted, however, when the Private Prosecutor,

Atty. Principle, lodged, with the approval of the judge, a Motion for Reconsideration, which meant that the instruction had to be withdrawn until the Department of Justice once again reviewed the complaint. Vicky was still “on the run.” The efforts of Maureen had therefore shown some good dividends in a short time, although both she and Wally were under the impression that evidence such as this could be used to obtain bail, at least. They quickly became disillusioned when they discovered that no matter what evidence they collected, Suny would have to go through at least the prosecution portion of trial, and be incarcerated until it was over. The two of them did decide to follow up the possibility of paying off Pasco. Wilson claims that this was without his knowledge or approval. It was a stupid and dangerous move and could well have been used as evidence of Wilson’s guilt. No matter how good the intentions, as long-time resident foreigners are aware, attempting to act in a similar manner as one would in one’s own country can result in disaster in the Philippines, and could have contributed to the death of Wilson. At that time, the Private Prosecutor appointed by Nica and her father was Atty. Lozada, whose husband was a Councilor. She also worked in the Office of the Mayor and so was well acquainted with Pasco. Wally and Maureen arranged to meet her at her office on 23 December 1996.

This meeting is best described by Walter Moran in his Affidavit, sworn on 30 December 1996 in Barrie, Ontario, Canada:

I, the undersigned, a Canadian citizen, have spent the last two weeks from December 14, 1996 until December 28, 1996, investigating certain charges and allegations against Mr Albert Ernest Wilson, a British national residing in the Philippines and currently detained in Valenzuela jail, in Metro Manila.

As a result of these investigations, I contacted Attorney Carmelita Lozada, who represents Mr Pio Pasco, an employee of her husband and father of Veronica Pasco, who is alleged to have been raped by Mr Wilson.

In our telephone conversation of December 23, 1996, Atty. Lozada indicated that her client and his daughter were “eager to resolve the matter ” and that it could be settled in one sitting. Atty. Lozada advised me that her client and his daughter; in return for an adequate settlement, would provide Mr Wilson with a Letter of Desistance and that all charges and pending charges against Mr Wilson by her client and daughter would be dismissed. We set up a meeting for 10:00 a. m. the following day at her office in the municipal building in Valenzuela. On December 24, 1996 at 10:00 a. m., Ms. Maureen Duncum, a fellow Canadian citizen and myseh” met Atty. Lozada at her office within the mayors office in Valenzuela.

During that meeting we discussed a number of aspects regarding Mr Wilson’s case, and during which Atty. Lozada indicated that it was the wish of her client and daughter and herself for this matter to be “resolved amicably ” rather than go to trial.

Atty. Lozada then inquired of Ms. Duncum and myself what offer we would make to resolve the case. In turn I requested to know what Mr Pasco felt he needed. Atty. Lozada indicated it would not be proper for her to propose an amount, and again asked what

could be offered to her client and his daughter in settlement of these charges and pending charges.

After stating to Atty. Lozada that any offer made by ourselves did not constitute an admission of guilt by Mr Wilson or by ourselves on his behalf I advised Atty. Lozada that Mr Wilsons only assets in the Philippines were the house he lived in and a motorbike valued at P 600,000 and P 80,000 respectively, and these assets could be signed over to her client and his daughter.

Atty. Lozada indicated that she would convey this offer to her client Pio Pasco and his daughter She reiterated that she felt it was in everyone is best interest to settle this matter in this fashion and that her client was agreeable to a settlement, provided he and his daughter received adequate compensation. She further indicated that Ms. Duncum and myself" should contact her shortly after Jan. 1, 1997 to finalize the matter At this point, Ms. Duncum and I left.

On December 27, 1996, I called Atty. Lozada at home to indicate I could not remain in the Philippines until New Year Atty. Lozada then indicated that she would speak to her client, and that I should phone her Saturday, December 28, 1996 at 7:00 p. m. at a number she gave me.

She again advised me that she and her client and her clients daughter wished to settle the matter by providing Mr Wilson son with a Letter of Desistance in return for a nancial settlement regarding the charges and alleged charges against Mr Wilson.

This appears to be the last time that Atty. Lozada acted for Pasco and Nica. The first hearing of 1997 was not held until 21 February and there we saw, appearing for the prosecution, not Atty. Lozada but a new lawyer, Atty. Principe. Pio Pasco had apparently also been dismissed from his position with Atty. Lozada's husband. What prompted this we cannot be sure, but there was obviously a major argument and no doubt it concerned the size of settlement available. Pasco was positive that Suny was worth more and was determined to milk him for everything he had. We see evidence of this during the course of the questioning in court on 28 March 1998, when Walter Moran said, "Atty. Lozada asked me to call her shortly after New Year and she was anticipating seeing Mr. Pasco in a party between December the 24th and at that time she will discuss the settlement with him." He went on to say, "Upon my return to Canada I again called Atty. Lozada which was around the 5th or the 9th of January which I guess would have been the 10th of January here. She indicated that Mr. Pasco and his daughter would settle the case for the sum of P 5,000,000.00 because at that time it was approximately a quarter of a million dollars Canadian. That all charges and any pending charges against Mr. Wilson and any pending charges against Victoria Delistan would be dropped by way of a letter of desistance from himself and his daughter." Asked whether the settlement was finalized, he goes on to say,"I said to Atty. Lozada that is crazy, Suny doesn't have that much money and neither does the wife, it's way too much." Atty. Lozada then said to me, and I quote, "It is not so very much because if Suny, Mr. Wilson, is convicted he will be executed. How much is

his life worth?" I then said to Atty. Lozada, "I will speak to Suny but I know he cannot raise the money." It is clear that Pasco had become greedy. His lawyer, Atty. Lozada, obviously believed that he should accept what he could get, that the case was weak, she could take her percentage, and they could all go home. Pasco, though, was having none of it. He was what is called locally a concrete brain, and thus their relationship could not continue. Being the Wife of the councilor who employed him, and she working in the same of ce, their relationship became untenable and he was therefore dismissed. The case was to proceed. Suny Was to remain in jail. Vicky was to remain in hiding. All the time, Pio Pasco was free to pay the press for space, intimidate witnesses and boast how he was going to get the Kano executed.

## **Chapter IX**

### **9 Oh Dear: Nica Proven To Be A Liar**

It was not just in her descriptions and variations of the alleged rape that Nica proved herself a liar. There were many instances throughout her testimony when her blatant lies should have cast grave doubts upon her credibility.

The reader may recall that when she met her father in Malanday on that fateful day of 16 September 1996, she told him that her mother had burned all her clothes. The defense, in cross-examination, had presented a sack of clothing, removing each item, asking her, under oath, if she recognized the articles of clothing, but, with the exception of the two dresses mentioned in her rape allegations, she had denied having ever seen them before. Each item was marked as a court exhibit, and it should have been obvious that the defense, if forced to present its case, was going to get a witness to identify them as all belonging to Nica.

This they indeed did, in a person none other than her own grandmother, Virginia Delistan, the woman with whom Nica had lived for six years. On being shown the same clothes, one by one, and being asked if she knew to whom they belonged, each time, she would answer, "Yes, sir. Nica, sir." How could she be sure that they belonged to Nica? "Because it was I who bought most of them," she answered.

Clearly, her own grandmother, who had fed her, clothed her, housed her, educated her and loved her virtually all of her young life, would not lie in order to protect her alleged foreign rapist. That would be beyond any credibility. Nica had lied to her father about the clothes-burning incident and she had repeated her lie, under oath, before the court.

She had lied continually. She had stated that the reason that she had originally led a complaint only for attempted rape, was because she "was afraid that her father would kill Suny and she didn't want her father to be a criminal." Yet both she and her father had testified that she had indeed told him about being raped on 27 June and 12 July not only before they ever went to the police station, but even in her statement made to the police while making the complaint and with her father beside her. It just was not believable that her father would dismiss rapes having taken place a few months previously, but become

so angry about the third, that he would only then want to kill Suny. The truth was that she believed the medical examination would clearly show that she had never participated in any form of sexual intercourse. The police obviously believed this as well, as they did not encourage her to make formal charges concerning these alleged rapes.

When giving evidence of the ability of Wilson to speak Tagalog, she says that he speaks “Papatul-putol,” which translates as chop- chop. This means that he may know a few individual Tagalog words, but he has to intersperse them with English.

When she was questioned about what Suny said to her in anger, however, she stated that he said, in Tagalog, “Pag hindi raw ako naghubad siya pa rin ang amo pero kung maghuhubad ako masusunod daw lahat pati na ang aking bibilhin.” This is definitely not chop-chop Tagalog. It is the words of a person if not native, at least extremely fluent in the language. At another hearing, she was asked to confirm that this was said in Tagalog, which she clearly did.

She lied about her own fluency in English. She stated to the court that she could not speak or understand English. Yet, she admitted to having good grades in school. In the Philippines, a number of subjects are taught in English and thus it would be impossible to obtain good grades unless one had a reasonable grasp of the language.

She even lied when it came to names of people and addresses. She was asked in one hearing the full name of Juvy, but said she didn’t know. The next hearing she was asked what is the name of her close friend and she immediately answered, “Juvy Cabales.”

She was asked where she now lives. She stated it is with her father. What is the address? She doesn’t know. Later, she reels off not only the full postal address but also even the fact that “it is next to the chapel.”

Some of these lies may not have been immediately recognizable in the heat of examination. In fact, the Supreme Court ruling virtually states that no lies told by the alleged victim are important.

## **Chapter 10**

### **10 Philippine Hysteria Explained**

To explain the importance of this case requires knowledge of recent judicial history regarding child rape in the Philippines, which clearly influenced this whole case. To appreciate the national mood that abounded while this trial, and many others, were being conducted, one needs to go back briefly to the eighties and early nineties. In the early eighties, the Philippines was recognized, together with Thailand, as an ultimate destination offered by sex-tour operators. Beautiful young girls and boys were freely available for cheap sex. This attracted a rash of men of all ages from all over the world. For those whose tastes were for more mature partners, that is those over the age of eighteen, there were literally hundreds of bars displaying either skimpily dressed males or females dancing upon a stage awaiting selection by a foreign male for a night’s work. The music thumped out loud, large quantities of alcohol were consumed, a mate was selected and taken back

to the hotel for a whole night of sexual romping. A good time, if not had by all, was at least experienced by the foreign visitor, and at an unbelievably low cost compared with his own country. This huge business attracted many foreigners to own bars and to promote them to men from countries of their own origin. Predominant in this business, due to proximity, and therefore a more affordable airfare, were the Australians, who achieved an unmatched reputation in the business, often referred to as the “Australian Mafia.” Not only did areas of Metro Manila, such as what was euphemistically called “The Tourist Belt,” house these bars. The adjoining area of Pasay City thumped with music every night from bars that catered more to the Filipinos. As most of the locals were not residents of an hotel, this created the mushrooming of many motels. These offered theme rooms with in-house pornographic films on the room television set, and other services. They could be rented by the hour. Each room was reached from a private garage so that one’s car could not be identified by any passer-by.

## **Subic Bay**

At that time the United States of America maintained two of their largest overseas military bases in the Philippines. One was located at the port of Subic Bay. The adjacent Olongapo City was full of bars catering for visiting American troops on Rest and Recreation. The other base was inland and was largely maintained by the United States Air Force at Angeles City, a two hour drive from Manila, which also spawned many similar bars. Sex, in the Philippines, was, and still is, cheaply available.

It was the upsurge of pedophilia, though, that caused the real problem, especially in a beautiful area in a province that is not too far from Manila: Pagsanjan, in Laguna Province.

The town of Pagsanjan, south of Manila, was a popular tourist resort. A large river descends from some spectacular waterfalls a few miles upriver from the town itself. One of the major incomes of the town is from the canoe expeditions offered to visitors. The canoes are paddled, pulled and pushed through the sections that contain rapids until the source is reached. After a refreshing swim under the waterfall, the visitor then experiences an exhilarating ride back down through the rapids. Such is the beauty of the area, that it was chosen for the set of the hit movie, “Apocalypse Now ” as it is similar to the tropical Vietnamese countryside.

Unfortunately, to its everlasting shame, the rise in homosexual pedophilia appears to have been encouraged in the area, as it provided a continuous influx of dollars.

Not all inhabitants of Pagsanjan approved, however, and some started to campaign vigorously against it. Author, Earl Wilkinson, was in the forefront of the campaign to rid the Philippines of foreign pedophiles.

Up until the early nineties, little or nothing was done about the problem. Although the Philippines is the only predominantly Christian country in Southeast Asia, when it came to pedophilia, money overcame morals. Certainly, there were laws on the statute books that made having sex with any under-age child a punishable offence, but arrests were a rarity. If an arrest was made, it was done not to protect the child, but rather to extract money

from the perpetrator. This also became internationally known and thus pedophilia became very noticeable. Men would be seen walking and talking to young boys in public places, in restaurants and, worse still, passing with them through the lobbies of crowded hotels. What was even worse than that is that the public ceased to be shocked by it. It became a normal scene in Manila and its environs. It took concerned locals and, incidentally, this author, ten years of continuous campaigning to get the government to sit up and take notice. Eventually, in 1994, it did pass a new law dealing with child abuse, the now well-known Republic Act 7610, which made the prosecution of pedophiles much easier. In fact, some say, it made it too easy. Worse, the severity of sentences were beyond imagination.

One of the reasons given by the police to explain their difficulties in catching pedophiles was that although they could witness them crossing a hotel lobby with an under-aged child and take the lift to their room, there was no way, without a Search warrant, that they could prove that it was for the purpose of sex.

To overcome this, the Act includes a section that has since been used to blackmail mainly foreigners, which states that being alone in any room with a minor to whom one is not related and/or there is a difference in age of more than ten years, is itself an offence with a fine of P 50,000 and up to a three-year jail sentence. It does not take a genius in a corrupt society to work out ways and means of using this section to extort money, especially from visiting foreigners, many of whom are now fearful.

In spite of the laws, the campaigners were jubilant. There was no excuse for the authorities not to go after the pedophiles. Leopards do not change their spots, however. There was too much money being made, even by the authorities themselves, to destroy this easy mode of income. For the first two years of the Act's life, arrests were minimal.

To shame the authorities, some caring foreigners not only kept up the publicity barrage, with letters to newspapers, but also set out to catch, have arrested and get sentenced to jail some foreign pedophiles operating here. Prominent among these were an Irish priest, Father Shay Cullen, stationed in Olongapo, and retired Australian businessman Earl Wilkinson. Their reasoning was that if they could prove that foreigners could catch foreigners in the Philippines, why couldn't the Filipinos catch Filipinos?

In an interview, Wilkinson was quoted as saying, "My ambition is to see a press photograph of the first foreigner behind bars. I am not racist. Any foreigner will do."

## **Victor Fitzgerald**

Their first major success was another retired Australian businessman by the name of Victor Fitzgerald, who was eventually sentenced to seventeen years in jail for molesting young girls aboard his anchored yacht in Subic Bay. Following closely on the heels of this success were other foreign pedophiles of which more details are given later. These successes had the desired deterrent effect. The large amount of press given them did awaken the Filipino people not only to the problem, but to the solution.

The Act was further enhanced in 1996 when the death penalty was re-introduced for heinous crimes. Child rape was declared to be heinous, although no machinery was

available to carry out such a sentence. The Act had deemed that death be by way of the electric chair. Fortunately, the one and only electric chair and necessary apparatus had been destroyed by fire in a riot many years previously. The cost of a replacement was considered prohibitive and thus an amendment was made to allow execution by lethal injection. There was a time-delaying motion concerning the legality of this amendment placed before the Supreme Court, but it was overruled. The necessary building was then constructed and the equipment purchased to activate it.

Thus, for over two years, sentences of death were being given without any means of carrying them out.

The well stated reason for introducing the death penalty was to provide a deterrent to the continually rising crime rate. It may have achieved its objective, but nobody will ever know. Good detection on the part of the police became unnecessary as private complaints rose, and still rise, to an alarming level. The ease of prosecution offered by R. A. 7610 offered the best means available of either extortion or, for the poor, the easiest way to get rid of an abusive, non-earning husband.

All it required was for a girl below the age of eighteen to lodge a complaint with the police that she had been raped. Even if she were still physically a virgin, with a hymen intact, merely touching the genitals was sufficient for the perpetrator to be sentenced to death. As long as she stuck to her story, the courts would likely believe her. If the accused were a person of means, then adequate compensation could be demanded for the withdrawal of the case. Many of the accused, however, were poor, but badly behaved in the crowded home. Perhaps what little money he made he spent on cheap booze, or worse still, drugs. He would give no money to the family for food or necessities, but come home and beat his wife in front of the children. Soon, it became known that if one of the children accused him of raping her, then he would be jailed, even over the considerable period of trial, and therefore would be out of their lives. No more fear. No more beatings. Even better, the courts were inclined to believe the girl no matter what alibi was offered. Thus, if they were lucky, not only would he be sentenced to death, but they would be awarded whatever measly possessions he had. As there is no divorce in the Philippines, R. A. 7610 was rapidly becoming the means to an end for the very poor who could never get an annulment. The fact was that money had also become a strong motive.

It was discovered to be a bonus for the judiciary as they found

that prospects for promotion from the far provinces to the big city increased in direct proportion to the number of scalps one had on one's belt. Judges were already ignoring that which was written in the 1997 Constitution, that a person must be proven guilty beyond reasonable doubt. Many were quoting the same words in their written Decisions:

“This Court cannot believe that a Filipina of minor age would admit to the loss of her chastity and possibly ruin her future marriage opportunities, unless it was true.”

This attitude meant that any man accused of rape entered the court as guilty and it was up to him to prove his innocence. Many actually admitted this when they also quoted

a precedent of *People vs. Morales* in 1976, which stated: “Greater weight must be given to the evidence of the victim than to the denials of the accused.”

This clearly defines that “guilty beyond reasonable doubt” does not apply to cases of child rape. A witch-hunt hysteria similar to the famed Salem trials arose as ‘hanging judges’ seemed to compete in handing down sentences which gained publicity and popularity. As in the Wilson trial, jeering crowds of radical groups urged the court to hand down the death sentence, a sentence that the powerful Catholic Church opposed.

Many also quote that they do not believe that a complainant would want exposure to her shame, unless it was true.

## **996 Men On Death Row**

In April 1997, there were 996 men awaiting their fate on death row, with the number being increased by about thirty per month, all for offenses committed under R. A. 7610, so it would appear that quite a number of Filipinos of minor age are willing to risk the shame of others learning about their loss of chastity.

In the case of Wilson, it would appear that his private complainant, Nica, was not only a liar of the first degree, but certainly had no shame in letting the world know about her claimed loss of chastity.

During the first hearing, she was asked if she had noticed the large group of newspaper reporters at the entrance to the court. She admitted that she had. Had she spoken to any of those reporters? No, she had not. There was no need for her to speak with any of them. Cases of child rape have become so prolific that, unless publicity had been drummed up, it would have been unlikely that any editor would have sent a staff member all the way to Valenzuela, which is on the outer limit of the very large Metro Manila area. There would have been many other cases being tried that day

Within easier reach of their offices. The reason that Nica had no reason to speak with any of them was made clear in a later hearing when, under cross-examination, she was asked who had written down her story. She admitted that her first private prosecutor, Atty. Lozada, had written it and then the reporters. She was reminded that she had previously stated that she had not talked to the press. She now revealed that she had virtually given a press conference, with up to three newspapers present. Surely not the actions of a girl who was ashamed of losing her chastity, but rather one under the influence of a father with definite ulterior motives.

## **Chapter XI**

### **11 The Medical Evidence**

One event was to occur that definitely irked the judge. On the third hearing, everybody was present with the exception of the lawyer for the defence, Atty. Nazareno.

She had sent a message that she was unable to attend, as she was unwell “with woman’s problems.” The judge was furious. He believed that she was only menstruating

and this was an insufficient excuse. That, quite rightly, her employers should have sent another lawyer to take her place. By the next hearing, he had his wish. Atty. Nazareno's woman's problem was pregnancy, she had resigned, and thus her place was taken by yet another junior, Atty. Bunoan.

The prosecution's next witness was to prove vitally important, but to the defense. Dr. Rosaline Cosidon, the examining medico-legal physician, was called to give evidence concerning her report that was an exhibit before the court. She was employed by the Philippine National Police.

Based upon the medical examination of Dr. Cosidon, and the clear lack of credibility in Nica's testimony, virtually no prosecutor in any other country would have proceeded with the case, as will be seen.

Rather than list an interpretation of the medical evidence, this is Judge Osorio's version as written by him in his own decision of "Guilty beyond any reasonable doubt."

*Dr. Rosaline C. Cosidon, Medico Legal Officer of the PNPCLS substantially testified that she is a doctor of medicine. That she finished the medical course at the Philippine Moslem Christian College of Medicine at Antipolo, Rizal in 1987. That she took the board examination in 1989 and passed it in 1990. That after passing the board, she worked as Rural Health Doctor in Kalinga for two (2) years. That in 1993 she was employed as Medico Legal Officer of the PNPCLS at Camp Crame. That she is present a Medico Legal Officer at Camp Adduru in Tuguegarau, Cagayan. That her duties is to examine victims of sex crime and physical injuries. That she already handled more than 500 cases of rape. That she testified in Court for more than 200 times in connection with the examination she conducted and was never reprimanded by the Court for testifying falsely. That she brought with her the records of examination of victim Veronica Pasco dated September 17, 1996. That upon receipt of the letter request for physical examination from Valenzuela Police Station, she examine Veronica Pasco at the PNPCLS in Camuning, Quezon City. That she interviewed the victim. That the interview is reduced in writing. That PH means pubic hair; LM is labia majora, hymen is the thin membrane on the opening of the vaginal orifice; EVO external vaginal orifice; VC - vaginal canal, CX is cervex. That after the inter view, and the signing of consent for examination, she proceeded with external examination. That there were no external signs of recent application of any form of trauma at the time of examination. That on the genital examination, the remarkable finding is the shallow healed laceration at 5 and 7 o'clock positions. The external vaginal orifice offers moderate resistance upon introduction of the examining index finger and the vaginal sized speculum. That her conclusion is that subject is non~virgin state physically.*

We break in to point out that even Judge Osorio quotes in his Court a term that would receive vehement objection in courts in many other parts of the world -that of "virgin"

In most countries, when a law is framed, great care is taken to ensure that the meanings of the Words used leave no room for doubt as to the intent of the law. Where argument occurs, usually the argument is elevated to the highest court of the country Where the

elders will debate and decide on the intent of the word in relation to that law, and give a legal definition. The dictionary meaning of the word “virgin” is a person, (usually a woman), who has never indulged in sexual intercourse. Note that it could refer to a man.

Loss of the hymen and even lacerations, fresh or healed, are not proof that the person has indulged in sexual intercourse. Therefore, most courts would object to the term being used in a medical examiner’s evidence. She should only have reported the loss of hymen and the lacerations and should not come to the possibly false conclusion that the examined was “not a virgin.” Most certainly, the judge should not have arrived at this conclusion either. As previously pointed out, the people of the Philippines are strongly influenced from birth by the teachings of the Roman Catholic Church. This particular version of Christianity places great stress in the importance of the Virgin Mary. The term “virgin” would obviously arouse a stronger emotion in the Philippines than in non-Catholic-dominated countries. To continue Judge Osorio’s interpretation of the medical evidence:

*On cross-examination, she said that the victim narrated several rape incidents that happened to her. That the rape victim said that on 16 September 1996 the subject tried to rape her and she was able to run away.*

It is necessary to break in to the Court’s version of the medical evidence. The Judge admits that she told the examining doctor that on the previous day, the accused had attempted to rape her but she had escaped before the act. He also listed the fact that there was no trauma, no fresh lacerations and no stretching of the vaginal canal, clear indications of no penetration by any object within the previous twenty-four hours. The defense attorney had also listened to the same evidence, yet he did not move at the end of the prosecution’s direct examination of the medical examiner for the case to be immediately dismissed. The case before the court was purely for consummated rape at 4:30 p.m. on 16 September 1996, which the medical evidence clearly indicated did not occur.

Furthermore, the judge states that the victim narrated several rape incidents that happened to her. No other accusation of rape other than that alleged on 16 September 1996, were before the Court. Any other allegations were therefore hearsay and should never have been allowed into evidence, let alone referred to by the Judge Osorio.

One wonders how the mythical character, Rumpole of the Bailey, would have treated this witness and, indeed, the judge. Again, to continue with the court’s version:

*That a female is in non-virgin state if the hymen is damaged. [Already argued as not being true]. To determine if a female is in non-virgin, her reproductive organ has to be examined. That laceration of the hymen is not necessarily caused by the entry of penis in vagina. That she do not agree with the opinion of Dr Pedro Solis that laceration of the hymen may be caused by jumping and running because it depends upon the location of the laceration. That insertion of a tampon will not cause laceration of the hymen except when the tampon is larger than the opening.*

The judge has got confused here between lacerations on the wall of the vaginal canal and the hymen. The hymen is intact, or has been broken and has dried away.

It is interesting to note that Dr. Cosidon, with four years practice of limited forensic medicine, has the experience to contradict published views of an internationally recognized authority on the subject, Dr. Pedro Solis. She does not agree with his research and findings on the breaking of the hymen, of the possible causes, other than sexual intercourse, of lacerations of the wall of the vaginal canal.

*That the fourchett is the posterior portion wherein the labia minora meet near the end. That the forceful insertion of the penis into the vagina will cause laceration of the fourchett. That she found the fourchett to have no abrasion or laceration. That If it is recent, the abrasion or laceration of the vaginal sidewall could be noticed. That she did not see abrasion and laceration or the vaginal sidewall. That the labia majora are full and coaptated which means that its medical border are close together and not necessarily indicate that the person is a virgin. [That word again] That a non-virgin may have coaptated labia majora. That the vaginal canal is narrow with prominent rugosities. That forceful sexual intercourse could cause tear in the rectum.*

*That she found no tear in the rectum. That she did not ask the victim to produce clothes she was wearing during the incident. That she found no external sign of recent application of any type of trauma on the body of the victim. She found no abrasion on the body. That an examination shortly after a violent rape case, the body exhibits bruises or cut. In this case, she found no bruises or bite mark on the body and face nor pinch mark on the breast. That contusion is caused by hitting on hard object like the fist and hard slap. Placing fingers hard on the face or falling on hard object like the edge of the bed could cause contusions. That the victim was coherent, lucid and answer the questions calmly and spontaneously and do not have any mental impairment. That there was no trace of semen or spermatozoa.*

When cross-examined, the doctor admitted that even though the presence of spermatozoa may require a male climax, that semen begins to be secreted the moment the penis becomes erect and is nature's method of lubricating the vaginal passage.

Therefore, even coitus interruptus would still leave traces of semen within or around the lips of the vagina.

*That she did not conduct acid phosphotose test because the incident happened months before the examination. If the rape is recent or within 24 hours prior to the examination, the laceration of the hymen is not yet healed. That the laceration of the hymen will heal for more than seven (7) days.*

So, little Nica who claimed to have been violently raped by a six-foot-tall Caucasian male not yet fifteen hours before the examination, shows no bruises, no new lacerations of the vaginal canal, labia majora close together, no stretching of the vaginal entry, no physical damage to her private parts at all, and no signs of any struggle or trauma. No bruises on her body, nothing. Judge Osorio Writes all this down, and then ignores it

completely. Instead of saving much-needed court time, taxpayer's money, mental trauma of the prisoner, Suny, and dismissing the case immediately, he rules that the show must go on, for well over another year. Why? The reader may well wonder.

## **Chapter XII**

### **12 Nica's Brother Takes The Stand**

The prosecution carried on with its presentation. They brought the father to the stand, Pio Pasco, who confirmed that Nica had told him about the burning of all of her clothes and the rapes of June and July as well as the attempted rape of 16 September 1996. He was the one who had reported the incident. He denied that he had asked Wilson for money and said that he only wanted justice for his daughter. So, Atty. Lozada, Walter Moran and Maureen Duncum were lying.

The prosecution also called some of the police officers who made the arrest, in an attempt to say that they caught Wilson when he was trying to escape. They all perjured themselves by stating under oath that they had no previous knowledge of the complainants. As Nica's grandmother, Virginia Delistan, was later to state in an interview, "They were lying. He used to drink with them all of the time. Of course they all knew him.

" They then closed the case for the private complainant. There would be no further hearings until the judge considered the written pleas of the prosecution and the defense. The defense would write a Demurrer, which would clearly set out the reasons they felt that there was no case to answer. Wilson's second lawyer, Atty. Bunoan, had given notice to his firm and had ceased to work for them shortly after the last witness for the prosecution had been presented. He felt so involved, however, that he offered to write the Demurrer in his own time and at no cost. Although lost in a sea of words, he set out the reasons that the prosecution had failed to present a believable case. This meant that once again, no senior partner of the law firm had any hand in assisting their client.

It was not a difficult job. After all, Nica had continually lied. She had given four different versions ranging from attempted rape to consummated rape, the last one being at knifepoint. One of her versions involved both she and Wilson being more akin to an octopus, so many hands being used, and what was most important, all of the medical evidence presented showed clearly that no rape had occurred.

Even the prosecution was amazed when Judge Osorio returned with the decision that he believed that there was a case to answer and that the show would go on. He insisted that the defense present their case. The employers of the official representing the people, the actual prosecutors in the case, the Department of Justice, were amazed. It is not clear whether they had read the initial report of Police Supt. Reynaldo G. Wycoco, the Special Assistant for Law Enforcement in the Department of the Interior and Local Government, (DILG), which was the governing department of the police force. This report dated 17 January 1997, issued while Nica was still giving testimony, was interesting:

## *2. Findings:*

*a. There were two conflicting rape dates, based on the sworn statement executed by Veronica Pasco y Delistal (Complainant) whether it started on 28 June 1996 or 16 September 1996 as it appeared in the amended information. (Exhibit A & B)*

This statement in itself is confusing. It was generally claimed in court during her original complaint for attempted rape, that her statement alleged actual rapes on 27 June and 12 July 1996. This amended statement had never been presented to the defense. In fact her statement, (Exhibit 1), alleged attempted rape on 16 September and actual rape on 27 June and 12 July 1996. Either the investigators erred or two amended statements were never presented in court.

*b. Victoria Delistan (Mother), Pio Pasco Jr (Son) and Virginia Delistan (Grandmother) issued collaborating statements vouching the personality of Albert Ernest Wilson of good reputation. That according to Pio Jr his father tried to convince him to implicate the suspect in the rape case to extort money from the latter amounting to P1 Million. (Exhibit C, D & E)*

*c. Albert Ernest Wilson narrated to the group that he has a big organ which was confirmed by Victoria (live in partner) that if the girl was raped three times she might have suffered serious injuries in her private parts.*

*d. Confirmation from the School Principal and Teacher of the victim shows that the complainant was in school on the dates claimed by the victim that she was raped.*

*e. Results of laboratory examination shows the subject is in a non virgin state physically. (Exhibit H)*

*f Motion for reinvestigation was denied by the state Prosecutor (Exhibit I)*

## *3. Conclusion/Opinion:*

*a. There is a great possibility that the husband (Pio Sr) performed the carnal act with his own daughter and to cover this he intimidated and forced his daughter to file a complaint against Albert Ernest in order to extort money from the suspect to sustain his vice, besides being a drug addict can do anything just to satisfy his wants.*

This is an interesting statement in an official report. Wilson was to claim that Pasco was a drug addict, but this could be the claim of a desperate man. This is a report from a highly skilled team of police investigators. They must have been given very good reasons

not only to state that he is a drug addict, but in fact, that he may have been having sex with his own daughter! From the time of the complaint, Nica had been staying with her father up until Christmas, after which she moved in with her paternal grandfather. Her knowledge of male penis sizes in November 1996 seems limited. The fact that she had only lodged a complaint for attempted rape prior to finding out that she was of “non-virgin state,” after which she alleged rape, tends to down-play the likelihood her father had sex with her prior to the allegations. However, knowing that she was no longer a virgin, and having her in his house, it is not beyond the realms of possibility that he had indeed taken advantage of her at a later date. His police interrogators appeared to believe that he had done so.

*b. The virginity of the victim could have been lost through sports like biking, horseback riding etc. thus it is not conclusive that the victim was deliberately raped.*

#### *4. Recommendation:*

*a. Request that Background investigation be conducted to Mr Albert Ernest Vldson thru assistance of British Embassy to verify if the said foreigner had a derogatory record in his own country.*

*b. Follow-up investigation should be made. c. Priority for monitoring.*

The report was signed by Joint Senior Superintendent, Virgilio N. Tenebro. Had his recommendations been accepted, perhaps Veronica could have been removed from the influence of her father and maybe she would have told the truth. The Department of Justice believed that something peculiar was happening in this court. In an unprecedented move, they offered the defense one of their own lawyers to sit beside them so as to observe proceedings and keep the case straight. In spite of the fact that yet another green lawyer was to take the place of the resigned Atty. Bunoan, this offer, although not rejected, was never taken advantage of. The new lawyer, Atty. Billena, was just three years out of law school and his only experience in criminal cases to that date had been to prosecute on behalf of clients in cases involving bouncing checks. He was under instructions from the partners of his law firm not to inform the Department of Justice of the place or times of hearings. The partners' pride would never allow any outside interference into this case, as it would cast doubt about their abilities. The fact that it would, without doubt, have been of great assistance in obtaining justice for their client, went onto the back burner. The fact that they deemed a case involving a man's life to be of such insignificance that it warranted only the attention of an inexperienced junior rather than a partner will forever remain questionable.

The first witness called was the brother of Nica, Pio Pasco, Jr., otherwise known as Jay-R. He was to testify clearly that on 16 September 1996, at the time of the alleged offence, he was in the house riding his snakeboard. That his mother was also there, and that the alleged offence just did not happen. Normally, he would have been in school.

However, on that day, his class had been dismissed early as the teachers were to have a meeting. Nothing could have been clearer than his statement:

*Q. Mr Witness, Nica in this case testified that at about 4:30 in the afternoon of 16 September 1996 at your house at No. 570A Coloong I, Valenzuela, Metro Manila, your Uncle Suny dragged your sister inside the bedroom laid her on the bed, held her both hands and undressed her What do you say about that?*

*A. That is not true, sir; because I was there the whole afternoon. I did not see anything, or hear anything, I did not see or hear my Uncle Suny dragged my sister*

*Q. Nom Jay-R, Nica further testified on said date and hour meaning 16 September 1996 at 4:30 in the afternoon, your Uncle Suny removed Nica's bra and panty, spread her legs apart and placed himself on top of her and inserted his penis inside her private organ. What can you say about that?*

*A. That it not true sir*

*Q. Why do you say so?*

*A. Because I was there, sir.*

Here was the blood brother of the complainant saying that no rape had occurred. He had earlier testified, that on 12 July 1996, when Nica had accused his Uncle Suny of raping her, it was his friend that held him back from killing Wilson. The same boy who was willing to kill anyone who violated his sister was now stating with certainty that his sister was a liar. He was also to confirm that his father was always trying to get money and a loan of the motorbike from Wilson.

In a cross-examination that was extensive, the prosecution attempted to prove that he was lying, that he was indeed at school. They failed to get him to recant his testimony. If, indeed, they believed he was lying, they had many opportunities between hearings to visit the school and examine the records. Either they did not do so or, more likely, found to their dismay that Jay-R's class had indeed been dismissed early on that fateful day. Teachers frightened of Pasco were later reluctant to talk with the authors, as were other parents regarding this class closure. There is little doubt that the defense also erred in not obtaining documentary evidence supporting Jay-R's claim.

## **Chapter XIII**

### **13 Nica Tells Of Other Alleged Rapes**

As stated in earlier chapters, Judge Osorio had allowed testimony from Nica regarding other alleged rapes by Wilson. Very few judges would not have sustained objections to this. The case before the bar was purely for the alleged rape of 16 September 1996 and no other. The alleged rapes of 27 June and 12 July 1996 had not even been submitted to the courts and were only part of her statement to the police. He overcame the "hearsay" by deeming it as part of the narrative. Fortunately, the defense did not trust his motives and

decided to provide evidence to refute these allegations. The alleged rapes of 27 June and 12 July 1996 were easy to disprove. In her statement to the police regarding the alleged rape of 27 June Nica claimed that she arrived home from school at 12:00 noon. Only Suny was in the house and on the table was a glass of water, which he offered her and insisted she drink. She drank it and felt very sleepy, so she went and lay on Suny's bed and went to sleep. This story had been used in many other cases. It is convenient as it saved the complainant from relating lurid details and explained the lack of any trauma. When she awoke she felt pain in her vagina and there was blood on her pantys. She washed her pantys and she found she had started to menstruate, but it stopped soon after. She alleges that when she awoke, only Suny was there and therefore he must have been the one that raped her. She cannot even get this story straight, however, because during the hearing on 22 February 1997, the following testimony was given:

*Q. Now you remember that you told the police on 27 June you saw a glass of water on the table and you drank it. Correct? She is shown the statement to confirm that this is what is recorded in her signed statement.*

*A. No, sir*

*Q. So you are saying that you did not tell the police the correct thing?*

*A. Yes, sir*

*Q. So you are saying that you did not actually see a glass of water on the table. Correct?*

*A. No, sir*

*Q. So when you know when you were talking to the police and you told them that you saw a glass of water on the table you knew that the statement was not correct?*

*A. What I told them is that he insisted me to get the glass of water*

*Q. Did you not refuse to drink the water?*

*A. Because I was thirsty so I get the glass of water*

*Q. You said that you felt dizzy after drinking this water is it true that you fell asleep after drinking the water?*

*A. Yes, sir*

Yet again, Nica flip-flops her testimony at will and for no particular gain. Why did she not stick to her original story? Because both stories are lies, as was later to be proven. She improved her story regarding the 12 July incident. On that day, Suny took her in the morning to Baclaran, a district to the south of Manila that is famous for its markets selling cheap clothing and other goods. She claims that they did not return until 3:30 in the afternoon. The accused had bought for her the cream dress with the red flowers. Upon arriving home, there were no others in the house. He pointed a knife at her throat and made her strip and put on the dress. He then took her to the bed and raped her.

Remember that these cases were reported separately and were under investigation

at the beginning of the trial, which only concerned the rape of 16 September. The defense, in order to provide the court with the necessary rebuttal of this evidence, called her aunt, Loida Nocum, to the stand. Aunt Loida lived permanently with her mother, Nica's maternal grandmother, with whom she herself had lived for six years.

During the hearing of 21 March 1997, Nica, still on the witness stand and under oath, had been asked, "At around 1:00 o'clock in the afternoon on 27 June 1996, were you not with your Aunt Loida?" She answered in her normal direct fashion, "No, sir."

She was then asked, "Your Auntie Loida's birthday is on 27 June if you know?" Panic on Nica's part. "What I know is that it is not 27 June.

"She was then asked, "On 27 June weren't you with your Auntie Loida from around noontime to later afternoon?" Once again, the direct "No, sir."

Loida Nocum, however, an adult and the sister of Vicky, Nica's mother, gave a totally different version.

Under oath, she stated that Nica returned to their house, not the house of Suny, at about 1:00 p.m. and ate her lunch. After lunch, Nica reminded her aunt Loida that it was her birthday and demanded a 'blow-out.' Note, that it was Nica who reminded her and on 27 June, a date that she denied in court under oath. The term "blow-out" requires an explanation. Throughout the whole of one's life in the Philippines, birthdays are very special days, and are given much more significance than in western countries. No matter what the age of the celebrant, it is a day of rejoicing. The economically better off will have a full-blown party, but for those of lesser means, the "blow-out" is the best that can be had. This means that the celebrant, together with a few selected friends or workmates, will go to an eatery of some sort. Depending upon income, this might be from the local "Sari-sari" store, something akin to the local corner shop; a fast food outlet such as McDonalds or to popular restaurants. For adult males, it will usually be a beer house. The celebrant is obliged to treat the guests to food and drink. Nica was asking her Auntie Loida to treat her to a little food and drink outside the house somewhere.

Aunt Loida would like to do this, but confessed that she did not have any money. Nica was not put off by this. She suggested to Auntie Loida that they make the trip to the place where Nica's father works, near the Valenzuela Municipal Hall. She will tell her father that she needs money for a project she has in school, and then they can have their 'blow-out.' Aunt Loida agreed. Well, it is her birthday and, modest as it may be, a blow-out with Nica is better than nothing. So off they set on their half hour journey.

At the Office of the Mayor, they found out that Pio Pasco was out of the building. They sat and waited for over an hour for him to return, but were told that he may not be back that day. They had to give up on their plans. What is worse, what little money Aunt Loida had was spent for fares to get to the Municipal Hall. They faced a very long walk home. Fortunately, Loida's sister, Josie, worked in Valenzuela so they managed to borrow fifty pesos, from her and they arrived back at the grandmother's house very late in the afternoon. Nica played with Virgie, who is a Mongoloid baby cousin of hers, and then

she and her aunt played bingo. After that, they watched television and then went to bed, sleeping together in the same bed. Nica was still sleeping when Loida arose to go to work the next morning. There is no need to doubt this story because, at that time, Nica was sleeping every night at her grandmother's house and only rarely visited the house of Suny. After all, she had known this as home from the age of six. It was more her home than the one of her mother, just 150 meters away.

So, on the day of the alleged rape of 27 June 1996, the only vacant time is from when Nica allegedly went to school until about 1:30 p. m. Certainly enough time for a rape to occur.

This time difference was dispelled first by the now missing teacher, who appeared in Court just once, with copies of official school records clearly showing that Nica was at school from 6:30 a. m. until 1:00 p. m. on both 27 June and 12 July 1996.

Therefore, for 27 June her whole day from awaking until she went to sleep has been accounted for, thus making it impossible for any rape to have occurred on that day. For the 12 July alleged incident, the school records indicate that Suny could not have taken her to Baclaran in the morning because she was at school until 1:30 p. m.

We have already dealt with the mystery of this school teacher who had taught for twenty-six years at the Coloong Elementary School, but after giving evidence and not being cross-examined, he suddenly decided to leave "for the islands" in mid-term.

To disappear. His evidence was then struck from the record, not to be considered by the court. Judge Osorio allowed hearsay about previous rapes into evidence, but conveniently disallowed evidence given by a responsible but frightened citizen, one who had no need to lie. It was evidence given under oath, and he should have ruled that the prosecution had waived their right to cross-examine, as they had been given many opportunities to do so after his testimony for the defense.

Fortunately, the headmistress, Leticia Cregencia, had signed a certificate to the effect that Nica had been at school on the days of 27 June and 12 July which the court did accept into evidence. This was not as strong, because she admitted to signing it after asking the teacher to show her the records and asking him if they were a true record. She stated that she had no reason to suspect that he was lying. Neither would anybody. He had nothing to gain, but apparently, with hindsight, everything to lose, by telling the truth.

Therefore, without any possible doubt about it, it was proven that Nica had lied about two of the alleged rapes. She had totally fabricated the stories.

Regarding the 12 July allegation, further proof is that she reported to her grandmother, on that date, that Suny had raped her. It was this allegation that caused the friction between her and Suny. Once Suny had been confronted by the family, he was so furious that he insisted that Nica must have a medical examination, and would not be allowed in his house until she had done so. However, Aunt Loida, in sworn evidence was asked a question:

*Q. What happened when you returned to your house that day?*

*A. I returned home in the late afternoon and while Nica and I were about to go to sleep, I asked her Q' she thought it over; as she made a scandal in Coloong.*

*Q. What happened after that?*

*A. And she told me, "No Ylta Loida. It was only fabricated."*

Fabricated it may well have been, but Nica had learned the power of accusation, and was to use it effectively at a later date. In Wilson's defense, a foreigner, his step-son Jay-R, his mother-in-law Virginia

Delistan and his sister-in-law, Loida Nocum, had given evidence against their very own blood relative, Nica. It is just not credible that they would all lie, especially about something as evil as rape.

If the judge incorrectly had allowed these alleged rapes to be brought into evidence, he most certainly should never have allowed the alleged rapes of 28, 29 and 30 June 1996 to be referred to since the warrants of arrest had already long been issued from his own court and the case was now sub-judice.

He did allow them however, and these too, required rebuttal. Having already proven Nica an absolute liar regarding two allegations, we will now look at the allegations made only after her father had been told by Suny that the house and lot belonged to Vicky, not him. It was obvious that in order to get his hands on the house at least, Pasco had to apply similar pressure to his estranged wife.

On 4 October 1996, he persuaded Nica, who was then under his full control, to accompany him to Valenzuela Police Station once again, but this time to make charges that joined Suny and Vicky together. These three charges alleged that Vicky ordered Nica to bathe Suny for inducements of money, and that, after bathing him, for sexual intercourse to take place. An unthinkable and evil act for a mother to sell her own daughter. Those charges are discussed in detail in a later chapter and the inconsistencies are revealed. Vicky thus went underground, the only sensible action she could take. This meant, however, that she could no longer visit and support Suny, neither could she appear in court to give evidence for the defense, so it was a vicious tactic to turn the screws for payment. These allegations were once more allowed to be raised in court as part of the narrative.

Nica claimed that the day following her now proven lie about the rape on 27 June, on 28 June, she came home from school and her mother forced her to bathe Uncle Suny who then raped her.

In regard to this rape, she was asked, "Now did you go to school at the day after June 28, the next day? Did you go to school the next day?" She answered, "Yes, sir." This was during the hearing held on 22 February 1997. In the next hearing, held on 21 March 1997, she was asked, "Now, you said you attended your school on June 29, 1996. I am just to refresh your memory, I am showing you page 41 of the transcript of stenographic notes of 25 February. I will read to you. Okay, let me reform the question. During the last hearing

you said you went to school on June 29. Now, if I told you that June 29 was a Saturday, will you still maintain that you went to school on June 29?"

She answered, "I did not attend school. I am only in the house." This was followed up with, "So you are changing your answer?" to which she replied "I did not answer that way, sir."

The three complaints had gone to the Department of Justice for assessment. Unfortunately, justice moves in a very slow manner in the Philippines. It took them until 18 June 1998, well before the trial ended, to issue a letter to the Chief Prosecutor of Caloocan City, under whose jurisdiction Valenzuela falls, ordering him to withdraw/dismiss these three cases for lack of credibility on Nica's part. This should have meant that the fiscal should have gone to the court, informed the court that they were not proceeding with the charges. The court would then have cancelled the Warrants of Arrest.

The private prosecutor was not about to allow Vicky and Suny off the hook this easily, though, as, with the permission of the court, he lodged what is called "A Motion for Reconsideration." This meant the Department of Justice had to restudy the cases to see if they had made the wrong decision, a process that can take many more months. This was done in the face of the fact that very rarely before has the Department of Justice ever changed its mind about original decisions given. A clear case that "nailing the foreigner" far outweighed the purported integrity of the local court.

We believe that this chapter in reality exposes Nica and, We allege, with the prompting of her father and his appointed private prosecutor, and of fabricating and lying about events concerning non-existent rapes. If she was willing to be a liar about these ve 100 rapes, why can one believe her about the sixth, and the one that was really on trial here, that of 16 September 1996. Judge Osorio did.

## **C h a p t e r X I V**

### **14 More Expert Opinion Ignored**

The defense was not yet nished. It had presented a swom af davit of Victoria Delistan, claiming that she too was present in the house at the time of the alleged rape and that it just did not happen.

They also produced Erick, the nephew of Vicky, who con rmed that Wilson had not been escaping that night, but was on his way home to find out why Jay-R had been so distressed.

A more devastating witness, however, was Dr. Bautista, who headed the medico legal section of the National Bureau of Investigation, a very professional arm of Philippine police resources. As the judge states in his own Decision:

Dr Renato C. Bautista testified that he is the supervising medical legal of cer of the National Bureau of Investigation. That he has been connected with the bureau for 28 years. That his duties is to supervise the medico legal officers. That he had handled 2,000 rape cases, more or less. That he testified in Court as a medico legal ojjicer and (Exhibit

C). He had never been reprimanded for testifying falsely. That in the examination of a rape victim, the breast and the different parts of the body more particularly the genitals was examined. That an average Filipino male sex organ in full erection is 2.5 cm in diameter. That he do not know the average size of the penis of a foreigner. That the report made by the lady doctor who conducted the genital examination of the victim in this case stated that the external vaginal orifice offers moderate resistance to the introduction of the examining index finger. That the said findings, the introduction of a 2.5 cm. blunt object and inserted inside the vagina without jelly or foreplay or when the vaginal canal is dry will definitely create fresh laceration noticeable within 24 hours at the time of examination. That the elasticity of the hymen is only to a certain extent. That in the examiners report, it states that the subject is no longer a virgin. That if there was complete penetration or full introduction of a 2.5 cm, object into the private part of the victim together with the pumping actions on the day prior to the examination, there will be fresh laceration despite the fact that the subject is no longer a virgin. [No proof that she has ever had, sexual intercourse, other than her allegations against Suny.] That the allegations of the victim that the accused forcibly had sexual intercourse with her 24 hours prior to the examination is not true. We repeat, in the Judges own writing - is not true.

To reinforce this testimony, the defense wanted to bring to the stand another expert witness, but that was denied by Judge Osorio.

Dr. Ruth Clemente who heads the Department of Obstetrics and Gynecology at Manila Central University - FDT Medical Foundation - in a letter to Albert Wilson dated 18 April 1998, wrote:

Your lawyer had in mind precisely what you wrote me about, had I been allowed to speak. To give my expert opinion that a woman regardless of whether she was a virgin or not, will show signs of sexual intercourse if the act had taken place within 24 hours previously. Apparently; the Judge is biased. What I was going to say would have proven that a girl had not been raped during the past 24 hours. So, the prosecution's witness, Dr. Cosidon, had stated that Nica had not been raped, the head of N. B. I., Dr. Bautista, stated that if Nica was claiming that she had been raped within 24 hours of the examination, then it is a lie, and, one who was not allowed to give evidence, stated in writing that she would have given evidence to state that the girl had not been raped in the previous 24 hours.

Judge Osorio though, never allowed facts to interfere with judgment. He even refused a request of the defense to recall Dr. Rosaline Cosidon as a witness for the defense. This same doctor was to later break an appointment with the author as fear of the growing public hysteria over 'child sex' grew. Earl Wilkinson contacted many lawyers to seek assistance, but they too did not wish to be seen to be defending a perceived foreign pedophile when over ve hundred Filipinos were awaiting legal killing for a similar offence. Even foreign residents, while expressing doubt of Wilson's guilt, were fearful of being seen to give any assistance in case of reprisals that might affect their immigrant status.

## Chapter 15

### 15 With Friends Like These

Walter Moran, from Canada, had been busy. He had contacted the Royal Canadian Mounted Police and had had meetings with their medico-legal department, who had expressed a firm opinion regarding the medical examination. This he had recorded on video. He believed that it would greatly help Wilson's case if he was allowed to present this evidence, plus the evidence concerning Pasco's demand for money to drop the case.

Using his own funds plus contributions from the congregation of his church, he rushed back to Manila and was sworn in as a witness. Judge Osorio had already demonstrated a strange bias towards the prosecution. Admittedly, he was visibly upset at the continual change and inexperience of the lawyers for the defense. To him this indicated that this case was not being taken seriously. This bias had even baffled the Department of Justice, who themselves believed that the case should have been dismissed after the presentation of a woefully weak prosecution. However, one would have believed that the evidence of Jay-R with that of Dr. Bautista and the fact that so many of the close family members of Nica were clearly on the side of the accused, should have swayed his view towards innocence. So what could be the reason why he stubbornly stuck to his obvious prejudgment of the case? He stated in a later interview, "I believe in her testimony. Being young, I knew that she would not lie especially so when she would testify against the person whom she considers to be her step-father who supported them and provided them with food and almost everything in life."

There is strong evidence though, that the "nail in the coffin" was the *napahiya*, or loss of face experienced by the judge with the evidence given by Walter Moran.

This is not solely Moran's fault. He had demonstrated his lack of sensitivity towards the Philippine psyche before. It was the young lawyer, Atty. Billena, a born and bred Filipino, who fully knew of the evidence that Moran wanted to present, and encouraged the offending statements. He should have known the effect it would have on the Court. He should have known the totally unforgiving nature of the Filipino if he perceives that a foreigner has insulted. He should have advised Walter Moran that the evidence he believed would assist in proving the innocence of his friend was inadvisable to deliver to the Court, even though Moran is not a man who accepts advice with ease.

To non-Filipinos, it is almost unbelievable that a man could sentence another to death just because he felt insulted. This emotion could perhaps never be felt so strongly in any other country. Filipinos are generally friendly and loving people, but the hate that loss of face can cause is astounding to the observer. To illustrate the depth and give credibility to this theory of why Suny Wilson was sentenced to death, the following true illustration is given.

Max Soliven, is both the publisher and leading opinion writer of the Philippine Star newspaper in Manila. It has a very large circulation and is read through out the

archipelago. Soliven is its star writer, if one can forgive the pun. For six days out of seven, this experienced and hard-hitting journalist, who fears nobody, puts pen to paper, exposing the evil ways of the world and especially the Philippines. Even presidents, both past and present, are subjected to his erudite criticism.

It would not be his boast, but it would be probably true, to say that his is one of the most well-known names in the Philippines.

That is not to say that he is not well known overseas, because in his capacity as publisher, he attends many international conferences every year and mixes well with foreigners.

All of this background makes the following story even more incredible, and we will quote extensive portions of his columns that were printed after he experienced perceived *napahiya* at the hands of no less than the then German Ambassador, Wolfgang Gottelmann.

It all started on Tuesday, 2 March 1999. A concert was to be given in the ballroom of the Mandarin Oriental Hotel in the Central Business District of Makati.

The Ambassador of the Federal Republic of Germany and Lufthansa jointly sponsored a performance of none other than the celebrated German pianist and conductor, Justus Franz. Attendance was by invitation only.

A few weeks before this concert, and in view of the impending death by lethal injection of Leo Echegaray, of whom we write in more detail later, the European Community had written to President Estrada of the Philippines imploring him to not proceed and pointing out the almost universal anti-death penalty stance. Soliven had written a tough response to this plea telling the European Community to mind its own business and not to interfere with the internal affairs of the Philippines. He is, and always has been, very much in favor of the death penalty.

On this particular evening, Mr. Soliven arrives at the greeting line clutching his invitation received from the Konrad Adenauer Foundation. The German Ambassador says to him, "I am surprised to see you here. Were you invited?" Soliven said in his column that this was "snapped" However, here we have a very experienced Ambassador supposedly being very undiplomatic. We are all aware that when some Germans they tend to sound aggressive, even if the intentions is to be friendly. Sogiven the experience of the ma, most of us would have taken this to be a joking remark, but not Mr. Soliven, as he went on to write. Then he growled, 'The entire European community is outraged at what you have been writing'

This, too, could have been a friendly reference to the fact that a number of persons present that night might take issue with him about his response that told the Europeans to mind their own business. Let Soliven take up the story as Written in his column of 3 IV larch 1999, headed "GET OUT GOTTELMANN ! WE DON'T WANT THROWBACKS TO THE 'MASTER RACE.'

*I hope that when the German capital is moved back to Berlin in a few months, we won't nd them goose-stepping and shouting Sieg Heil!*

*He explains the incident we have already described, then goes on: But that's what happens when those who carry the White Mans Burden are pissed off with Little Brown Brother They just can't help 'looking down their Aryan noses at groveling Asian Untermenschen lesser breeds of creation -like poor me.*

*Being an equally arrogant Ilocano, however I glared back at this pompous old fart and answered, "Are you saying I was not invited? be that's so, then I 'm leaving immediately."*

*So, I turned on my heel and left. Those within earshot of this brief shouting match, no doubt, will draw their own conclusions. But let me say this loud and clear: I won 't accept this kind of insulting tirade -and against a Filipino in his own country.*

*Therefore let me tell you, Gottelmann: Raus! Get out of my country. Go back to your fellows in the land of Bratwufirst and Sauerkraut! As for others in "the entire European community" who hate me (according to Gottelman gospel), if you don 't like us telling you off when your government insults our country's policies go away too.*

*As for the Konrad Adenauer Foundation, I hope you, Gentlemen, don 't share your Ambassadors arrogance. Don 't think for one minute that by giving the Philippine press "alms" and gifting them with grants, trips, or slipping occasional subsidies to press institutes and conferences, you can buy us like a bunch of beggars.*

*Thats the trouble with some of the,Shiftings foundations) which operate here and ladle out their "generosity" on us. They may scorn us as "poor " They must not forget we're proud of the freedom our press enjoys and the liberty of free expression we fought so hard to regain. il Gottelmann obviously has the Aryan "master race" complex. One thing is certain: He's no diplomat.*

*He goes on and on about Ambassador Gottelmann, calling him by just his surname and giving his previous experience and postings.*

*I repeat. Gottelmann, why don't you just pack up and go home, and enjoy your retirement.*

*Even more about this time spent in Germany, and then he nally nishes his very long tirade with this the fifirst proposed execution of a child-rapist:*

*Let me say it once more: last month, when the German foreign minister (Germany is for six months "president" of the so-called European Union) issued a statement expressing its "deep regret" at the execution of Leo Echegaray and piously scolding us that "the death penalty is never an effective means of preventing criminality, " this declaration was an insulting interference in our country's laws and our way of defending society and the safety of our people.*

*Who are the Germans, I repeat, to preach to us? If you cannot be respectful and courteous in speech, then please shut up. As for the "entire European community" who are outraged at me, according to Herr Gottelmann, I'm outraged right back at them. bf you can 't be decent to us, then kindly leave.*

*You can imagine how stunned all foreigners were at this sudden outbufirst of vitriolic writing from one who had always been considered an erudite analyzer. This is the*

*effect of napahiya, the perceived loss of face. But it was not yet over. The following day, his very long column continued the tirade. This time the headline was:*

**FOR YEARS GERMANS SNEERED AT FILIPINOS - WE DON'T NEED THEM: GOTTELMANN MUST GET OUT!**

*In one section he mentioned the perceived rise of Nazism once again and mentions, As for this fellow Gottelmann, I say it once more. RAUS. Get out of my country! Go back to your fellow S. S. and Neo-Nazi lovers.*

*He then challenged no less than the Philippines' Foreign Affairs Secretary, Domingo Siazon, to get involved. Remember, this is over what could have been meant as a friendly remark made by no less than the German Ambassador. Many know that he is my cousin, he explained, "Can you handle Gottelmann? Its up to you Mr Secretary," he asked.*

*He ended his long tirade with: Lets not be suckers. If the Germans want to make friends, and establish beachheads of cooperation and amity, good. But they strut. They swagger They often treat us like shit. The Aryan master race concept has, I fear begun to raise its ugly head anew.*

*Well, he should have felt better by now. Not so, on the following day, Friday, after heading his article about something entirely different, two thirds into it, he suddenly had another go.*

*That nasty German Ambassador; the so-called Dr Wohfgang Gottelmann, must not think that we have forgotten him. The outcry is escalating to get this insolent envoy kicked out (or better still, sent to Jakarta where - If he opens his big mouth the mobs will simply burn down his Embassy).*

*His writings had now stirred the nationalistic hiya, or face. He reported:*

*Two strong resolutions were led yesterday in the House of Representatives, both attacking this guy Gottelmann.*

*Apostol's resolution enjoined the Department of Foreign Affairs 'to take appropriate diplomatic measures on the uncalled for and undiplomatic conduct and behaviour of German Ambassador Wolfgang Gottelmann'.*

*The second resolution declaring German Ambassador to the Philippines Wolfgang Gottelmann as Persona Non Grata to the country and requesting the recall by the Federal Republic of Germany.*

*I must state that this writer had nothing to do with fomenting such furious Resolutions, but am gratified that, as Jaraula stated, the "ignominious insult" by the German envoy is regarded as "A contemptible slap on the entire country"*

*The Congressman asserted that what happened to Mr Soliven was not merely personal to him but was in fact a humiliating insult to the Filipino people, especially journalists.*

*Yesterday, too, Senator Robert Barbers, telephoned Radio Station DZMM to say he was "mobilizing the senate" to protest arrogant statements and behavior of Ambassador Gottelmann.*

*Such resolutions may pass, or they may not. However the very ling of these reprimands*

*has already constituted a painful slap on the wrist on that swaggering would-be bully of an envoy. Go home, Gottelmann! You're not wanted here.*

*Better put on that famous German helmet (kindly omit the Swastika, though)*

*Herr Gottelmann. The Blitzkrieg, I'm afraid may have just begun.*

*The Resolutions placed in the House of Representatives were also reported on the front page of Soliven's paper.*

*Fortunately for the foreign community, Soliven does not write on Saturdays, but, come Sunday he was back again. One section was particularly relevant:*

*Some may snivel at what Gottelmann did to this Publisher was only a "personal insult." Excuse me. In a more barbaric land, it would have been responded to with something more than a walk-out and a shouted response.*

*To be bullied in your own country by a supercilious foreigner is something we Filipinos have had to go through throughout painful centuries.*

*We don't hold grudges in our family. But we cannot countenance insults, particularly one delivered at our own doorstep by a so-called German diplomat.*

*I don't want to waste our readers' time and my time writing about you anymore.*

Well, that was a relief. However, on the Sunday, again on the front page of the Philippine Star, Foreign Affairs Secretary Domingo Siazon, when questioned about the incident concerning Soliven, stated, "This is a cultural thing." He admitted being born in the province as Soliven and being his cousin. "In our culture, with what the ambassador had done, he could have been shot."

From the foregoing one example, the foreign reader may now be able to understand just how dangerous it can be for a non-Filipino to make critical remarks when in this country. Once a Filipino perceives an insult to himself, it can and will be even more dangerous. Knows it is part of their culture. Knowing what Walter Moran had done to assist the case while in Canada, and fully knowing Philippine culture, Atty. Billena should have warned Walter Moran about the danger of the evidence he wanted to present, and if he couldn't get him to listen, have headed him away from it during his questioning. He did the reverse, in fact. Let us quote the transcript, with Walter Moran as witness and Atty. Billena as questioner.

*Q. Now, during the conduct of your investigation, who else were you able to talk to?*

*A. Following my return to Canada I made contact to the Royal Canadian Mounted Police, one of Canada's very highly placed Forensic medical specialist in child abuse.*

*Q. Who is that?*

*A. Dr Marcelina Nian and also Dr Ted Cormode. Dr Nian sits on the Board of Directors of the International Society for the Prevention of Child Abuse. Both of these doctors trained other doctors internationally in investigating child abuses and rape cases.*

*Q. So what transpired with your conversation with these two doctors?*

*A. In my conversation with these two doctors I show them both the medical examination done upon Nica which has been presented as evidence in this court and I also show them the testimony of Dr Cosidon, the PNP doctor; who has given her testimony in this court as regards the examination which she conducted on Nica.*

*Q. What were their findings based on the medical report of Dr Cosidon.*

(The underscoring of what could be considered statements made by a foreigner and insulting to Judge Osorio personally and the ability of the Philippines generally are provided by ourselves.)

A. Both doctors indicated and both doctors has stated that they will appear at the Philippine Embassy in Canada for deposition hearing. They both stated that there is no possible way that Mr Wilson could have raped Nica in the twentyfour hour previous which was the subject to this charge. Furthermore, they indicated that they were extremely concerned about the quality and the standard of the examination technique that were done. They have given me videotapes of their discussion which will be shown in the Philippines for appropriate time over this Court U” not the appropriate place, as to use the example of Dr Cosidon testimony as an example in trainin session of how not to conduct a rape examination.

Here, a foreigner is giving the views of two other foreigners, that the Filipino is incapable of carrying out a medical examination on a rape victim in their own country. What is worse, these foreigners want us to use this alleged incompetance of Filipinos as an example of just how not to do things in the teaching sessions of other foreigners. The internal fury of the judge must have been rising. The testimony then went on to say:

They indicated both doctors indicated, that neither the examination not the testimony were sufficient in Canada to even lay charges against Mr Wilson and that it was a fact by the girls conduct, by her testimony and that the results of the examination that she was lying to the Court and lying about these charges.

Now the foreigners are telling Judge Osorio that, after hearing the girl’s evidence and the medical testimony, he should have dismissed the case. They are insulting him in his own country. They are saying that he is incompetent, that he should have known better, that he lacks the wisdom of those in Canada. As if further proof were needed about how upsetting the testimony would be to any Filipino, the transcript noting the testimony at this point is full of crossings-out by the typist, making it appear that she too was agitated. The poor English indicates this is not exactly how Walter Moran stated it. Moran provided strong foreign criticism of both the medical ability of the Filipino doctor and the wisdom of the Filipino judge. It was not his fault alone. A Filipino defense lawyer should have been aware of the landmine he was setting. The judge would get revenge for both himself and the honor of the Philippines. There was no way, from that moment on, that Wilson was going to be found anything other than guilty as charged.

Innocent of the bomb-shell that had been dropped in court, Suny was later to observe

that the judge appeared annoyed at his lawyer all of the time, but he blamed this on the fact that this was the third different lawyer he had represent him. To those who have undefirst anding of the Filipino, he could not have been more wrong.

In fact, the damage done was obvious from the “Guilty” verdict where Judge Osorio, in his Decision made special note, he stated:

Walter Moran, a newspaper publisher journalist from Ontario, Canada, substantially testwed that he came to the Philippines because he believed that the accused is innocent. That he is a journalist and publisher for 15 years. That he is working for two (2) newspapers in Canada. That he reviewed the issues and persons involved and eliminated lies before the article was issued. That he conducted a thorough investigation before publishing it.

The Judge then proceeded to give a thoroughly damaging account of Moran’s evidence, and effectively destroyed his credibility by stating:

That the accused did not ask him to testify that nobody asked him to come to cour

The Judge would have been entitled to ask why he did not discuss this with his friends of seven or eight years. When the judge referred to the allege bibe attempt by Pio Pasco through Atty Lozada, he noted.

The accused was not aware of his conversaion and Atty. Lorzada. It lacks credibility that Moran is in the country, giving evidence and dealing with people not ve minutes from the Valenzuela Jail and he didn’t discuss anything with Wilson. He stressed to Judge Osorio that he, Walter Moran, has thoroughly investigated the matter, Wilson is innocent. Case closed. Judge Osorio obviously disagreed with the ndings of his investigation. He sentenced Wilson to death.

## Chapter XVI

### 16 Pathetic Defense Summation

The final witness for the defense was the accused, Albert Ernest Wilson. He corroborated the evidence given by defense witnesses and clearly denied ever having touched Nica.

The court trial was now over, and both the prosecution and the defense were left to submit their written summations to the judge in order to assist in his decision making. The trial had taken nearly two years, during which time Wilson had learned to call the Valenzuela jail his home. If a verdict of “Not Guilty” was brought down he would be compensated a grand total of P 10,000.00. This would mean his bank baance swelling by about 150 pounds only.

The young Atty. Billena prepared the Memorandum, but not well. A lot of the argument for dismissal was included, but got lost in a sea of words. He quoted some wonderful precedents:

*Evidence of her conduct immediately after the alleged assault is of utmost importance.*

(People vs. del Pilar; 164 SCRA ZSO.; page 8)In addition:

*Private complainants behavior after the alleged rape was wholly inconsistent with*

*the rape charge.*

(People vs. Coiteous; 195 SCRA 289), and A womans conduct immediately ajter the assault is of utmost importance in the resolution ofa rape case. (People vs. Henrick; 187 SCRA 364; page 26)

Yet he failed to give examples of any of Nica’s actions after the alleged rape that were not consistent with human nature.

After undergoing a vicious rape, she runs out of the house and irmnediately meets Juvy. Does she throw her arms around her, crying and weeping, telling her that she has just been assaulted? No. They stand and talk. It should have been pointed out strongly to the judge that in virtually all cases of alleged rape, the very fifirst person contacted by the victim becomes an essential witness. The prosecution failed even to call Juvy to the witness stand. One could assume that the evidence that she would give would not support a charge of rape.

The two of them proceeded to Malanday to pawn Nic’s ring. Her grandmother lives just 150 meters away. Would it not be natural for her to run there, the fifirst place of sanctuary? On the tricycle ride to Malanday, she passes the houses of her father, her paternal grandmother, the family compound where her uncles and aunts live. She does not seek sanctuary there either. Not one of her actions was consistent with a girl who just had been raped.

In spite of the Memorandum being hastily and poorly prepared, to add insult to injury a note was included with it from the firm of lawyers that read:

*The copy of the foregoing Memorandum was served by registered mail on the private and public prosecutor because the ojj’ice of the undersigned attorney is far from their respective addresses. Moreover; the number of equally important pleadings to be filed and served by the messengers of the undersigned attorneys law firm does not leave them enough time for the personal service of the foregoing memorandum.*

As this was a case where a sentence of death could be applied, the other “equally important pleadings” must have been really important if the messengers were tied up on them. It is not known whether the judge ever received this Memorandum in the stipulated period. The Philippine post system is notoriously slow and no telephone check was done to ensure delivery on time. There is no proof that the Memorandum was even read by the judge. If he failed to receive it, then it would have accounted for his very bad decision. Wilson’s own lawyers may well be the ones to blame for him being on death row.

## **C h a p t e r XVII**

### **17 The Day Of The Verdict**

In the morning of 9 October 1998, crowds once more were in the courtroom at Valenzuela. Placards were being waved in the court itself by militant members of a womens’ rights group called Gabriela. The placards called for Wilson to die. A smiling Pio

Pasco was by his daughter's side. The organized publicity machine worked well. Other non-government groups were jammed into the few places available. "Citizens Against Violence" also called for the most extreme violence to be carried out against Wilson. There was blood in the air, and in the court.

Had the Valenzuela Regional Trial Court building sported a statue of Justice, on that day the blindfold would have been replaced with a patch over one eye, the scales would have been heavily sloping to one side and the sword edge honed to perfection.

A solemn Judge Osorio entered and handed his Decision to the female Clerk of the Court for her to read it aloud. Albert Ernest Wilson was found to be "Guilty beyond reasonable doubt" and sentenced to death.

In this particular "Coliseum" it was the turn of the Christians to cheer the death of another human being. The jubilation over a man being sentenced to death by these purported predominantly Catholic people was little short of disgusting. Few knew or cared about the facts of the case.

After the decision had been read, the sentence pronounced, and Wilson was taken away, the joy outside of the courtroom was as though a carnival had been held.

Little Nica made quite a speech. "I am very happy today. I cannot forgive him because he is not of my own blood and I do not know how to forgive. He deserves the death penalty and I hope we can watch it."

"Not of my own blood" and yet the Judge wouldn't believe that she would tell lies "against someone who she regarded as her step-father."

The Philippine child rights group "End Child Prostitution in Asian Tourism,"

(ECPAT), who, in spite of their lofty title, had never even caught, let alone convicted, one pedophile, welcomed the conviction. "There has been a history of offenders being able to flee the country after paying police large amounts of bail," a spokesman said.

How dare they! There has been a bigger history of ECPAT Philippines members fleeing the country, on jaunts to foreign conferences that achieve nothing but hot air, using donated money for "workshops" that became "talkshops." Its very name indicated the bias against foreigners. It was not about ending all child prostitution. It just fanned the hysteria against foreigners in Asia, yet had nothing to say about the boomerang effect as prisons filled with Filipino child abusers.

The Manila Bulletin stated, "Pasco, a member of Volunteers against Crime and Corruption, [VACC, who were also cheering at the court steps] has been under the custody of her true father and the Woman's Crisis Center since Albert Wilson started to abuse her." Who ever gave the Bulletin that story? She had testified that she was living with her paternal grandmother. She claims to have been abused since 27 June 1996. Was never near a Woman's Crisis Center. In fact, she had not been allowed by her father to even attend school since 16 September 1996. The current leader of this group, VACC, Dante Jimenez, said the judgment of Osorio on Albert Wilson showed the country's justice system "is impartial and harsh to those who violate it. This is the victory of all Filipinos. The Supreme

Court should act and implement this decision,” he said.

One very corrupt and dishonest man might have unfairly brought into question the integrity of an entire nation.

He also assured Nica Pasco of a college scholarship and automatic employment after graduation. Mr. Jimenez had better keep the offer open for a very long time because we are reliably informed, by her brother Jay-R, that Nica for many months had not been allowed to go to school or even out of the house unless accompanied. She was a virtual prisoner and slave in the house of her father, acting as maid to her father’s “wife” and the children. She was not even allowed to complete Grade VI at school.

Was the father afraid that she would break down and tell someone the truth? Therefore, in truth, even Nica was suffering a “jail sentence” for her lies.

Gabriela deserve a mention, a women’s rights group, as they were cheering lustily, but perhaps the male chauvinistic members of the press ignored them because no quotes were given.

Nica’s private prosecutor was highly delighted, as well he might be. Pete Principe said the verdict was “very significant” because it was the first time a foreigner had been sentenced to death for rape in the Philippines. “This is a historic day because the world will know that we know how to apply the law no matter who is the offender,” he said.

With over 1,000 prisoners currently on Death Row, that is an understatement. May he live to eat his words! This man of the law is the very man who, with ample time available, refused to cross-examine a witness, the tenured schoolteacher Nicasio Caparas.

The teacher disappeared and was never found again, thus casting strong suspicions that this particular lawyer was well aware that the damning evidence that he had presented was not going to be allowed into the records. He certainly knew how to apply the law, his style.

Wilson’s lawyers, Ismael Billoena, obviously upset, said he would appeal against the verdict. This is not the end of the case,” he said we are not giving up hope”.

Citizens Against Violence, a group partly founded by Anders Hultman many years before, after his daughter and her two companions were shot in a thrill killing by Claudio Teehankee, the adult son of the one-time Chief Justice of the Supreme Court, were there as well. Anders, who now lives in Sweden, would cringe if he knew of their involvement with this case. During his ordeal of obtaining justice for his daughter against the rich and powerful, he converted to Catholicism and is a good friend of Cardinal Sin and the authors.

One amusing story about a non-jubilant person is that of Wilson’s daughter, Denise, living in Dover. The local newspaper is delivered in the afternoons and left outside people’s doors. She reached down to pick hers up and there on the front page was a picture of her father trying to cover his face. Headlines screamed the fact that he had been found guilty and sentenced to death. She panicked, for nobody had bothered to tell her. This was the first she knew about the sentence. She dropped the paper and started to run around her neighborhood collecting the other newspapers in a desperate attempt to prevent her

neighbors finding out. She picked up over eighty papers before returning home. It was a distressing and tearful night for her, feeling so helpless and far away.

Back in Valenzuela, Suny was returned to the jail to collect his belongings and await his transfer to death row in Bilibid Prison, about thirty kilometers from Manila.

He really needed to console Vicky, but she too was still a hunted person with the warrants of arrest still in place.

## **Chapter XVIII**

### **18 How ‘Mission Nigh Impossible’ Begins**

Makati City is the acknowledged business center of the Philippines. It is there that the stock exchange is located, surrounded by the headquarters of every major bank in the Philippines, including those of foreign origin. What also amazes visitors who believe that they are touring a “poor, third-world country,” is that the huge shopping malls contain shops retailing every type of product including top Italian and French names and even Venetian glassware. One can literally walk for blocks in air-conditioned comfort. Restaurants also abound, many of them bearing the name of famous international franchises:

T.G.I.F., Hard Rock Café, Italianni’s, McDonalds, Pizza Hut and many more.

Outside the malls are many other shops and restaurants. One of these is particularly popular with resident foreigners and is aptly called The Prince of Wales. As its name suggests, it is decorated in the manner of an English pub, complete with timber beams, white stippled walls and English pub decor. Being in the heart of Makati, it is a convenient meeting place and watering hole at the end of a day’s labor. Even though many foreigners working here employ drivers, for those not so fortunate, breathalyzer laws are non-existent, so one can still imbibe a few pints of beer while awaiting for the traffic to lessen.

A few days after Wilson went to death row, Earl K. Wilkinson made his way down the stairs that led to the cool interior. Even though in his early seventies, this retired Australian businessman, was surprisingly fit and sprightly in both mind and body. It was his habit at least two times every week to visit The Prince of Wales and enjoy a couple of glasses of red wine while listening to the gossip.

It was relatively early when he entered and few were at the bar. He stood there sipping his wine beside three men with whom he only had a nodding acquaintance.

One interrupted their discussion, turned to Wilkinson and said, “You’re always on about pedophiles in your letters to the press, so what do you think about this guy Wilson?”

Earl pondered the question. He had not taken much notice about this case as he was continually busy in helping prosecute other pedophiles. He admitted to the group that he was not aware of the details. “Well, we reckon the bloke didn’t do it, yet they’ve sentenced him to death.” Wilkinson’s eyebrows lifted. Was the something that he had been dreading ?

Should he look into it? After many years of successful campaigning to get the world,

and particular, the Filipinos, to pursue and prosecute pedophiles, was this the knee jerk reaction he had always feared? As he walked back to his apartment, he pondered on it more. He would look into the Wilson case, just to be sure. The look was to turn into a massive yearlong exhausting effort at saving the life of Wilson.

Earl Wilkinson is an unusual man. After following a very successful career in the financial world in Sydney, Australia, he had accumulated sufficient wisely invested funds to allow him a comfortable retirement. Unusual for a man whose life was filled with investments, stocks and bonds, his apartment displayed many trophies from his parallel life of adventure, big game hunting and Marlin fishing. The variety of animal heads, skins and displays of taxidermist art indicated a much-traveled man. He is proud of his polar bear trophy. "Save the seals," he said, after his return from the North Pole trip.

Many years before, he had settled in the Philippines with a charming Filipina wife, concentrating on looking after his own investments rather than those of others.

Retirement did not mean giving up adventures and hunting. His idea of a holiday included spending a few weeks on a Russian nuclear-powered ice-breaker, being a copilot in a Russian fighter jet and water buffalo hunting in Northern Australia.

During his early years in the Philippines, he had become horrified with the blatant displays of pedophile activity. Little children were being sexually abused and nobody cared. Although pedophilia is definitely not unknown among the Filipinos, because he himself was foreign it was the foreigners' activities that really struck him.

He quietly began to investigate foreign pedophile activity and was shocked at the extent to which it had reached. He visited Pagsanjan and witnessed old men in singlets, shorts and slippers walking in public with their arms around young boys. Yet, nobody gave them a second glance. He investigated bars in Manila, many owned by his fellow Australians, and witnessed obviously under-aged girls leaving the bars with older men, going with them to their hotels for sex and drugs.

Most people would have sought out or started an organization to take up this cause. Wilkinson is, however, in some ways, a solitary man. Instead, he started an activity for which he has now become locally famous writing letters to the press. At the same time, he began to collect information from all over the world about the problem. He 'began a press-clipping library, which today is the most extensive on the subject in the Philippines, collecting everything and anything written about the subject.

He began campaigning to his own Australian government for more stringent laws against pedophiles, one of which was for pedophiles to be prosecuted in their own country for offences committed overseas. It succeeded.

In the process he upset many people, especially Australians. He castigated the Australian and New Zealand Chamber of Commerce, of which he was then a member, for coddling within their own ranks members who themselves were owners of bars and sellers of underage children for sex. These charges upset the president of the chamber, Peter Wallace, so much that he complained to the Bureau of Immigration , (BI), who

arrested and jailed Wilkinson, until he proved that his visa and affairs were in perfect order. After release he received a written BI apology that was a virtual reference, and he then campaigned against warrantless arrests, which were suspended in 1999.

His campaign started to show dividends however, when the Philippine government passed a new law, previously mentioned, that made the arrest and prosecution of pedophiles easier.

As he wrote in *Malaya*, a Philippine daily newspaper, on 7 May 1993: I have campaigned against foreign pedophiles in the Philippines for five years. At one stage, I was almost a lone Australian, but some decent Aussies did help. Active Filipinos must take the credit for the excellent new anti-pedophile law It partially works! But the menace still lurks. For child victims, the danger is now greater!

Culprits often flee the Philippines before police action. This is not justice. I propose a new law that prosecutes child abusers in their own countries for crimes in the Philippines, and elsewhere! I am not a revolutionary, but this proposal is. Am I failing with my own Australian officials in Manila? Yes! I have no support. World Health Organization's Manila office tells me there is no stand on the issue, but they favor my initiative. I need the Philippine initiative to pressure Australian lawmakers. So, please let me have opinions in this paper Slowly, his campaign started to have effect. The group ECPAT (End Child Prostitution in Asian Tourism) opened a branch in the Philippines. Wilkinson offered to join it, was rejected, in writing. They are just a group that are campaigning for money so that they can attend conferences and just talk about the problem. I prefer action.

Wilkinson had written and published not one, but two books in an attempt to get the Catholic Church to act on the problem. Priests and Pedophiles was virtually banned in the Philippines, not officially, but the Catholic owners of the bookshops refused to stock it, even on consignment. The books exposed the fact that many pedophiles were masquerading as priests.

There was so much more to do. As Earl Wilkinson pointed out, having the laws is good, but they are useless unless the authorities use those laws to pursue and prosecute the sexual terrorist. In the 4 years since the adoption of the new Philippine Act, only two foreigners had been convicted under it, and if one Filipino had, then it had not been widely reported. This was to change, however, with the classification of child rape, (statutory or forced), as a heinous crime under the 1994 reintroduction of the death penalty.

Arrests and prosecutions were to soar over the next few years, many on dubious evidence of guilt. To the chagrin of Earl Wilkinson who now says, I feared that there might be this knee-jerk reaction, from non-action to over-reaction. Little did this amazing man know over those years that he would be fighting the other side of the coin, his efforts would be directed at saving, rather than convicting, a man accused of being a pedophile, almost a man-bites-dog story.

## Chapter 19

## 19 Team Formed Contact Made

The following day, Wilkinson made up his mind. He would at least look into the matter for his own peace of mind. Having spent over a decade getting the locals even interested in prosecuting pedophiles, he was more than aware of the “feeding frenzy” that now appeared to be happening. So many men were being sentenced to death for child rape that it was becoming a statistical improbability that they could all be guilty. This was not what he had in mind in the beginning of his campaigning. It was never meant to be an act of persecution, only to deter or prosecute the guilty.

By telephoning the British Embassy, he found out the name of the lawyer that had represented Wilson. He contacted them to obtain a copy of the Decision. He carefully read the Decision. From this alone it appeared that there had been a dread-

fully wrong conviction. He felt, though, that before committing himself, he should get another opinion. He contacted Alan Atkins, and asked him to give him his written opinion on the Decision.

Atkins had lived in the Philippines for nearly twenty years. An engineer in the water purification field, he had recently relinquished a position that entailed being stationed in Bali. He missed his Filipina wife and three children. He was then making a living indulging in his first love, that of writing. A number of magazines used his services and business was slowly building. He had over the years done work for Wilkinson, mainly in analyzing and reporting upon otherwise lengthy documents. He was delighted to comment upon the judge’s Decision. He had the advantage of being out of the Philippines during the trial and so knew absolutely nothing about the case.

It did not take long. However, it was surprising. Atkins, fully knowing that for years Wilkinson has been involved in the prosecution of foreign pedophiles, believed the reason for the request was that a case had been lost. Wilkinson obviously would want to know why he had lost it. As he sat and read the Decision for the first time he thought, “No wonder you lost this one. He is innocent. He didn’t do it.” He had covered two-thirds of the Decision, when the first hint that something was wrong became apparent. In spite of all he had written before, the Judge was going to find Wilson guilty. He read on with growing horror as the judge spewed forth more illogical logic.

Back then to the beginning, and soon the floor around his desk was littered with sheets of paper containing notes. Bringing these together, he typed his report to Wilkinson, commencing with:

This recently concluded case is purportedly a landmark case as it resulted in the first death sentence being handed down to an alleged foreign pedophile for committing rape.

Examination of the decision, however; indicates that its notoriety may well be that an innocent man is to be killed by lethal injection.

It could well be the final nail of so-called justice in the Philippines. A judge has ignored vital expert evidence and overruled it in favor of his own conviction and belief

The 8 page analysis of the Decision ended with:

God help us all.  
Justice is dead.

Later, the two met and discussed the Decision. “Do you really believe this man is innocent?” asked Wilkinson. “I would stake my own life on it,” responded Atkins. “I think the same. Perhaps the time has come for me to change sides and join the defense.” They agreed to team up. Wilkinson would obtain for Atkins the bulky transcript for him to analyze, while his job would be to contact everybody involved in the case to obtain vital information.

The most important person to contact, though, was the accused, Albert Wilson, now safely ensconced on Death Row in Bilibid Prison. He obtained the necessary details from the British Embassy and then sat down and wrote a letter to Wilson. A few days later he received a reply. It stated:

Dear Sir;  
Re: My murder in the Philippines.

I thank you very much for contacting me and for your offer of assistance. While the Pro/Consul of the Embassy is here, I make this quick reply since I do need help very badly.

If you have read the transcripts of my case you will know I am innocent. I did not rape my wife’s daughter and simple common sense says my wife, her son, her mother; her sisters and her brothers would not have testified in my defense if I had. More so, the NBI supervising doctor would not have said in plain English that the supposed victim is a liar. My Pilipino family do not have money yet my 85-year-old-mother-in-law has come to visit me, my stepson came here with me when I was transferred, my wife sends messages of love and hope. If you are willing in even the smallest way to help I would be very grateful.

Please try to visit me, or if you cannot, write so that I can explain more fully my situation, although Laurie (Consul) is well aware of it, and you can tell me what I need to do on my part.

God bless you and thanks, (Signed)

A. E. Wilson

The contact had been made, the first steps of a long journey commenced, and now a local lifeline to Suny Wilson was established. It was time for Wilkinson to start finding out everything he could.

Wilkinson is a cautious man, however. Experience has made him so. Foreigners living in their safe cities may find it hard to realize just how cheap life can be in the Far East. The slightest perceived insult can result in the pulling of a knife or gun and it being used. Insults that are not to the face will never be forgiven and may result in someone being

contracted to kill the perpetrator. The value of these contracts can be less than US\$ 100. Once one starts interfering in the affairs of others, then he is immediately at risk. Before he went too far, although Earl Wilkinson felt Suny was indeed innocent, he had to be sure.

The first thing he did was to approach the British Embassy and the then Consul Laurie Evan, for a copy of the transcript. He was amazed to be informed that they did not have one and that he should contact the lawyers. After a little difficulty with the lawyers, they agreed to supply one provided he would pay the copying charges. The transcript was well over one thousand pages thick, and they charged him fifty percent above the commercial copying rate. As the transcript was long, it was handed over to a lawyer he had come to know very well acting in the prosecution of pedophiles. Wilkinson advanced P 6,000 for him to read it and give him an opinion.

The next thing he did was to set his staff on trying to locate Vicky, the wife of Suny Wilson, who was in hiding due to three warrants of arrest being issued against her. The police had supposedly been searching for her since May of the previous year and had not been able to find her. Wilkinson's men found her in less than a week. She telephoned him and pleaded, "I don't want my husband to die in the Philippines."

Arrangements had to be made so that Wilkinson was not aware of the time or place until the last moment, to avoid being accused of knowing the whereabouts of a person accused of a crime, a charge that could have had him deported or worse.

At the meeting, Vicky convinced him that she had been in the house that day, nothing had happened, her daughter was lying at the instigation of her father who was a drug addict and desperate for money. Before parting, Wilkinson gave her some much-needed money and took her photograph. He was now fully convinced, and he organized a visit to see Wilson.

In mid-November 1998, Wilkinson visited Suny for the first time. He brought food, newspapers, magazines, writing materials and other items he thought that a convict might need such as insect spray. Having never been there before, he went to Gate I and joined a long queue to await searching of both himself and his possessions. A guard went to fetch Suny Wilson to the visiting area. Once introductions were made, they settled down to talking and Suny informed him that should he visit again, he must go to Gate IV and in that way he would be shown to his cell. Wilkinson left with him the analysis by Atkins for comment and also gave him the one thing that he appreciated most, the recent photograph of Vicky.

On 29 November, Suny wrote a letter to Wilkinson which said:

Thank you for the two wonderful gifts the picture of my wife and the hope your visit of yesterday brought. I am in addition, grateful for the addition to my budget and basic needs.

The picture and message from Vicky is a very special gift to me and there are no words to express its value.

I have studied the news clipping and legal opinion you left with me and must, in

general, say the opinion is fairly accurate and good. I will provide notes on this and matters generally regarding the October 9, 1998 court decision, to await your return.

In order to prepare notes on the case in general and as stated at our meeting, I do need the Demurrer; Medical Report, Statement of Witnesses, etc. which are currently in the embassy.

I will write to them but it may well be advisable for you to telephone them to ensure the messenger delivers them. They are, I believe, in a checkered bag similar to the one you saw me carrying. g Thank you again for your help to me, May God bless you for it and reward you in your efforts with every success.

Yours sincerely, (Signed)

A. E. Wilson.

Suny had also asked Earl Wilkinson if he could remind the Consul, Laurie Evan, that he had requested that a lump of foam, large enough to cover his bed, and a pair of thongs large enough for his feet, be purchased from the prisoners' relief fund that is sent annually from the British Government to the embassy. He had

found it almost impossible to sleep on the plywood base of his bunk and his heels hung over the end of the slippers he was wearing. He had requested these items during the Consul's previous visit, but nothing had happened.

He had told Wilkinson that, apart from his mother-in-law and stepson, he had received only one visit during the whole of 1998, that being from his defense lawyer.

He felt totally abandoned by society and by the British in particular. He also gave Wilkinson details about Walter Moran and how he was still fighting for him. Wilkinson decided to contact Moran.

Armed now with more information, Wilkinson made contact with Moran in Canada. This was to be the start of his role as coordinator for all of those who were fighting on behalf of Suny. The small numbers were to grow, but slowly.

In the meantime, newcomers had taken over the posts of British Ambassador and Consul. Well, not newcomers exactly, as Ambassador Alan Collins had served as second-in-command in Manila a few years previously as had Consul Ian Sargeant.

They both had invaluable experience of the Philippines plus a great interest in the Wilson case, something that had been lacking in their predecessors.

## Chapter 20

### 20 Competency Questioned

The first problem posed to Wilkinson was to create some credibility, especially with the firm of lawyers who considered that they should only deal with their client, not Wilson, according to their senior partner, Atty. Ortega, but the British Embassy. Wilkinson

made telephone calls to Atty. Billena, requesting a copy of the Demurrer. Atty. Billena “was out,” according to his secretary every time she knew it was Wilkinson calling. Requests were made for return calls that never came. Wilkinson became increasingly frustrated. He was being given the run-around and he knew it. He had a letter from Wilson authorizing him to obtain documents and information, yet Atty. Billena was ignoring him.

Wilkinson did manage to obtain a copy of the Memorandum and he passed this to Atkins for his comments. Part of Atkins analysis read:

*This memorandum commences very well, up until the middle of page 2, after which the simplicity is lost in a myriad of words. The Statement of Facts should have been concise, with approximate times of events, and in chronological order For example:*

- 1. Time of reporting to Valenzuela Police Station.*
- 2. Statement of attempted rape.*
- 3. Time of interview and lodging of Complaint with Court.*
- 4. Time of medical examination and date.*
- 5. Time and date of alteration of charge to actual rape.*
- 6. Time and date new charge lodged with court.*

*Explanation of why the alleged victim changed her complaint should be in the examination of the prosecutions case.*

*One thing is not clear in the reading is that the original charge carried bail of P 120,000 On page 12, the author states, “ - without any notice to the accused and without hearings having been conducted. “The details of the consummated rape first surfaced not in any preliminary investigation, but when the private complainant testified for the prosecution on 6 November 1996. ” This does not make sense. Where was the accused in the meantime? Either he had been issued a warrant and arrested for rape, or he was out on bail, or worse, he was never told.*

*The next section should have exemplified the difficulty of rape cases. The author should have requoted the court precedent that evidence of the victims witnesses should greatly outweigh the evidence of the accusers and should have respectfully pointed out that this ruling of I 983 cannot take precedence over the Philippine Constitution of I 987, Sec. 14 (2), Art. III or the Rules of Court, Sec. I (a), (Shown on Page 7) which clearly states that a man is innocent until proven guilty beyond all reasonable doubt. As stated by the author; unless his guilt is beyond reasonable doubt, he is entitled to acquittal.*

*It is clearly up to the prosecution to prove its case beyond reasonable doubt.*

*If there is any reasonable doubt then the only verdict can be acquittal. (Three precedents quoted on Page 8).*

*On Page 7, the author strays a little in his statement “-the prosecution for the crimes usually commences solely upon the word of the offended woman herself and conviction invariably rests only upon her credibility as the people's single witness,” as this is just not true. There are four permitted witnesses: (a) The alleged victim.*

*(b) The results of the expert medical examination.*

(c) Any eyewitness to the act.

(d) The first person contacted after the alleged offence.

The author makes a very valid statement regarding the evidence of the alleged victim, complete with precedents. He says, "To be sure, the accused may be convicted even on the sole basis of complainants testimony PROVIDED that it is credible, natural and convincing, and otherwise consistent with human nature and the course of things. (People vs. Tabago, 67 SCRA 65; Page 8). The "victim" had originally claimed Attempted Rape and then altered it to Rape. The author quotes People vs. Romero, 117 SCRA 897, the Supreme Court ruling that the palpable discrepancy between the private complainants testimony and her sworn statement before the police casts doubts as to her motive and seriously impairs her credibility.

In the analogous case of People vs. Nunez, 218 SCRA 34, the Supreme Court ruled that the discrepancy between the statement of the rape victim to the elected village leader and her court testimony negatives her credibility. (Page 14 ).

It is interesting to note that in the eventual acquittal from the Supreme Court, this was the only reason given for their decision.

The most important though are: "Where the evidence of the prosecution is tainted with inconsistencies, uncertainties and implausibilities that scorn the credence of the court, the charge must be rejected as a feeble concoction." (People vs. Garciano, 150 SCRA 638; Page 22)

"Flip-flopping testimony of a rape victim does not make her credible." (People vs. Ignacio, 211 SCRA 796; Page 22).

Without the benefit of reading full transcripts, and just from the quotations in both the Summary and this Memorandum, it is obvious that Veronicas testimonies and written statements are full of conflicts and flipflopping.

These should have been listed to demonstrate simply the ability of the alleged victim to flip flop. For example:

What time did the rape take place?

Veronica: 4.30 p. m.

What time did she meet up with her father; 20 minutes away, at least?

Pasco Snr: 4.30 p. m.

Why did you not complain of actual rape but only attempted rape?

Veronica: So as not to upset my father Pasco Snr: She told me about the rape when we reached my house.

An opportunity has been missed to demonstrate just how much of a compulsive liar this girl is. The trouble is that we are not sure that the authors own reading of the transcripts is accurate, as after Veronica embraces her father at 4.30 p. m. on the 16th she tells him her mother has burnt all of her clothes on the night of the 16th.

These inaccuracies are annoying.

Her own grandmother confronts her with a stack of clothing in court and can even

*remember where she purchased them. Veronica can look her in the eye and state that she had never seen them before.*

*There must have been many examples within the testimony where she contradicted and ipjlopped. It was the defense counsel is job to prove that she is a liar not just to state so. Instead, as can be seen from the variety of page numbers, the Memorandum does some flip flopping itself The previous rapes she claimed on 27 June and I2 July were not even believed by the prosecution as they were not part of the charge, and they should have been ruled inadmissible as evidence. However; once in the case, and with evidence by the aunt, grandmother and school attendance being presented, a major opportunity was lost in emphasizing the ability of this girl to create damaging stories.*

*Had this been evidence of the victim against the accused only, it is doubtful if a verdict of guilty beyond any reasonable doubt could have been handed down.*

*The next prosecution witness of note was Dr Rosaline Cosidon. Her evidence is covered from pages 27 to 39, but omits one very important fact that was covered in the Summary.*

*The alleged victim was no longer technically a virgin.*

*The judge quotes, [That her conclusion is that the subject is in a non-virgin state physically. That a female is in non-virgin state if the hymen is damaged. That laceration ofthe hymen is not necessarily caused by the entry of a penis in the vagina]*

*In fact, the judge summarizes the doctors evidence better than the defense, yet this evidence clearly indicates that no penetration of Veronicas vagina took place within twentyfour hours of the examination, proving beyond reasonable doubt that no rape had occurred. She was the witness for the prosecution.*

*With the setting out of the ip opping testimony of Veronica plus the medical evidence, the case should already have been dismissed. One mystery remains. Why did the prosecution not call Juvy? Juvy was the very first person with whom Veronica made contact after the alleged rape, within a minute according to her The author does not question this, but hints at it by quoting, "Evidence of her conduct immediately after the alleged assault is of utmost importance.*

*(People vs. del Pilar. 164 SCRA 280; Page 8).*

*In addition, "Private complainants behavior after the alleged rape was wholly inconsistent with the rape charge." (People vs. Corteous. 195 SCRA 289), and "A womans conduct immediately after the assault is of utmost importance in the resolution of a rape case.*

*(People VS. Henrick, 187 SCRA 364; Page 26).*

*Juvy, the woman, being she was 2] years of age, was the very first to meet Wronica. They casually rode a tricycle into Malanday to pawn Veronicas ring. Why did the prosecution not call Juvy as a witness? Because her testimony would not have helped their case one little bit.*

*Finally, were there any actual eyewitnesses? Only one, but he was for the defense.*

*We will cover the other prosecution witnesses when we reach motive. First, the main witness, the alleged victim, could easily have been proven an absolute liar and therefore an unbelievable witness. Second, the medical evidence presented by the prosecution clearly shows no rape occurred. Thus, Wilson should there and then have been acquitted as the prosecution had not proven beyond reasonable doubt that he was guilty. The opposite, in fact. The case was so weak as to place little reasonable doubt regarding his innocence.*

*The defense presented a number of witnesses, the most important of whom was the blood-brother of Veronica, Pio Pasco, Jr. He clearly stated that no rape occurred in the house on 16 September because he was home from school and in the premises at all times. (Pages 45 to 53). Unfortunately, the author dwells on the transcript whereby the riding of a snake-board is predominant. This is not important. It would not have mattered what the boy was doing, since the house is so small, it would have been impossible not to be aware of a violent rape being conducted.*

*The court cast doubt upon the truth of this evidence as no proof was provided by the defense that classes had indeed been suspended at 2:30 p. m. as claimed.*

*However; it is up to the prosecution to dispute evidence given by any witness for the defense and vice versa. They did not attempt to do so, knowing it to be true. So, not only did the prosecution fail miserably to prove the accused guilty beyond reasonable doubt, but this witness proved the accused innocent beyond any doubt.*

*The defense then called an expert witness, Dr Renato Bautista, a medico-legal supervising doctor of the National Bureau of Investigation who, having examined the full medical report of the examining doctor; declared without hesitation that no sexual penetration had occurred within twentyfour hours of the original examination. (Pages 55 to 59).*

*Evidence given by the alleged victims own grandmother identified clothing belonging to Veronica, the former having purchased most of them, and Veronica, under oath, looks the lady in the eye who has brought her up for most of her life, and denies they are hers. This evidence should have been used to strongly discredit the alleged victims honesty. (Page 66).*

*The mother; Victoria, only gave evidence through deposition and did not make a personal appearance. I believe that it should have been clearly mentioned as to why she felt afraid to go to the court.*

*So, we have established:*

- 1. The prosecution's main witness should have been proven a total liar ( I am not sure that this document succeeds in this.)*
- 2. That the medical evidence proves rape did not take place.*
- 3. That the prosecution shied off from calling what in any other rape case would have been considered a valuable witness: Juvy.*
- 4. That the witness for the defense, Pio Pasco, Jr, the alleged*

*victim's brother; swore he was in the house all the time and that nothing had happened.*

*Based on the above, there could be only one verdict: acquittal.*

*Personal Note: Sorting out this Memorandum has been difficult.*

*It was hastily prepared when a man's life was at stake.*

A start along the road that would lead to what Wilkinson would later call, "Atkins' vital brief," had been made.

## Chapter 21

### 21 First To Die - Leo Echegaray

That most foreigners did not appreciate was just how susceptible they had become with the passing in 1992 of Republic Act 7610 against child abuse. Children in the Philippines are very lovable and friendly, especially with foreigners. One of the reasons forwarded by the police for their lack of arrests of pedophiles was that although they could observe a foreigner entering a hotel or house with a young child, the law itself made it very difficult for them to obtain firm evidence of any sexual activity. To make their job easier, the Congress passed Section 10 (b) which says, "*Any person who shall keep or have in his company a minor twelve years or under or who is ten years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor beach and/or other tourist resort or similar places shall suffer the penalty of prison mayor in its maximum period and a fine of not less than fifty thousand pesos.*"

This means that should a girl, or boy for that matter, sit down next to you on the beach, if you are over twenty-three years of age and that child is less than thirteen, you can be arrested, fined and jailed. A wonderful opportunity for blackmail. It was this issue that caused Michael Sheridan of the British Sunday Times, to visit and interview the authors in January 2000.

The black humor of the situation is that both R. A. 7610 and the death penalty are conceived with the intent of punishing foreign pedophiles. Once the authorities went from complacency to enthusiasm, the largest affected race was the Filipinos themselves. It is a good way to get rid of an abusive and drunken father and perhaps get money in the process by accusing him of raping his daughter. Most judges in their presentencing were stating that they could not believe that a minor would make the shameful confession of loss of Chastity if it is not true, so the chances of being called a liar were indeed slim. Daughters by the dozen were being impregnated by their own fathers, yet the "moral men" remained silent. What is more, judges found out that the rewards from a grateful administration, who were under constant public pressure to fight the growing crime rate, are indeed good. Promotions were being handed out to those judges who had the most scalps to hang around

their belts. Usually, a provincial judge, buried in the boondocks, would have to wait for many years to be noticed in the promotion stakes. Death penalties, though, were news. The more death penalties meted out, the more one got one's name in the newspapers and the more likely one was to be considered for promotion. Similarly for government scals. In a recent case conducted in Cebu, ve well-connected youths were charged with the rape and murder of the Chiong sisters. The judge found them guilty of kidnapping, but because of insufficient evidence, avoided having to hand down the death penalty, by acquitting them of rape and murder. He sentenced them all instead to life imprisonment. There was an uproar. President Estrada told him that if he couldn't do his job, then he should resign. The prosecuting fiscal, however, was given immediate promotion to judge. The judge was later found dead in a hotel room, which was declared a suicide. Thus, forget justice.

They were probably guilty anyway. Let them die.

In just over four years, the courts, well over 60 % of them in trials for child rape, handed down over 900 death penalties. This must either make the Philippines the world's most evil country with the most efficient police force, or the most judicially inept, with the Constitution's 1997 clause of "being found guilty beyond any doubt," having been thrown out of the window.

Even though the Philippine Congress had passed the law reintroducing the death penalty for a long list of what it determined to be heinous crimes, for the first two years there was no means by which this could be carried out. The previously utilized electric chair and its control systems had been destroyed years earlier by re during a prison riot. The replacement cost would be prohibitive. After many debates, it was decided that lethal injection was not only a more humane method of killing unwanted criminals, but also much cheaper to install and operate. Thus, a new building was constructed and tted out for the judicial victims. The very first to have the honor of testing this out was one Leo Echegaray, convicted of raping his daughter.

It is not intended here to claim the guilt or innocence of Leo. It is irrelevant now, as his body is entombed. The case is quoted to attempt to explain the hysteria that had built up because of the re-introduction of the death penalty. This hysteria was also demonstrated against the foreign community.

In December 1994 Congress re-imposed capital punishment through the enactment of Death Penalty Law (R. A. 7659). Shortly after, in July 1995, Leo Echegaray was accused by his 10-year-old stepdaughter of repeatedly raping her.

To all intents and purposes, Leo was not a nice man, not your friendly neighbor. He was reported to be frequently drunk, a neighborhood bully who was generally feared. However, after a speedy trial with only six short hearings, before Quezon City Judge Maximiano Asuncion, a man who proudly enjoyed his media-given title of "the hanging judge," in September of that same year he sentenced Leo to death.

Judge Asuncion received promotion to the Court of Appeals soon after, but his speedy and careless treatment of alleged criminals was hardly experienced there because

he himself received the death sentence of a higher authority - he had a fatal heart attack.

It took the Supreme Court until June 1996 to deny Leo's appeal, but this was not affirmed until February 1997. At that time, although many convicts were residing on Death Row, there was no means available for the state to carry out the sentence. It was not until April 1997 that Congress decided that lethal injection was the preferred method and enacted R. A. 8177, the Lethal Injection Law.

In February 1998, the Supreme Court, as mandated, set the execution date for between March and August. The anti-death lobby had started to grow, led by Cardinal Sin and the Catholic Church.

In August 1998, the Justice Secretary, Sera n Cuevas, wrongly announced August 7 as the execution date, but rectified this a day later.

That was because it was not until 12 October 1998 that the Supreme Court upheld the validity of the Lethal Injection Law as a means of carrying out the death penalty.

On 17 November in accordance with the law, Quezon City Judge Thelma Ponferrada set 4 January 1999 as the execution date, but did not make it public.

In the meantime, the circus went on. Leo Echegaray, on 27 November as a final wish, had requested that he be allowed to marry his girlfriend, Zenaida Javier.

This was not a marriage with many prospects for a long and happy life, but as conjugal visits are only allowed between legally married couples, Leo would receive some comfort from it.

Initially, the Secretary of Justice turned down this request, but he relented and the marriage took place on 22 December 1998, with the honeymoon on Death Row.

Meanwhile, shortly before Christmas, Senator Aquilino Pimentel, together with fourteen out of the total of twenty-four Senators, and with the support of thirty five Congressmen, called for a review of the Death Penalty Law.

On 28 December the lawyers of Leo applied for a stay of execution. The President had already stated emphatically that there would be no reprieve from him. Thus, owing to the fact that there appeared to be strong evidence that the law might be subject to review, on 4 January just three hours before the appointment with death, the Supreme Court granted a stay of execution for a maximum of six months.

This caused an unprecedented outpouring of what can only be described as blood-lust. Justices of the Supreme Court were themselves subjected to death threats. One Congressman wanted to commence impeachment proceedings against them. Even President Estrada expressed his disgust and stated he was determined that Leo would die, for that was the law.

*It was highlighted on 11 January 1999, when a rally was held demanding that Leo should die, in the heart of the Central Business District of Makati. It was led by the Vice-President of the Philippines, Gloria Macapagal Arroyo, and included film stars and politicians, plus a good sprinkling of members of Manila society. Heading this circus was the victim, Baby Echegaray herself, with a towel placed over her head to partially hide*

her face. Accompanying her was her court-appointed guardian, an elected village leader, Who Wore, of all things, a shining gold jacket like some overweight and out-of-work pop star. It did not have the approval of everybody though, for one letter writer to the newspapers stated:

*Its showtime! Baby Echegaray was at the January 11 protest rally on Ayala Avenue that tragically started at the new statue of Ninoy Aquino being led to his execution. [Sic, for assassination]*

*This rally was for the execution of Baby's father Leo for raping her. She demands the death of her father and seeks privacy from the public. So shy is this new national media star that she had a hand towel over her head.*

*The hour-long rally ended with politicians \_ none of whom is known for catching at least one child molester - giving street interviews. None of this lot has a word of support for the No. 1 pedophile-busting priest in the Philippines, Fr Shay Cullen of Olongapo City, who is now suffering retaliation. Movie stars spoke and had the smiling crowd laughing and shouting at this execution rock show.*

*To preserve Baby E. is privacy, TV priest Sonny Ramirez took her; sans towel on head, to the Peninsula Hotel Manila. (It didn't cross his mind to take her to a Catholic center for distressed children.) There, seated smack in the middle of the bustling lobby, the girl was gawked at by waiters and foreigners.*

*The girl's school appointed guardian in a bright gold jacket anked the somber kid. He was the smiling host to the constant stream of sympathizers who came with their cellular phones.*

*So who is manipulating whom and for what? Pity Baby E. She should be receiving rehabilitation in private. Ask any child doctor Antonio S. Cruz.*

*A different person was to write:*

*I could never understand and the mob mentality of Roman tyrants that allowed public crucifixions, or throwing Christians to the lions.*

*I could never understand and the hysteria of the old US witchhunts at Salem, and the torture and death that followed, or the modern US lynch mobs who severed genitals of blacks before hanging. I could never understand and the dark ages of the Inquisition in the name of religion.*

*I now understand and, as I see my fellow men, and even children, chanting for blood over the death penalty of Leo Echegaray. All caused by a young 'Baby' girl and her adult managers!*

*Shame on us!*

*It was a fact that this mass hysteria and baying for blood even involved, with adult encouragement, the children. Wilkinson wrote:*

*"Baby, don't cry. Leo will die," was the rally call sign. "He dies February 5," can now be added to the call of thousands of schoolboys in a teacher-assisted parade of 9,000.*

*In a few years the boys will be adults. Some will rape their sisters, or a neighbors daughter Later in llife, some will rape their daughters! Some will be convicted. So, in voting death as children, they committed their own execution as adults!*

*How many will be strapped to a bed on wheels? No one knows. Who cares ? I do! Is it one million, two million, or more? I believe it could be. The children deserve the right to know There is no government survey of this social cancer There should be.*

*If you don 't know the disease, you can 't cure it, except by lethal injection.*

This was not to be the end for “star”-raped-child Baby Echegaray. She was to have her photograph taken with the President himself on New Year’s Eve. She was to receive a brand new house and lot from the Speaker of the House of Representatives.

She was to receive two educational plans, one for her and her siblings, the other to cover her further education to become a lawyer. She was to receive P 150,000 from the Chinese-Filipino community. She was to appear, together with the now symbol of hand-towel on the head, before a mass rally of hundreds of thousands of followers of the El Shaddai charismatic religious group, where leader, Mike Velarde, also cried out for Leo to be put to death. And nally, there was the offer of a lm contract. From being an abused child at ten, she had become a locally famous and very rich person at the age of fifteen. In fact, less than a year later, she was to stand in front of hundreds of people at a rally of Volunteers Against Crime and Corruption, without towel on her head, in front of the television camera, and con dently deliver a five-minute speech.

All of this was to have a distressing action upon the reporting of child rape cases. As predicted, when the rewards were so great, many accusations were being made, true or false. Even Pio Pasco recommenced his calls to talkback radio demanding that his daughter, who had been viciously raped by Wilson, be compensated in the same manner.

There was some sensible comment, however. Not all Filipinos were baying for blood. An excellent editorial in the Today newspaper is worth repeating:

*“The closer he comes to his execution the less Leo Echegarayjits the bill as either poster boy of the pro-We or even more, the pro-death penalty movement. As pro-We symbol, his tackiness makes it very hard for decent public opinion not to wish him dead anyway. But the more he abandons his skin-crawling antics (he last wanted a guitar) to attract attention and sympathy the more his plea comes down to plain begging for his lgfe, the less compelling it becomes to take it. Except ofcourse, for the unstable on the death-penalty side who have a political stake in sticking to their guns or need a hysterectomy sooner than Leo 's execution.*

*For Leo is crying out that he did not kill anyone. And that is true. We might add that, although he had sex with his daughtet; he did not keep her like a sex slave, locked up in a closet and taken out to slake his thifirst . What he did was basically what Filipino politicians and top Chinese businessmen pay to do; screw young things, except the latter have money to pick outside their families. It is all just a bad though not uncommon situation in squalid communities, where proximity brings the male libido in constant contact with*

*someone who \_ however young and otherwise inappropriate - nonetheless possesses the physical attributes that Rosanna Roces and Lorna Tolentino [provocative local lm stars] commercially display to give men ideas of coming back for more of their movies and raping on the side.*

*Leo killed no one. His death will only encourage those who cannot control their sexual impulses - but cannot pay for call girls - to leave no traces of their crimes. When Leo goes to his death, it will be as a man who shouldn't even die by the Neolithic morality of a life for a life because he didn't take any. What he took was his daughters virginity and innocence.*

*So this is going to be just plain ritual murder No one will be able to read contrition in his eyes because it is impossible to feel sorry for something that you did wrong when something worse is being done to you.*

*When Leo draws his last breath, he will pass from a life of bad taste - and sexual deprivation rather than depravity (there is no indication that he is a pedophile) to a lesson for all future rapists. Kill your victim because the best evidence against you is a live one.*

President Estrada had, all along, taken a firm stand on the issue. This exmacho star of the silver screen, on being asked if a last-minute admission of guilt would alter his mind about granting a stay of execution, answered, "No way. No way.

I have to be firm to send a message to these future rapists that we mean business."

Meanwhile, the Congress were also buying for blood. Being politicians first and foremost, they, sensing the mood of the vast majority of the voting public, hastily passed a motion that they would not review this Death Penalty Law in the near future.

Thus, the inhibiting factor was removed from the Supreme Court and they lifted the stay of execution. A new date was then set.

Come the dawn of 5 February 1999, the circus began. At 5:37 a. m., Leo was led to a van just fifteen paces from the Number One door of New Bilibid Prison, in a new orange prison suit, with crucifix around his neck and a bible in his hand. Those fifteen steps held no dignity, however, for the world's media, crowded with local television and photographers, pushed, shoved and howled trying to get their pictures for the bloodthirsty public. Virtually all radios and televisions were tuned to catch the last few hours of this man. Leo, what little was seen of him, was more impressive just before death than he had been in life. The best description was carried in Philippines Free Press as an editorial. Such a beautifully written piece deserves extensive quoting.

*"Denying the accused the dignity of solitude on the way to his death, it was ordered that Leo Echegaray be paraded through a shoving and heckling crowd of low-lde forms trying to get a last sound bite from him in his imminent execution, since a post-event interview was out of the question. Yet these people missed the most remarkable thing about the whole event. Leo Echegaray had walked calmly to his death.*

*It was sickening to have the condemned man brave the gauntlet of screaming journalists who hoped that he might disgrace, if not soil, himself in the terror he must*

*feel for the imminent end. In that way he would show to TV and newspapers how little of value would be lost that day.*

*Echegaray disappointed them all and surprised those of us who, while taking up the cause he so badly represented on our view, had been completely mistaken about his jitness to pose as the “poster boy” for the sanctity of We over the ignorant and craven clamor for death.*

*Leo Echegaray was a brave man; a being as rare as the dodo among his race.*

*Certainly there are none like him among those who wanted his blood, not in Congress and certainly not the Alex Magno look-alike who heads the Crusade Against Wolence with such bloodthifirst iness. [The same group that cheered the “Guilty” verdict of Suny Wilson.]*

*We are all shamed. Even President Estrada toned down his elation of the previous days and meekly said he had done it only to protect woman. “*

## **Chapter 22**

### **22 The Helplessness Of The Catholic Church**

This first actual execution had brought to a head the controversy that had been splitting the nation since the death penalty was first mooted. The Roman Catholic Church appeared to have a stranglehold on the Filipinos. It claimed that the Philippines is the fourth-largest Catholic nation in the world. This in itself is an enigma, as the Philippines is predominantly oriental in culture and surrounded by countries devoted to Buddhism and Islam. To the casual observer, Catholicism is indeed predominant. Churches over ow on Wednesdays and Sundays. Cars and public vehicles sport religious sayings, statuettes and rosary beads. Pictures of the Virgin Mary are in every household. Displays of Crucixes abound. On television people are extolled to pray the rosary every day at three o’clock. Filipinos have a wonderful way, however, of separating the Church from their everyday lives. The rituals are loved, they are the basis of the annual estas. Keeping to the actual rules of Christianity seems a little harder. Even President Estrada, a conrmed Catholic and being the first to kneel and kiss the ring of the visiting Pope, acknowledges four “wives” complete with children.

He obviously rejects “Thou shalt not commit adultery.” Virtually everyone associated with government considers it normal to take a cut of any contracts given out. They have rejected, “Thou shalt not steal.” Many carry hand-guns and if angered will use them. They obviously reject, “Thou shalt not kill.” Scams are an everyday occurrence.

Love motels abound to make adultery easier to commit. Thus, although the Church has a voice, very few actually listen.

The Church has for many years been against capital punishment. Capital punishment had virtually been eliminated in the 1987 Constitution brokered by President Corazon

Aquino. When there were moves to re-instate it, members of the Catholic Bishops Conference of the Philippines (CBCP) met at Tagaytay, seventy kilometers outside of Manila, to discuss their stand on the issue. On 24 July 1992, virtually two years before the Act, they issued a statement:

*I The abolition of the death penalty by the 1986 Constitution was a very big step towards a practical recognition of the dignity of every human being created to the image and likeness of God and the value of human being from its conception to its natural end.*

*This advance was in accordance with the 1971 Resolution of the United Nations which declared, "in order fully to guarantee the right to life, provided for in article 3 of the universal Declaration of Human rights (1948), the main objective to be pursued is that of progressively restricting the number of offenses for which the death penalty may be imposed, with a view to the desirability of abolishing this punishment in all countries.*

*It would indeed be regrettable, if after that step forward embodied in our Constitution, we should now take a step backward without real necessity.*

*2. Some people, and many in the mass media are today insistently urging for the restoration of the death penalty. For this step to be taken, there must be very serious moral justification. We submit that the arguments advanced so far do not justify the restoration of the death penalty.*

*a. There are those who say that the death penalty is a deterrent to the commission of crimes.*

*But this deterrent effect on the commission of future crimes by others has nowhere been convincingly established. In fact, the 1989 Amnesty International report states, "the fact that no clear evidence that the death penalty has a unique deterrent effect has emerged from the many studies made, and that the methodological difficulties inherent in all such studies, point to the futility of relying on the deterrence hypothesis as a basis for public policy on the death penalty."*

*The American Bishops have also pointed out that "There are strong reasons to doubt that many crimes of violence are undertaken in a spirit of rational calculation which would be influenced by a remote threat of death. The small number of death sentences in relation to the number of murders also makes it seem highly unlikely that the threat will be carried out and so undercuts the effectiveness of the deterrent."*

*b. Another justifying reason adduced today is retribution or the restoration of the order of justice violated by the criminal's action. But this retribution need not entail the imposition of the death penalty even in the cases of murder. While the killing of a murderer by the State may satisfy vindictive desires, such a satisfaction cannot be the objective of a humane or Christian approach to punishment. From the Christian point of view, Christ's words about the forgiveness of injuries and above all his own example on the Cross call not for vindication punishment, but rather for more humane and humanizing punitive response to evil doing. We cannot argue that we should do to the criminal what he did to his victim.*

*For certainly, as the American Bishops say, we would not justify inflicting torture and the maiming of the limbs of a person who has criminally tortured and maimed another*

*c. There are some people who reason out that as in a body it is legitimate to excise a sick organ when such excision is good for the whole body, so also it is legitimate to execute a criminal when to do so would redound to the good of the whole society.*

*But we reply: a human being is not only a member of society as an organ is a member of a living body. While a human must live for the good of society, society exists in order to promote the good of the individual human being. A human being has a value in himself/herself and is the goal and purpose of society in a way that a limb or organ is not the goal and purpose of the human body. So, a criminal should be treated only like a sick bodily organ.*

*3. We positively object also to the restoration of the death penalty for the following reasons:*

*a. We cannot exclude the possibility of the imposition of the death sentence on innocent human beings. These mistakes have happened before. In our country there have been many instances of reversals of death sentences by the Supreme Court. How are*

*we to be sure that the Supreme Court which does not profess infallibility, has not erred in affirming death sentences by the lower courts? Such errors, when finally executed, are irreversible.*

*b. The imposition of the death penalty in our country today will have a bias against the poor. We know how inadequate our present judicial procedures are, and how the rich can literally get away with murder; while the poor have few "Q" any to defend them.*

*The ones who will suffer the death penalty will rarely be the rich who have committed crimes, but the poor who have no adequate defense. The preferential option for the poor which the Second Plenary Council of the Philippines has decided upon finds an application in our opposition to the death penalty. We believe that we should not even think of restoring the death penalty as long as we have not reformed our police and justice systems to the extent at least that there is a real guarantee of truly equal justice for all.*

*c. The abolition of the death penalty is also consistent with our stand for life, which we want to be protected and enhanced from conception to its natural end. Our present Holy Father has articulated this position in the following manner: "The right to life is the most basic and fundamental right and the condition for all other personal rights. The human being is entitled to such right*

*in every phase of development. From conception until natural death; and in every condition, whether healthy or sick, whole or handicapped, rich or poor" (Christifidales Laici. No. 38). We believe that human life, and the right to it are better defended by abolishing the judicial authorization to impose the death sentence. In asking for the non-restoration of the death penalty we are articulating the growing conviction regarding the sacredness of human life, and following the example of Pope John Paul II who in address to the Diplomatic Corps (December 19, 1983), defended "the seamless garment of life"*

and recommend “clemency”, even pardon, for those condemned to death.

d. Finally, we believe that the abolition of the death penalty is most consistent with our faith in Jesus and in the merciful God whose face He has revealed to us. While, in the Bible, we find texts that allow legitimate authority to impose the death penalty, we find the even more pervasive picture of a God who does not wish the death of the sinner; but rather that he be converted and live. The Lord Jesus himself laid down his life that sinners might live. In the only case in the gospels where our Lord was asked his opinion on the imposition of the death penalty on a woman who, according to the Mosaic Law deserved to die, he refused to pass sentence on her; and saved her from a certain death.

4. Instead of restoring the death penalty, we propose the following:

a. The relentless pursuit of the direct attack on poverty that President Ramos has been insisting on during these first days of his presidency, because poverty, especially abject destitution, is a fertile breeding ground for criminality.

b. The reform of our law enforcement and justice systems so that speedy justice will be meted out to all offenders of the law, especially to grave offenders, regardless of economic and social status. Such a reform is a more effective deterrent for crime

than capital punishment would be, and it will help establish an atmosphere of peace and order c. The reform of our penal service so that criminals will indeed be reformed instead of becoming more hardened when they serve out their sentences. Examples exist of such true reform prisons in other countries.

d. A relentless and well-coordinated effort to combat the causes of heinous crimes. Among such causes are the gang culture, drug dependence and the gambling syndrome.

e. The cleansing of police and military ranks of scoundrels in uniform, many of whom have perpetrated crimes or have connived with criminals.

f. The elimination or lessening of the atmosphere of violence propagated by the mass media. The harm done by films that vividly and repeatedly portray violence and even make it an attractive solution to problems is incalculable.

g. The enforcement of the gun ban, so that no persons may carry guns in public places unless they are persons in authority, and (or regular policemen and soldiers) wearing their uniform. We believe that the fulfillment of these proposals will go a longer way, than the restoration of the death penalty towards making our society a society safe for every human being. The non-restoration of the death penalty will send a very strong message to our violence-torn nation that we want to break the cycle of violence. It is very urgent to see and hear that message today.

This epistle would, with hindsight, prove so very true. The death penalty has appeared to increase rather than deter capital crimes, especially child-rape. What was Worse, the lack of equipment to allow any executions to be undertaken as well as the overloaded Supreme Court, meant many had been awaiting their fate on death row for more than two years. This, by accepted world standards, is a period beyond which authorities are considered to be applying unnatural and cruel punishment. It is a serious infringement

of human rights. It is now widely accepted that those few countries who retain the death penalty have a maximum of three years between sentencing and execution. Any longer period is cruel and inhumane punishment and an infraction of any human rights' protocols to which that country may be a party. There are currently many prisoners with the death sentence hanging over them who have been resident of death row for well over three years.

In his book "The Justice Game," Geoffrey Robertson Q. C. writes: "*the death penalty does not deter murder On the contrary, I believe that it tends to increase it by socially sanctioning violent revenge. America is an abiding testament to the objective futility of capital punishment: in one year the country sustained 24,000 murders, a colossal level of deadly violence in a nation which believes that executions will have some effect on reducing it.*"

The arguments heated up as the execution of Leo Echegaray drew closer. In spite of the stance of his Church, one priest, Father Sonny Ramirez, actively campaigned for the execution to be carried out. He became the spiritual adviser of the "victim," Baby Echegaray, and marched with her in demonstrations demanding the sentence be carried out. One angry letter writer wrote in admonishment:

*I have as of late been listening to the arguments of Father Sonny Ramirez and other pro-capital punishment members of the Catholic Church with increasing uneasiness. I feel it raises a number of questions.*

*First , with regards to Father Sonny's fondness for quoting the teachings of St. Thomas Aquinas. Since when do we put the words of humans albeit saints above that of the Lord? Wasn't it also St. Thomas Aquinas who wrote that a woman should not be allowed to serve as a witness in courts because of the "defect in her reasoning ability." I hope that they do not intend to start pointing to that particular teaching as Gospel truth.*

*The saints are at the end of the day only human and are therefore not infallible! If Father Sonny cannot point to a direct example of Christ's teaching in favor of capital punishment then frankly he does not have a moral leg to stand on. Because we are after all Christians and not Aquinians.*

The letter went on to tell him that he was wrong in stating that the Pope was for capital punishment. However, the popular sentiment of the time, from "good Catholics," was generally with him. The overwhelming masses demanded blood. One very popular columnist, Max Soliven, was definitely pro-penalty. In his column, he wrote:

*Now that the Supreme Court has done the inevitable, let's schedule its January 4th Temporary Restraining Order "staying" the execution of child-rapist and drug pusher Leo Echegaray, it's time for the Lower Court to schedule the delayed execution of the death sentence on Echegaray.*

*Let's put this frustrating and debilitating controversy behind us, and serve notice to the criminal underworld and the perpetrators of heinous crimes that the tough "capital punishment" law will now be implemented, with no ifs or buts remaining to provide them with a loophole of escape.*

The Pope had written directly to President Estrada pleading for him to show mercy. His reply was that he was only applying Philippine law. The European Union also pleaded for him to observe the Protocol on Human Rights, to which the Philippines was a signatory, and to commute the sentence. Such was the uproar that Cardinal Sin was prompted to write a letter to the press, which said:

*The death penalty issue has divided us. The three branches of government have been divided by this issue. Church leaders, church workers, priests and bishops have made public statements proving the same ejection. The nation is divided by this raging issue.*

*I am appealing for sobriety. I am appealing for the representatives of opposing opinions to pause, reflect and pray to God for His light. The pro-death rallyist and the anti-death-penalty proponents both believe in God. It is time for us to pray and beg God to show us the right path. May we be united in prayers if we cannot be united in facing this burning issue. Let us allow prayers to bring us together again.*

After appealing for calm discussions on the issue, he went on to stress the Church's official viewpoint.

On Sept. 8, 1997, the Vatican issued a new and definitive Latin edition of the Catechism of the Catholic Church. It states that the death penalty is theoretically permissible in instances where it is "the only possible way of effectively defending human lives against the unjust aggressor" but says that such circumstances are "practically non-existent" in today's world, in view of the resources available to governments to restrain convicted criminals from committing violent acts.

This letter brought the most dreadful of challenges to Cardinal Sin. A man named Isidro Tan wrote:

*To Jaime Cardinal Sin and the Catholic Church*

*Your crusade to save the life of Leo Echegaray and force a congressional review of the Death Penalty Law met with such overwhelming resistance that for a while there the Church was actually apologizing for doing what the Good Lord and Pope John Paul II had mandated it to do: 'fight the culture of death.' Is the Catholic Church a paper tiger? Your opponents will be sure to remember that when the abortion debate comes around.*

*But it's not yet too late to save Echegaray, if you're still interested. There's one more tactic that just might work, either enough to force Congress to approve a resolution to review the death penalty, or force Mr Estrada to at least postpone, if not commute, the scheduled February 5 execution.*

*But this step requires your absolute faith in the teachings and example of Jesus Christ, and the willingness to lay down your life in His name. For that is exactly what it is: proposing to lay down one's life to save sinners, as Jesus did. Can you do it? Can you follow the example set by our Lord in Calvary 2,000 years ago?*

*So here's the proposition. If you really, really want to save Leo Echegaray's life and repeal the death penalty, then imitate the example of Mahatma Gandhi. Inform Mr Estrada,*

*his government, Congress and the Filipino people that you will totally fast until death, or until Echegarays sentence is commuted. I mean a real fast, not a partial one. Or you tell them that you will refuse further dialysis treatments till the government changes its mind on Echegaray. Tell them the bottom line is: If Echegaray dies, Cardinal Sin dies.*

*I know you are in frail health, Your Eminence. Everybody does. That is your best weapon.*

*If you were to do this, the impact would be immediate - and tremendous. Your stature is such that the Filipino people would rather see Echegaray live than to see you die. No matter how bloodthirsty the members of Congress may be, none of them want to be the one who cast the vote that caused the death of Jaime Cardinal Sin. Nor would Mr Estrada, who would rather commute Echegarays sentence than be made to look like the villain in this movie. And, I assure you, not one of those characters in the Crusade Against Violence and other lynch mobs will dare say publicly that Cardinal Sin deserves to die as well for supporting Echegaray. And as for the media, it would be the greatest news event in the country since the miracle of EDSA. Just the news*

*of your ‘fast unto death’ will create more political and moral pressure for the government to at least postpone the scheduled judicial murder.*

*Think of it. What could be a greater example of Christs undying love for humanity that a devoted disciple like you could give than the most revered person in the country risking his life to save the most despised person in the country?*

*If you ask me, Your Eminence, I were to do the same thing, I would - but the sacrifice would be meaningless. No one would care enough about my life to save Echegaray live, or repeal the death penalty. You, however; are a different case.*

*Thirteen years ago you called on us to stand against hatred, and be prepared to die underneath the tanks at EDSA and we did. Now it is your turn, Your Eminence.*

*Only you can make this kind of sacrifice change the hardened hearts of your countrymen. Only with your blood will the people in government be frightened to have stained their hands. Only you can save this man they say must die.*

*Or are you afraid that the Filipino Catholic faithful might desert the Church in large numbers if it were to look like you were favoring a contemptible criminal ?*

*Not that you wouldn't be in good company, the same thing happened to your Master when he tried to save the sinners. But could you be that certain of your convictions as He was?*

*Your Eminence, what you have just seen is the imminent repudiation by the Filipino people of almost every sacred Catholic tenet by the Pope and the Church. The Church has been soundly defeated on the moral issue of contraceptives and now the death penalty. Defeat on abortion looms on the horizon. What next ? Women priests ? Celibacy ?*

*Now everybody would understand and if you chose not to make this sacrifice and for a wrench, of all people. You must have already done enough to serve your flock. You may do more. But whether or not you considered the spiritual salvation of the Filipino people*

*a cause worth dying for, will have to be a matter between you, your conscience and your Master to consider.*

The challenge was not accepted by His Eminence. although Tan was probably correct- There is no doubt. on the death penalty issue, the Church appeared more afraid of losing their flock rather than upholding their mandated position.

The failure of the Church to save the life of Echearay was a major blow. It clearly indicated that although the majority of Filipinos were members in name. no longer were they willing to listen to the advice of their bishops. They were veering more and more to being Catholics in name only. Unlike Catholics in other countries, they have yet to start voting with their feet but it is certain that this will happen unless the Church descends from its self-created ivory tower. Perhaps if Cardinal Sin had accepted the advice of Isidro Tan, he might have saved more than a life - he may have saved the Church in the Philippines.

One wonders how more vigorous the Church might have become had one of their own priests been sentenced to death for rape. This came close to happening when Father Shay Cullen. known the “pedophilebusting priest” was charged in Olongapo City with raping one of the children in his charge.

Father Cullen headed a non-government organization called the People Recovery Empowement and Development Assistance, (PREDA). The original charter called for it to provide rehabilitation for drug users and victims of child abuse. and to provide them with training that would allow them to become economically self-sufficient. Being in Olongapo, once the site of the largest U. S. Naval Base outside of America and therefore hosting a very big sex industry. it soon became apparent that the sexual abuse of minors was the major problem. Father Cullen and his staff decided to go after pedophiles with a vengeance, a move which led his childrens home and led to the prosecution of many foreigners. He became known nationally as the “pedophile-buster” gaining in the process the admiration of many but also the hatred of the ones who made money from this industry.

Earl Wilkinson had worked with Father Cullen on quite a few prosecutions, including the first foreigner to be convicted. Victor Fitzgerald, jailed for seventeen years. closely followed by British national Michael Clarke, a proven sex tour operator. Father Cullen had alleged that a group of resident foreigners in a nearby suburb of Olongapo, called Baloy Beach. were conspiring against him to protect their own interests. He alleged that they were operating bars where minors were available for sex. Wilkinson had warned him in a letter that he could himself be victim of being set up on false charge. Father Shay Cullen ignored these warnings and went ahead with his investigations designed eventually to prosecute members of the group.

Sure enough, on 11 November 1998, a headline read “Crusading Irish Priest Charged With Rape”.

The report stated that charges had been made by an eight-year- old adopted girl. Called “Liza” in conjunction with her American “father”. Her statement said that while staying in the children’s home, the priest had asked her to take an orange-colored pill that

made her fall asleep and that later she found herself naked and experiencing pain in her private parts. This rape complaint was the second filed by the girl. The first was filed before the Office of the Provincial Prosecutor in Batangas province on 4 June of the same year but was dismissed after the victim failed to file an affidavit.

“Now with my daughter’s statement, I want to see him die in jail.” the father said.

But Cullen said the case was purely legal harassment. “Anybody can make a complaint.” he said. Cullen added that it was the ninth complaint filed against him by the American and his adopted daughter Liza. The priest added that the first eight cases, which include kidnapping and oral defamation had all been dismissed by the courts.

Cullen also hinted that efforts to prosecute him were instigated by a syndicate that was behind an alleged conspiracy to manipulate children for purposes of pornography.

Earl Wilkinson was furious that his prediction had come true. On 17 November 1998, he wrote to the Today newspaper:

The new report, “Crusading Irish priest charged with rape” was shocking. The greatest pedophile-hunting priest in the Philippines who put more perverts in jail than any other individual in this nation of 70 million is now charged with what he so successfully prosecuted. The proof of his success is the preposterous charge against him.

Brothel bar operators have been furious with Fr. Shay Cullen as their associates are jailed or charged. The pedophile-pornography business is harmed because of him. So the evil empire struck back, using a young confused and traumatized girl as a tool.

On August 11 1998. I wrote to Father Shay Cullen, ‘I’m worried about you. Your success on the anti-pedophile front could be your undoing, each conviction earns you dangerous enemies. It is only a matter of time before the bar owners gang up on you and frame you: My words proved prophetic.

The aim of the false charge against Father Cullen is to tie down Filipino Investigators and the priests in expensive and prolonged legal proceedings, which would stop further prosecutions against pedophiles.

The standard operating procedure of accusing the accuser is well known to police authorities in other countries who have told me so. The motive is money: it is as simple as that.

Good luck Father Shay Cullen. God is with you, and know who are against you. Court records will show.

It was not until 29 April 1999, that a newspaper headlined, “Prosecutor dismisses rape case vs. Fr. Cullen.” It turned out that “Liza” had been subjected to rape by the son of her “father’s” housekeeper and the boy was also adopted and she considered him to be her brother. Father Shay Cullen Wrote to the Philippine Daily Inquirer on 8 May 1999:

The Article “Court junks rape vs. priest” said that I had been completely exonerated from a false and malicious frame-up. Investigations conducted by the Department of Social Welfare and Development, (DSWD), and the National Bureau of Investigation (NBI) in

Olongapo clearly show that the 7 -year-old child consistently testified that she had been raped twice by her half-brother and 10 times by a house boy. These teenagers are still at large and one has already raped another child. Why are they not brought to justice for their crimes?

If Erap (The President) is really for the mahirap [the poor], he should help and protect that child rape victim. Under Philippine law and every international convention on the rights of the child, she must be given protective custody away from her abusers and they must be brought to justice as well as those who forced her to write a false statement. Leaving the child under the power of her abusers will be seen by the international community as a failure to live up to our commitments.

Those who ignored the child is pleas for help against the two boys who were repeatedly raping her and prompted the child to make a false statement against me, are two foreigners. Retired American serviceman Alan Dale Edmonds, who got the child as a baby in Angeles City and who says he is the legal although not biological father of the little girl, and Harry Joost, a German bar owner at Baloy beach. Joost is a staunch defender of convicted pedophile Victor Fitzgerald and convicted child sex-tour operator Michael Clarke. He defends and lobbies for other foreigners accused of child sexual abuse.

Joost is also a long-time opponent of Preda's efforts to protect abused children and is charged with several crimes before the Olongapo regional trial court. Edmonds led as many as 14 harassment cases against Preda in the past 12 months, and almost all of these have been dismissed as baseless.

Edmonds and Joost are scared because Preda social workers have led charges against them for obstruction of justice, libel and defamation.

Frame-ups are all too easy to arrange. That is why so many people are against the death penalty since false accusations are so easy to fabricate and hard to refute, and it could happen to anybody.

If not for the NBI and the DSWD Lingap Center in Olongapo and the just prosecutor Oscar Lasam of Balanga, I too could have ended up on death row. It's now up to the government of President Estrada to rescue the child who is still under the power and influence of those abusers and bring them to justice.

The Church then came so close to having Father Shay Cullen on death row. Perhaps they would have been more vocal had this happened. They may yet get another chance, as mid-way through 2000, the Department of Justice overturned the dismissal of this case and ordered it to trial. A Warrant of Arrest was served on Father Cullen but, by November of that year, had still to be served.

Harry Joost, after preliminary investigation, was considered to have a legitimate complaint against Father Cullen for libel, and is proceeding.

## Chapter 23

### 23 Walter Tries To Help, Again

Meanwhile, Walter (Wally) Moran, the Canadian journalist and publisher, totally shocked by the decision, had been working at out in both Canada and on visits to London. He had written a 50-page Web presentation displayed on the Internet. He had written to and visited the British Foreign Office in an attempt to encourage them to voice their protest. He had contacted journalists and television companies to try to raise publicity on the case. He had kept in touch with Suny through the kind offices of the priest at the prison, Via e-mail, always offering hope and encouragement.

He maintained continual contact with the Philippine Department of Justice, demanding that they review this case. In December 1998, he wrote a submission to them:

*Ladies and Gentlemen,*

*The purpose of sending you this letter is as follows: each and every one of us involved with or concerned about the case of Mr Albert Vldlson, and each and every one of us, including those from the Philippines, are well aware of Mr Vldlson's innocence. Mr Willson's innocence is neither in question - nor it can be - the facts are clear. Whether through incompetency, dishonesty or gross judicial error, Judge Osorio's verdict ignored the obvious truth and the substantial evidence supporting the truth.*

*This verdict cannot be allowed to stand. (Underlining by the authors.)*

*Walter Moran had still not learned about the danger of insulting Filipinos.*

*Every moment that Mr Wilson continues to spend in jail is an abuse of justice, democracy, human rights and the respect for those three things each of us claim for support. Each one of us has an obligation, not just to Mr Vldlson, but to our governments, to our sense of right and wrong, and ultimately to ourselves, to see to it that Mr Wilson is immediately released.*

*The responsibility for that release devolves upon the Philippine government, and most particularly upon Chief State Prosecutor Zunio and Justice Secretary Cuevas.*

*And the procedure which I am about to propose is not a regular one, when viewed in the face of the gross miscarriage of justice which Mr Wilson's case represents, it is the only proper course, because it is expedient.*

*The alternative under the Philippine constitution, or so I was advised in London by Philippine 1st secretary Mr Asuqui, is as much as two years further imprisonment before a decision on Mr Vwlson's appeal is made. That is not acceptable, and cannot be acceptable to men and women of your caliber; and your positions in your respective governments.*

*It is obvious that something went wrong in Mr Wilson's trial - I will not speculate here just what it might have been - but regardless of what went wrong, our first consideration must be immediate justice for Mr Wilson. Here then is my proposal:*

*I ask the Philippine government, and most specmccally Messrs. Zunio and Cuevas, to immediately intervene in Mr Wilson's case and either order his release from prison, pending a complete review of the trial and of the actions and decisions of Judge Osorio, or*

*set a court hearing on the matter; which should be convened no later than January 31, 1999.*

*While an appeal would normally be the responsibility of Mr Wilson's lawyers, the facts of this case, and the decision rendered are so compelling that it would not be out of place for the Department of Justice to order an appeal of the verdict.*

*I further ask these two gentlemen to order an immediate Department of Justice review of the evidence in this case in order to determine if the evidence warrants a trial at all. I do not believe that it does, and that a properly conducted review will show this.*

*Furthermore, it appears that Mr Wilson did not at any time receive a review of the evidence leading to his detention, so that his constitutional rights were violated, as the Philippine Constitution guarantees a judicial review of the legality of an accused's detention, and, except for offenses punishable by a life sentence or death (when evidence of guilt is strong), the right to bail. I quote here from the above-mentioned document:*

*...the Constitution requires a judicial determination of probable cause before issuance of an arrest warrant...*

*Since it seems that the evidence in Mr. Wilson's case was never examined prior to the issuance of the arrest warrant, as was his right, it is not inappropriate here in view of the violation of his constitutional rights, to request his release. I would add also that I believe a request for a review of evidence was made, but never proceeded upon by the Department of Justice.*

*I further submit to Messrs. Zunio and Cuevas that the above constitutes grounds for them to order Mr Wilson's release, citing the violation of his rights under the Philippine Constitution.*

*From the advice sought and received by us, the three arms of government would not allow even the Secretary of Justice to override a decision of the Judiciary.*

*Even if Mr. Moran totally convinced them of Wilson's innocence, the best that they could do would be to appeal to the Supreme Court for a speedy examination, and, rather than the normal argument in favor of the "victim," admit to the Supreme Court that the State should have withdrawn its case. He would have been better to have had a Filipino write this letter as he once again, as a foreigner, is strongly inferring that the Department of Justice has been incompetent.*

*Regarding the three further allegations (27 June 28, 29, 1996) against Mr Wilson, a request for review was in the offices of the Department of Justice last March when I spoke with Undersecretary Presbitero Velasco. I believe that it was only acted upon because I took it upon myself to see that action was taken, and because of Mr Velasco's serious concerns regarding the information that I gave him on Mr Wilson's case. I do not know if the failure to conduct a review prior to this can be laid at the feet of the defense lawyer or the overworked Department of Justice staff*

*He never learns.*

*These charges were laid by Pio Pasco and Veronica to link Wicky Pasco to the*

*“crimes” in order to place pressure for a substantial cash settlement.*

*Nor is it inappropriate here to request bail for Mr Wilson. It was proposed to me that a bail application should be undertaken by Undersecretary Presbitero Velasco during my meeting with him in March 1998 at the Department of Justice, and he himself noted that the evidence against Mr. Wilson was insubstantial - a requirement for bail in a charge of this type.*

The arguments in March 1998 could have been valid and indeed, sensational. At this time the prosecution had rested their case, the defense were well into their rebuttals, and for the Department of Justice themselves to seek bail would have truly informed Judge Osorio that his rejection of the Demurrer had been wrong. We can only speculate as to the judge's reaction. Certainly, in December 1998, after the sentence had been passed, our local information indicates that the Department of Justice would have no right to ask for bail, virtually overturning a court decision, and that only a review by the Supreme Court and an order directed from that body could now interfere in Wilson's incarceration.

*As we know the three charges above mentioned were quashed in June 1998 by the DOJ, at which time the DOJ stated that Vldlson is accuser; the child Nica Pasco, was a lian I refuse to say “victim” or “alleged victim” because, as no crime was committed, there is no victim \_ unless it is Mr Wilson, and the state of justice.*

*September 1996 charge been undertaken, that the same decision by the DOJ as in the June allegations would have been made, and this charge of 16 September 1996, would have been dropped, with no trial undertaken. Whether failure to make that review rests with the ‘defense lawyer or with the Department of Justice, is not important at this time.*

*I accept that part of the failure rests with me, for not having realized the situation, and not taking steps in December 1996, when I was first in Manila, to see that review was undertaken. My failure, and the time it has caused Mr Wilson to spend in jail, and the conviction which has resulted, weigh heavily on my heart.*

*I must also add that Mr Velasco was so concerned about my evidence regarding the honesty of the proceedings and of the prosecution and Judge Osorio, that he offered to place a Department of Justice lawyer a Mr Hidalgo, at the disposal of Vldlson's lawyer and that Mr Hidalgo was to attend hearings in Mr Wilson's case.*

*That offer as well as Mr Velasco's request that he be kept informed of the case by Mr Vldlson's lawyer was not undertaken following a decision by Mr. Wilson's law firm.*

*That is a matter between Mr Wilson and the law firm, but I do know that Mr Vldlson did not concur with the decision made by this law firm. As I was not in the Philippines, I could not affect the law firm's decision, but at this point I can state that I believe that Mr Velasco's actions were indicative of the serious concerns which the DOJ had about this case, and must be considered by each of you reading this document.*

*I further believe that had Mr Hidalgo, an emissary from the Department of Justice, been in attendance at the hearings, which took place from March 17, 1998 onward, that the decision of Judge Osorio would not have been the same. I will again not speculate on*

*the reasons for that belief although I believe that they are obvious to each of you reading this document, or will be by the time you have finished with it.*

We tend to think that Walter Moran is a little optimistic in this last statement. Only the defense witnesses, Moran, Dr. Bautista and the headmistress, plus testimony from Wilson himself, followed this date. The Department of Justice had a lawyer in court, the prosecutor Atty. Razon. Mr. Velasco could have called him in for a meeting, and upon reviewing his evidence already presented, ordered him to drop the case. The case could have proceeded though, should the judge so have ordered. It would have clearly shown that the court had already reached a decision before the end of testimony, which could have then made it awkward for Judge Osorio, but nothing would have changed. Wilson would still be incarcerated on Death Row, until the case eventually reached the Supreme Court.

As pointed out earlier, the offer of having Mr. Hidalgo was not rejected by the defense lawyers; they made sure that they did not inform him of hearing dates or times, thus ensuring his non-attendance.

Walter Moran then presented an erudite interpretation of the evidence, most of which we have already covered in earlier chapters. It was obvious from the DOJ's order to their Chief Prosecutor to "withdraw/dismiss" the three charges that enjoined Suny and Vicky that they were unhappy with the evidence. Unfortunately, they had left it too late. The case of 16 September 1996 had been before the Court for nearly two years. It was totally under the jurisdiction of the court that had already rejected the defense Demurrer, arguing that there was no case to answer.

How the Department of Justice received Walter Moran's missive is not known. What is known is that the Motion for Reconsideration had been received, attended to, and a letter had been prepared for the Secretary to sign upholding the original decision to "withdraw/dismiss" the cases of alleged rape of 28, 29 and 30 June 1996. Far from being signed and distributed, this letter mysteriously disappeared in the department. Well meaning he might have been, but every time Walter Moran dealt with Filipinos in his North American manner, ground appeared to be lost.

It is my strong belief that had a review of the evidence in the 16

The arguments in March 1998 could have been valid and indeed, sensational.

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## Chapter 24

### 24 A Visit To Prison

Meanwhile, Wilkinson also had been very busy. The lawyer to whom he had given both the transcript and a check in order to obtain an opinion, returned both with apologies. The reason he could not take on the task was that his firm specialized in prosecuting pedophiles, not defending them. As Geoffrey Robertson Q. C. wrote in one of his books, “The most unpopular task any lawyer can undertake is that of defending pedophiles.”

He decided that it was the turn of Atkins to pull it apart and see what could be found that might assist in the Appellant’s Brief that had to be considered when the case came up for review before the Supreme Court. Meanwhile, he invited Atkins to accompany him on his next visit to Wilson. The visit was so traumatic that, upon return, Atkins wrote it up in his computer while the emotion was fresh. It said:

We sit on the concrete bench, smoking our cigarettes, looking out into the valley of lush grass and banana palms, enjoying the cool of the early morning. To get here at this time, we had both risen before the sun. Dawn had witnessed us in a taxi, being driven down the South Superhighway, away from the city of Manila and towards the town of Muntinlupa, home to Bilibid Prison. Our mission? To meet Albert Ernest Wilson, British subject, incarcerated on Death Row waiting for his final appeal to be considered by the Supreme Court of the Philippines. For him, rejection will mean being, well, as he puts it, “murdered” in a semi-ritualistic manner. He will be strapped to a trolley, arms outstretched as though being crucified. Needles will be inserted into his veins and three substances will be injected into him, the final of the three being lethal. All for a crime that he did not commit. One of which he is totally innocent. That of raping his then twelve-and-a-half-year-old stepdaughter. Our names are called and we pass through into a wire-meshed cage, to be searched. Not only the body, but also the contents of the bags containing food, magazines and writing materials.

We go into a small adjacent covered area. At the desk, we hand over our identification documents, Earl his passport, me my driving license and we receive a gate pass. We offer our right arms and two stamps of blue indelible ink are made. The first clearly states VISITOR and Gate IV. The second is the outline of a Yale-like key, a very symbolic motif on this place.

Thus adorned we approach the guard, who again conducts a body search and asks our

destination. We tell him and he shouts “Coming through for one-D” and ushers us through the gate. Then along a narrow covered walkway, meshed both sides to a sharp bend and here is the final guarded entry gate into the jail itself. As we pass, a prisoner in an orange-colored, loose-fitting jacket, takes hold of the bags and says, “One-D? This way.” He turns and starts to walk very fast across an open area, around the sides of which lounge men in shorts, singlets, and slippers. Cries of “Hey, Joe,” assail our ears. We are nervous. We are walking unguarded through an area that contains some of the most notorious criminals in the Philippines. What is worse, the prisoner with our bags seems to be getting too far in front. We hasten

our steps to catch up. The layout is confusing, with many large, two-storey blocks around us, each with its own high-mesh fence surrounding it.

We come to Block One-D, one of the high security blocks set aside for those condemned to death. We wait at the padlocked gate while our guide locates the trustee who has the key. Behind the fence, a set of steps leads up to the wide-open door. Men are cramming into the small open space between building and fence, the only open-air portion permitted them. They are all staring through the fence at us. “Here he is,” says Earl next to me, who has the benefit of the experience of an earlier visit. I see a bearded man who has just emerged from the darkened interior of the building. Tall, gaunt and, above all, white, he stands out among the hoard of bustling Filipinos around him. His face first registers astonishment, as we are not expected, but a smile comes on his face as he descends the steps to the gate. At this moment the trustee arrives and unlocks the padlock while Earl tips the guide. The gate is opened, we step through, and it is locked behind us. We are now alone inside a compound with 260 men, all of whom are condemned to die unless their sentence is adjusted by the Supreme Court appeal.

It is perhaps not an appropriate time to visit the very block which, four days previously, the very first man to be executed in the Philippines for over 14 years, Leo Echegaray, called home. The atmosphere was bound to be tense, and yet, no guards appear to be inside the compound or even within viewing distance.

Introductions are made. “Come to my cell,” he invites. He turns and goes up the steps. We follow him. Inside — my God — I just do not believe this. It is like stepping in a time-warp machine. We have surely just been transported back 100 years. We are in a central corridor which is about twenty feet wide. It runs the length of the building. Small twenty-watt fluorescent lights are spaced widely apart down the centre. Some of the gloom is relieved by the fact that every cell door is open allowing a little natural light to spill out. People are everywhere. Some sit on wooden, home-made stools and benches. Some squat on their haunches — Some on small plastic stools. A religious motif cut out of plywood and lovingly painted with pictures of the Virgin Mary forms a small barrier and hides the television set already blaring away behind it. Men are squatting down outside cells, with paraffin stoves, cooking for themselves. Others are walking with old plastic bottles in their hands either to or from the one tap at the end of the corridor collecting water of

doubtful quality for their cell. People stare as we pass them. Some say, “Visitors, Suny?” and he nods and smiles. None speak to us. The inmates’ rules, developed and applied by themselves, and enforced by the ‘mayor’ of the block, are very strict. Nobody is allowed to talk to a visitor without being asked to by the visited person.

We arrive at a door that is the same as all the many others. “Wait a minute,” says Albert Wilson, “I will ask whoever is still in here to vacate and leave us to talk.” He enters. A pair of legs appears, preceding a large Filipino of a bunk, who picks up a cup from a shelf smiles and passes us. “Come in. Wait here and I will try to borrow some stools.” We enter.

The cell itself measures eight feet by ten. To four men this is home until they leave, carrying their meager possessions, through the gate of the compound. Once through the gate, they will either be led to another cell in the main prison as the Supreme Court will have commuted their death sentence into a term in prison, or be led to the small, newly constructed compound to wait in solitude for a few hours for their appointment with death or and an almost impossible dream, be led to the exit and set free to go into the world and sin no more.

Four bunks are in the cell. A double bunk along the longer wall and two jixed above the shortest, crossing the room at either end. The bunks have plywood bases resting on steel bars. If one cannot get a visitor to bring in a mattress or some foam, the concrete floor would probably be no harder.

One barred window without glass lets in light and air. It is not only barred, but has steel shutters made from old, military paving-sheets, with the large holes allowing passage of light and air but acting as a partial barrier to sun and driving rain. Storage space is at a premium. We stand there, wondering how men can possibly endure such conditions and remain sane. Were these dog kennels, in many other countries they would be closed by the authorities and the owners punished. Wilson returns with two blue plastic stools and we sit, with himself using the bottom bunk.

With my nervousness of the location and the inhabitants starting to ease, I relax and look at this man about whom I know so much and yet have never met. Suny Wilson sports a gray week-old beard that partially covers what was once a handsome face.

“I only shave about every ten days,” he explains. “It limits the chances of infection.” His hair has gone prematurely gray. He is only 44 years old. He apparently used to be a bulky man who now has slimmed, so that one would suspect, in different circumstances, that he was a regular jogger. The eyes show the continual strain of being a foreigner in a foreign jail. “Everyday it is like walking a tightrope,” he confesses. “In general, now they are quite nice to me, but if you say the wrong thing they can easily take offence, and that can be very dangerous.”

Earl Wilkinson has brought a load of papers, press clippings and news. He has written a list of things he wishes clarified. He, like many others, is working to try to get the courts to recognize Suny’s innocence and set him free. At the time of the visit, he has spent over two

years incarcerated, away from his common-law wife and her son and mother. Stressful enough if one is guilty. Doubly stressful if innocent.

We sit and talk about the case, about his previous IU. It is dreadful to hear him state emphatically that he will be murdered in the Philippines. The genuine love that he has for his common-law wife Vicky. The sadness that because she is in hiding from warrants of arrest for a trumped-up charge in connection with his case, that she cannot visit him. The fear that his stepson may turn to drugs, as he has no father present to discipline and guide him. Even the fear of what this whole case is doing to his stepdaughter Nica. While carrying out my own research, I have come to dislike this girl very much. She is the one who has put him here on Death Row. Suny surprisingly expresses worry about her mental state now that she is under the influence of her natural father. A banging of a rod against iron rings through the place. "Just a minute," he says, standing. "It is a head count. I'll get out of it." He is out and back in less than a minute. Earl asks him about the small electric fan the British Embassy had tried to deliver to him. He smiles. "They didn't understand the system," he explains. "There is a standard bribe to the guards of P 500 (US \$ 7.00) to allow the fan in. The guy that delivered it wouldn't pay it, so it wasn't allowed." Clearly, you needed an outside source of income to be able to survive in jail. The food allowance is just P 32 per day, less than \$ 1.00. Purchases of supplementary food can be negotiated with the vendors who are allowed to roam around the compound every day.

Between discussing the points of the case that Earl needs to raise, we learn a little about life in this jail. There are other foreigners, but they are either Japanese or Chinese. Suny is the only Caucasian in this block. The Chinese are generally left alone. There are a lot of Chinese-Filipinos outside who tend to be rich and powerful.

Touch one of theirs in here and you do not know what they could do to yours outside.

The Japanese, and of course Suny, have nobody on the outside, so they can be bullied at will. We meet one of the Japanese prisoners who has been sentenced to death for having in his pocket just a few grams over the legal limit of marijuana that would have defined him a user; while outside in the main jail, Filipinos are serving a few years for being caught with kilograms. It is explained that his embassy gives him P 10,000 every month, which he willingly shares with all of the inhabitants of his block. He is now having problems, because they are pressuring him for more than that, which he does not have. Suny is lucky. Visits by his Consul, and growing publicity in the press have made the Superintendent of the jail nervous. He has instructed the 'mayor' to provide two "minders." An injured Suny could mean many problems for him, which he does not want.

My mind wanders. In every country, in every prison, you can hear the claim of innocence and dismiss it. Having studied just this one case, here you can believe that many of them are innocent. Just the previous weekend, Amnesty International had issued press releases concerning the case of a deaf mute who had been charged, tried and sentenced to death without having the benefit of having anyone communicate to him what was happening. Suny fetches him into the cell. He is very shy about meeting foreigners and

he cannot communicate. Suny calls in one of the prisoners who has taken him under his wing. The boy had never been taught the hand language of the mute, neither is he literate. This prisoner has developed his own method of communication and is obviously very protective of him. I cannot help it. I am a softy and I have to make an effort not to let tears come from my eyes. This boy, for boy he is, has never had anyone care about him. He is probably happy to have a roof over his head, while the meager food supply is probably more than he had before. He does not know yet that he is doomed, in a few weeks, to die. Perhaps he is lucky, as 259 others, in this block alone, are under no such illusion. Three hours have passed and so we take our leave. Suny accompanies us to the gate. At the door; we are introduced to the 'mayor' I am expecting a gorilla, but this man is small and neatly dressed in a clean short-sleeved shirt with long tan-colored trousers. He looks similar to many minor government officials in the Philippines.

We shake hands and go down the steps. At the gate, we make our farewells.

Suny asks if I can keep talking with his stepson, as he is worried about him. Through the gate and walk across the compound. No such rule applies regarding talking to visitors. Comments are being shouted at us, souvenir offered. We are out of the gate sitting in the taxi. The air is sweeter than before/ the sun is brighter We are not talking. Both Earl and I are lost in our own thoughts and trying to cope with our emotions. How could this happen? Why was it allowed to happen? Could it happen to others? More important, could it happen to me? The answer to the final question was a definite 'yes.' In the Philippines today, it can happen to just about anyone.

Atkins just hoped that this visit would not provoke similar reaction as that experienced by Wilkinson just after his pre- Christmas visit.

A few days after that visit, Earl Wilkinson was to receive a bit of a shock and the realization of how trying to help a condemned man could have frightening repercussions. A woman appeared at the door of his apartment and handed him a letter. It said:

Dear Mr Wilkinson,

Thank you very much for your visit to our dormitory last Sunday (Dec 20/98). It was unfortunate that I had other concerns on that day hence my failure to meet you personally

Suny Wilson informed me of your visit and he has in fact given Christmas cheer you brought to be used by the dormitory instead of for himself It was also confirmed by one of our quarter-officers that you've offered to help in any way you can should we be in need. As Chief Quarter-officer of our dormitory ( I -D ) allow me to express, on behalf of our dormitory our heartfelt thanks on your kind offer Should you find it not burdensome to your good self we have a small Christmas party on December 31, 1998 and we are on our toes looking for prizes for our prepared games and other spirit jilling activities. We would appreciate it very much if you could be one of those kind-hearted individuals who can jill-in what we lack for gifts and prizes. Again thank you very much. Sincerely

Rene R. Ajnazar

Chief Quarter Officer P S.

Its not often that we get-a call from a distinguished writer ( ?) as yourself - read part of your book and enjoyed the spicy instances.

A HISTORICAL PROFILE OF OUR DEMOGRAPHIC STATISTICAL DATA.

NO. OF INMATES: 226

72 have no visitors, not even once.

68 are from far-of islands, what we call “TAWID DAGAT”.

38 cannot read or write.

21 are old sickly

6 of the above are over 70-years old.

Imagine the group-dynamics we the officers have to balance. Although he may call himself by his official prison title of Chief Quarter Officer, within the block he is called the “mayor” He is a prisoner who has full control within the dormitory, the maker and enforcer of rules.

What shocked Earl Wilkinson was that his address was already known to probably many hardened criminals who presumed that he was Wealthy.

Earl rapidly assembled some tins of food for the Woman to take with her. He later received the following letter from Wilson:

Dear Mr Wilkinson,

RE: MY MURDER IN THE PHILIPPINES

I thank you for today, making your second visit to me at Muntinlupa and your continued effort to exonerate an innocent man.

I note the response of Jose Tomas C. Syquia, State Councilor of the Department of Justice to your letter thereto but would respectfully advise you that I am in possession of an order from the Department of Justice dated June 18, 1998 and addressed to the City Prosecutor Caloocan City directing said prosecutor to “cause the withdrawal/dismissal of the three (3) informations led in court against me and to report the action taken thereon within ten (10) days from receipt hereof ”

The City Prosecutor has NOT withdrawn/dismissed them and I therefore would respectfully ask your kind assistance in continuing to pursue this matter at the Department of Justice, (Crim. Case, Nos. 6059-606-V-87).

This is clearly a matter under the jurisdiction of the Dept. of Justice and a simple confirmation of their order to withdraw/ dismiss directed to the City Prosecutor would be of immense assistance.

As regards an appearance before the Supreme Court as an amicus curiae or the presentation of the legal opinions, medical opinions and other documents you have obtained, which clearly show and prove my innocence to any and all bodies to which it is appropriate.

To a man who has been judged by his own peers as represented by the British Embassy, his elders, as represented by your self and Medical experts both in the Philippines and

abroad - to be innocent, it is hard to understand and or accept that another man has ordered his death particularly when that one man's opinion is clearly not shared by the Dept. of Justice. I Lastly, may I add my special thanks for your Christmas card, with its aptly chosen words, and your kind gifts to a man you know is not in a position to repay you but can only pray that God will bless you for such kindness and generosity.

Yours most sincerely

A. E. Wilson

P S. Could you please send a copy of your "Comments on Memorandum to Wally Moran and the British Embassy?"

Also, re: Dorm Officials at Muntinlupa I ask your understanding of my situation and "OBLIGATIONS "

Wilson had clearly been placed under pressure to reveal details of this apparently wealthy foreigner.

## Chapter 25

### 25 Appeals For Financial Assistance

The letter he was referring to was one that followed Wilkinson's discussions with an official from the Department of Justice. Both Atkins and he were having feelings of doubt about the law firm's ability to have the decision reversed and were seeking alternative methods to get the message across to the Supreme Court. Wilkinson had asked if it was possible to get an extra Appellant's Brief submitted, perhaps by a lawyer of note.

After all, there was little reason to trust the abilities of Atty. Ortega and his band. They had defended a man's life with three, consecutive, junior and inexperienced lawyers. The Demurrer was poorly presented. The Memorandum was a mess and they had deliberately ignored offers of valuable assistance from those who were prosecuting, the Department of Justice. They had lost what should have been an open and shut case and their client was living in misery on death row. As Wilkinson wrote in his letter to the new British Ambassador, Alan Collins:

*I quote from the Department of Justice letter (November 24, 1998) to me concerning Mr Wilson by State Council Jose Tomas C. Syquia; "Under Philippine Criminal Law an accused can only be convicted of his guilt if proven beyond a reasonable doubt... Nevertheless, you are free to try and enter your appearance before the Supreme Court as an amicus curiae, or collaborate with the defense attorneys, or to send your comments/request to the Office of the Solicitor General, the office that represents the government in cases before the Supreme Court. " What do you suggest I do?"*

Although they wouldn't or couldn't admit it, the British Embassy were also unhappy with the lawyers handling this case, and they had, in fact, accepted the offer of a very high-profile Philippine lawyer,

Katrina Legarda, to review the transcripts.

Atty. Legarda was better known as a prosecution lawyer. She had successfully jailed Congressman Jalosjos for child sexual abuse. Atty. Legarda wrote to the British Ambassador stating that Wilson was the victim of wrongful conviction. She offered to assist Atty. Billena in the preparation of his Appellant's Brief as cocounselor but without her name being attached.

One would have thought that the law firm would have leaped at such an offer.

Their performance had not been up to scratch so far. However, their pride had to come before Wilson's fall. Again, they did not reject her offer outright. The court had handed down its decision in October 1998. As it was a capital offence, it would be subject to automatic review by the Supreme Court. Once they had received all the documentation from the court, they would notify the defense attorneys and request that, should they wish to submit an Appellant's Brief, it be provided to the court within thirty days.

This was eventually received by the law firm in March 1999. Only then did they hastily set about writing the brief. Valuable time was lost as there was no reason that preparation could not have commenced in November of the previous year. Atty.

Legarda's offer of assistance became moot since they ensured that their first draft was only ready two days after she had left for an eight-week overseas trip.

Meanwhile, Wilkinson was gathering more information. He had stated that there were two tasks to be achieved. The first was to do whatever was possible to obtain financial assistance for Wilson, and the second was to obtain as much knowledge as possible about the case to ensure that the proposed brief could be thoroughly vetted and commented upon. It was a difficult time for him. All his past campaigns had been fought successfully with a barrage of letters to the press. In this case it was agreed that minimum publicity was necessary if Wilson was to obtain a fair hearing in the Supreme Court.

We have already detailed just how easy it is to cause upset to Filipinos, and so the position was sensitive. The one weapon he could use effectively, the press, could have adverse effects in this case. There was nothing wrong, however, in gentle letters of appeal, especially to the resident British, of whom over 2,000 were registered at the British Embassy. It was decided that the vehicle for this should be *The Foreign Post*, a weekly newspaper that was predominantly read by the foreign community.

In January 1999, Walter Moran had written to this newspaper, which printed the letter as follows:

*Sir;*

*On October 9, 1998, the Philippine courts sentenced Albert (Suny) Wilson to death by lethal injection for allegedly raping his twelve-year-old Filipino step daughter .*

*Why do I say "allegedly" when the verdict has been given? Very simply, because even a superficial review of the evidence shows that Wilson is innocent. Just what does the evidence show? How about the fact that the examining physician testifying for the prosecution, stating under oath that no rape occurred, has something to do with it?*

*Perhaps the fact that her boss also gave the same testimony has some bearing on it.*

*Perhaps the fact that the girl admitted to lying in her statements has something to do with my statement. Or that a lawyer; acting for the girls father solicited this writer in January I 997 for a payoff of P 5 million to release him. Could it be that the girls story is riddled with lies, lies that the judge notes in his verdict, and then ignores?*

*Could it be the state of third world justice, which ignores the concept of reasonable doubt? Or just a judge afraid of the public backlash should he choose to judge fairly on the evidence, and release an obviously innocent foreigner?*

*Or should you choose all of the above, and much more, because all of the above is the correct answer and there is adequate proof available for each of the above statements? Albert Wilson is provably innocent, and that can and will be proven in his appeal.*

*And now we come to why I have written this letter Ajier over two years in jail on this charge (since I6 September I 996), Suny is destitute. He has lost his properties back in England, and has no income of any kind.*

*He needs nancial assistance to eat properly in prison, as the governments allotment of P 32 per day, less than US \$1 , is insufficient. Most importantly, he needs money to hire a new defense attorney to handle his appeal.*

*Suny needs the help of fellow expats if he is to regain his freedom. L a Canadian friend, have twice been to Manila to assist him, and once to Britain to meet with the Foreign Ojjice and his family. I will be returning to Manila shortly to coordinate his defense, and to meet with Philippine government officials over this injustice and, of course, to see my friend where I never expected to see him on Death Row.*

*I am requesting your assistance on Alberts behalf. Your donation will be used for legal fees and costs, and for food. The Foreign Post has kindly agreed to accept donations on Alberts behahf .*

*This wonderful appeal showed just how much the foreign community in Manila would assist one of their own in his time of trouble. The newspaper received not one peso.*

Wilkinson followed up with a letter to the same publication. It read:

*Sir;*

*Congratulations to the Foreign Post for its coverage of the case of Albert Wilson, who is now on Death Row in Manila after being convicted of child rape.*

*I was only asked by concerned Britons ajser he was convicted; to help with this “mission impossible, ” as one said. This was a bit late, but I have been trying with the thousand-page court transcript that weighs kilos.*

*An English law firm which wants to help asked me, “Is he really innocent? ” I replied, “Why didn ’t he escape when he could have, on his motorcycle? And the evidence shows he is innocent.*

*Wilson made a mistake by returning to hysteria, as did Ninoy Aquino and Jose Rizal. The law firm is assisted by Edward Fitzgerald Q. C., who has offered his services free. He gained the human rights award for the best in England in 1998.*

*Wilson writes to me appealing for help in a letter headed "My murder in the Philippines." I, as an old Australian man, have visited him on Death Row. No Briton of compassion has even bothered to visit or write a word of cheer in his two years of prison and publicity. Not even a Christmas card. I gave him mine. The Foreign Post reported: "A Death Row inmate needs your help." This appeal was not by a Briton but by a Canadian - W J. Moran, who came here at his own expense and appeals for money to help the Britons defense.*

*Wilson is now broke and begging for food, and help from visitors who he mostly doesn't have. Can you live on the P 30 a day food allowance that Wilson, a big man, is given? He looks sick. It is less than a dollar a day, and he has to pay, with the money he doesn't have, to cook it.*

*This is an appeal to Britons by me, an Australian, for funds to help justice in the Philippines. What can you lose except his We? The Foreign Post also featured a picture of the worlds tallest man, a 7'9"*

*Pakistani. Do the British in the Philippines stand tall on this issue of death for their Countryman? Your donations will prove it.*

This letter did little to improve donations, but it did bring one caring woman out of the woodwork. Mrs. Ann Davies contacted the British Embassy for information, was put in touch with Earl Wilkinson and, on the first of her regular visits to Wilson, took him a large home-baked steak-and-mushroom pie.

During now regular visits to Suny, Wilkinson had been encouraging him to write to the various foreign bodies and clubs to appeal for help. Letters were sent to the presidents of such bodies as Philippine-British Society, The Manila Club whose voting is restricted to members from Commonwealth countries, the Australian-New Zealand Chamber of Commerce and Industry, the British Businessmens' Association, and others. These self-serving institutions, without exception, displayed embarrassment at being requested for nancial assistance.

The president of The Manila Club, New Zealander Evan King, when personally approached by Wilkinson, said, "We sympathize but feel that we cannot get involved as it is too political."

Now-deceased president of the Philippine-British Society, Freddie Clemo, M. B. E., snapped over a telephoned follow-up, "I'll put it to the Board," and slammed the telephone down. Later it was discovered that no such proposition had ever been presented to the board of this society. Peter Wallace, then president of ANZ Chamber of Commerce, said, "It really isn't our problem." It was apparent that members of these bodies could obtain little personal gain by assisting a convicted criminal, irrespective of his nationality.

The only respondent was to be a small Philippine charity from one- church, who,

although their resources generally went to assisting children, gave P 2,000 to purchase food and medicine. Wilson wrote them a Thank-You letter, and they were so impressed with it that they followed up with a large box of used clothing and a box of coffee for donation to the prisoners.

In spite of these pleas it took weeks before the fund reached a lousy P 2,000 although the Embassy received P 20,000 from one particular donor and several smaller amounts.

## Chapter 26

### 26 Problems In Prison

It took a number of visits to Wilson before Atkins and Wilkinson were able to realize that it was not just supplementary food that was required, but real cash in the hands of any prisoner, if he has any hope at all of survival. This is because of the prison system itself. Prisons here are another world, far from civilization. The guards are there to make sure the perimeter is secure, but, inside that perimeter, it is the prisoners who make and apply the rules.

The first cash you require is when you are allocated a block. The appointed mayor and his deputies run each block. He will allocate you a cell, providing you have P 1,500 to pay him. If you do not have any money, then you can borrow it at an interest rate of 20 % per week. In the Philippines, this form of finance is quite common and usually operated by the Indian communities. It is known simply as 5/6. For every five you borrow, six is returned at the end of the week. If you do not have the full amount, then as long as you pay the interest, everything is alright.

This “bunk fee” is not transferable. Thus, if the mayor needs to punish you, he can unilaterally move you to another cell, and once again, the P 1,500 is demanded for the bunk.

If, when you first arrive, you do not have visitors, then one who does is allocated to “mind” you. He will also have two others to look after.

That is essential for survival. The daily food allowance is rice, with a sauce usually of fish. The protein content is almost non-existent. In order to remain healthy, supplementary food must be obtained from visitors or purchased from vendors, who, after paying the necessary fee to the guards, are allowed to wander about the compound with their baskets. If one does not have money, then one must take the food already cooked.

Obviously, the rice purchased by the prison administrator is the cheapest and therefore of lowest quality. It will not be that as supplied by the major producers which has been dried in a commercial plant, but rather that produced by small, independent farmers who have dried it along the roads. It therefore contains a lot of grit. Low income households, who also purchase such rice, spend hours picking the grit from the rice before cooking. At Bilibid, the rice is not even washed and therefore the grit is predominant. To overcome

this, prisoners with money accept the uncooked portion, clean the rice themselves and then pay one of the few prisoners who have purchased the cooking concession. This means that they are allowed to have a small kerosene stove in the corridor and they charge a few pesos to cook the food.

If a visitor arrives at Gate 1, then the visited inmate must first pay the mayor P 20 to be allowed out of the block, then P 20 to the trustee who unlocks the gate of the block, then P 30 to the escorting guard and a further P 30 to him for the return trip. If the money is not immediately available, then credit will be given, but with the 20 % per week interest rate applicable.

One can get certain appliances into the block by bribing the guards. There is a fixed fee of P 500 for an electric fan. The problem is that when the guard is again short of money, he will take it away from the prisoner and demand more money before it is returned.

Although these rules apply to every prisoner, they are doubled if the prisoner is a foreigner. Filipinos believe that all foreigners, if not rich themselves, have rich friends, and so they will be coerced to contribute even more. Punishments can vary from outright violence to having them moved to another block. This is not easy, as each block is a gang, with sworn loyalties. Battles are planned against other gangs, which often end with serious injuries and even death. This means revenge must be exacted, and the whole sorry thing goes on for ever. Foreigners are expected to show absolute loyalty to their gang and its leader, the mayor. There are no guards inside any block and all cell doors are unlocked. In the block where Wilson was situated, each one of them is sentenced to death, so there is no way by which they can be punished for any offence.

Worse, decisions are arbitrary and subject to change. Take the example of the box of coffee donated to Wilson. He approached the mayor and suggested that he be allowed to divide it up so that everybody in the gang had some. The mayor agreed and appointed one of his deputies to assist him. The two of them counted the packets in the box. Cells containing four men each either have one who gets a visitor occasionally, or all in their cell receive no visitors and outside assistance. Suny decided that the fairest way was to give one full packet to those cells which never received anything and half a packet to those which did. It would work out that there would then be three packets left over in case they had made a mistake. The coffee was distributed and everybody was happy - well, almost. By this time, the mayor had changed his mind, so he called his committee and Suny had to sit before them. The mayor then told him he had no right to do the distribution himself. All arguments to the effect that the mayor had agreed and even allocated the deputy to assist, were ignored.

Other punishments for "not providing enough" are subtler. There are only two water taps in the block and water only flows for two hours per day. Most cells have five-gallon water containers, so these are lined up while two prisoners, with the water concession, fill them. Recently, it took over five days for Suny's cell to get water. To punish him, every time he checked, his container had not only not got any closer to the tap, but had actually

moved back. This meant that they had to buy water from others if they wanted to survive.

One person Suny had tried to look after was a very personable Japanese youngster, described previously, who was awaiting his appeal against death on possession of marijuana. He had been setup. The arresting of cer at the airport admitted on video that he was a set-up. Initially, he would receive P 10,000 a month from the Japanese Embassy, but was then receiving nothing. They had found out that he was giving it all away. They did not undefirst and the everyday fear that went with living among those doomed to die. His desperation was clearly seen in his letter to Wilkinson:

*I would like to express you about my mind and confusions so pls. forgive me if my writings will be long.*

*Sir; last time when I talked Japanese Embassy, the consul got mad at me and said they had some suspicions about my letters. The consul said I 'm in the top-10 of contributors here, but why he doesnt want to think whether I was willing to do or not.*

*And why I would be in top-10 coz there are many Big Times in Muntinlupa. There is many ranks for contributors like Big Times, General VIR VIP and Filipino VIR Of course I didn 't want to spend unnecessary money, but when I arrived here, how many times did I see riots and troubles? They were too many. If one of inmates gets angry to me when I deny contributions, this inmates can kill me.*

*Yes, its true. Even if some ojicers in dormitory are good, but its not for my safety enough.*

*When I arrived in I -D some inmates asked me to give them cigarettes and just small money but that time I had no money coz I just arrived from Bacolod City jail.*

*Then one inmate has hit me and told that I have to spend money if I want to be alive.*

*I 'm not so afraid of my death, coz everybody will die someday. But I didn 't want to lose my We due to my case including my We in prison! I think Japanese Embassy undefirst and about the situations in here but its not enough.*

*He goes on later to say:*

*Sir, the main problem of Muntinlupa prison is there is guards.*

*They always take advantage of our situations who have more severe situations than inmates of life sentence. If we have a weakness, they always attack that. How many times my visitors weren't allowed to enter but Filipinos enter easily. Why?*

*If Japanese visitor came to my dormitory why I had to prepare foods and cigarettes to the guards? When the guards go back to the province why I have to give them transportations? (i. e. fare money).*

*Later in the long letter he says:*

*I have no money, I can 't receive even a piece of rice or a cup of water For 145 a few days I just ate once a day, and I'm worried someday I can 't eat.*

*Sir, I just wanted to express my mind to someone who is able to undefirst and about heres situation.*

*I am sorry to disturb you.*

His letter did disturb everyone who read it. Representations had been made to the British Embassy to get foreign prisoners segregated. They had met with the Department of Justice on the subject who, over a nice lunch, had said that this was impossible as they didn't have the funds. They countered the argument with the question, "Where in British jails would you see women and kids wandering around at will?"

This was not countered with the fact that no foreign woman were allowed to wander around and that it was the foreign prisoners' cells that were selected to allow conjugal visits causing them, for a whole weekend, to lie on the dirty floor of the corridor trying to sleep as their bunk was otherwise occupied. '

Wilkinson and Atkins had long given up actually going to the dormitory when visiting, on the advice of Wilson himself. He had written:

*Just at this time fighting has occurred between gangs in the prison compound resulting in death and injury. This concerns me greatly and should you be able to do so please assure Wcky that I am safe. .*

*"Whilst this is not strictly true I would not wish her to think otherwise. The fact is that those in my brigade (dorm. ) are part of the "gang" (group) being identified as responsible for the death of one inmate. I have been told by another Brit. who is domicile with the "gang " (group) of a dead inmate that they are seeking revenge and preparing weapons accordingly.*

*"Although some visitors are coming inside it is thus, nevertheless, a very "delicate" time."*

This was the hell that Wilson was suffering, every day and night.

## **Chapter 27**

### **27 Meeting Some Of The Family**

In order to increase their knowledge of their background to the case, it was decided that Atkins together with one of Wilkinson's experienced men, Tony Cruz, should meet with the grandmother Virginia Delistan, the stepson Jay-R, and, they hoped, Juvy.

Upon being contacted, the grandmother expressed her willingness to meet but felt that it might be dangerous to do so at her house. Pio Pasco passed there often and would call out "He's going to die," as he passed. She suggested they meet at a shopping mall on a Sunday morning.

Upon arrival, it was discovered that Juvy did not attend. She had been threatened by Pio Pasco not to talk to anyone, and naturally she was scared. As the grandmother spoke no English, and Jay-R, who had not spoken it for over two years since Wilson was jailed, had lost fluency, Tony Cruz had to do the translations. '

Knowing that any new evidence discovered would not be admissible in the Appellant's

Brief, the two discussed their associations and the characters involved.

The grandmother was a wonderful woman. Rather heavily built, she was a widow. She loved Nica but said she was headstrong. She had not thought that Juvy, although twenty-one years of age, had misled Nica at all. If anything, it would have been Nica that misled Juvy.

When we talked about the father, it was hard for her to disguise her feelings about him. “He is a braggart and a bully,” she said. “He is no good.” She laughed when questioned about his relationship with the police. “In court they all said that they hadn’t any knowledge of him. They were all lying. He used to drink with them frequently.

Jay-R broke in. When the police visited their house on that fateful night, it was his father who directed the police. They took their orders from him. Evidence was garnered that could have been used in court to prove the total lack of truthfulness of Nica. She stated that her father had left her before 7:00 p. m. and had gone to see Jay-R. He denied this. “The first I saw of my father was when he arrived at 10:30 p. m. with the police,” he said.

They give him protection.”

Although Nica had been adamant that Juvy had pawned the ring, and the ticket was in her name, the grandmother said, “This is not true. Juvy refused to pawn the ring. It was another girl.” This lie to the court could have been so easily proven by producing the pawnbroker’s records.

When questioned further about another piece of the puzzle, as to why the prosecution never called Juvy, the grandmother said, “Juvy was asked by the prosecution if she was willing to testify, but she had been warned off by Pio Pasco, so she was scared to do so and refused. The prosecution did not subpoena her as she would have testified that at no time did Veronica mention to her that she had been raped.”

The grandmother is a really nice woman. She claims to be seventy- four years old but not only doesn’t look that way, she doesn’t act that way. She was not content to stand on the escalator but walked up it as well. She has a genuine affection for Wilson, who lived with her while they were building his house. She never saw him touch a drink at all and he was always quiet and nice to her.

Jay-R does appear to be a bit highly strung, which is understandable. I can understand and the judge doubting him, for I do not think that he would appear to be a positive witness. His mannerisms are nervous.

One can see why he would have welcomed Wilson as a stepfather. He says, “Uncle Suny was a good father.” We would tend to believe him though, because I do not think that he has the strength to uphold a lie over days of consistent questioning. He is a nice boy and in spite of him being nearly seventeen years old, misses having a real father such as Wilson. He does not respect his own father. As he told me, “He has another wife and children.” In the Philippines, this can be translated to: “He didn’t love me. If he did, why did he abandon me?”

The meeting did not accomplish a lot, except that the grandmother was happy to know that there were people actively working for Wilson, that she visited him on the following Tuesday to tell him the news. He was very glad to see his mother-in-law so happy. It lifted his spirits.

The task of extracting fully all relevant data from the transcripts was given to Atkins, who did this by entering testimony under various headings into the computer.

Once this was assembled, the group had the ability to see all testimony referring to such items as “times” or “distances” When the testimony of all witnesses was brought together in any one subject, the results were indeed revealing. It allowed for an executive brief to be written and distributed to parties who, it was thought, might be called upon in the event that the official Appellant’s Brief was deemed insufficient to ensure acquittal by the Supreme Court.

Earl Wilkinson had also requested that an Executive Brief be prepared. This eight-page document was to prove very useful as it allowed the innocence of Wilson to be determined quickly by interested, and perhaps, useful parties. Wilkinson was fortunate enough to belong to the same Rotary Club as a prominent former Solicitor-

General, Frank Chavez, a flamboyant but capable lawyer. Chavez was also a close friend of the current Solicitor-General, Galvez. Chavez requested a copy of the final Appellant’s Brief for comment.

He also hinted that if it confirmed what was written in the Executive Summary, then he would make representations to the Solicitor-General on Wilson’s behalf.

Wilkinson had been busy chasing the law firm for a date when the draft Appellant’s Brief might be ready for review. It was always, “in a couple of weeks.”

The truth, which was later to be revealed, was they were not even going to look at the case until they received notification from the Supreme Court. In spite of being well established among law firms in Manila, this company was under the impression that they would be allowed forty-five days from receipt of notice. They panicked and could not understand why the notice only gave them thirty days. In answering questions as to the shortened period, they stated that perhaps the Supreme Court had recently issued a notice on the matter. It took the non-lawyers but a few minutes to find out that the Supreme Court had always given just thirty days. It was the Court of Appeals who allowed forty-five days.

In the meantime, the British television station ITN had contacted Wilkinson. Would he assist in setting up interviews for them with the grandmother, Virginia Delistan, and the son, Jay-R? They were bringing out with them Wilson’s daughter, Denise, and her husband and would prepare a program for their “Crime Watch” series.

Denise and Lee Russell arrived. Wilkinson met them at their hotel and took them to dinner. He had arranged for the interviews to take place in his apartment.

Wilson himself had been very much against his daughter visiting, not only him at the prison, but the Philippines. He had been getting very paranoid about Pio Pasco and felt that if he found out about the visit that he would make efforts to harm Denise just to get at

him. Denise was not going to let this perceived threat stand between her visiting the man she had always loved, her father.

The interviews went very well; however, tension was building between Denise and the television team of two. Because they were financing the trip, they felt that they had the full right to decide what

Denise would do and where she would do it. She proved to be a very tough woman.

The previous day Denise had visited her father on Death Row, where a joyful reunion took place. The mother-in-law stated very clearly that it was only Nica's father's lust for money that had caused the trial. Jay-R confirmed this. Wilkinson hinted very strongly at the ineptitude of the law firm. "If I wanted to be convicted of being a pedophile," he said on camera, "then I would recruit a lawyer who specializes in commercial and marine law."

Although the original plan was for the group to return to the prison on the Saturday, Denise had found out that visiting was forbidden on Fridays and Saturdays.

She wanted to see her father one more time before leaving so insisted that the trip be postponed if possible for the Sunday. This suited the television crew, since they wanted to get some background shots of Puerto Galera. The flight back to England not being until the evening would allow her one more visit.

It should be noted here that the two crew behaved abominably towards this girl and her husband. They must have been given an allowance to distribute, but obviously kept it for themselves. Denise was expected to remain in the hotel at night while they went out night-clubbing. Funds were sparingly given.

After the interview, Denise took Jay-R, whom Denise had met for the first time, back to her hotel where he stayed with them until they left for the airport.

"She was to meet with the lawyers on the Saturday morning and obtain information that she could take with her back to England. Wilkinson suggested that she should meet with Atkins who was more familiar with the legalities of the case. She agreed and Atkins went to her hotel just as she was to leave for the lawyers, so she invited him to join her. In his report to Earl Wilkinson, he wrote: .

*1. Arrived at 9.45 a. m. at Hotel Inter-Continental and was taken by Denise to room 333. Jay-R was there also. We had coffee and a chat and she informed me that she was going to see Atty. Billena and that I was welcome to go with them. We all proceeded in a taxi but, due to diversions, arrived at about 10.20 a. m. We were immediately shown into a conference room, where I quickly arranged that our seating arrangements would put Denise one side of the table with me on the other in order that Billena would naturally take the position at the head, between us. Billena entered and introducing himself went along the back of the chairs and sat furthest away. Our surprise was answered when he was closely followed by Gregorio F Ortega, Senior Partner who took the seat we had intended for Billena Ortega immediately took charge of the meeting. A man of very powerful personality, he asked who everybody was, except for Jay-R whom he had met previously.*

He then asked the purpose of the meeting and Denise informed him that her father had requested that she obtain from them some documents that she needed to read in order to understand the case. She then produced a list. Ortega blustered about how high the pile of documents would be and suggested that they supply her with the Demurrer Memorandum, (both of which amply set out the case), and Decision. He said that all the documents were with his client, WHO WAS THE BRITISH EMBASSY He was emphatic about this. He said that they had been appointed by the British Embassy, which was, in reality, their client, and to whom they reported. He told Denise that her father was not actually the client.

2. Denise then asked about the case of Vicky. He answered that the case of Vicky was being handled by her own attorney and that they were not really familiar with it. However; they would be involved should it come to court since they would naturally represent her father as he was named as co-respondent. Denise explained that it was a major worry to her father He asked did anyone know where Vicky was and this was replied to in the negative. I asked as to why there were still warrants of arrest out against her when on the 7th June 1998, the Secretary of Justice had instructed the Chief Prosecutor of Caloocan City to withdraw/dismiss these charges.

He then explained the system as operated in the Philippines. This demand had been subject to a Motion for Reconsideration by the private prosecutor; and so, until the DoJ acted upon this, the case and the warrants still stood. The charges were that she offered Nica for sex with Suny, on three occasions, therefore three separate charges. (28, 29 and 30 June 1996).

Bail had been set at P 200,000 on each charge. The procedure in such a request was that an attorney at the DoJ would have reviewed the case again, made his recommendations to his senior supervisor who would have composed a letter for the Secretary himself to sign. As they understood it, this letter had been with the Secretary for some time, awaiting signature.

I asked whether if this letter concurred their earlier decision, the warrants of arrest would be withdrawn? He said that they would not. Vicky would then have to go before the court to request this to happen in order to get the order of the judge. However; this would not be automatic. The case had been lodged with the court, the very same judge who tried and convicted Suny, who could deny the motion and insist on trial. They would, acting on behalf of Suny, demand that he inhibit himself from the case as he had already tried a case in connection with it. Objection on his part would mean going to the Supreme Court for an order instructing him to do so. It is a fact, however that while all of this was going on, unless Vicky could raise P 600,000 bail, then she would be imprisoned. Even if the judge agreed, there was nothing to prevent a private prosecution on the same charges.

All in all, this is a very messy situation.

3. Ortega proceeded to give a long lecture on why judges are so keen to obtain notoriety in their cases and to hand down maximum sentences. He

*quoted the lady who tried and convicted Sanchez who now has ascended from a provincial court to become the Commissioner for Elections. He quoted the rapid promotion, ruined by his heart attack and death, of the Quezon City judge who became known as the 'hanging judge.'*

*He is sure that this judge has similar ambitions and used Sunys case to this effect.*

*4. Denise asked him if his company has a brochure, and he agreed to provide a standard pro le sheet of the history of themselves, (which was supplied).*

*5. Publicity was discussed and Ortega revealed that they were still being asked for interviews on the case, even an approach recently from the BBC. They turned down all requests as the case is being prepared for appeal and it would be a breach of ethics subject to disbarment should they make comments. I supported his argument and stated that in our opinion publicity at this stage could achieve the opposite effect and cause resentment against Suny.*

*6. I then asked Ortega to clarify for me as to whether the case referred only to the alleged 16 September rape, which he confirmed. I then followed up with querying the introduction into the case of alleged rapes of June and July and would this not be considered in Philippine courts, as it would have been in British courts, as hearsay and therefore be inadmissible? Billena then jumped in and informed me that they had vehemently objected in court and demanded that this be struck from the record, but were overruled by the judge who said he wanted to hear the whole story. I then asked why they had introduced their own witnesses to refute this hearsay, and he explained that once it had been permitted by the court, then they had no choice but to provide evidence of rebuttal.*

*At this stage, Ortega jumped in and almost angrily stated that this would be one of the points in their submission to the Supreme Court, that the judge ignored the rules of evidence. He agreed with me and said that this should not have been permitted, that it was hearsay. I had the de nite feeling that this was the first he had heard about it.*

*7. I asked about the Appeal and what sort of time frame were we looking at. Ortega stated that they were preparing their submission, which had to be completed in 45 days unless they needed more time, in which case they could apply for a 45 -day extension. He explained that once it was lodged, all of the papers pertaining to the case would be distributed to all fifteen justices for them to examine. However one had to be realistic and be aware that this case would start at the bottom of the list and there were perhaps a thousand ahead of it.*

*Once it reached the top, then the justices would study it, meet together to discuss it, and arrive at a majority decision, at which time one would be nominated to write their collective decision. One can appreciate that this could take years, not months. All the time, Suny would be in prison.*

*8. The meeting terminated because Denise had to be at the hotel at midday to know U" her ight had been changed. We went to Billenas of ce where he had the necessary copies for Denise. I took a sheet of paper and asked him to walk me through the legal*

*processes. For your information these are as follows:*

*i. Crime committed and blottered at the police station.*

*ii. Normally, there would be a hearing in front of the jiscal; both complainant and perpetrator can be present, or complainant only.*

*iii. Fiscal makes a resolution that there is a case and, if applicable, recommends arrest and bail.*

*iv. This is passed to the Court, who will issue the warrant of arrest, which is passed to the police for execution.*

*v. Arrest is made, and uf bail recommended, this would be handed in at the court. Until this is done the perpetrator will be remanded in prison and released only by order of the court with acknowledgment of posted bail.*

*vi. Normally, arrests can only be made once the warrant has been issued. However the police can make an arrest without warrant if the crime has just been committed and the perpetrator is still at the scene and the arresting personal have personal knowledge of the crime.*

*vii. The case would then go to trial. -*

*viii. Upon completion of the prosecutions case, a Demurrer is presented to the court to argue that there is no case to answer This is considered and ruled upon by the judge.*

*ix. Should the Demurrer be overruled, the case continues; after presentation of the defense and before judgment, a memorandum is presented by both prosecution and defense, to re-present their case to the judge.*

*x. Decision is handed down.*

*I informed Billena that I had written permission from Suny to preview the submission and submit comments, if any, to Billena. He said that he would be pleased about this and said several of the partners would also be reviewing and assisting him.*

*He took note of my name and telephone number I noticed a large Caucasian leaning against the door; and asked him who he was. He was the ITN guy, with the little sour woman in tow She asked if I was a journalist, I stated that I only did magazine stujff mainly on restaurants and food.*

*They were trying to tie Denise down about something, but she was deliberately rushing ahead. She explained that the woman wanted to control them totally, that she was fed up with them as she knew that they were using money for themselves they had been issued for Denise and Lee.*

*9. We returned to the hotel, and Denise telephoned the travel agent. As she wanted to avoid the woman I suggested that it was too expensive to have a drink in the hotel and took them to a restaurant outside. We spent a couple of hours talking. Jay-R was decidedly more relaxed than previously. He has developed a genuine liking for his stepsister They are becoming very close. Using this, I asked him if he ever saw Nica. He said he could only see her when all of the family Uathers) were present, so they had no time to*

*talk together She had telephoned him once and was crying. She told him that she missed everybody and was sorry for what she had done to Suny and wanted to visit him, which her father is against. According to Jay-R, she is kept a virtual prisoner She no longer is allowed to go to school and is virtually the maid in her fathers house, doing the washing and looking after the kids. She is not allowed out. I asked Jay-R to think if there was any way a line of communication could be set up. I asked him not to try then, but later and to telephone me. I/With Jay R it is better not to push him. He has a hard lQ'e. I invited them to return to the restaurant that night as there was a band.*

*I didn't think that they were coming. It was 11.30 p. m. before they arrived. Little conversation could be held as the band was playing, but they all started to relax. Before we left, after the band had stopped, I got Ellen, my wife, to have a talk with Jay-R, she happens to be very good at getting peoples' con dence. I was a bit perturbed to see Jay-R crying and thought she might have blown things. We had left her alone to talk to him in Tagalog. This was not the case for she reported to me he just related how terrible life has been. He admits to being very scared of his father who has given him severe beatings before. He hates his father for what he has done to them all, his mothen,Nica and himself. How he wants them all to be back together again as a family, with Suny. How Nica now hates her father and realizes how he has, ana' is, using her She no longer has any- freedom whatsoever and she misses her mother and even Suny. It probably did him good to unburdon himself.*

It is important to note from this meeting that the senior partner of the firm was emphatically stating that the Supreme Court allowed forty- ve days for preparation of the Appellant's Brief, when in actual fact it had always been thirty days.

His interpretation of the due process regarding the warrants of arrest against Vicky Delistan is also incorrect. Once the Department of Justice orders its own scial to withdraw/dismiss a case, it is the scial who informs the court that no arraignment is sought. The court then cancels the warrants of arrest. Suny Wilson had placed his life in the hands of such lawyers who did not even have the faintest idea when it comes to criminal law, and yet had refused outside help from those who did. Their pride obviously came before Suny's fall.

Denise had been told that they were all on stand-by for the Sunday night's flight. They all went to the airport, accompanied by Ian Sargeant, the British Consul.

There it was discovered that there were only two seats available. Denise needed to get back to her children and needed to get on that ight. The television crew insisted it was they who should get back. The woman said to Denise, "Our work is far more important than your children," Denise ew into a rage. This was the last straw with a woman who had treated her 'with total contempt throughout the trip. She ew at her and a physical battle ensued in the check-in area. Diplomacy was not going to work. Ian Sargeant with the help of husband Lee, separated the two and told the television crew to take the seats. He took Denise back to the hotel and promised to pull out everything he could to ensure that they were on a ight to England the following day.

## Chapter 28

### 28 Inept Lawyers Force Amateurs To Write A Brief

While Wilkinson desperately sought a lawyer of note to, maybe, prepare a Supplementaiy Brief that could be used in case the of cial one was of inferior quality, Atkins was tasked with chasing Atty. Billena to obtain a copy of his efforts. Each time Billena was telephoned, he said that “it will soon be nished, but anyway, they had not yet received noti cation from the Supreme Court.” Wilkinson was frustrated with this reply. “They have had six months to write this brief. Why are they taking so long?”

Suddenly, on 22 March 1999, Atkins received a telephone call from Atty. Billena. He informed Atkins that they had received the notice and that they had been given thirty days, not the forty- ve they were expecting, to submit the Appellant’s Brief. The nal date for submitting was 17 April 1999, which was a Saturday. Atkins asked why they had only allowed thirty days and was this a good sign or a bad one.

Billena did not know but suggested that maybe a new ruling had been made that they had not yet seen. He was asked if they would be applying for an extension of thirty days, permissible under the Supreme Court rule. He stated that they would as Easter came in the middle of the period. Easter is taken very seriously in the Philippines. It is the maj or holiday period of the year with many leaving the city and going to the beaches or mountains. He was con dent he would have the document available for comment within days as he had nearly completed it. He informed Atkins that he was going to see Wilson on 26 March and perhaps they could meet late that afternoon when he would let him have his copy.

The week went slowly by as the group anxiously waited to see the document that was supposed to save Wilson’s life. That Friday, Atty. Billena telephoned once more. He would not be able to make the meeting in the afternoon, but would Saturday morning at his of ce be suitable? It would have been suitable to meet on the moon if the Appellant’s Brief was now available.

Saturday morning, at the appointed time, Atkins waited anxiously at Billena’s of ce. At last, over an hour late, the young attomey appeared. He had telephoned the home of Atkins to inform him he would be late, but unfortunately Atkins had already left. They proceeded to the conference room to talk. There he dropped his first bomb shell. He could not give Atkins a copy of the draft as the partners had decreed that no copy was to leave the of ce until every one of them had reviewed it. It would take until after Easter for this to be achieved. He was asked if he had applied for an extension as time was running out. He said he had already done this. How would he know if it was granted? The Supreme Court would give their con rmation by mail. What if it took until after 17 April to be received? The questions and answers owed back and forth across the table.

Billena thought that there was a better than ninety percent chance that an extension would be approved. He was not sure as to why only thirty days had been given. They could not contact Atty. Katrina Legarda, the prominent lawyer who had offered assistance, because she had left for a two-month overseas holiday.

Wilkinson was furious and afraid. "They are pulling a fast one," he warned. He put Tony Cruz on to telephoning the Supreme Court for information. The staggering news came back that the Supreme Court had only ever granted thirty days, it was the Court of Appeals that granted forty- ve. Therefore, the men upon whom Albert Wilson depended to save him from a lethal injection did not even know the rules of the game. It was decided that a visit to Wilson was now imperative. Walter Moran was warned about the latest developments and was also anxious.

March the 30th, a Tuesday, saw both Wilkinson and Atkins at Bilibid prison. A visibly tired Wilson showed them the brief that Atty. Billena had given him on the Friday. "It's dreadful," he said. "Lucky" (Billena's nickname) has admitted it and told me that he thinks that our appeal will fail. He said that the partners are just not allowing him sufficient time to work on it and are keeping him busy with other cases. He says that he is going to resign when this is all over. If they find out that he has given me a copy of this brief, then he will be in trouble anyway."

They were shocked and dismayed. Here was the attorney responsible telling a man who daily lived in degradation and fear that there was no hope. Almost unthinkable.

"Did you meet him?" asked Suny. "Well, he told me that the partners had instructed him to meet you and just bullshit you along," he went on, "they instructed him to tell you nothing."

The meeting was described to him. "That's rubbish about obtaining an extension," answered Wilson, "over 900 experts in here tell me that extensions are automatically granted up to ve times. The ones who are guilty use this to put time between the case and their appeal in order to let things cool down."

"We need to copy that brief," said Earl Wilkinson, "let us take it. We will copy it at the nearest place outside of the jail and give the original back to Father Martin. He will get it back to you." Wilson agreed and handed it over. The look of defeat was plain to see on him. After more talk, the worried pair left the jail and drove into Muntinlupa, the small town near the jail, looking for a photocopying service. They located a small one where, under normal circumstances, one would stand outside at a barred window and wait for the one woman working the machine to perform' the task. This document was over ninety pages long, however, with Wilson's penciled notes, which were too light to show and thus would have to be rewritten on the copied document. The woman consented to allow them inside and to help with the task. After over one hour, the three of them had obtained two copies. The pair drove back to the jail and visited the office of the Jesuit prison service, where one of the priests consented to get the original back to Wilson that day.

On the long drive back to Makati, they discussed the dreadful news. The long Easter

weekend was to commence in two days. Just what could they do? The partners' instructions to Atty. Billena were highly suspicious. It would appear that Atkins was never going to see the brief prior to submission. It appeared that all they wanted to do was to get this case off their books as soon as possible. Speed of removal was obviously more important than quality of work. Both Wilkinson and Atkins strongly suspected that this dreadful brief was to be submitted as written, and they both knew that it spelt certain death for Wilson, There was no legal way of stopping this from happening. It was a gloomy taxi ride. The pride of this company of lawyers was to override even a man's- life. What could they do to stop this happening?

Then it came to them. Pride can be defeated by shame. They would produce their own brief, and quickly. If it was good enough, it just might shame the law firm into doing a rewrite and it also might encourage another lawyer of note to use it to produce a supplementary brief, which both were believing would now be needed.

They also suspected that the law firm fully intended not to apply for an extension at all, but rather to put this one in and make it too late for any more interference. It was decided that they would write and express their concerns to the British Consul, Ian Sargeant, and request that they insisted upon an extension being applied.

The previous work of analyzing and putting in a database the relevant parts of the transcript was now to prove invaluable. With time running out, there would be no Easter break for Wilkinson and Atkins. For five days they worked and they produced a 69-page brief. Having lived in the Philippines for many years, unlike Moran, they were well aware of Filipino sensibilities. In order not to appear too smart, this was labeled as Notes on Intended Appellant's Brief and no legal precedents were incorporated. In this amateur brief, concentration was devoted to attacking the statements made by Judge Osorio in his Decision. Some of his statements were indeed scandalous. For example, the first statement to be tackled was:

*"Minor-victim Veronica Pasco (Nica) testified that the accused aside on 16 September 1996 sexually abused her on 27 June, June 28, June 29, June 30, 1996 and 12 July 1996."*

The case before the Court was for an allegation of rape committed on 16 September 1996. The Court committed a grave error by ignoring the vehement objections by counsel for the defense, and allowing such evidence to be admitted.

Any alleged previous rapes were clearly hearsay and inadmissible. The court ruled that these accusations were part of the narrative and were therefore permissible.

The brief quoted extensively evidence given in court to show clearly that these allegations were just not true. The judge had stated:

"The Court is led to conclude that the rape incident at bar was not the first sexual abuses committed upon the victim."

As the only evidence, even though technically inadmissible, before the court had clearly shown all other allegations to be false, Who, did the judge believe, had committed

these sexual abuses?

“Moreover the fact that the victim was sexually assaulted is clearly shown in the medico-legal report stating ‘subject is of non~virgin state physically.’”

The judge had also stated:

Being of non-virgin state is not proof of sexual assault at all. Many things other than a male penis can cause loss of the hymen, as per expert medical evidence given in Judge Osorio’s court.

The Court also ignored one vital bit of evidence as presented by Witness for the prosecution, Dr. Rosaline Cosidon: -

*Q. Now when an adult male is in a state of sexual excitement, his penis secretes seminal uid, correct? `*

*A. Yes, sir*

*Q. And the purpose of this seminal uid is to lubricate the penis so that it more easily enters the vagina, correct?*

*A. Yes, sir*

*Q. And even if the male, while during sexual intercourse does not ejaculate, there will still be traces of seminal uid ? ‘*

*A. It could be possible. p*

*Q. But in this case, the vaginal smear did not indicate any traces of seminal uid?*

*A. There was none.*

*Q. \_ So, you are saying that you did not ind any spermatozoa, no traces of semen or spermatozoa?*

*A. Yes, sir*

The Court quotes in its decision:

*“For rape to be consummated, proof of entrance ofthe male organ within the labia of the pudendum is suf cient, (People vs. Bernardo Herrnosada. L-41806, August 19, 1986, 143 SCRA 485; People vs. Velasco. L-31922 Oct 29, 1976).”*

*Yet, in the case before the bar, the proof had been presented that clearly showed that no penetration of any kind had occurred. The absence of semen was totally ignored by the Court who stated: (Referring to evidence of the telephone ringing and the accused interrupting his rape to answer it.)*

*“This is also the reason why the vaginal and peri-urethal smears are negative for gram-negative diplococci and spermatozoa as mentioned in the Medico Legal Report No. 1369- 96 (Exhibit G). The accused did not reach his climax. ”*

*There was also no sign of semen, and this is excreted irrespective of climax. The complainant had, in her evidence, given details of a very physical rape. Details of a erce struggle, and yet she exhibited absolutely no signs of trauma, bruising, abrasions, redness*

*etc. on any part of her body whatsoever. There were no signs of any fresh lacerations Within her vagina. No signs of semen. Yet she claims that a Caucasian male of nearly six feet in height had forcibly thrust his penis into her and pumped. This denies credibility.*

*The brief then listed the errors of Judge Osorio in reaching his unbelievable decision:*

*In summary, the Court very gravely erred in its decision, giving little or no weight to the clear evidence before it that the complainant was not credible but actually was incredible.*

*° The Court assumed unproven previous sexual abuses when the only allegations before the bar were in fact proven to be fabrications within the Court itself ° The Court ignored all of the expert medical testimony placed before it that clearly indicated that no sexual penetration had occurred on 16 September 1996.*

*° The Court chose to ignore the fact that no traces of semen were found, a substance that would have been present if any penis/ vagina contact had been made on 16 September 1996.*

*° The Court ignored the fact that in spite of evidence given of a violent rape where the complainant claimed to have hit and kicked and been forcibly thrown on the bed, to have had her mouth painfully pinched together to have hands forced over her mouth, that no trauma, bruising, redness, lacerations or other damage was observed by the medico-legal examiner*

*° The Court chose to ignore that the actions of the complainant in the immediate aftermath of the alleged rape that were not consistent with human nature and the course of things.*

*° The Court chose to ignore that the original complaint was for attempted rape and was only changed when the claimant had been informed that she was a non-virgin.*

*° The Court ignored the evidence given by the complainants grandmother that clearly showed the complainant to be a liar*

*° The Court erred by not accepting the evidence of the complainants' brothel;*

*Pio Pasco, Jr, that clearly indicated that no rape took place on 16 September 1996.*

*° The Court erred by not acting to allow the Department of Justice order to drop all charges against Wcky Delistan and thus permitting her to testify.*

*° The Court gravely erred when it considered the testimony of the complainant to be "credible and convincing, " when it was obviously all lies told by an accomplished liar.*

Copies were made and submitted on 6 April 1999, exactly one week after their visit to Wilson, to Atty. Billena and the British Embassy. A copy was sent by e-mail to Wally Moran for his information.

The following day, Billena was telephoned to ensure that he had received it. He stated that it had been received but was with one of the partners, Atty. Calma. This man had informed him about it and had said it was very good and had been prepared by a lawyer. Upon being informed that the author was a writer, Atty. Calma expressed disbelief.

“That’s what he may tell you, but believe me, he has practiced law some time in the past.”

During the conversation, he was informed that Wilson had found a recent precedent where the Supreme Court had acquitted a man called Galera in a case not dissimilar to his own. Billena was requested to obtain a copy of this decision as it could well be worth including in Wilson’s brief. He was again asked if anything had been heard about the request for extension, but was negative in his reply. He did say that he had been told that he would have to do a rewrite to incorporate the partners’ comments.

The following day he telephoned with good news. He had been to the Supreme Court and obtained a copy of the Galera decision, and if they wanted a copy of it he would leave it with his secretary. Then he dropped yet another bombshell. “I also applied for a thirty-day extension as I need it for my rewrite,” he said. So, the truth was coming out. Wilkinson and Atkins had been right. They had not even applied until the day previously. They had intended to just put in any brief and get the case off their books. The brief prepared by the team had forced their hand. They were now taking it seriously.

By previous arrangement, Atkins and Billena had lunch on 14 April when Atty. Billena handed him a copy of his rewrite, stating that it was only a draft.

It should be stated here that Atty. Billena is probably the only innocent lawyer in this case. Relatively fresh out of law school, he had been handed a case that was far beyond his experience and capabilities. He had given it everything he could. The transcripts indicate that during the trial period of the trial, Judge Osorio had given him a hard time, but he survived. He had been seriously ill during the Christmas period and he had a genuine liking for Wilson. Not only had he received little assistance from his own seniors on this case, but also they had loaded him with a lot of work that prevented him from devoting the time it required. He took many personal career risks to overcome what he felt were unethical instructions. One day, he will undoubtedly benefit from his experience and may go on to achieve greatness as a jurist.

The rewritten draft was an enormous improvement on the original and, in fact, may have been sufficient to obtain the acquittal of Wilson. The British Embassy were showing increasing concern about the abilities of this law firm and had managed to contact Katrina Legarda in London. The Foreign Office gave her a copy of this brief and she added her seal of approval.

Wilkinson and Atkins still felt it needed improvement. There is only one chance at appeal, and so it has to be as good as possible. They worked on improving it, suggesting strengthening of areas by insertion of certain evidence, and suggesting some areas where the points being made were lost in a sea of words. One interesting thing had been discovered during lunch with Atty. Billena. He confessed that he had never been given a copy of the brief submitted by Wilkinson and Atkins. Now knowing that all mail addressed to juniors was first examined and read by one of the partners, Atkins let them know of his awareness of this fact. When he submitted the suggested modifications, in his covering letter he wrote:

*“It was extremely disappointing to learn that you had not even read the notes that I submitted to you, although in reading your draft it becomes very obvious.*

*The fact that well over 100 hours of ,concentrated transcript study, copious computer entries, the sorting of these entries into logical areas of argument etc. was not deemed to be of any use to your company causes serious concern. Geoffrey Robertson, Q. C., in one of his books, states, “It has been my observation that justice is only done when somebody takes notice. ”*

*It may be uncomfortable for your practice that somebody has indeed taken notice, but it should be understood that now somebody has. It is not just Mr Wilson who is on trial, but the whole of the Philippine judiciary - including your practice. It cannot be stressed too highly that failure to obtain the release of Mr Wilson will have repercussions that will be detrimental to all of us, including myself? Mr Wilson is death, and the inevitable international outrage, would make my living in this country I have come to love, untenable and dangerous.*

*I return herewith your draft with corrections and suggested insertions plus some editing. After all, the law is your business, and I respect you for it. Writing is mine.*

## **Chapter 29**

### **29 Confession Of Wilson’s Lawyer**

During the lunch with Atty. Billena, it had been learned that the partners were having lunch with the British Consul, Ian Sargeant, on the following day. It was also learned that the embassy would receive its copy of the brief at that time. In order that the one person who really mattered, Wilson, should get a chance to comment on the contents, Atkins faxed Sargeant requesting that the brief be copied and a messenger dispatched with it to Wilson. This would ensure that, by Thursday evening, Wilson would have his copy.

The following Tuesday, Atkins visited Wilson, taking with him a copy of the brief he had revised. He was astonished that Wilson had not seen any brief. Upon returning from the jail, a letter was faxed to the embassy. It read:

Dear Mr Sargeant,

1. I have just returned from visiting Mr Wilson. I took with me a copy of my suggested amendments to the draft Appellants Brief prepared by Atty. Billena. I was amazed to discover that neither the law firm nor yourselves have considered it important enough to furnish him with a copy of the draft. Would you kindly organize for him to receive a copy, preferably in the hands of Atty. Billena, but if not, by embassy messenger at the soonest.

2. Mr Wilson has once again requested a medical examination. This cannot be denied by the authorities as refusal can mean them being penalized themselves under R. A. 7438.

I am given to believe that Mrs. Davies might be able to provide assistance in this matter once permission is obtained.

3. Mr Wilson showed me your letter to him dated April 8, 1999, but delivered April 15, 1999.

Your item I4 states that Under-Secretary Liwag opined that foreign prisoners were treated neither better nor worse than Filipinos and asked you where in any British jail one would witness women and children freely wandering about.

We would be grateful if you reply to Under-Secretary Liwag and inform him that a formal request by Mr Wilson to allow Mrs. Davies to enter his block was denied as "it is too dangerous.

"Thus, is not dangerous for a Filipina, but dangerous for a foreigner Does this mean that a foreigner married to a lady of his own race would be denied conjugal visits? if so, then foreigners are certainly not treated in similar manner to Filipinos.

4. I also enclose a copy of my letter sent, together with a dramatically altered copy of his draft Appellants Brief to Atty. Billena.

You will note that in spite of our efforts, he admitted that he had not been given opportunity to even read our work, let alone utilize any of it. Given not only the incompetence, but now proven arrogance of this law firm, may I request that serious consideration be given to removing them from the British Embassy's list of preferred litigation specialists. It would appear that their pride definitely comes before Mr Wilson's destined fall.

With best regards,

As can be seen, the group had also been campaigning through the embassy for separation of foreign prisoners. The embassy were doing their best to obtain this but although the authorities viewed the request with sympathy, the answer always came down to the fact that with limited funds, other items demanded priority.

A copy had been sent to Wally Moran in Canada, and he was delighted with it. In an e-mail to Manila, he wrote:

*"Although I have no legal knowledge, esp. in the Phils, I can see why Legarda was pleased with it. It addresses most of the major concerns, moves from the transcript to commentary and uses what I presume is suitable case law."*

Wilkinson and Atkins had good reason to feel pleased with themselves. Their efforts had worked. From an initial brief that could well have been the death of Wilson, they had shamed the law firm into rewriting it. However, even better news was to come.

During the week following their submission of suggested revisions, Atkins had tried to make contact with Atty. Billena to ensure that he had at least been given the opportunity to read their suggested revisions. Always he was out. On the Wednesday, the secretary had told Atkins that Billena had telephoned in that he was unwell.

Late Thursday afternoon, however, Atty. Billena telephoned Atkins with some

startling information. He had not been sick; he had just wanted a full, uninterrupted day to work on the revisions of the brief. He stated that he did have the group's suggestions and he was going to use some, but not all, of them. He also had a long list of suggestions from one of the senior partners, Atty. Carbonell, which he was attempting to incorporate. This meant that a good brief was now likely to be an excellent one. The group was now jubilant. Six months work was now paying off, although, with the Philippine judicial system, there is no such thing as a sure bet unless paid for in cash.

Even better news was that within a few days of the submission to the Department of Justice of the Appellant's Brief, Katrina Legarda would be back in the Philippines. She had promised to make a personal representation on the case to Solicitor-General Galvez. There was little else the group could do, except continue to visit Wilson to keep his morale high. This was not an easy task as he had developed paranoia regarding his safety. He was convinced that Pasco had offered money for his murder should the Supreme Court release him. As he pointed out, those whose appeal had been denied were being transferred to his dormitory. They were doomed to die anyway. For an insubstantial amount of money, any one of them would be willing to knife him in his sleep. At least they would leave their families something.

The strange thing about his comments on this was that the remarks were not hysterical. He stated that he was not afraid to die, as long as the world knew that he was innocent of the crime for which he was sentenced. No amount of assurance would alter his belief. It was almost a belief in fate. To witness what a few years in such prisons can do to a man was frightening.

In spite of this punishment, Wilson was still a hardheaded and stubborn man when it came to his principles. The British Embassy had done as requested and obtained permission from the Department of Justice to allow them to deliver an electric fan to him. The fan had been delivered to the office of the Superintendent who had duly passed it to the guards for delivery. The guards held onto the fan until they received the customary P 500 bribe. Wilson refused to pay on principle. He would not encourage the corruption whereby the guards made the prisoner's life a misery unless they received money or goods. Wilkinson said he would pay it and Wilson got quite angry. Wilson stated that it was his principles that had landed him in jail. Had he been prepared to condone bribery, he would have been a free man. "How," he asked, "can I now give in and still believe in myself?"

## **Chapter 30**

### **30 Walter 'Mitty' Moran Reveals How Dangerous He Really**

In January 1999, Wilson had written to Wilkinson:

*I am not personally in a position to provide them but the attorney and the British Embassy have them. May I ask if you would kindly obtain copies of these documents*

*and personally insure they are supplied to: Andrew McCooey and Co., Solicitors, 36, West Street, Sittingbourne, Kent. They have already arranged a Q. C. to put same to International Court of Human Rights.*

Wilkinson became a little alarmed. This was the first the group had heard about the involvement of a British solicitor. Having already witnessed the possible damage done by Walter Moran of Canada with his locally unacceptable bulldozing tactics, to have yet another foreigner putting his finger into the case at this stage, could well be unwelcome. The address did not inspire confidence. Sittingbourne is only a small town and not exactly Temple Bar. Wilkinson asked the British Embassy if they knew of him. The answer was in the negative. Shouldn't they check it out? After all, this McCooey could just possibly be yet another publicity seeker riding on the shirt tails of the case.

It still bothered him enough for him to telephone the firm himself. He requested that they send him some details about the firm and its activities with regard to this type of case. A week later he received in the post a long piece describing the work in Human Rights of Edward Fitzgerald, Q. C., who had received an award for his work in this field. This was still unsatisfactory though, as it did not explain the firm's connection with such an illustrious lawyer. Wilkinson, in line with his policy of liaison and keeping everyone in touch, informed Walter Moran about them.

It was a surprise therefore to learn that Andrew McCooey intended to visit the Philippines on 19 May 1999. An even bigger surprise was that Walter Moran was to visit at the same time. Obviously, knowing the visit of this solicitor from Sittingbourne, he had decided that he should be here also. A The Manila group were puzzled as to his motive. The final brief had not been completed, and thus Moran's original intention of discussing this with Solicitor-General Galvez, with whom he claimed to have formed a close relationship over the telephone, would not be possible. What he also failed to find out from Wilkinson was that Galvez would not even be in the Philippines during that week, so his visit seemed pointless.

Other members of the team now started to express their long-held doubts about the motives of Moran. While Wilkinson had been very much involved in the personal activities, talking to other lawyers, attempting to obtain assistance if required, and liaising with others, including Moran, they had been delving into documents and doing the analysis of them, a number of disturbing points had arisen which had not been voiced. Before, they had not appeared important as he was in Canada, but now as he was to come to the Philippines these concerns were expressed to Wilkinson. Up to that time, he had been unaware of these points. The reason is that they only came out bit by bit. To have mentioned them would have given the appearance of churlishness. After all, Moran appeared to have been working very hard for Wilson. He had spent hours on the telephone to Manila and London. He had visited many people on his trips to London, including the Foreign Office. He had issued press releases and encouraged the British press to keep up an interest in the case. He had kept in contact with the British Ambassadors in Manila and purportedly

with Solicitor-General Galvez and had created the fifty-page internet information. He had continually kept in touch with Wilson via e-mail, so Wilkinson was reluctant to believe that his intentions were anything but good. The evidence provided by the team was indeed circumstantial. It included a self-serving press release sent to print and radio media in England. The evidence given in the court that criticized Filipinos. It included the letter sent to the Solicitor-General in January questioning competence and/or corruption, after which, the letter upholding their earlier decision not to proceed with the joint charges involving Vicky Delistan mysteriously disappeared. The unwise letter he had published in *The Foreign Post* that insulted President Joseph Estrada, the very man to whom the last line of appeal might have to be addressed. Most damning, however, was the fact that he had e-mailed Wilson with a copy of the brief prepared by the team claiming that it was his own work. Wilson had written about this in his letter of 4 May 1999:

*On my return to the dorm I received an e-mail from Wally consisting of virtually of another draft Appeal Brief I wish there was some way I could send you a copy although I think Alan has already covered the points therein.*

Wilkinson listened patiently but ruled to give him the benefit of any doubt. They had talked over the telephone regarding his trip, and Wilkinson requested that he bring a copy of the newspaper he published. He also requested that he bring the original of the photograph used on the internet. He had given Walter Moran details of Mr. and Mrs. Davies, the lady who had been paying regular visits to Wilson. He had communicated with her and she had kindly offered him not only accommodation but the use of a car and driver for his visit. An excited Moran offered to meet Wilkinson and buy him lunch on Tuesday, 18 May 1999, when they could discuss the case and their moves. He said that he had a media and publicity plan set for discussion. Wilkinson agreed.

Wilkinson waited all morning for the confirmatory telephone call and then onto past 2:00 p. m. before giving up the idea of lunch with Moran.

On Wednesday, at 3:30 p. m. he received a telephone call from Moran. He was telephoning from the Davies' house. He was sorry that he didn't make it the previous day as "there was a stuff-up with the airlines." He was on his way to see Wilson at the prison but would see Wilkinson on the Thursday. He would be meeting with McCooey and going to the British Embassy after which they would call at his apartment, which is almost opposite the embassy. Wilkinson informed him that if he was still at the Davies' house he would be too late for visiting the prison, as it ceased at 4:00 p. m. "No. It's okay. Ian Sargeant told me to have documentation to state that I represent the legal side, so I have a business card I printed on my computer." Wilkinson was horrified. If that card was discovered to be false, then who knows just what trouble not only Moran, but any associates, could be in. He was staying at the house of a man who held a high position in a foreign company. He would certainly put him at risk of deportation. The whole group could have been implicated by this rash, and what is more, unnecessary action.

Moran told Wilkinson that he would visit him at 1:00 p. m. the following day.

Wilkinson asked him if he had brought the photograph? No, he hadn't. Had he brought a copy of his newspaper? No, he forgot. Had he brought a copy of the video where the Canadian medico-legal team had discussed the medical evidence? No he hadn't. Had he brought anything? Not really. Wilkinson, remembering the doubts of his team then blew up in anger. "Wally," he said, "if you haven't brought anything that I asked for, then there appears little point in us meeting at all." This visit was indeed appearing strange. The Manila team had put in hundreds of hours work and knew more about the case than anybody, including the lawyers. Wilkinson had spent hundreds of thousands of pesos of his own money on the work done to date, and this man appeared reluctant to meet with him. Why?

The following day, after arranging to go to Wilkinson's apartment at lunchtime, Moran and Andrew McCooey turned up at the door at past three o'clock. They had been to the British Embassy. The meeting lasted longer than they had anticipated. Wilkinson was furious. "Have the telephones at the embassy broken down?" he asked. Sensing the atmosphere, McCooey apologized. Moran explained that they had been to see Wilson that morning, which made them late at the embassy. He had arranged for Atty. Billena to be there but he hadn't shown up. What Wilkinson was to find out later, to his and Atkins' cost, was not as straightforward.

Moran had arrived with McCooey and had immediately big-noted himself. They had entered Gate 1 and passed through to the visiting area, which consists of one room with benches and adjoins the prison yard. Trustees man the area and try to sell visitors handicrafts made by the prisoners. They also wait upon the guards, cleaning shoes and fetching them coffee. This area was not good enough for Moran. He looked around for a private office in which their meeting could take place.

Congressman Jalosjos, who has been mentioned earlier, was serving a sentence for child abuse. In order that he could still carry out his congressional duties, he had been given an office whose entrance was off the visiting area. Moran, spotting this office, tried to enter. The secretary ordered him out and refused him permission to use it. He created hell, telling everyone that this would not be allowed in his country of Canada. The Commander of the Guards, under pressure, placated him and allowed them to use his own office. There was a price to pay, however.

When Wilkinson and Atkins made their first visit after Moran had returned to Canada, the guards, who they had by this time got to know quite well, were still friendly and smiling. However, unlike in the past, at the first check-point they were asked to wait. The reason given was that permission had to be obtained from the Commander of the Guards before high security prisoners could be brought to the visiting area. He currently was not in his office but doing rounds. He was expected to return within five minutes. After thirty minutes, they were allowed through to the visiting area, but informed that the Commander still had not returned. After a further thirty minutes they were informed that he had returned and Wilson was being fetched. Bear in mind that at this time, the Philippines was at the end

of a very hot and humid summer and the visiting area does not even have an electric fan. Wilting, they waited until Wilson entered. "Who is not a happy man, then?" was his first remark. "You have been here since 8:30 this morning," he stated. How did he know? A friendly guard had told him.

He had been waiting at the gate of his dormitory. He could see the Commander of the Guards sitting on a bench, clearly in view of the gate guards, not fifty meters away, smoking cigarettes. It was his instruction that all visitors to Wilson be kept waiting for an hour. This was in retaliation to Moran's outburst and insulting remarks.

What Moran was also unaware of was the fact that Atty. Billena had been there and seen the three of them. Probably witnessing the scene he decided not to join them, but went away, returning only after the pair had left. Moran had not "arranged" a meeting with him at the prison. He had informed Wilson that he intended to visit without giving any specific time. There are unknown reasons as to why Atty. Billena did not want to meet with Moran. He failed to attend a dinner given by Ambassador Collins at his residence on the Saturday. For a young attorney to refuse such an opportunity, the reasons must have been strong.

In the apartment, the visit of McCooey was explained. Far from being a small town solicitor, Andrew McCooey was indeed an important man in the British judicial world. He had just been appointed to the bench, having served as Recorder in the southeast area of England. He had also founded "Freedom Now," an important association of lawyers who provided their services pro bono to fight human rights abuses.

Among its illustrious members were Edward Fitzgerald, Q.C. and Geoffrey Robertson Q. C. The purpose of his visit was to assist in preparing a case against the Government of the Philippines in the event of Wilson's sentence being confirmed. The Philippines was signatory to the United Nations Protocol on Human Rights, but was not complying with it by imposing the death penalty. He was not visiting to assist in preparation of the Appellant's Brief, neither had he any intention of lobbying any one on Wilson's behalf. When asked by Wilkinson, unlike Moran, he presented prepared, excellent credentials.

During the short visit, Moran expressed a need to meet with Atty. Billena. Wilkinson had his assistant, Tony Cruz, telephone Billena's office. While he was talking, Wilkinson shouted to him to try to get a copy of the last brief that had been prepared. Moran chipped in and also asked Tony to request a copy of the brief. Listening to this, Andrew McCooey must have been puzzled at Moran's behavior. He knew full well that in Moran's briefcase, standing on the floor, was Wilson's copy of the same brief being requested. He knew that Wilkinson had in the apartment a copying machine. It would have taken only a few minutes to allow Wilkinson to copy this brief, and yet Moran was denying its existence. For an upstanding English solicitor and jurist, this must have appeared strange behavior.

Later that day, after they had left, Moran telephoned Wilkinson and invited him to have dinner with them that evening. Wilkinson apologized and told Moran that he had a prior engagement. At 9:00 p. m. that evening, a message was noted from an obviously

irritated McCooley that they had waited for him, but were now going ahead.

Wilkinson had every reason to wonder as to why Moran had failed to explain to McCooley that he was unavailable for dinner that evening.

Following a good night's rest, McCooley must have re ected upon the strange performance of Moran on the previous day. He telephoned Wilkinson, inviting him to join him for a one-on-one breakfast meeting. He let slip that he had Wilson's copy of the brief with him. An angry Wilkinson requested that he get the Business Center at the hotel to copy it, which he agreed to do.

The meeting went very well. There was mutual respect and no Moran to interject. Wilkinson learned, for the first time, of Moran's crazy idea of springing Wilson from prison. He would take in clothing via Gate 4. They would forge the rubber stamps that are applied to the arm on entry. Wilson would just walk out. Such a stupid idea, if attempted, would put every one who had ever been associated with Wilson at serious risk of being arrested and deported as accomplices. Even to talk about it was criminal.

This Walter "Mitty" Moran was not just stupid, but dangerous to all. What was worse, he told nearly every person he came in contact with, of his plan. He discussed it with Ian Sargeant, the British Consul, who warned him against such stupidity. He discussed it with the Davies's, in whose home he was staying, causing them grave apprehension. They had only become involved out of human compassion. Moran, they were beginning to realize, was potentially dangerous to their life in the Philippines. He was currently a resident of their home. They had even taken him to a social meeting of the American Chamber of Commerce. Through Wilkinson, the American Chamber of Commerce had contributed over 70 kilos of medicine to the prison hospital. At that meeting Moran had thanked them for their contribution of medicines to the prisoners, even though this had been arranged by Wilkinson.

The one person he did not discuss it with was Wilkinson. He sensed that this man was smarter than he had thought.

On the Friday, with McCooley in tow, they had driven to Subic Bay in Olongapo.

This, on a good day, takes over three hours to reach. The reason for their visit was that Moran wanted to meet Father Shay Cullen, the Columbian priest who headed PREDA.

Wilkinson had, by mail, introduced him, since he had worked with the Irishman in prosecuting pedophiles for many years. PREDA had originally been set up as a center to treat drug addicts and victims of child abuse. The business of chasing down foreign pedophiles was dangerous, as they are protected for large sums of money by Filipinos of influence. Cullen himself had only just been exonerated on a charge of child rape.

Had he had Wilson's judge, he might well have been the first priest on death row.

Wilkinson asked why he wanted to visit Father Cullen. Moran told him that it was to see if he could enlist his help on behalf of the church. Wilkinson questioned why Father Cullen rather than his friend, Cardinal Sin, who was in Manila and was far more influential. He telephoned Shay Cullen who said that he had been receiving copious e-mails from

Moran. He had explained that although sympathetic, he was far too busy to assist in a case that he knew very little about. He too, was puzzled by the intended visit of Walter Moran.

On the Sunday, Wilkinson did go to dinner at the invitation of McCooey. The Hong Kong-based correspondent for the British Sunday Times, Michael Sheridan, was there as well as Moran. The case was discussed at length. Moran mentioned that the company that Mr. Davies worked for might provide seed nance for the publicity campaign he was planning. “You said you would give me a copy of your plan. Where is it?” asked Wilkinson. “I am still working on it,” stated Moran. Here he was being asked a simple question by a man who had done more than anybody in the campaign to save Suny Wilson and he answered it with an outright lie. He had e-mailed to many people his purported plan on Saturday, 12 May 1999. Wilkinson had been sent a copy by Father Shay Cullen, one of the recipients. He had given this to Atkins for comments. Atkins wrote him:

#### THE PLAN OF WALTER “MITTY” MORAN.

The Moran “plan” for a publicity campaign is dif cult to undefirst and. Very poorly presented it appears a mish-mash of ideas. It is not set out in a logical manner and the purpose of this publicity campaign appears vague to say the least.

He starts off,

*I have suggested that an important issue in Albert E Wilsons defense will be the managing of public opinion in the Philippines in such a manner that any opposition to, or backlash against, his acquittal and release will be minimized or eliminated.*

Why? Why is this important? When Wilson is acquitted, it will be because the Supreme Court and maybe the Department of Justice agree that he has been wrong fully convicted. That he is innocent. We would fully expect certain noisy groups to protest. They have done so with every stay of execution, although silent on acquittals so far. Should this happen, we locals, both foreign and Filipino, will quieten them by accusations of racism. We will loudly ask where were the protests when over thirty six, to date, Filipinos have been acquitted.

He goes on later to state:

*If the goal is seen as the release of Albert Wilson, then the entire program is compromised, just as if the program is seen to emanate from foreigners. However; if the goals are seen as improving the Philippine justice system, aiding the pool; and eliminating or reducing convictions leading to death, and if the program is seen to be Filipino initiative, then we can expect great success. Our job is to initiate, guide, nane if necessary with seed money for publicity, and assist where we can, but essentially to stay out of sight as foreigners while the Philippine public sorts this issue out.*

I am not a Filipino. The arrogance of this statement however, made even me see red. This Canadian hack wants to “guide” the Filipinos into fighting for an improved justice system? He wants to camou age his interference in the running of this country by making

believe that it “is seen to be a Filipino initiative?” A man who runs out of money in spite of free accommodation, travel and food, is going to assist in providing “seed money?”

He should never return to this country with such ideas. Better he “stay out of sight.

*” Correctly handled, we can anticipate support from efirst while enemies, who will eventually become helpless to block our eventual goal through their agreement with this program.*

In this one sentence he shows his total ignorance of the Filipino culture and sensibilities. If I thought he would listen, I would explain. The primary goal is a waste of time.

The proposed secondary goal stated, to assist the justice system, local people and interested organizations to eliminate false accusations, to lower death penalty convictions by reducing charges laid, and to improve the overall administration of justice in the Philippines.

It is none of Moran’s business. Filipino writers are continually questioning the justice system, death penalty, false accusations, innocents on death row, the police, et al, without the assistance of Moran.

His general plan includes:

*As early as possible solicit the support of anti crime groups and their leaders, get their comments on record and in the media.*

*The more high profile the group and spokesperson, the better Especial (I think he means “A special”) effort must he made to compromise the groups that were in evidence at Wilson’s trial, and particularly Attorney Principe.*

I don’t know how to tell him this, but those groups were virtually all of the so called anti-crime groups. He later states: *Get anti-crime groups involved in demanding justice for the falsely convicted victim.*

He sticks with the theme a number of times:

*Compromise anti-crime and death penalty support groups by getting them to support this initiative. And solicit the assistance of anti-crime groups by pointing out that eliminating false accusations lets them concentrate on pursuing ‘real’ criminals, and makes them more credible.*

He sticks with this theme a number of times:

Any effort in this direction will never be fruitful because the answer is always, “What about justice for the victim?”

Virtually all of Moran’s suggestions for the media campaign are already being written daily. There are many articles about wrongful convictions. There are many statements from both the Roman Catholic Church and FLAG regarding their anti death-penalty stand. Father Cullen has already written about his own false accusations. There are Filipinos who are on death row where the newspapers are campaigning for a rehearing of their cases. In recommending recently the dismissal by the Supreme Court of a case, Secretary Galvez made statements as already suggested by Moran. Estrada has commented that he will review cases where the convicted felon is poor.

Moran suggests that threats of punishment against false accusers would be a solution. There is already a law against this, however, so whom does Moran want to punish? Most of the false accusers have nothing anyway. If a mother enjoins her daughter to make a false claim, what are you going to do? Jail the daughter? Jail the mother so the daughter then has no one to look after her?

One disturbing thing is almost hidden in this rambling liturgy of nonsense. He says, Engage several journalists from different media, English and Tagalog, to write/produce regular stories supporting this initiative. Play them up, encourage them, build a bandwagon from them. (Canadian embassy might be interested in assisting here, thus removing to arms length the British/Wilson connection).

Why on earth does he think that the Canadian embassy would want to assist?

After a lengthy proposed campaign and after getting all and sundry making statements condemning false accusations, only then does he feel that Wilson's appeal should be lodged. He says, At a suitable point, Wilson's case to go in front of the Supreme Court, not before anti-crime groups have committed, preferably after Estrada has spoken out against false accusations. Media outcry must be high, or have recently peaked.

So, Moran is happy for Wilson to languish in jail while all of this is going on. Absolute nonsense. The process of appeal has, thankfully, already started. Worse, this liturgy is dangerous. According to his e-mail list he has already stated in writing the intention of foreign interference in the justice system of this country, on behalf of Wilson, to Congressman Liberios, Philippine ECPAT, Bantay Bata, etc. If they take exception to this and inform the Supreme Court, it may not bode well for Wilson.

Moran seemed to make it a habit of upsetting Filipinos, especially those who could adversely influence the appeal and well-being of Wilson.

While he was in the Philippines, Moran went to see Judge Velasco of the Court of Appeals. Velasco had been the Secretary of Justice with the Ramos administration. He was in charge when the decision to "withdraw/dismiss" had been issued on the charges of rape laid against both Suny and Vicky for 28, 29, and 30 June 1996.

Moran felt that he could influence the Department of Justice into speeding up the decision on the Motion for Reconsideration. He had Mrs. Davies deliver a copy of the penultimate brief to Velasco after he had left the country.

What was really strange is that although he had made a number of telephone calls and sent e-mails to Alan Atkins from Canada, whilst in Manila he never made one attempt to contact him, even socially. Although not able to determine his motives, Atkins, being the analyzer of information on the team, had long lost any respect for him. He felt it was strange though, that he had not received one local telephone call and, with Wilkinson's approval, made no effort to contact him either. Moran had mentioned in a car ride with both McCooey and Wilkinson present that this story would probably make a good book and film. The reason for his reluctance to contact Atkins became very clear during the visit to Wilson.

Wilson told them that he had spoken to Moran, and had been sending him his diary notes. It was his intention that a book be written, and Atkins, being a writer, would do this in conjunction with input from Moran. He had requested Moran to contact Atkins and discuss the best way of accomplishing this. He was amazed when informed that Moran had not contacted Atkins at all during his visit. He had requested him to do so in order to discuss the project. It now became very clear as to what Moran was up to. He intended to write a book himself. There would be no sharing of any money made from it with Albert Ernest Wilson.

Walter Moran certainly needed the money. Although he represented himself as a businessman and publisher, the one time he really needed to contact Wilkinson during his visit was just prior to his departure. He desperately needed money. He confessed to not even having enough to pay the P 500 departure tax. This is a publisher who did not even have a credit card. He had been given free accommodation, car and driver. He had been wined and dined by his hosts, the British Embassy, Andrew McCooey and the Sunday Hmes. All the time his pockets were empty, he had been big-noting himself with all and sundry.

It was later discovered that during one of his visits to the prison, Wilson had given him a shopping list and the money to purchase the items on it. Among items required were a few vinyl oor tiles. These would be used when he was forced by conjugal visits of others to sleep in the corridor. Moran gave the list to Mrs. Davies who purchased and delivered all that was on it. He failed to give her the money that Wilson had given him, however, but kept it in his pocket. A strange act of “friendship”

He clearly saw this case to be a window of opportunity. Now the motive was clear, the relationship was to be terminated. No longer would the one-way traf c of information from Manila occur. Walter “Mitty” Moran was to be left to his own devices. He had already caused so many problems. However, Wilkinson decided that he would get him to hang himself first.

Michael Sheridan did get a very good piece published in the Sunday Times on 6 June 1999. He quoted Andrew McCooey as saying, “I am fully persuaded having looked thoroughly into the evidence, that the case against him is widely discredited and that for any person to convict under that evidence would be irrational and perverse.” He later was reported as saying, about the lodgment of notice with the U. N., “It means that the Supreme Court will know that its decision will be subject to review in an intemational forum and the country’s reputation will be at stake.”

## **Chapter 31**

### **31 The Final Appellant’s Brief**

While Moran was in the Philippines, Atkins task was to keep in touch with Atty.

Billena and obtain a copy of the final Appellant's Brief. The Lawyers had requested a further two-week extension that put the final date for submission to 31 May 1999. In a long conversation, Atty. Billena informed Atkins that it was finished, but they had to print and bind over twenty copies for interested parties. Billena was currently preparing an index. The team were amazed at this, because weeks earlier they had asked him if he had an index of the Transcripts, in order that he could easily locate necessary extracts. He had confessed that he did not have one but rather relied upon his memory.

This had explained the real reason as to why the first attempt was so pathetic to have condemned Wilson. The team had created a computer data base of relevant testimony, fully indexed, and thus had been able to produce a superior brief in less than six days.

Billena explained that with only a single copying machine working and many lawyers needing copies of important documents, they would be working over the week end to finish the task. He was completing two copies for delivery to the Solicitor General on the Friday. The team did not panic over this. They had done all that was possible and the penultimate brief obtained from McCooey would itself have been acceptable, so any improvement, however slight, would be welcome.

On the Tuesday after D-day, they visited Wilson, not on any fact-finding mission, but just to ensure that he was maintaining his morale. As stated in the previous chapter though, a few bomb-shells of information concerning Moran were accidentally dropped by Wilson.

It started off a happy meeting in spite of the forced waiting-period caused by Moran's actions of the previous week. As usual, Wilkinson had brought cans of fruit juice, frozen to ensure that they were still cold at the jail. Atkins wife, Ellen, had prepared half a dozen fresh sandwiches of British style bread complete with ham and cheese fillings and salad topping. From experience they knew that Wilson would have to share whatever he took back to the dormitory, so he could at least enjoy one of the sandwiches himself while at the meeting.

They had agreed not to mention any misgivings about Moran to Wilson. After all, he was his friend and it would not achieve anything to allow him to know that a split had developed. They felt that Wilson sensed it, however, for when Wilkinson told him that Moran had "forgotten" to bring any photograph, Wilson's eyes shot up in surprise. "Didn't he give you the ones that were prints of the negatives I gave him?" he asked. Now Wilkinson's eyebrows shot up in surprise. Wilson went on to explain that he had paid another convict who had a camera to take pictures of himself. He had given the negatives to Moran with instructions to get some prints and give copies to Wilkinson. He was surprised that Moran hadn't done it, but tried to excuse him by saying, "Well, you know Wally. Like a bull in a China shop. He was probably dashing around so much he forgot." His eyes told another story. He too had started to question the reason for Wally holding these prints back. Learning that Wally had not contacted Atkins regarding the proposed book seemed to dampen the whole meeting.

Later that day, a copy of the Appellant's Brief, now lodged with both the Solicitor-General and the Supreme Court, was obtained. It was excellent. The brief had been dramatically expanded from the first attempt, with stronger emphasis on the evidence of Nica as their own brief had recommended. Examination indicated that a great number of the suggestions put forward by the team had indeed been included.

Her evidence regarding the many different modes of dress during the rape had now been stressed. The fact that if one were to believe her evidence, Wilson would have required an extra pair of hands was clearly brought out. The suggested precedent of *People versus Galera* concerning the testimony regarding "at knifepoint," was disregarded as being "expedient subterfuge."

We had suggested that more stress be given to the grandmother's testimony regarding the obvious lie of the clothes-burning incident, which was now included, and the most important point we had suggested was now well laid out. Missing from the initial work was the fact that Judge Osorio had stated in his Decision that the tests taken by Dr. Cosidon were negative for spermatozoa and gram-negative diplococci.

He deduced that this was because the accused had not ejaculated. What he chose to totally ignore was that the doctor had also given evidence that there was no sign of semen either. She had testified that semen is emitted from a penis as soon as it is erect and traces would be found even if ejaculation had not occurred. This was firm evidence that the penis of Wilson had never been anywhere near the vagina of Nica less than twenty-four hours before the test.

Many more minor suggestions had been included and the team was satisfied that they had achieved that which they had set out to do: get the lawyers to prepare a brief for Wilson that would clearly indicate his innocence.

The waiting period was now to begin. Options were few. Arguments were raging about the value of publicity. Moran's plan for this was naive and stupid. The one thing that nobody was prepared to decide was the question put by Andrew McCooey.

His question was, "When would be the best time for him to prefer the charge against the Philippine Government with the United Nations Court on Human Rights?"

He had explained that although the case would not be heard until all due process had been observed in the Philippines, notice of the charge would be forwarded to the Solicitor-General from the Court upon lodgment. This could serve notice on him that rejection of the appeal could cause grave embarrassment to the Philippines. The team were split on this momentous decision. Knowing Filipinos, it could make them examine the case carefully and decide that it was wrongful conviction; or on the other hand, it could have the opposite effect. It was not beyond the realms of possibility that their nationalistic fervor would come to the fore and that they would show the world that they would not tolerate outside interference in the matter. Overall, it was decided that it was Wilson's life at stake, so he should make the decision. It was agreed, though, that it would be unwise to make a decision until it was discovered if the Solicitor General would decide as to whether

he would recommend dismissal or put in his own brief supporting the court. It would not be wise to upset the Solicitor General while such friends as ex-Secretary of Justice, Frank Chavez, were willing to represent Wilson directly to him. As was said, "Let's try it Philippine style first."

In spite of this general agreement, it came as a bit of a shock when a copy of the registration of the complaint, dated 12 June 1999, was received by Wilkinson.

Addressed to the UN Human Rights Committee in Geneva, the letter, signed by both Andrew McCooey and Edward Fitzgerald, Q. C. set out the background of the facts and then stated:

*Alleged violations of Articles 6 & 7.*

*The present communication alleges a violation of the provisions of Article 6 and Article 7 of the I C CPR by reason of the imposition of the mandatory death penalty for the rape of a minor (under 18) to whom the offender stands in any form of parental relationship. Clearly there is no appeal against the penalty under Philippine law because it is mandatory. It is submitted:*

*It is a violation of Article 6 to impose the death penalty for all offences of rape against a minor committed by someone in a parental relationship. Such a crime is not necessarily "the most serious of crimes" within the terms of Article 6 since it does not involve any loss of life and sexual crimes of this sort vary greatly in their gravity.*

*It is a violation of Article 7 to impose a mandatory penalty of death for such an offence because it is disproportionate to the gravity of the alleged crime. The alleged crime itself involves no loss of life and no life-threatening injury. Grave as such an offence is, it cannot rank amongst the category of offences for which a mandatory death penalty is justified.*

The sentence is further disproportionate and inhuman precisely because it makes no allowance for the court to consider the circumstances of the individual crime and the individual offender. It is a cardinal principle of sentencing in any civilized society that the supreme penalty should not be imposed without some opportunity for consideration of individual mitigation by the sentencing court. (Here the Applicant relies, inter alia, on the decision of the US Supreme Court in *Woodson vs North Carolina* 428 US 280).

For all these reasons, the Applicant asks the UNHRC to register this case, and to communicate the fact of the Applicant's complaint to the government of the Philippines. Alternatively, the Committee is invited to refer this case to the Working Group on Summary and Arbitrary Executions or to the Special Rapporteur on New Communications for Urgent Action.

Out of curiosity, Wilkinson obtained a copy of the International Bill of Human Rights and it was discovered that the Philippine government were in breach of two more Articles. These were Articles 9 and 10. The first concerned the illegal arrest and the second was keeping him in a prison with convicted persons during the two years of his trial.

Atkins wrote a letter to Atty. Billena that said:

*Dear Ismael,*

*Many congratulations to all concerned in the preparation of the excellent Appellants Brief of Albert Ernest Wilson.*

*If, after reading this document, Wilson is not acquitted, then justice in the Philippines will be non-existent.*

*Every cloud has a silver lining. The experience you have gained*

*will undoubtedly prove invaluable in your future career May I take this opportunity of thanking you personally and the partners, for allowing me the access to documents produced and for your patience in dealing with an 'outsider' The glimpse of your world has proven to be fascinating. I now no longer envy lawyers. It is not the reading and analysis that is difficult, it is the emotional strain. Knowing that a man may be treated as a rabid dog, strapped to a table and injected with poison.*

*My silver lining is that I have gained a friend in Suny Wilson. At first, I thought that he had been stupid not buying his way*

*out of a dreadful situation. However being British myself I have grown to admire his courage in putting honor before all, which is instilled in us as children. Perhaps we all refused to besmirch our honor by taking the easy way out, our children would inherit a better world. No better example was given when the much needed electric fan was delivered to Bilibid with official permission for him to receive it issued by the Department of Justice. It stayed in the office of the Commander of the Guards for nearly one month, as Wilson refused to pay the standard P 500 bribe for its release. We offered to pay it for him and he got very angry. He told us he was in Bilibid because he refused on strongly held principles, to pay bribes. He believed bribes were immoral, and now after over two and a half years of incarceration, we were urging him to break this principle over a mere electric fan. We felt humbled.*

*Your attempts to avoid Walter Moran when he was here proved very wise. He has proven to be a great disappointment to us as we have found him to be a liar and dangerous. He turns out to be a 'publisher' and 'businessman' who arrives in the Philippines with little cash and no credit card. Even though he received the hospitality of a kind English couple, including the full use of car and driver; had been wined and dined by many he still had to borrow money for his airport terminal fee. He is clearly in this for personal gain only and is a 'loose cannon.'*

*Finally, it really has been a pleasure knowing you. To be sure I will follow your career with interest. If at any time I have caused offence, then I apologize. If I do not see you before, then I will surely see you at the victory party.*

*Sincerely,*

*Waiting. Waiting. Waiting. Hard for us, but far harder for Albert Ernest Wilson.*

## Chapter 32

### 32 Questionable Behavior At The Court

It was not to be a quiet time, however. Far from it. The British Ambassador Alan Collins, together with Neale Jagoe, of the embassy, arranged to meet with Justice Secretary Galvez. On arriving at his office, he had correctly guessed the subject to be discussed, Albert Ernest Wilson. A copy of the Appellant's Brief was on the table in front of him. He admitted that he had read it, a rare thing in the Philippines. He congratulated the Ambassador because he thought the brief was excellent. While the Ambassador was still there, he called in the lawyer to whom the brief had been submitted for evaluation. He instructed her to deal with it expeditiously as he would not seek an extension. This is again unique in the Philippines. Since the reimposition of the death penalty, over sixty people were being condemned every month. Each of them was subject to automatic appeal to the Supreme Court and would therefore be submitting Appellant's Briefs. This, on top of the many other functions of the Department of Justice, was causing a severe overload. Thus, with most briefs, many extensions were required, meaning that some would not leave the Department for consideration by the Supreme Court for perhaps years.

The really good news was that the Secretary stated that if the references to the transcript were proven correct, then he would probably not submit a brief himself, which virtually meant that he was recommending acquittal. It was a very happy ambassador that left the meeting.

Atty. Legarda, who was originally meant to accompany the ambassador, lobbied the Secretary at a social function and he assured her that all was positive. So hope was rising in the defense camp.

In a virtually unprecedented move, Ambassador Collins together with the Consul, Ian Sargeant, visited Wilson in Bilibid. This was not only to convey the good news, but to give the prison authorities a strong message: stop harassing Wilson. Since Moran's visit, every visitor had received harsh treatment. Mrs. Davies, who had tried to deliver some tinned food, had it confiscated as "it wasn't allowed." A totally false rule that only applied to Wilson. When she told Wilson, he told her to go and obtain a receipt. She went and asked. After half an hour, the goods were returned to her and she gave them to Wilson.

The appearance of an ambassador at the jail to visit one of the inmates was unheard of. He introduced himself to the Commander of the Guards, who quickly understood the message. As did many others. Harassment can take many forms, however. Official protests can be made against government officials, but not against the prisoners whom they control. Suddenly, the prisoners themselves denied Wilson the use of their store, essential for obtaining cooking oil and kerosene. He sent a letter to Wilkinson requesting that someone bring these items to the jail.

Just two days before the Ambassador's visit, on 22 June 1999, Wilson had been visited by Wilkinson and Atkins. "You've come about this," he said. He showed them a

letter from the Department of Justice dated 5 May. It was addressed to Pete Principe, the private prosecutor, denying his Motion for Reconsideration regarding the complaints of rape on 28, 29 and 30 June 1996, in which Wilson and his wife, Victoria Delistan, had been the accused. Wilson had only received a copy via the British Embassy on 11 June 1999. "Wally was successful," he said. Wilkinson and Atkins were surprised as the letter was dated 5 May, weeks before Moran's visit. This important document had been around for some time, and nobody had bothered to inform them. "I e-mailed Wally and asked him to let everybody know," said Wilson. Yet again, the breakdown in coordination was showing and mistakes were being made. This had been felt by them even before they had this latest development. Atkins had brought with him a letter to Wilson setting out their concerns. They were worried about whom Wilson was contacting and what he was saying in his letters. This was, after all, the time to keep quiet. A letter insulting the Filipinos and mentioning corruption at this time could have proven disastrous, upsetting those whose goodwill was essential. Wilson was under strain and on the inside. They were better at judging what was outside.

Atkins was particularly upset. After finishing their brief, they had little to do except monitor the work of the lawyers. He had wanted to start working on this, chasing the decision of the Department of Justice, having months before been informed that the letter only awaited signature. Victoria Delistan had for nearly two years lived under the threat of arrest and imprisonment. In all that time, Wilson had not been able to see and hold her. He loved her very much and there was no doubt that if she had been able to visit him regularly, his time in prison would have been considerably easier to bear. In May however, in a telephone call, Moran had instructed him to do nothing. To wait until his visit when "he would fix it." To prevent any overlapping of activities, this request was respected. However, frustration was shown when this letter surfaced. Atkins wrote to Wilkinson:

As you are aware, we both have been concerned with the fact that three charges were lodged by Veronica Pasco and her father;

Now, here was a vital document upon which nobody was taking any action.

*In the aftermath of the recent visit by Walter Moran, from Canada, the news received from you concerning his "efforts" on behalf of Victoria Delistan was not only disappointing but also distressing.*

*Pio Pasco, against both Wilson and her in the alleged rapes of 28, 29 and 30 June 1996.*

*As well documented, the Department of Justice, in June 1998, ruled that they would not proceed to prosecute these charges as they believed them to be false and without sufficient evidence to support them. They issued the necessary instructions to their local prosecuting arm.*

*In what appears to be a conspiracy to prevent Victoria Delistan from appearing as a vital witness for the defense, Veronica Pasco's private lawyer with the approval of Fiscal Razon and Judge Osorio, lodged a Motion for Reconsideration, thus allowing the issued*

*Warrants of Arrest to stand.”*

*As you are aware, early last month we decided that we had done as much as we could for Wilson legally. Our hurriedly prepared brief had achieved its purpose, i.e. shame the lawyers into total rethinking and rewriting the final appeal brief. The results are now there for all to see.*

*We therefore agreed to commence trying to find out the hold-up in the Motion for Reconsideration and, as it was very likely that the Department of Justice would alter their mind in this case, then to investigate the steps required to free Victoria Delistan from the constraints of being a “criminal” fleeing justice.*

*During a telephone conversation with Moran in Canada, in your apartment, when you handed the telephone to me, I informed him of our plans. He was most emphatic and told me to leave it*

*to him. He assured me that when he visited he would sort this out as “he had the right connections.” We thus dropped our efforts in this direction based upon your strong opinion to let each do their own without interference from others.*

*Even though I had verbally expressed to you for some time my doubts at Moran’s abilities and tactics, we agreed to abide by the rules. Moran visited here for seven days fully aware of my involvement with you. He had even taken thee-mail of the brief we prepared added a little case law and e-mailed this to Wilson claiming it as his own work, yet confessing to me that he had yet to actually read the transcript. Having requested that we do nothing about Victoria, but knowing my interest in the area, one would have thought that while here he would have been disposed to discuss this with me. Not only did he not do this, but also he did not even give me the courtesy of one telephone call.*

*When you asked him what he had done, he claimed to “have xed it” all hush-hush and secretly with someone called Velasco. Which Velasco and how could he possibly ‘fix’ anything? This was just not “fixable” for the following reasons:*

*Valenzuela District Court issued three Warrants of Arrest for both Wilson and Delistan on charges of rape and being an accessory to rape for each of the dates as stated.*

*Wilson’s warrants were not affected as he was already in custody for the 16 September 1996 allegation.*

*As Victoria Delistan could not raise P 200,000 bail on each charge, a total of P 600,000, in order to avoid lengthy incarceration, she went into hiding. Note: it was ajier this was written that it was discovered that the Judge had changed the order to become non-bailable.*

*No matter how powerful a person may think they are, unless they are a judge attached to the district Criminal Court of Valenzuela, they can do nothing about these Warrants of Arrest.*

*While these warrants still stand, Wilson could be found innocent by the Supreme Court and released. As soon as he steps out of Bilibid, the police could arrest him on these warrants and take him to Valenzuela to await trial. V As it took from mid-September to the*

*beginning of November for the jifirst hearing, he could well be held for a similar period even If the Department of Justice upheld their earlier decision. He would then appear in court, with, obviously, his lawyers demanding that Judge Osorio inhibit himseU from hearing the trial. Providing that the original decision is upheld then the appointed Fiscal would then make a statement that the Department of Justice were withdrawing their case and the judge would have no option but to dismiss, and would automatically cancel the Warrants of Arrest.*

*Victoria Delistan would also have had to surrender and could have to suffer similar periods of imprisonment.*

*We were called ofj doing anything about this as Moran could ‘ x it” with his “secret” friends in the Philippines. We waited for him to arrive. He didn’t telephone me. He refused to tell you of the actions he had taken. He left.*

*On our visit to Suny on 22 June he showed us the letter to Principe denying the motion for reconsideration. It had been delivered to him by the embassy on 11 June with a note stating that they had only received it on June 10. Moran now will claim he was the one to get this accomplished. However; the letter had been dated 5 May signed 7 May and posted 10 May over a week before Moran even arrived in the country. There was no need for “secret” moves through the back door just a telephone call to the Department of Justice requesting the status.*

*Suny claims that it is Moran is work that has got this letter released, that it was backdated to save face. This is the reason that the embassy didn ’t receive their copy until 10 June. I have checked with the embassy. The truth is that they, while dealing with another matter with the Department of Justice, asked the status. They were informed that the letters had been sent. As it was concerning a motion by the private prosecutor only he and the City Prosecutor of Caloocan City were informed. There is very good reason for this as I have since discovered. It is yet another example of the legal bungling that goes on in this country. Administratively, the Chief Prosecutor should have withdrawn these cases from the court by 23 June 1998. Had the Motion for Reconsideration been successful, they would have to then re-lodge the cases and obtain new Warrants of Arrest. This was not done. The Chief Prosecutor had received no instruction countermanding the original decision.*

*So, here we are, nearly two months after the event, once again forced into damage control. Moran has left, so who is to coordinate the lawyers into getting Wckyly warrants lU’ted? We are. No problem, it was set in motion on 22 June the same day that we learned about it. It may take a couple of weeks, but the lyting of the warrants will be achieved. Suny will once again be able to see Wcky. The point is though, that she could have been seeing him for the past weeks had we not been told to stay out of it.*

*I am sorry if I appear angry with this man. Fortunately, long- term residents in this country are used to typhoons. They arrive, cause untold damage and then depart. We get busy, clean up the mess that they have left behind and carry on as normal. Typhoon*

*“Moran” has come and gone. The mess will be cleared up.*

That very afternoon, Atkins contacted Atty. Barrientos, the lawyer who was acting for Vicky. He was delighted with the news, but requested that Vicky still stay in hiding until he cleared it of cially. He was going to visit Wilson on the Thursday. Could Atkins obtain an authenticated copy from the Department of Justice? It was gently pointed out that Atkins was neither a lawyer nor Filipino and would probably nd dif culty in getting them to hand over such documents. They arranged to meet after the prison visit, in Makati. At the appointed time and place, Atkins waited, and waited. There was a sinking feeling that he was going to be another of the typically incompetent lawyers of the Philippines. Time was to prove this correct.

In the meantime, Wilkinson was getting more and more frustrated with Moran.

Even though he had given him the money to do so, he had failed to send a copy of the video tapes, one of his newspapers and also the photograph of Wilson. He started to fax him awkward questions, including the fact that he was aware of Moran having the brief in his possession while in Wilkinson’s apartment. Evasive answers started to be returned. He couldn’t remember. What upset the Commander of the guards? Wilson tried to give him a letter that he didn’t want to accept. It was Wilson’s fault. Then he stated that he had gotten the Canadian Embassy to write to the Supreme Court with a ctional case. The Supreme Court had written back including loads of case law. He had given this to Billena on his last day in the country. Billena was delighted and used a lot of it in his nal brief. A quick check showed that exactly the same case law had been used as was in the brief completed before Moran’s arrival. Moran was reluctant to name whom he had dealt with in the Canadian Embassy. Wilkinson found out the real story. Many months previously, in discussions with the British Embassy, the case of Wilson came up. The Canadian Embassy have an in-house team of lawyers, so they offered to assist by putting them on it. They did come up with quite a swathe of precedents and these were passed to the British Embassy who, in turn, passed them to the lawyers. They had never touched the hands of Walter Moran.

Worse, he sent Wilkinson a long letter in defense of the accusations made in Atkins’ letter in which he stated that Neale Jagoe of the British Embassy was working to get the Warrants of Arrest against Victoria Delistan lifted via his friends in the police. Upon learning this, Atkins was afraid that he was crossing paths with the embassy, so he immediately faxed Ian Sargeant a letter, part of which read:

*Via a facsimile to Earl Wilkinson, Wally Moran has said that Neale Jagoe is handling the withdrawal of warrants through his friends in the police. In my letter to you of June 25, I 999, I kept you informed of the actions that I was taking. I think that if Moran is correct, you should have informed me that Neale was taking action and no action on my part was required. As Moran writes, “too many cooks can spoil the broth.” I only learned this on Saturday, the day after my meeting with Atty. Barrientos.*

*He is taking action that may well be in con ict with what Mr Jagoe has already instigated, thus creating the usual confusion that kept Victoria Delistan unnecessarily*

*apart from Wilson for over one year:*

*I am now in an awkward position. Atty. Billena requested that he be kept informed of the intended actions of Atty. Barrientos, with whom he knew I was in touch. I will gladly remove myself from the picture in favor of Mr Jagoe as he certainly has more status than myself. Would you urgently inform me of the situation?*

A telephone call from Sargeant soon put things right. He informed Atkins that the embassy had only told Moran that in the worst event then they would have to try to get the warrants lifted. However, once he knew the team were looking at the situation, they hadn't done anything, so for the team to go ahead as quickly as possible.

This was easier said than done. Two lawyers, each representing a different party to the same charge. Both with totally differing ideas of how they should proceed.

Neither actually appeared to be proceeding. Neither seemed to care that Victoria Delistan had been a fugitive from justice for over two years and had therefore been unable to give emotional support to Wilson.

According to Wilson, after hearing the statement and complaint of Veronica Pasco in conjunction with her father, Pio Pasco, on 4 October 1996, the then Chief Prosecutor of Valenzuela, Fiscal Razon, decided that there were three cases to answer, and lodged them with the court of Judge Osorio. Wilson was already in jail and therefore did not need to be arrested. He had recommended though that three arrest warrants be issued against Victoria Delistan, the alleged accessory in the three cases. He had set bail at an extraordinary sum of P 200,000 on each charge. This is more than would normally be applied for bank robbers. The reasons were obvious.

He was charged with prosecuting Albert Wilson on what even he perceived was a weak case. He knew that the bail set was beyond the reach of Delistan, and that rather than face prison for perhaps years while awaiting trial, she would choose to hide. This meant that she would be unable to give evidence at Wilson's trial.

Walter Moran did one very good thing, though. While he was in the Philippines to give evidence, he visited and talked with then Justice Secretary Velasco. He gave him the evidence that had been given by the school teacher and headmistress which clearly showed Veronica had been at school on one of the days of an alleged attack. She had claimed all attacks took place when she returned from school, but the other two days were a Saturday and Sunday, both non-school days. The Secretary promised to have the cases investigated.

On 18 June 1998, just three months before the trial ended, the Department of Justice ordered the Chief Prosecutor of Caloocan City to withdraw/dismiss the three charges within ten days. A copy of this order was sent to Judge Osorio, Atty. Billena and Veronica Pasco. Challenged about why he had not dropped the charges, Fiscal Razon claimed he knew nothing about the instruction. Certainly the Department of Justice had erred in sending it to Caloocan. Government offices in the Philippines are not known for their efficiency. Caloocan may or may not have forwarded it to Valenzuela. However, Atty. Razon was probably lying, because the man working along side him, Pete Principe, who had not

been on the mailing list, most certainly knew of its existence. He had already informed Judge

Osorio of his intention to lodge a Motion for Reconsideration. When Atty. Barrientos, acting for Vicky Delistan, presented a motion to the court calling for the dismissal of these cases against her, Judge Osorio rejected it. Not on the grounds, which were true, that the Department of Justice had not yet presented the necessary documents to remove the case from the COURT'S roll, but on the grounds that a Motion for Reconsideration had been lodged by the private prosecutor. The withdrawal of the case from the court would not have affected the Motion for Reconsideration by Atty. Pete Principe. The Department would have considered it and, in the unlikely event of them changing their minds, would have then ordered the charges resubmitted to the court with the request for new Warrants of Arrest. In the meantime, that is from July 1998, Vicky would have been free to visit Wilson.

All of the above as told by Wilson. When the team commenced collecting copies of official documents, a far different story came to light, one that clearly showed that as far as Valenzuela District Trial Court 171 was concerned, the fish were definitely smelling in Denmark.

The fact is that Sunny Wilson had been deliberately misled regarding these three cases. He had been shown documents that were forgeries, made to believe that Warrants of Arrest were in effect long before they actually were. What we present here is strong circumstantial evidence that Fiscal Razon conspired with Pio Pasco to keep the arrest Warrants on Vicky alive for as long as possible. The involvement of Judge Osorio is also suspicious as he has shown unusual cooperation in achieving their aim.

Once we commenced delving, an incredible story emerged.

## **Chapter 33**

### **33 Suspicious Actions Revealed**

As previously stated, on 4 October 1996, Pio Pasco and his daughter Nica, made a complaint at Valenzuela police station that on 28, 29 and 30 June 1996, Albert Wilson raped her with the consent of her mother.

On 5 December 1996, exactly one month after his trial for the alleged rape of 16 September 1996 had commenced, Wilson swore his affidavit denying these charges.

Not until 6 January 1997, though, did the Fiscal compose his resolution of the charges to be laid, yet he did nothing with his resolution.

On February 25, 1997, there was a morning court hearing of the on-going trial of Wilson. In that session, Nica was questioned about the alleged rapes of 27, 28, 29 and 30 June 1996, and of 12 July 1996. As previously stated, few courts, if any, would allow evidence on what would be considered hearsay, but Judge Osorio overruled all objections,

and so the stories were told in court. After that hearing, Nica and her father did not go home, but accompanied Fiscal Razon to his office where they signed the three complaints, each with an individual date of occurrence, which read:

*“That on or about June in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above named accused, conspiring together and mutually helping one another by means of force and intimidation employed upon my person Veronica Pasco, 12 years of age, did then and there, wilfully, unlawfully and feloniously have sexual intercourse with me, against my will and without my consent, and my mother; did then and there wilfully, unlawfully and feloniously cooperate in the execution of the offence by previous or simultaneous acts.”*

Bail was recommended for Victoria at P 200,000 per charge.

This was given to Judge Osorio who, on 27 February 1997 made an order for Wilson to be detained in Valenzuela Jail, where he was anyway.

It was not until 5 May 1997 that a Warrant of Arrest for Victoria Delistal (not Delistan) was issued, but Judge Osorio overrode the Fiscal’s recommendation for P 200,000 bail per charge, and applied “no bail.” Why did he do this? Strictly speaking, the P 200,000 recommended bail was not within the rules of court which clearly state that bail should be set at an amount that is within the reach of the person to pay. A total of P 600,000 or US\$ 15,000, was clearly beyond the means of an unemployed housewife with two children and whose husband was in jail. This would only apply to the accused who committed a heinous crime, but would not apply to a person who was only an accessory by non-action to prevent the crime.

More important, though, Victoria Delistan, because of false documents shown to Wilson, had been under the impression that a warrant for her arrest had been in place many months before it actually was.

Even then, it was not until 9 May 1997, that Ortega and Co. were to receive the resolution. On 23 May 1997, they submitted a petition to the Department of Justice to request an investigation into the legality of the charges. In this petition they stated that, “To give way to this petition the Court has suspended the arraignment of Albert Ernest J/ Wilson and Victoria Delistan pending the resolution of this petition.” Thus, no Warrant of Arrest should have been in force and even if arrested, arraignment could not have taken place. Yet Judge Osorio proceeded to arraign Wilson.

On 18 June 1998, the Department of Justice issued instructions to the Chief Prosecutor to withdraw/dismiss these three charges and to report that it had been completed within ten days of receipt. The instructions were very clear, yet were ignored by Fiscal Razon. Even allowing for a seven-day letter delivery, which would not be unusual in Manila, this meant that Razon had until about 6 July 1998 to comply with his definite and written instructions, yet he failed to do so. He claimed that this was because Private Prosecutor Pete Principe, who was acting for Nica, had lodged a Motion for Reconsideration with the Department of Justice, and so he was unable to proceed until the result of this motion was known. That

was called a lie by Wilson, because the Motion for Reconsideration was not lodged until 22 July 1998, well after the date when the cases should already have been disposed of.

The obvious collusion between the Prosecutor for the People, Atty. Razon, and the Private Prosecutor, Principe, appeared to have good reason. Although Victoria Delistan had already submitted a sworn affidavit to the court stating that she was also at home at the time of the alleged rape of 16 September 1996, while she was a fugitive she could not appear in court and give evidence to that fact. As witnessed, little weight is given to evidence that has not been subject to cross-examination. Yet, this reason is questionable. In spite of a very weak prosecution's case, one that in no way had proven Wilson to be guilty beyond doubt, Judge Osorio had believed otherwise and demanded that the trial proceed. As he had appeared to have made up his mind already, there was little to gain by not having Victoria give evidence. There had to be a deeper reason for this concerted effort to keep Victoria on the run from the law.

The main trial was completed, with Wilson sentenced to death. He was imprisoned, yet he still had these three charges to face, along with Victoria. She could not even risk visiting him.

When the reconsideration motion was rejected on 5 May 1999, the same confusion again arose. This letter had been sent direct to Atty. Principe and once again to the Chief Prosecutor of Caloocan City. It took until 10 June 1999 though, for Ortega and Co. to receive a copy of the letter. Wilkinson contacted Atty. Billena and asked them what the next step was to be.

He was informed that they would wait to see if Private Prosecutor Atty. Pete Principe intended to take it to the Court of Appeals, as he was entitled to do. The team were amazed, as was Wilson, who asked if they could contact Atty. Barrientos, Vicky's supposed lawyer.

Barrientos was even worse. Although contacted on 22 June it took until 2 July for him to meet with Atkins. He then promised to obtain the documents from the Department of Justice on 5 July 1999. He failed to do so. He was still insisting that he had to present a motion before the court, but could only do this if Atty. Pete Principe would not appeal, and he had sixty days in which to do so. However, in order for his appeal to be considered, should he choose to do so, he would have had to have the support of the Public Prosecutor, who would be in defiance of his superior's instructions. ‘

Eventually satisfied that Atty. Principe was not intending to lodge appeal, on 17 August 1999 Atty. Razon filed with the Court of Judge Osorio a Motion to Withdraw Informations. Atkins, however, had noticed a mistake in the Department of Justice's Letter of Denial and had telephoned Atty. Razon. Horrified at what he heard, on 24 August 1999 he wrote urgently to Atty. Billena with a copy to the British Charge d'Affairs, Mr. Riley. In part the letter stated:

*With reference to the Criminal Cases Nos. 6059-V-97, 6060-V-97 and 6061 V-97 jointly naming Albert Ernest Vldlson and Victoria Delistan in charges of rape allegedly committed on 28 June, 29 June and 30 June of 1996.*

*As you are aware, in a letter dated June 18, 1998, addressed to the Chief Prosecutor of Caloocan City, with copies to Judge Osorio, Veronica Delistan and yourself the Department of Justice instructed the “withdrawal/dismissal ” of all cases.*

*Private Prosecutor Atty. Pete Principe lodged a Motion for Reconsideration with the Department of Justice, ejectivesly forestalling any further action.*

*On May 5, 1999, in a letter to Atty. Principe, with a copy to the Chief Prosecutor of Caloocan City, this motion was denied, allowing the original instruction to stand.*

*As I undefirst and it, once this motion is withdrawn, your client, Albert Ernest Wilson, being already incarcerated, need not appear before the court, but a letter could be obtained stating that there was no known legal impediment within that courts jurisdiction.*

*This letter plus a letter confirming same will be an essential requirement on the current records held at Bilibid Prison. There will have been little point in you having prepared a successful Appellantis Brief one that promotes rightful acquittal, if the prisoner is unable to leave the jail becattsei this matter has*

*not been legally cleared. It will be a disgrace of international proportions.*

*From a reliable source, Atty. Ragon still has not lodged the necessary motion with the court. His alibi is that the letter denying Atg. Principes motion only mentions two of the three cases; i.e. “ - (now Criminal Case No. 6059-V-97 and No. 606] - V-972” Underlining mine. This should have said “to.*

*It is obvious that Atty. Razon has no intention of seeking claryication from his head ojice, and will sit on it for ever unless some action is taken by the defense. No action can be taken by either yourseh’ or Atty. Barrientos until Atty. Razon lodges his motion with the court.*

*From my last conversation with you it appears that your company is reluctant to take any further action until outstanding accounts are settled. Although this is commercially undefirst andable, in view of the fact that two peoples lives are gravely affected by the lack of action on this matter it would be ethical to at least inform the British Embassy of your intentions regarding these cases in order that other arrangements may be made if necessary. It may also be of assistance to our group who are unwilling to sit back and wait for yet more avoidable disasters to happen.*

*My own belief is that as defense lawyers for Albert Ernest Wilson, a letter directly to the Department of Justice requesting them to directly instruct Atty. Razon to withdraw immediately all three cases or suffer administrative charges is now in order .*

*Having had the letter referred to in their hands since 10 June the lawyers, especially Atty. Ortega, were very embarrassed that a non- lawyer was informing them of this error. Instead of rushing around to the Department of Justice and getting the author to note and correct the mistake and issue authenticated copies, they hurriedly prepared a Manifestation with Motion to Resolve, dated 25 August 1999 which was not delivered until 30 August. Thus, the chances of all paperwork now being issued and amended before the hearing date*

of 17 September were remote.

On that same day, 25 August, Atty. Ortega received a visit from Caroline McCooey, the daughter of Andrew McCooey, who was responsible for the lodging of the complaint against the Government of the Philippines in the Court of Human Rights, in Geneva. In a report of this meeting to Earl Wilkinson, she wrote:

*On May 5, 1999, Secretary for Justice issued order denyin complainants motion for reconsideration. In this resolution he stated “reversing and setting aside the resolution of the City Prosecutor in I. S. to V-96-1134, now Criminal Case No. 6059-V-97 and 6061 against Albert Wilson.”*

*Because of the omission of the third charge, nothing was done. The City Prosecutor did not correct the Secretary of Justices error It was Billena who took the initiative and filed a motion to amend the order by resolution.*

This was done on August 23, 1999.

Ortega did not provide an explanation as to why Billena had taken so long to respond. Yet he credits Billena with the “initiative” in discovering and amending the error.

Clearly, as this “initiative” action was still being typed. It was becoming more and more obvious that Prosecutor Atty. Razon was determined to keep Victoria Delistan a fugitive as long as possible, and that Judge Osorio was a willing partner in this quest. What possible reason could they have? It could no longer be to prevent Victoria from giving evidence.

In most countries, should a policeman injure or kill a suspect while attempting an arrest, he would be subject to irmediate suspension and intensive inquiry. In the Philippines, should a policeman shoot and kill a suspect, especially one who has a Warrant of Arrest out against him, there is no inquiry. Pio Pasco had many friends in the police. If he could locate the whereabouts of Vicky, then he could accompany one of his friends and she could be killed while resisting arrest- legally. In spite of he having abandoned her some ten years previously, under Philippine law there being no divorce, he would still be the legal next of kin and inheritor. The house and lot in Valenzuela were in the name of Victoria, thus, upon her death, and in the event of there not being a will, he would stand to gain property worth some US\$ 15,000, quite a sum in the Philippines. Could this be the reason for the deliberate stalling? Had a deal been done to allow Pasco time to locate and murder Vicky? Implausible? Sadly, not in the Philippines, where people have been murdered for far less.

The latest action of Prosecutor Razon had the team worried. On 27 August Wilkinson wrote a letter which was sent to. Sera n Cuevas, Secretary of the Department of Justice. It stated:

*Dear Mr Secretary,*

*At the request of Mr Albert Ernest Vldlson, currently appealing his sentence of death in the Supreme Court, I am writing you in connection with three other associated cases.*

*On October 4, 1996, Veronica Pasco together with her father Pio Pasco registered*

*complaint against jointly Albert Ernest Vldlson and her natural mother Wctoria Delistan, alleging that she had been forced by her mother to commit sexual acts with Mr Vldlson. These cases were lodged with Judge Osorio of Valenzuela Trial Courts, District 171, as Criminal Cases 6059-V-97; 6060-V-97 and 6061- V-97.*

*It is to the credit of the members of your Department that they correctly perceived these allegations to be an after-thought and lacking credibility. Those familiar with the case on which Mr Wilson was convicted were fully aware that these allegations were an attempt to bolster the blatant attempts at extortion of monies from Mr Wilson in exchange for a letter of desistance regarding the then current charge.*

*Evidence emerged in the trial of Mr Wilson that Veronica lv father Pio Pasco had offered a letter of desistance from his daughter in exchange for one million pesos.*

*He believed that Mr Wilson was the owner of the house and lot in which he resided in Valenzuela. When Mr Wilson correctly informed him that the laws did not permit ownership in his name, and that the land title was in the name of Pascos estranged wife,*

*Wctoria Delistan, Mr Pasco coerced his daughter to lodge these complaints in order to pressure her mother to enjoin the proposed “settlement” of the case.*

*Fortunately, and again I would add, to the credit of your Department, his ploy failed, as on June 18, I 998, you issued an instruction to the Chief Prosecutor of Caloocan City to “withdraw/ dismiss” all three charges for lack of credibility.*

*This occurred during the trial of Mr Wilson, and, if acted upon, would have allowed Ms. Victoria Delistan to appear in person as a vital witness for the defense.*

*This, however was forestalled by Private Prosecutor Pete Principe lodging with you a Motion for Reconsideration.*

*In the meanwhile, Ms. Delistan, for whom an unbelievably high bail of P 200,000 per indictment had been set, in order to avoid lengthy incarceration had to remain in hiding.*

*On May 5, I 999, your Department issued to Atty. Pete Principe letter denying his motion and aj rming your original decision. Unfortunately, this letter a copy of which was again sent to the City Prosecutor of Caloocan City, contained an obvious error in that it stated, (now Criminal Case 6059-V-97 and 6061-V-97) instead of 6059-V-97 to 6061-V-97.*

*In spite of this being an obvious error referring to the original instruction to “withdraw/dismiss ” covering all three cases, your Fiscal directly concerned, and who was, incidentally, your prosecutor in the Y/Wlson trial, Fiscal Razon, has verbally con rmed that he does not intend to seek claryication from you on this matter and has only lodged motions for Cases 6059-V-97 and 6061-V-97, and then only regarding Albert Ernest Wil son.*

*To an outsider either this inaction can be kindly interpreted as laziness, or heaven forbid, hostility to Mr Wilson and Ms. Delistan. As Fiscal Razon is of your Department, I believe that it would be in order for me to humbly request that you to immediately instruct him to rapidly include Criminal Case No. 6060-V-97 in his motions before Judge Osorio*

*for withdrawal.*

*If this is done, his Honor Judge Osorio has assured us that he will consider all three cases simultaneously against Mr Albert Ernest Wilson. Quite correctly, he has stated that he cannot simultaneously consider the charges against Ms. Victoria Delistan as she is not currently under the jurisdiction of the court.*

*Sir you are perhaps one of the few to realize the international significance to the Philippines of the Wilson case. The court of Judge Osorio has unwittingly painted the Philippines into a difficult situation. This is no longer simply a local case. From our admittedly biased, and I believe, proven viewpoint, Mr Wilson is the victim of wrongful conviction. Should the Honorable Justices of the Supreme Court uphold his appeal and acquit him, the Philippines will still be subject to some criticism for the length of time of trial, during which the accused was subject to incarceration, and the time it took for appeal consideration. The mitigating factor will be that justice prevailed in the end.*

*The probabilities of what might occur should his sentence be confirmed and worse still, carried out, are beyond mere speculation. Sir; I appreciate that the comments of foreigners are not necessarily welcomed in the Philippines. However; having a Filipino family and having lived a third of my life so far in this country, I have acquired a loyalty to this country and its international reputation. Thus, perhaps you will forgive me expressing my view on this matter, To me, the proceedings to date within Valenzuela District I 71, have been questionable. I do not intend to speculate on the motives. However; the actions of your Fiscal Razon on these three cases indicate that the "game" may yet be extended and provide complications that provide no benefit to the reputation of the justice system of this country. In view of the fact that non-beneficial publicity is most likely irrespective of the final outcome of the Wilson case, there appears little point in adding yet further fuel to the fire. As not only the Secretary of Justice, but a bona fide member of the Philippine cabinet charged with preserving the international integrity of the Philippines, perhaps this "minor" case may deserve your attention.*

*Your own Department is convinced that the charges were false, and yet no action has been instigated against the father Pio Pasco. His illegal action has caused great distress to his estranged wife, Victoria Delistan, in that for nearly two years she has been a "hunted criminal." It has caused great distress to Mr: Wilson, who for much of his incarceration has been unable to communicate and be comforted by the lady he loves and cares for Your declaration of their innocence over one year ago has not altered this situation one iota. According to Judge Osorio, she has to go to jail before she can be freed. He doesn't commit himself to just how long she is to be incarcerated on charges that you do not intend to proceed with.*

*I would add, that evidence regarding these three cases was questionably allowed in the trial of Mr: Wilson, with Judge Osorio overruling legal objections by claiming that it was "narrative" Thus, we have a perhaps unprecedented case of a judge considering a motion of withdrawal having already heard and noted both cases for the prosecution and*

*defense, and presented by a prosecutor who had been responsible in the main trial.*

*This, to my mind, will require “damage control.” The fact is that there are precedents whereby cases have been dismissed and the Warrants of Arrest cancelled without the necessity of the accused being presented. These have only occurred at the instigation of the prosecutor; (not the defense), and required the compliance of the presiding judge.*

*I suggest to you, Sir that, politically, it would be wise to dispense with these three cases as quickly and as quietly as possible. Fiscal Razon has an obviously close relationship with Judge Osorio. When we telephoned him, he was sitting next to the judge prior to the opening of the days proceedings. Were you to instruct Fiscal Razon, then I feel sure that Judge Osorio may well cooperate and remove these cases and thereby erase the potential political implications.*

*It may augur well if the Department investigate the possibility of lodging a case against Pio Pasco as a warning to others who deem to waste the Departments time with untrue allegations especially with money motives. This particular one has cost a lot of time and money and could well be used to warn others.*

*I would also inform you that Mr Wilson has alleged that Mr Pio Pasco has offered money for his murder in the event of acquittal. As you are aware, many days pass between decision and release. This offer has been confirmed by other prisoners. It may well be yet another method of extortion of monies for gang protection.*

*However; if true and the deed is indeed carried out, it would undoubtedly prove of great embarrassment to this country. May I suggest that precautions be taken to prevent this actually occurring?*

*He also wrote letters to the British Embassy suggesting that they apply similar pressure to have Razon instructed from on high to get this matter dispensed with, and quickly.*

*These letters obviously worked, for in a letter to the City Prosecutor signed by the Secretary of Justice himself, Sera n R. Cuevas, dated the same day as the canceled hearing, he wrote:*

*A subsequent Motion for Reconsideration was denied with the aforementioned resolution. A perusal of said resolution merely affirms the previous findings of this Office and clearly refers to one I.S. No. V-96-1134 which was given three (3) different docket numbers by the court. Thus, it is incumbent upon the City Prosecution Office concerned to comply with the order of this office in a manner that is more effective.*

*Clearly, a deserved rap on the knuckles for Fiscal Razon. On 25 October 1999, he lodged the correct motion referring to this order of 17 September 1999.*

*The early morning of 17 September 1999 witnessed a number of people setting out on the long journey to Valenzuela District Trial Court. The court building itself is a disgrace. A run-down, two-storey building with jalousie windows, and no air-conditioning, that has never seen a repaint since it was opened. One finds it by driving up an alley to an unmade car park, which is surrounded by grimy food stalls.*

Within the walls of the room that had witnessed two years of Wilson's life, spectators sat, among them Earl Wilkinson, Ann Davies, and yet another new, young attorney representing Wilson, Atty. Billena being then hospitalized. Missing were any representatives from the British Embassy. The hearing was short as Judge Osorio agreed to the motion from Ortega for a deferment until 17 November 1999. Everyone was furious with the young lawyer who knew little about the case. He did make a dreadful statement, however, in that they were expecting the Department of Justice to recommend to the Supreme Court that Wilson's sentence be commuted to that of life. He was obviously just repeating that being said by the senior partners of this law firm. They returned to Manila, hot and confused. Later, Consul Ian Sargeant was to admit that they had been informed two days prior to the hearing that this was what was to happen, and so didn't make the journey. In a letter to Ann Davies, he wrote:

He didn't inform anybody else, either, so a lot of people's time was wasted that day. It was a far larger party that took the same route on 17 November 1999. Not only did the British Embassy send two pro-consuls, but Ann Davies, Earl Wilkinson and Alan Atkins, together with two Filipino assistants made the journey. Present also was Atty. Billena with a walking stick, having only recently had a knee operation. By 8:30 a. m. the group were assembled in the dusty courtyard of the court feeling the ever-increasing heat of the day. Inside sat Judge Osorio, sipping coffee and reading the newspaper. The hearing could not commence until Fiscal Razon

We, (the Embassy ) were standing to go to the hearing on the 17th when we got word that it would be cancelled (If I had known that you were going I would have informed you - sorry you had a wasted journey). arrived, which did not happen until 9: 15 a. m. Were there more games being played? He immediately went into the Judge's office and they held a closed-door conference for nearly half an hour.

The group wandered up the stairs to wait on the benches of the courtroom. Every so often, Fiscal Razon was observed entering the back of the court and staring at the many Caucasian visitors present. He would then leave and return to the judge. The group were obviously causing concern.

Within the court there was some discussion going on about transportation. Five of the group had arrived in one car, while Wilkinson's assistant Tony Cruz, coming directly from his nearby home, would also require a lift back. Atty. Billena asked if there was any chance of a lift to Quezon City after the hearing. This was going to cause a problem, but, overhearing it, David Rowe, the Vice- Consul, offered to take Atty. Billena with them. Earl Wilkinson went to convey the message to Atty. Billena who was in conversation with Fiscal Razon. "The embassy will give you a lift," he said. Fiscal Razon's eyes lifted and he hurried back to the office of the judge to inform him of the British Embassy presence.

A few days earlier, Victoria Delistan had, via her mother, lodged a Motion for Reduction of Bail with Judge Osorio. This was done at the insistence of Wilson, who wanted to see the reaction. Normally, a judge will consider this in chambers and give an

immediate decision. There had been no word from Judge Osorio.

It was nearly 10:00 a. m. before he entered. He spoke in such a low voice that it was hard to hear, but basically he stated, “I have before me a motion for reduction of bail from Victoria Delistan which may be moot at this time as I also have three motions for withdrawal of the case against her. I acknowledge receipt of these motions and will consider them.” Atty. Billena rose to his feet, and, instead of issuing a demand that they receive immediate consideration or at the very least, state a date when his decision would be available, said, “Thank you, your Honor.” It was all over. None were any wiser than they were before. The group were staggered. “It will be alright,” said Billena outside of the courtroom.

The following day, Wilkinson visited Suny Wilson to convey the news. Wilson was very angry. The following day he wrote to Alan Atkins a letter:

*From what Earl tells me this morning they are still trying the “legal ” means and may even succeed if incompetents like Ortiga & Co. are permitted to continue by the embassy in the manner they have to date.*

*This aside, Earl was unable to tell me if your wife was able to provide you a suitable “reward” on my behaf” as I requested in my note to her on I November 1999.*

*I certainly hope she was because, all joking aside, my successful appeal brief is without doubt down to you and “thank you ” is certainly far from sufficient to pay the debt I have to you.*

*Having said this, I still have two big problems: What to do about Ortiga & Cos latest f- up and what to say to you when you ask me how I am going to pay my I O. U. to your wife.*

*I sincerely hope you can do your Superman act and solve both problems.*

The non-decision of 17 November 1999 also set Wilson off writing a string of letters and e-mails threatening all and sundry to expose everything in the press, which, with his appeal pending before the Supreme Court, would have been disastrous. The team urged him to be patient and stay calm. They felt that the pressure was now on Judge Osorio. Seeing so many Caucasian observers had been unsettling for him and it was felt he was becoming aware of his actions being studied. The letter of Secretary Cuevas to Fiscal Razon concerning the three cases had clearly indicated that somebody was taking notice and, if they managed to see some of the truth, his career was at risk. He was quite correct, and so were the team. On 1 December 1999, Tony Cruz collected the official dismissal of the three charges from the court. This time, Wilson would receive his “gift” before even his own lawyers were aware of it. Wilkinson handed the documents to Wilson saying, “Your wife is free.” Wilson nearly cried with gratitude. Three down, one to go.

## Chapter 34

### **34 Solicitor-General Recommends Acquittal**

The Appellee's Brief from the Department of Justice still had not been completed when Atkins visited Wilson on 27 July 1999. The visit had become very necessary in order to reassure Wilson regarding a problem that had arisen. In spite of Secretary Galvez's assurance to Ambassador Collins that he would not seek an extension, the Department of Justice had indeed requested fifteen days longer. The Supreme Court had granted ninety days from the date when it should originally have been completed.

Although this was depressing news, it had been caused by the lawyer, to whom the task had been allocated, taking indefinite leave to join her husband, who had been transferred by his company to the United States. Thus, the task had to be recommenced.

Wilson was not in a happy mood. The prison had been without water for four days. There had been an electrical failure, after which there were burst pipes. The water flowed just fifteen minutes a day into his block, and was obviously taken by the officials of the prison. He had not bathed in all that time and one just cannot imagine the odours of the toilets. The one small re-truck being used to bring in water was causing fighting to break out among the prisoners, all in desperate need of water. Things were to get worse. In August, as previously mentioned, Caroline McCooey paid a visit. She is a bright and attractive young lady, but the team were very worried about an inexperienced foreigner barging around and causing trouble where it was important, at this stage, to keep a low profile. She communicated with Wilson and jumped around, going to the Department of Justice to follow up on the progress of their brief, etc. The danger of inexperienced foreigners was shown by the fact that she wrote to Wilson informing him of her belief that he would be acquitted on the three charges. All letters are opened and read by the prison authorities. They are then given to trustee prisoners to deliver, who obviously also read them. The contents are then passed along. The mayor of the prison block and his cohorts believed that Wilson was likely to be acquitted and freed. This meant a loss of income for themselves, and so they started to pressure Wilson to provide more for the block. That pressure included cutting off the electricity from his cell in order that he could neither read nor have his much-needed fan operating. It also included cutting his water supply and kerosene purchases. Life was made extremely difficult because of Caroline's lack of understanding of the system. She wrote to Wilkinson and included the actual name of the lawyer in the Department of Justice who was reviewing the case, which was very dangerous, it being very privileged information. There is a good anti-bribery reason why the lawyer's name on any one case is kept secret. The team were relieved when she departed.

The brief deadline date was now 30 October. Everyone was anxious to see if the excellent Appellant's Brief so reluctantly prepared by Ortega & Co. had been successful. It was issued on 28 October and to everyone's surprise and delight was not a brief, but a rare Manifestation and Motion in Lieu of Appellee's Brief. The motion was for ACQUITTAL!

Basically, it set out the case and then listed the assignment of errors as in the defense

brief. These were:

**FIRST ASSIGNMENT OF ERROR.**

*THE TRIAL COURT ERRED WHEN IT IGNORED THE GLARING DISCREPANCY BETWEEN PRIVATE COMPLAINANT'S ATTEMPTED RAPE SWORN STATEMENT AND ATTEMPTED RAPE CRIMINAL COMPLAINT ON ONE HAND AND CONSUMMATED RAPE TESTIMONY ON THE OTHER.*

In the Atkins Brief he had brought up this point, quoting from the transcripts, and he then included the statement:

In acquitting Galera, the Supreme Court noted the inconsistencies in the statements of the complainant. No bigger inconsistency can be indicated than lodging a complaint for Attempted Rape, and then, once being informed of being technically a non-virgin, rushing back to alter the complaint to consummated rape. Until that critical medical examination, we would claim that it would be more credible to believe that the complainant had never experienced sexual intercourse and frilly expected the medical examination to prove same. Thus she knew that claiming rape would have been disproved by the medical examination. Once she learned of technically being a nonvirgin, the claim of rape became more substantial.

**SECOND ASSIGNMENT OF ERROR.**

*THE TRIAL COURT ERRED WHEN IT IGNORED THE INCONSISTENCIES AND MATERIAL CONTRADICTIONS IN PRIVATE COMPLAINANT'S TESTIMONY WHICH ENGENDER DOUBTS ON THE GUILT OF ACCUSED-APPELLANT*

A great deal of the brief prepared was to prove this, far more in fact than was included in the nal brief. Transcripts were quoted of her evidence and then analyses given. However, our own brief even ventured into the myriad of other inconsistencies and lies, such as Wilson's ability to speak Tagalog, the alleged burning

of her clothes, etc. Using the same testimony as heard by Judge Osorio, our brief clearly proved Nica was lying, not just about this one incident, but about all the other allegations. In the actual rape claimed in this particular case, however, our first conclusions were:

Note that the complainant has been:

- a. Wearing a dress.
- b. Wearing a blouse, so presumably a skirt.
- c. Wearing shorts and tted T-shirt.

Now we look at how the accused carried out the rape in the direct and cross examinations. We must do this, as the rape described under redirect is completely different. So one rape at a time.

He throws her on the bed, face first , she hurts her breast, but he makes her turn onto her back. Now he proceeds to remove her T-shirt. This is not an easy job as he only has one hand available to do it with. Why? She is hitting him on the chest, and so he has to hold her hands criss-crossed above her head. He has to remove all of her clothes, even those located behind him such as shorts and panty, while she is struggling and kicking.

He even has to reach under her back to undo her bra. How he gets her to remove her arms from the bra straps or the T-shirt, we are not sure, but we assume that he has to let go of her arms and operate them, using two hands. She doesn't shout, because the Kano has his left hand pressing her two cheeks together. Pause for reflection. He is holding her hands criss-crossed above her head, he is using another hand to remove her clothing and now he has found a further left hand to hold her cheeks so she cannot shout. Nica changes her story: now he is alternately covering her mouth with both right and left hands while removing her clothing and holding her hands above her head. She manages to shout for help, she pleads with him, but she couldn't shout because her mouth was covered with one of his many hands and/or "she was too frightened." Fortunately for Nica, the rape is terminated as answering the telephone is more important than satisfying sexual urges. So she dresses and escapes. Uh, he also found enough hands to spread her legs.

To sum up what Suny was doing with his two hands:

- i. He was holding her arms criss-crossed above her head.
- ii. He was stripping her of clothing with one hand including a hands including a bra.
- iii. He was covering her mouth, with his left hand.
- iv. He was alternately covering her mouth with both left and right
- v. He was spreading her legs.

Even this alone clearly showed inconsistencies in testimony. It was strengthened with later testimony, that none of the above happened, but that he made her put on two dresses while his penis was inside her and he was holding a knife at her throat.

Clearly, this is not a case of a young girl being a little bit confused about the happenings during a traumatic experience. This totally new story clearly shows that she is a liar. The alleged rape never happened.

### **THIRD ASSIGNMENT OF ERROR.**

*THE TRIAL COURT ERRED WHEN IT DID NOT CONSIDER THE UNNATURAL AND UNCOMM ON BEHAVIOR OF THE PRIVATE COMPLAINANT AFTER THE ALLEGED RAPE.*

There was extensive evidence quoted in our brief to show that Nica's behavior was totally unnatural for a young girl who has just been raped.

We commenced the section with:

In the case of *People vs. Galera*, one of the reasons given by the Supreme Court for acquittal was that they gave critical value to her conduct immediately after the alleged incident. The Supreme Court should also give critical value to the actions of the complainant in this case after the alleged rape of 16 September 1996. We had written:

After again extensively quoting the testimony, we wrote:

It has been well established that a very important witness in any case of alleged rape

is the very first person contacted after the event. The complainant states she met with and told Juvy Cabales about the rape immediately after she had left the house. Yet Juvy Cabales was not called as a witness by the prosecution.

Instead of discussing an horrendous affair that allegedly terminated only minutes previously, they calmly discuss going to Malanday, a journey of at least twenty minutes by tricycle, to pawn the complainant's ring.

In its acquittal of Galera, the Supreme Court was not convinced that the complainant's testimony was credible, natural, convincing and otherwise consistent with human nature and the course of things.

The actions immediately after the alleged rape were certainly not consistent with human nature. Surely, after being subjected to such an horrendous attack as alleged, the first thing a twelve-year-old girl would do would be to flee to a place of perceived safety. Her maternal grandmother, with whom she had lived for six years, was less than two hundred meters away. Her father, her grandmother, her uncles and aunts and their large shop were within ten minutes walk. Instead of running to any of these, she and her friend, Juvy, who incidentally was twenty-one years of age, old enough to advise her of urgent action, calmly discuss going by tricycle to Malanday to pawn her ring.

The journey passes most of her relatives' houses.

We also summed up with:

In reviewing this case, there are similarities to the case of People vs. Galera.

Even before the account of the alleged rape, the complainant's testimony indicated very clearly that her behavior after the event was not consistent with human nature.

° She did not immediately seek refuge.

° The first person of contact was not even called, and so it would be reasonable to assume that her testimony, far from being of use to the prosecution, would have indeed been negative in the extreme.

° Her reasons for going to Malanday to pawn her ring are just not believable.

It would be beyond believable human nature to do such a thing at that time.

° Her original lodging of a complaint for attempted rape is itself questionable; however, her reason for doing so is unbelievable.

° She had, within the Court, been proven beyond any doubt to have lied concerning previous allegations of rape and that should have alerted the Court to the distinct possibility that she was lying once more about the alleged rape of 16 September 1996.

#### **FOURTH ASSIGNMENT OF ERROR.**

***THE TRIAL COURTERRED WHEN IT HELD THAT THE PROSECUTION'S STORY WAS MORE CREDIBLE DESPITE THE CLEAR, POSITIVE AND CONVINCING TESTIMONY OF THE ACCUSED-APPELLANT THAT NO RAPE OCCURRED ON 16 SEPTEMBER 1996.***

Although Wilson had clearly denied raping Veronica, our brief included his testimony

during the appropriate areas of contradictions made by the prosecution. To our mind, the prosecution had clearly failed to prove its case, and thus the defense became irrelevant. Although clear and lucid, and in total disagreement with the case presented by the prosecution, Wilson's denial was obviously not believed.

*THE TRIAL COURT ERRED WHEN IT IGNORED THE TESTIMONY OF PRIVATE COMPLAINANT'S BROTHER THAT CORROBORATED THE TESTIMONY OF ACCUSED APPELLANT ON MATERIAL POINTS.*

**FIFTH ASSIGNMENT OF ERROR.**

This was indeed a major error on behalf of the court. Despite extensive examination, Pio Pasco, Jr. never altered his testimony. We stated in our brief:

The evidence given by Pio Pasco Jr. was clear and concise. He stated that he was present at the time of the alleged assault. He is the natural brother of the complainant. It is just not credible that he would lie to the Court if his own flesh and blood sister had been raped. He admits to being scared of his natural father. He risked further beatings by the natural father, by giving evidence that totally refuted her claim of being raped. His bravery in doing so did not deserve the Court's disbelief.

**SIXTH ASSIGNMENT OF ERROR.**

*THE TRIAL COURT ERRED WHEN IT REFUSED TO GIVE CREDENCE TO THE CLAIM OF PRIVATE COMPLAINANT'S BROTHER THAT HE WAS IN THE RESIDENCE AT NO. 570-A COLOONG L VALENZUELA AT 3:30 P M. OF 16 SEPTEMBER 1996.*

Our brief had extracted a transcript copy of Jay-R's evidence, but pointed out an error in the Judge's Decision:

The Court, in its decision, states:

"The Court cannot subscribe to the claim of Pio Pasco, Jr. that he was in the house in No. 570-A Coloong L San Miguel Subdivision, Valenzuela, Metro Manila at 3:30 in the afternoon of 16 September 1996. He testified that his classes start from 1:00 o'clock in the afternoon up to 7:00 o'clock in the evening. (Hearing 11-17-97 page 34). It strikes the Court that on said day 16 September 1996, his class was dismissed at 2:00 in the afternoon and he reached home at 3:30 in the afternoon.

"No school records, to support the claim of Jay-R that his classes were suspended at 2:00 o'clock in the afternoon of 16 September 1996 were ever presented in Court."

Surely it was not the requirement of the defense to present school records, although it might, with hindsight, have been wise to do so. It was the duty of the prosecution to disprove the evidence given by the witness. They had four hearings, thus ample time and opportunity to obtain proof that Pio Pasco, Jr. was lying. It is more likely that an attempt was made to disprove his evidence, but that they, in fact, discovered it was true.

*THE TRIAL COURT ERRED WHEN IT IGNORED THE TESTIMONIES OF THE MEDICO-LEGAL DOCTORS WHICH ESTABLISHED THAT THERE WERE NO INDICATIONS OF FORCIBLE SEXUAL INTERCOURSE ON 16 SEPTEMBER 1996.*

### **SEVENTH ASSIGNMENT OF ERROR.**

The brief we prepared went thoroughly over all the medico-legal evidence.

We were proud to notice one important part of the transcripts, where the prosecution medical examiner admits that no semen was found present, yet semen is excreted as soon as the penis is erect. We had ended the collation of evidence with the comment:

The complainant had, in her evidence, given details of a very physical rape, details of a force struggle, and yet she exhibited absolutely no signs of trauma, bruising, abrasions, redness etc. to any part of her body whatsoever. There were no signs of fresh lacerations within her vagina. No signs of semen. Yet she claims that a European male of nearly six feet in height had forcibly thrust his penis into her and pumped. This denies credibility.

### **EIGHTH ASSIGNMENT OF ERROR.**

*THE TRIAL COURT ERRED WHEN IT CONCLUDED THAT THE REASON FOR THE ABSENCE OF A FRESH HYMENAL LACERATION IS THAT THE 16 SEPTEMBER 1996 ALLEGED RAPE WAS NOT THE FIRST SEXUAL ABUSE COMMITTED AGAINST COMPLAINANT*

This piece of “logic” by the Judge, against all general medical evidence heard in testimony before him, was amazing. Our brief had dealt, in the greatest of detail, with all the allegations that were allowed before the court, and we had proven every one of them false. Both medico-legal witnesses had stated that signs of recent sexual intercourse remain for at least seven days, even in married women. If Nica had been sexually assaulted many times before, it certainly had not been by Wilson on the dates alleged, as all offenses had been proven to be totally untrue within our brief. We wrote:

The facts before the Court clearly showed that all allegations of previous rapes were false. As this is the case, the Court had no basis for assuming that she had been the subject of sexual abuses before as all of those mentioned within the Court had been proven to be untrue. The witness had been lying and the Court had made a grave error.

### **NINTH ASSIGNMENT OF ERROR.**

*THE TRIAL COURT ERRED WHEN IT HELD THAT THERE IS NO CLEAR SIGN THAT PRIVATE COMPLAINANT’S TESTIMONY IS FABRICATED.*

Our brief showed clear contradictions time after time. No evidence was ever presented to back her extraordinary story-telling. She had told five different stories concerning one rape. Her grandmother and aunt had both sworn in court that she had admitted fabricating stories of rape against Wilson. Her mother said that no attack or rape took place and this was confirmed by her brother. The court chose to believe a twelve-year-old girl, who many times on the witness stand was proven a liar. Through out our brief that was demonstrated. Not all the proof of her lies was contained in the Appellant’s Brief. For example, she lied about her own ability to speak English, and Wilson’s ability to speak Tagalog. These

lies did not affect the body of the case, but she showed a compulsion to tell them.

After laying out the of cial defense objections, as listed above, the Motion went on:

*Substantially, the argument adduced in support of the foregoing errors revolves on whether Veronica was indeed raped or whether she concocted a fabrication to get back at Albert.*

*For the reasons and arguments stated in the following discussion, it is respectfully submitted that Albert is entitled to an acquittal.*

The discussion affirmed and quoted great portions of what was in the team's own brief, including re quoting precedents such as People vs. Reyes and others. They stressed, as we had done, the need for many hands to have accomplished the rape in the manner Nica had described. The motion stressed the number of versions of rape given in evidence and re quoted that which we had included from the testimony. There was clear criticism of the court in the Motion for Acquittal:

*These glaring material contradictions and inconsistencies should have put the trial court on guard because, where the evidence is tainted with inconsistencies and implausibility is that scorn the credence of the court, the charge must be rejected as a feeble concoction.* (People vs. Garciano)

The Department of Justice were affirming the view of most others that the prosecution had failed to establish its case and it need not have proceeded beyond their evidence.

The motion goes on to state about the medical evidence:

*Of much importance, which the court ignored, was the finding of the Medico-Legal Officer...*

The brief we had prepared had clinically dissected the evidence of Dr. Cosidon, who could well have been giving evidence for the defense rather than the prosecution.

It had clearly indicated that not only had no rape occurred, but, because of lack of evidence of semen, that no touching of penis to vagina had occurred either.

One pleasing precedent used was that of People vs. Galera. It may be recalled that during the preparation of the Appellant's Brief, the case had been brought to the attention of Atkins. This very recent precedent included the part where the Justices had stated that the claim of a knife being wielded was often used as an "expedient" subterfuge. Nica had claimed that a knife was held at 'her neck. The importance of this particular precedent was that it was so recent that the majority of the fifteen Supreme Court Judges would have been part of that decision. Billena included this in the brief, yet the Department of Justice quoted a different area of that same precedent including:

*The constitutional presumption of innocence dictates that it is for the prosecution to demonstrate the guilt, and not for the indictée to establish innocence.*

It then makes a remarkable statement:

Because of the dearth of evidence against Albert, there is no need to go over his defense. A clear criticism of Judge Osorio for allowing the case to have proceeded beyond the stage of the Demurrer.

*The evidence adduced in this case falls short of the constitutional standard required for conviction. The guilt of Albert has not been proven beyond reasonable doubt, and since he is therefore entitled to acquittal as a matter of law and as a matter of right.*

*WHEREFORE, in view of the foregoing considerations, it is most respectfully recommended that the Decision of the lower court dated September 30, 1998 be reversed and that judgment be rendered acquitting appellant Albert Ernest Wilson of the crime charged against him under the Information, with costs de officio.*

In the area of the recommendation, it states:

So, at last, he had been declared innocent and costs awarded. This was wonderful, for it meant that Ortega and Co. would have to present their bill to the government, and the charges would have to be considerably lowered for them to receive payment. This, in view of their efforts, was indeed justice at its best.

Of course, it did not mean that Wilson was free. It would be many months before his case could be heard formal decision by the Supreme Court. This body was in danger of total overload. As mentioned before, it had to deal with many cases other than criminal, yet, at this time, nearly forty persons were being sentenced to death every month. All would have to go to appeal and there was just no way the Justices could possibly deal with over ten cases per week as well as their other work.

The team's job was virtually over. There was nothing more that could be done, except wait for the eventual opening of the gates for Wilson to step out. He wrote a letter to the wife of Alan Atkins in which he said:

*Whilst recognizing it is bad form for an Englishman to ask credit, I plead forgiveness due to my nearly "etime in the Philippines.*

*I ask your undefirst anding of my plea that you give to a true English gentleman of the most deserving stature the longest, coolest beer in town and the most wonderful evening beyond imagination.*

*I can offer you little in payment at this time save my I. O. U., my deepest gratitude and my undying devotion, for to him I owe my freedom, even my life, and, to you, the good woman behind the great man, I owe what remains.*

On 18 November 1999, in a letter to Atkins, Wilson wrote:

*Joking aside, my successful appeal brief is without doubt down to you and thankfully is certainly far from sufficient to pay the debt I have to you. He also later wrote: I fully appreciate and acknowledge not merely the 100 hours you personally spent at the keyboard on my case, but the tremendous commitment beyond the call of any duty that both Earl and yourseb' have shown in your support of me. It cannot be said too strongly that without your help, I would indeed have been reliant solely on Gods mercy, Ortiga & Cos skill being easily withstood.*

Perhaps the most important letter of thanks written by Wilson was to the Solicitor-General. In it he wrote:

*The love of a good woman and the faith and support of a true Filipino family have enabled me to survive three years in jail, but, on this my birthday, it is you who has given me the present of my life.*

*Men and women from many countries came together in recognition of my innocence after my wrongful conviction by the Lower Court and they submitted their plea, my appeal, to your good office in search of justice.*

*Justice exists in his office when the Solicitor General seeks not to support the prosecution per se, but seeks the truth and fairness to all men as demanded by the Constitution of the Philippines, without prejudice to poverty or creed.*

*Your decision to call for my acquittal is not just a victory for justice but a hallmark decision for the poor: Not one of those men or women in the Philippines or abroad receiving a single centavo, they simply supported the principle that no man should give way to extortion or be found guilty due to poverty.*

*Thus, on behalf of all those poor people unable to pay for adequate defense, on behalf of overworked public defenders facing impossible work loads, and those who simply share the principle upon which I staked my life, I thank them and I applaud you, an honest and just man who has shown the world justice truly reigns in his good office.*

## **Chapter 35**

### **35 'More Leaks Than A Plumber Can Fix'**

The one thing that concerned the British Embassy and the team was the belief that publicity of any kind during the consideration of the case by the Department of Justice and the Supreme Court was unlikely to be of any assistance. In fact, because of reasons stated previously, it could prove de nitely dangerous. This had been made clear to Wilson. The problem was the "loose cannon" in Canada, Walter Moran. Whether it was truth or ction, he seemed to be able to get infomation from all over and, worse, put this information into writing, with little or no thought as to who would read it.

Wilson was convinced that, should he receive a favorable decision, Pio Pasco would arrange a contract on him and have him murdered. This would be comparatively easy among men who were doomed to die anyway.

This concern was put strongly to Wilson by Wilkinson on 2 October 1999, when he wrote:

*Dear Suny*

*Thank you for your letter of 24 September received 2 October This asks for even more help than you have been getting all this year. You ask for action on the "Vicky" case. I will have a look next week and advise.*

*My advice in the meantime is that you stop encouraging Walter "Milly" Moran to interfere by remote control from Canada in case it causes you more trouble than it has*

already caused. The name "Mitty" was coined by one of the team of helpers resident here. You will have few left if he arrives in person as he threatens to come to "rattle cages." This is not a zoo, and he is not a lion tamer. He interferes by phone with his new friend" at high level that he has never met, and claims some special power; which is perhaps why his letter head has a "Superman" logo! We suffered from his last visit of lies and deception and super bluster which also rattled your cage so much that you still suffer as we try to clean up the damage of his typhoon approach that antagonized so many. He still lies to you about "calling Earl." He never did. Just as he ignored Alan Atkins while he was here after Alan had faxed him his brief! He probably doesn't call me despite his promises to you, in case I yet again ask him for money he borrowed of me after the shameful act of getting of money from you in prison and failing to buy the promised goods you needed. "Candy from kids," was what Caroline called this disgrace of manhood. His promise to come before Christmas is pointless as the SOLGEN'S response is due 15 October 1999. His meddling is dangerous as he doesn't know our initiatives in the same area and so he could cause overkill, which is counter-productive. Tell him to stop and give us a copy, or we will stop! Tell him to cash the air ticket and send it to you as you need it, as you ask me for money. He is guilty of grave security breaches that could cost you your life.

We, your friends here, have built up a good, if not very good, support team, hah" of which you know of It is the best in this decade! The courageous Mrs. Davies joined because of what I wrote in The Foreign Post, as did some British donors.

Wallys Foreign Post effort failed as it did in Britain. Some high level Pinoys are still helping behind the scenes in the legal front. But, does messy Moran really believe he is more powerful than the British Embassy and other legals who you know of with his too late phone calls from Canada? I believe he dangerously does, which is why he promises to come once again on a third strike after failing the previous two. It could mean you are "out" as he has proved himself to be after 'xing' things last time, as he urged you to prepare for a rapid exit in weeks, which has, and is, legally impossible. You are still there!

His too late intercessions overlapped what was done by others, provided nothing new and damaged what was done. His skill in name-dropping stepping-stones is undoubted. It failed to help you in the trial. It failed to help you on the brief He should not fail you by intervening in a decision that others have prepared at great cost. But, his "cage rattling" of a gorilla outside the cage in the future in a country he doesn't understand and, as he doesn't live here, could sabotage efforts already in place.

There are initiatives for the future, which you, and he are unaware of that could be derailed by 'foreign interference,' which is now a very sensitive national issue. The shame is that it is unnecessary and counter-productive, and dangerous. One of the many proofs of his past personal presence in your area, the full truth of which is known to you and myself if revealed would expose more than your "Bull in a China Shop" description. It could even mean a retrial or worse.

I write this cautiously, unlike his writings, which throw discretion to the winds as he

*imperils your future. Ask him, as others have who failed, for the last three copies of his publishing empire. He makes a living out of old people in Canada. He arrived here broke, and begging as you know. He sponged of everyone to get information to hopefully write of it to make money for himself at your expense. As an Embassy official told me months ago, "Mr Wilson needs to choose his friends more carefully."*

*Sunny, your case not only traumatizes you, quite rightfully, but it has caused sleepless nights to some of your supporters. They tell me so. I have had my share of gob smacks all this year and a bit of last year My wife said today, "Drop it!" as she feels the strain in our life, and she knows little. So, drop Moran as he is part of the cause of distress. One helper of you told me, Moran is "An extraordinary conman!"*

*You be the judge as you are being judged. Surely, the facts speak for themselves. As a helper said of the Moran mistakes, if he is in, I'm out!" Why do you risk many on the spot for a beggar who is not spotless? Its up to you. His latest failure is to write to prison authorities to see how to aid and abet a fugitive from justice, and so implicate you!! He is a walking disaster: By association, he implicates the Embassy who mistakenly wined and dined him. He is number one security risk to all! Lousy advice has its price, and you pay. -*

*But, within human limits, we will try. But the cash is weak like the opposition to Wally's unreasonable requests this week that put other people in danger that they did not envisage in helping, any more than I did when a smart lady emissary bypassed my security guards to enter my home for money. She is associated with the kidnappers on death row and my wife is correctly worried as to her and my safety. You provided the confidential address. As there was a murder in your courtyard last week, I suggest that others may be cautious aside from kidnappers.*

*My wife is terrified, and she is right. This is the kidnap center of Asia. Am I it? I am too old at 72 years to fight off kidnappers as my young Rotary friend did recently.*

*He only got a bleeding head from a gun butt. Why am I doing this to help you for a year? Maybe I am mad, as there are 75 million people here, hardly any of whom bothered to visit you last year until I started the visitor rush. Wally Moran charged in and visitors were penalized later He is welcome, as your friend, to get updates*

*from me, but the danger to you is his impetuous intrusions often without your authorization and certainly without consultation with powerful groups here like the British Embassy. So, the control is up to you.*

*I am confident of a 'good response soon, but I don't know what damage has been done lately, and I don't want to know it is too late. The "White Knight" always wants to know to get material to make money out of a book. You are supplying him to profit from your misfortune.*

It was indeed getting dangerous, as Moran was describing in e-mails to Wilson his continual telephone conversations with the Philippine Solicitor-General, which, if true, could well have been interpreted as attempted foreign interference in Philippine justice. In many of his e-mails he mentions Ian and David and what was said in his telephone

conversations with them. Ian was, of course, Consul Sargeant while David was Pro-Consul Rowe. If this was true, then it was the British Embassy who were continually releasing information to Moran which should have been kept confidential.

Wilkinson always worked on a “need to know” basis. Even Wilson was not told about everything that was going on, because he could have accidentally leaked it. Wilkinson wrote a letter to Ambassador Collins. After pointing out that he was still awaiting replies to his two previous letters he stated:

*I think that you will agree that this type of approach is irritating and that is exactly what Walter “Mitty” Moran is doing with high Philippine officials involved in the Wilson case. This is counterproductive as it overlaps local initiatives such as those of my “team” and the British Embassy. Such intrusions are impulsive and without coordination or permission from the principal person, Albert Ernest Wilkinson, who could lose his life! Such meddling could be viewed as foreign interference to alter Philippine justice.*

*I have just heard that Walter Moran put in writing to Wilson, for prison authorities to see, sensitive material about Solgen to meet with the “people at F CO” in London. Disclosure of such material in the “enemy” hands could result in a cry of ‘x’ and a severe Appellees Brief that could cost Wilson his life. Some months ago, I advised Consul Sargeant that the workload could snowball to a point where serious mistakes are made. This is happening as your office has more leaks than a plumber can fix.*

*Walter Moran's latest threat is to come here before Christmas to set the Supreme Court straight on “how we do things in Canada,” which so irritated, prison officials. His written wording on this future danger is to “rattle some cages.” This is not a zoo, and he is not an animal trainer!*

Ambassador Collins, instead of replying in writing, telephoned Wilkinson and denied there were leaks. Wilkinson then cited some of the e-mails that had entered the prison from Moran where he quotes his telephone conversations with Ian Sargeant and David Rowe. Ambassador Collins appeared to be annoyed at this revelation. “They are not indiscreet men,” he answered. Then Wilkinson really astounded him. “Well, how come that Wally Moran, in an e-mail to Wilson, reveals that the Solicitor-General is to visit with the Foreign Office in London. Let’s hope this doesn’t leak out in the press.”

An obviously shaken Ambassador must have taken immediate action, however, as that night, for the first time in months, Moran attempted to contact Earl Wilkinson.

In spite of this, the leaks continued. Wilkinson had ended his letter to the Ambassador with:

*Mr Wilson wants the Solicitor-Generals response to go to me, or to Mr Alan Atkins, for urgent discussion. Would you kindly arrange this?*

On 29 October 1999, the British Embassy received their copy of the Motion to Acquit. They did not contact either Wilkinson or Atkins, but rather Consul Sargeant rushed to the jail to give Wilson the good news. He wisely did not leave a copy of the motion for others to find. If the inmates learned of his impending release, they would put

enormous pressure on him to donate more to the block. It was also imperative that the news be kept from Pio Pasco in order to avoid the possibility of a contract for Wilson's murder being put in motion. The Embassy's security was now so good that not one person informed either Wilkinson or Atkins of the Motion's existence, the very people who had solely caused such a welcome Motion to be proposed to the Supreme Court. This was in direct contravention of the prisoner's instructions. He asked Consul Sargeant to contact Wilkinson for an urgent meeting on the contents, and even this was not done. The Embassy did reply to the direct question from Wally Moran, however, who immediately telephoned the news to Denise, Wilson's daughter in England. This same girl had made some money from giving interviews for articles, and here was an opportunity for her to make more, without realizing the danger to her father. Moran even telephoned Andrew McCooey, and was disappointed to learn that Wilkinson had already informed him. The reason for this was the "team" had already obtained their own copy of the Motion the day before the Embassy had theirs. They did not inform anyone about this except to remind the Embassy in an e-mail of the promise for them to be informed and given a copy.

Moran now became positively dangerous. Both he and Andrew McCooey were trying to contact Michael Sheridan of the Sunday Times for a deal to be struck for the exclusive story. In e-mails being somehow delivered inside the jail stating such things as, "If Pasco is trying for revenge, when word of Suny's pending acquittal gets around, and it will, this sort of thing won't stay secret." It certainly wouldn't if someone in the jail was to sneak a look at this letter. On 30 October he was writing such things as, "I do agree that the problems of loss of face and the potential of repercussions have to be dealt with," and "I was to sound out the FCO, and, to accelerate the process of getting Suny in front of the Supreme Court." He later threatens, "I need to speed up the Supreme Court process."

The last thing needed was any possibility of a foreigner getting preferential treatment ahead of a long queue of Filipinos. Racism would be cried, and rightly so.

Moran, the "fixer," wrote on 31 October as the government policy expert,

*"Suny's conviction and execution were a serious problem for British policy in South East Asia. So, when I met with the head of the FCO last November 1998, the FCO would have settled for the sentence being commuted to life. I made it clear that I was working for Suny's acquittal and release, and would accept no other result."*

"This was so staggering that the team were amazed, so much so that Atkins queried this with the Ambassador. Were the leaks actually emanating from London? If they were, there were still many others definitely coming from the British Embassy: Alan Atkins had direct proof of this. He was standing with a group at the bar of a popular café in the heart of the entertainment district. The British owner of a large bar in the neighborhood came up to the group and said, "I've just come from the British Embassy. I hear that that guy you have been helping on death row is going to get off. Well done."

Atkins clarified that the man had heard it from the British Embassy and asked him and the others present to not repeat it. There was, however, little chance of this happening.

Earl Wilkinson was also hearing from others. He again wrote to Ambassador Collins. In it he pointed out that he had heard *“that a government official from London is due to arrive in Manila this week, and the Wilson case is on the agenda. You, Sir; will know if my advance information is correct.*

It was indeed correct as the head of Consular Sections, Duncan Taylor, was due to arrive on the Sunday evening. Together with Ambassador Collins and Tom Toynton, the Embassy security officer, he was to have a disagreeable meeting with Wilson, where he stressed the need for no publicity. Wilson, after the delay of the triple-case dismissal hearing on 17 November had threatened to ‘go public on everything.

On the Monday, Walter Moran, having failed to talk to Ian Sargeant due to the fact that he was closeted in a meeting with Mr. Taylor and the Ambassador, telephoned Alan Atkins, desperate for any information. For once he was chatty, and told Atkins the name and position of the visitor and then revealed some bombshell information.

The First Assistant of Duncan Taylor was Matthew Gould, who had been Pro-Consul at the time of Wilson’s arrest. During Moran’s first visit, he had met with him many times and they had become friends. All of the information on the Wilson case was sent to London, and it all passed across the desk of Gould. Moran’s main source of information was Gould. So much for British security.

Wilkinson’s letter to the Ambassador revealed other leaks. He wrote:

*“Last Sunday in The Manila Club, a director held forth in front of others at the lunch table on the Wilson issue, and stated the Embassy concerns as he was aggravating them. He even had went details like Wilsons nickname “Sunny. ” This English drug company executive had no details or interest in the case a month ago. But, he has now!”*

Once too many people knew what was going on, then there was a danger that someone in the press would take notice, and that could prove to be a disaster.

Then, on 27 November 1999, Wilson gave a lengthy interview on tape in his cell to the British Broadcasting Corporation. They ran this on both Channel 4 and the World Service on 2 December including an interview with Denise. In it he mentioned the Motion for Acquittal. So here we were, getting any publicity while, behind our backs, Wilson was giving media interviews and trying to negotiate contracts to sell his story.

The team decided that there was no more they could do. They had set out to prove him innocent and, irrespective of any decision by the Supreme Court, the very Department that prosecuted the case had agreed with them. They had set out to deny the three cases against him and Vicky, and this had been achieved.

It had been a long twelve months. Both Earl Wilkinson and Alan Atkins felt drained. Perhaps they would see him again, but, right at that time, they just wanted a break from the very name of Wilson, Moran et al. “I am suffering from Wilson fatigue,” Atkins told Wilkinson, and meant it!

## Chapter 36

### 36 A Soiled Victory

It was the day before Christmas Eve, 23 December 1999. Alan Atkins was working not too enthusiastically at his computer. It had been a week of partying. At 10:00 a. m. the telephone rang. "Hi Alan, what do you think of the news?" It was Wally Moran ringing from Canada. "What news?" he answered. "Suny's out. He is free. He is on a plane together with Vicky right at this moment and will land in London in two hours time." Atkins was stunned. "Are you sure?" he asked. "I'm certain," continued Wally. "I had a call from the B. B. C. wanting to set up a time for an interview with me.

I telephoned the British Embassy in Manila. Ian Sargeant won't talk to me, but I spoke to Jagoe who is the spokesman. He just told me that Suny telephoned them at 5:00 p. m. Tuesday night (18 December two days previous). They sent a car to pick him up and he slept at the Ambassador's house. They put him on the plane together with Vicky yesterday afternoon. They are on their way now. I have telephoned Denise and she is over the moon."

Atkins was amazed at this news. "Why didn't he call me?" he asked. "I don't know," answered Wally. "Perhaps the embassy wouldn't let him call anybody in case it leaked to the press."

Once the call was finished, Atkins immediately rang Earl Wilkinson. Wilkinson was stunned by the news. They were both disappointed though that the British Embassy had not had the courtesy to telephone them. After all, he was out of the country.

Atkins dispatched an e-mail to Ian Sargeant, the British Consul, which read:

*I was elated to hear from Wally Moran in Canada of the release and transportation of Mr Wilson and Vicky.*

*I was less than elated to have to hear this news from this source instead of yourself I do not seek praise, but the fact is that without the tremendous input of Earl Wilkinson and myself this would not have been achieved. In view of this, I believe that we deserved to receive such joyous news of victory from you, after all, our respect for confidentiality has been well proven over the past year ;*

*In view of the above, I believe that I am entitled to view the ruling from the Supreme Court and details of the extraordinary rapid exit from Bilibid and the country. I am sure that Ambassador Collins will agree to this. Please contact me when available. Ian Sargeant did reply to this e-mail a couple of days later when he wrote:*

*Sorry to be unable to inform you of the release when it happened but we were acting upon the express orders of Suny himself. We do not have a copy of the Supreme Court document and do not expect to see it before mid-January. Again we are not able to pass this document to you without Sunys permission.*

*I hope you undefirst and Mean while  
wishing you a very Happy New Year*

Wilkinson soon found out that Suny had, from the British Embassy or the house of

the Ambassador, telephoned to Ann Davies, who was spending Christmas in the United States, not once, but twice. Both Wilkinson and Atkins were extremely upset. After all the money spent and the work done to obtain this very thing, Wilson did not even want them to know, not even want to talk with them before he left.

Further investigation indicated that he had indeed been informed of his immediate release and telephoned the British Embassy to provide transport. It took the Embassy until the following day to contact Vicky, who, accompanied by her mother and Jay-R, met him in the British Embassy. They took Vicky to the Department of Foreign Affairs and obtained the necessary passport for her. She also had to buy a dress for the journey, and that same evening they were accompanied to the airport and escorted onto the aircraft. At Heathrow airport no statements were given because Andrew McCooey had obtained exclusivity for the Mail On Sunday newspaper. In that newspaper, Wilson promised, like another more famous person, that he would return. It was over. In Manila, there was to 'be no party for the feeling of betrayal was too high.

Wilson did not even telephone Wilkinson, the one man who had been the only visitor he had received, apart from his stepson and mother-in-law, for over one year. He did send an e-mail to Atkins, probably because Moran had informed him of how upset he was. In it he just stated that he would be back in the Philippines within three months and that they would write the book. Still not one word of thanks. Atkins e-mailed him again. He wrote:

*I hope you enjoyed your Christmas and got thoroughly pissed. Let us face it though, I 999 was an unforgettable year for all of us.*

*I was a bit pissed off with you for not at least telephoning me from the airport.*

*We missed out on the promised champagne. I was even more pissed off when Sargeant told me that his not contacting me or Earl was on your explicit instructions. If this is so, why? I thought we were all friends.*

*Your idea about the book is very good. Have you any ideas of the form it will take? Is there anything I could do prior to your returning? Will it sell? I don't know about writing contracts. What are your ideas? Will Wally be involved?*

*The other problem is that I couldn't work full time on this as I still have to make a living. As most of what I write is for 2-3 pesos a word, you can understand and the volume that has to be put out weekly.*

*I am intrigued about the speed of your release though. When did you know you were to be let out? How did they get you out without problems from your bunch of friends?*

*I e-mailed Sargeant and asked to see the Supreme Court decision when available and he said he would have to get your permission. For a public document? I am interested to see if they have in anyway condemned Judge Osorio. I think the Motion went as close as it could to doing this, so it will be interesting to see if this has been taken up by them.*

*By the way, did Vicky tell Nica? What was her reaction?*

*You will be pleased to know that the Manila press missed it. There was a two line ' paragraph buried in a longer story in the Inquirer; and that was that.*

Perhaps Wilson was afraid that Wilkinson in particular was getting too close to what may be the real truth. Over the months, Wilkinson had questioned him on certain matters and found him to be able to lie at will. He claimed poverty, as did Vicky, who had cried over the telephone while asking for financial assistance. These lies were forgiven and put down to the fact that to survive in that prison one had to become a total conman. However, it was becoming disturbing. More so, when Anthony Cruz, an invaluable member of the team, not only as a Filipino but as a highly intelligent investigator, had contacted Vicky on 7 December 1999. He first met her mother, since Vicky had gone to the British Embassy to see Vice-Consul Tampinco.

She made some amazing revelations, one of which was that Wilson was the owner of a bar in England. When Wilkinson tracked him down to his hotel in Dover, he asked him about this bar. Wilson stated that he did have a bar worth two hundred thousand pounds but it had been lost because he was in jail in the Philippines.

Vicky also revealed that she and Wilson were co-depositors in a bank account in Manila, which contained a big amount of pesos and dollars, and that Wilson had several thousand pesos in his own name deposited with Philippine National Bank in Batangas, a city south of Manila. Who was telling the truth? Wilson continually claimed poverty. Vicky had to work as a maid and was forever begging for money, then all of a sudden, Wilson is actually wealthy.

She then claimed that Wilson was a lawyer. When Wilkinson questioned him about this he stated that he had attended courts in England, but preferred that nobody knew about it and people only knew him as a cab driver. He claimed to have submitted his own Supplementary Brief to the Solicitor General. If this was indeed the case, then why not tell Wilkinson when he had done it? Why keep it a secret? Upon checking this with Atty. Ortega it was discovered that although Supplementary Briefs are accepted by the Solicitor-General, they are only taken into consideration if they are endorsed by the official legal representative. A further check was made with the lawyer in the Department of Justice who had reviewed the case who denied ever having seen any document other than the brief submitted by his lawyers.

It was disturbing to the team. Why would Wilson tell such lies? Some were so stupid, such as when asked by Wilkinson in early December “When did you last see Vicky?” Wilson replied, “So long ago that I can’t remember.” Wilson knew that Ann Davies was in constant contact with Wilkinson. She had reported that in October she had bumped into Vicky at the prison. This while she had Warrants of Arrest still current against her. She had even admitted to being Wilson’s wife to the guards and had given identification. A stupid risk to take. Wilson must have known that Ann Davies, who witnessed their reunion, would have reported it to Wilkinson. So why lie? How many other lies had been told throughout this whole case? Was Wilson the innocent angel he purported to be?

More was revealed in the previously mentioned interview from the prison with David Willis of the British Broadcasting Corporation. When asked if people died in the prison,

Wilson answered:

“People die in here. One died yesterday. One got stabbed yesterday over a drug-related incident.”

There had indeed been a stabbing the previous day. It was not in Wilson’s dormitory, but outside in the general compound where prisoners on lesser sentences freely mingle. The victim had not died. Wilson then went on to explain why he would not pay Pasco:

“I wouldn’t give a drug pusher half of one penny, as We say in England. As I declared in court, I would never give this guy anything. Fifirst time I met him he put a gun to my head to kill me. Looks like he’s going to succeed.”

Wilson had always claimed that Pasco’s friends in prison were contracted to murder him in the event of acquittal. Why go on world radio and antagonize the man further by publicly accusing him of being a drug pusher? Wilkinson believed that he was overplaying the dangers. In one visit he had asked him just how many convicts had been killed in that year. The answer was nil. Wilkinson then told Wilson that he himself was apparently in more danger on the outside.

Wilson did reply to the earlier e-mail of Atkins. The contents were quite revealing:

*Christmas was cold, I was brasic skint and I didn ’t touch a drop but at least I managed a few hours with Denise. I couldnt have more because of problems with press etc. (I am avoiding them).*

*An inmate told me at I 700 H on 2 Dec. I 999 I was acquitted. A near riot followed in which I thought I had had it and Evans [Probably Sargeant, as Evan had been the previous Consul. Ed] brought armed guards in to the dorm because he was scared S H\*\*TLESS. As I left I gave one inmate, a British National, Michael J. Clarke, who too had been set up for a crime he did not do and was serving a 16 year sentance, a plastic bag of paperback books one being, **Mere Christianity**,<sup>1</sup> by C. S. Lewis. The Ambassador picked me up from the prison with armed escort, we found Vicky then went to the Ambassador Lv residence from which I was not permitted to leave until the Ambassador escorted us INTO the plane personally. Vicky was escorted everywhere to do her papers. I was allowed one phone call to Ann in America because she was preparing clothes etc. for my departure and I suddenly needed them and tickets unexpectedly. The Ambassador personally sat me down with Ian, Neal, etc. and it was made plain they wanted me out A. S. A. R without anyone knowing so we could prevent any slips leading to media or worse problems at the airport, even Denise was not told. We made it and thereafter as you know I spoke with Earl from the hotel where we were being hidden on entry.*

So, who was telling the truth, Ian Sargeant of the British Embassy or Albert Wilson? What is more, he made two, not one, telephone calls to Ann. He did speak to Wilkinson from the hotel, but only because Wilkinson tracked him down and telephoned him, otherwise he would not have done so.

There is no doubt that initially the ploy of the British Embassy was correct. Luckily, it

*1 As a result of him reading this book Michael Clarke was convinsed that Jesus was the Christ the Son of the living God, and he turned from his former life style to follw Christ.*

was close to Christmas. The press gets lazy. Parties become more important than chasing news. In the New Year things began to change dramatically. The one small piece in the Philippine Daily Inquirer had been overlooked, yet this is the biggest selling newspaper in the Philippines.

It was beginning to appear that this “property developer and lawyer,” a man who was now stating that he had written his own brief, without the aid of a typewriter and knowledge of his own attorney or the reviewing lawyer in the Solicitor General’s Office, was becoming psychotic with delusions.

He claimed to be “penniless” after selling his story to Mail On Sunday for ten thousand pounds, tax-free, and, according to Andrew McCooey, “not paying any commissions” but found the funds to telephone his mother-in-law three times from England, yet had never contacted or thanked the kind nun who had helped his sanity for over a year.

## Chapter 37

### 37 The Storm Breaks

On 30 December 1999, Pio Pasco, the father, received a telephone call from his nephew in London. His nephew told him that Wilson was back in England, a free man. Pasco was very angry and contacted Dante Jimenez, the President of Volunteers Against Crime and Corruption (VACC), the group who had provided the services of the private prosecutor, Atty. Principe. Jimenez was enraged. “This is an injustice,” he shouted. On the whiteboard in his office, in large letters, he wrote:

“Justice for Veronica ‘Nicole’ Pasco. Bring the ‘Briton’ back to the Philippines.” He then arranged a press conference and television interviews for Pio Pasco and Nica. On 4 January on two different local television stations, Pasco and Nica were interviewed by Carmelita Valdez:

*Valdez: The family believes there is money involved with the reversal of the decision. Previously, the family of the victim was offered six million pesos just to withdraw the case.*

*Pasco: Me, nobody can buy my principle and justice. I want to defend my daughter even though I’m poor; to the extent of begging, I will fight for my own blood.*

*Nica (crying): We did not accept the money. We bear with it, to the extent of my father begging from other people just to fight for my case.*

*Valdez: Pasco believes that the former Solicitor-General, Frank Chavez, might have earned more.*

*Pasco: Maybe even more, because the Solicitor will not accept that small amount to be given to them.*

*Nica if it can be done, not to pass through the Supreme Court as long as he is shown to us and we will be the one to kill him.*

Pasco was claiming that Wilson had offered him six million pesos to drop the case,

but he had refused. Worse, he was claiming that a former Solicitor-General, Chavez, had received more than that. Chavez, however, had completed his term of Solicitor-General before the trial began.

He wanted justice for his daughter. Nica was crying and saying if Wilson came back, they would kill him. What a sweet child! This was different to what she had told her maternal grandmother in a surprise visit to her on New Year's Day when she had purportedly expressed sorrow for what she had done. However, the program did prompt Earl Wilkinson to telephone Dante Jimenez the following day. Not only did Jimenez offer Wilkinson a copy of the Supreme Court Decision, but also invited the team to visit that afternoon a suburb of Metro Manila where an all-night vigil was to be held. This vigil was in support of a man whose wife and two daughters had been viciously murdered in his house nine years previously. The verdict was to be brought down the following day. Jimenez said that Pio Pasco and Nica were expected to be there.

Not only were they there, but also Atty. Principe. The team were able to interview all three in privacy.

Atty. Principe turned out to be a large and somewhat overbearing man, made worse by the fact that he had a hearing impediment, which meant that he, if not shouted, talked loudly. He told the team that he had learned about the decision and 'escape' from Pio Pasco on the morning of 30 December. He hadn't believed it and told Pasco to go to the Supreme Court and obtain a copy of their Decision. Pasco brought it to him. He said that when he read it he was amazed and that it seemed like a x. He was more than disappointed. There was something extremely unusual in that he knew of no precedent of a decision and release happening on the same day. He had also never known an appeal be dealt with in such a short period of time. He suspected that the British government had put political pressure on the Philippine government.

Dante Jimenez was far more forthright. He was quoted in The Manila Times of 5 January as Stating: *Jimenez said the decision was unfair to the victim. Jimenez in his statement said "It is a shame that our own Supreme Court bowed to a foreign country and failed to give justice to its own people."*

*He also said that the victim was not even informed of what happened in the case. The VACC head said the decision was made apparently not to strain our relationship with the United Kingdom.*

*Jimenez also said this decision sets a had precedent since it could affect the upcoming execution of several foreign nationals convicted of heinous crimes.*

*"Foreigners might get the impression that they are above the law in a third-world country especially when they are citizens of a super power"*

Jimenez admitted to the team that he had checked with the Bureau of Immigration and that they had no record of Wilson having left the country, which proved to him that his own government were involved in a deal.

Pasco, through an interpreter, reiterated his claim that he had turned down an offer

from Wilson of six million pesos (about one hundred thousand pounds at the time) for him to drop the case.

“Doesn’t that hint at why he has been acquitted?” asked Atty. Principe.

Pasco repeated how angry he was that Wilson had been released and let out of the country. He said that VACC were working to have him brought back. “What will happen to him then?” he was asked. “He will be killed,” answered Pasco. “Legally, of course,” jumped in Atty. Principe.

Atkins took the opportunity to ask some questions that had bothered him, such as why the alleged rapes of 27 June and 12 July were not included with the one on trial. Atty. Principe blustered and decided that the State Prosecutor had been still investigating them.

Pasco was asked why, after only two hearings, he had dismissed Atty. Lozada.

He explained that she had promised him marathon hearings, but had only achieved two half-days in three months. He had found out that she had also been negotiating with some British nationals for money to drop the case. The VACC had offered him the services of Atty. Principe and he had accepted.

Nica was then asked if she were attending school, to which she replied that she was. “Did she enjoy school?” She answered in the negative. Why didn’t she enjoy school? Some of the other girls teased her about having been raped. Was she getting good grades? No, she wasn’t, because she was too nervous. If anyone touched her back, she would jump in fright. Were VACC doing as promised and giving her financial assistance through school? Her father jumped in. “That was for when she goes to college,” he said. As she had spent a lot of time in the past living with various people, did she enjoy being stable and living with her father? Before she could answer, again her father jumped in and almost deliberately avoided the answer. “She was brought up by her grandmother, then moved in with Wilson,” he said.

Pio Pasco was obviously not going to let Nica answer any meaningful question. He sat next to her, staring intently. She looked very bored.

A most interesting statement was made by Atty. Principe. “We will get him,” he said, “we are here all night, everyone who is on the VACC committee, and it is on our agenda to see how we can get him back under the jurisdiction of the Philippine courts. There are many ways we can do this.” The fact that VACC intended to launch a campaign was confirmed by Dante Jimenez. i “What if he returns and sues Mr. Pasco and his daughter. After all, the Supreme Court says that he should not have been charged. He spent three years in jail,” asked Wilkinson. “What?” exploded Principe. “Unheard of. The perpetrator suing the victim?” It couldn’t happen,” he said with finality. He did appear a little worried, as he must be aware of the penalties for false accusations.

*This Decision may have released Wilson, but the presentation, to date, is a clear warning to Wilson to never return.*

*The first ten pages are irrelevant in that they historically record the prosecution and defense cases. That is, with the exception of the bottom of page ten where it states,*

*“The appeal has merit. ”*

*In the first paragraph on page eleven, it states that Nica's assertion that she was previously raped on two other occasions was apparently not taken into account in filing the charges.*

*The following day, Atkins had an opportunity to study the Decision, and wrote his comments to Wilkinson:*

*This was something brought up by me as a question to Principe. Why not?*

*His answer was “that they had not been investigated by the State Prosecutor ”*

*Why not?*

*The decision then goes on:*

*“A separate criminal complaint for the 27 June 1996 alleged rape was filed but it was dismissed in a resolution issued by the Department of Justice on 18 June 1998 reversing the findings of the City Prosecutor ”*

*Here the Supreme Court itself is incorrect. There is no record that anybody has referred to, regarding this allegation for 27 June 1996. The 18 June 1998 resolution refers to the three allegations of rape for 28, 29, and 30 June 1996. So, even the Supreme Court can make mistakes.*

*The most important part of the decision comes next, and it is here that Wilson faces danger should he return. It states:*

*“Thus, the evidence on record to establish that Nica was raped by the accused on 12 July 1996 may only be taken to test her credibility or to establish a plan or scheme of the accused but may not be passed upon by this Court as a separate accusation for rape for which the accused may be convicted.” (Underlining mine)*

*In spite of these allegations being admitted into evidence in the trial concerning 16 September 1996, it is clear that the Supreme Court recognizes that the accusation could be resurrected by Nica. The fact that evidence had been previously presented would be moot. The case would have to be fought all over again. The accusation for 12 July 1996 was only disproved by the evidence of the schoolmaster who testified that she was in school at the time of the alleged offence. The schoolmaster then disappeared. “Gone to the islands. ”*

*This could be very dangerous for Wilson. Nica need not use the same story she used previously. Evidence given in a totally different trial might not be admitted into court. Imagine this street-wise, older child on the stand today giving simple evidence. She could change that story so that even if the schoolmaster had reappeared (which I doubt), there would be no use for the defense to call him. Wilson could be done like a dog's dinner. Not even her previous statement on it might be able to be admitted.*

*The important part of the decision is where they agree with the defense that “Nica could not have failed to tell the police authorities that the accused succeeded in consummating the rape on that day if indeed it was so.*

*The main point of the decision though is her explanation as to why she changed her*

*statement from attempted rape to actual rape.*

*“In her second sworn statement Nica explained that she did not state in her first sworn statement that the accused raped her because she feared her father might kill the accused~appellant U” he found out. Nica gave the same explanation in court when asked why she changed her accusation from attempted to consummated rape.*

*Nica is explanation does not inspire belief as detailed allegations of two previous sexual assaults on 27 June and 12 July 1996 are already contained in her sworn statement.*

*Nica also testified during cross-examination that when she met her father in Mandalay, she immediately told him that the appellant raped her on 27 June and 12 July 1996.*

*Thus, she had nothing to fear from her father at the time she made her first sworn statement. Nica's vacillation raises a grossly disturbing doubt as to the truthfulness of her statements and is to our mind fatal to her credibility.”*

*What is interesting here is that although our brief mentioned that she had informed her father in Mandalay, that was not included in the Billena brief Either someone actually studied the transcripts in the Supreme Court or they sneaked a look at our brief*

*Again, my question unsuccessfully answered by Atty. Pete Principe.*

*“ or why there was piece-meal prosecution of the three incidents which Nica narrated in one statement, we cannot ignore the blatant fact that there was no credible explanation why Nica's second statement contradicted her earlier declaration. ”*

*Finally, there are two interesting precedents that will be used by every prosecutor*

*“The main argument raised by the defense that Nica's narration of the rape is riddled with inconsistencies and improbabilities need not be addressed as the purported inconsistencies are not substantial and refer to minor details which -would by themselves not ruin the credibility of the narration.”*

*It is hard to understand the logic of the Supreme, Court when five different versions of one rape are heard in court. To a layman, one could hardly call this “not substantial ” or “minor details.”*

*“Variance as to the time and date of the rape, the number of times it was committed or the garments which the accused or the complainant wore at the time of the incident do not generally diminish the complainant's credibility.”*

*So, with these rulings, any girl can give any number of stories, change her mind consistently about the clothes worn and many other facts, and still be considered to be telling the truth. The dice were getting more loaded by the minute.*

## **Chapter 38**

### **38 A Little Bit Guilty ?**

The problem about seeking the truth is that very often things emerge that might not be helpful to what one is seeking to achieve. Now that it was over, there was time to reflect

and recall some of those items overlooked at the time because they would have achieved nothing.

We must, before speculating, remember that the prosecution totally failed to prove its case. There is absolutely no doubt that Wilson was innocent of the charge of raping Nica. However, it is not the prosecution's case that causes the problem, but what was revealed by the defense and in the subsequent investigation.

The first worry is the evidence given by Pio Pasco, Jr., Jay-R. Did he tell the truth? Was he really in the house at the time of the alleged offence? Judge Osorio did not believe he was, and stated so in his decision. He had claimed that he was let out early from school on that day as the teachers were having a meeting. He stated that he arrived home at about 3:30 p. m. and was playing in the house on his snakeboard. Wilson stated in evidence that he was working at his computer and was in a bad mood. Bearing in mind that each of the duplex apartments is extremely small, basically bed-sitting rooms, and Wilson, a man with an admittedly short temper, was trying to concentrate on correspondence while in a bad mood. It would take a Saint, which Wilson is not, for him not to tell Jay-R to find something else to do. Imagine trying to write and someone on wheels keeps brushing your shoulder?

During the long meeting held with Jay-R by Anthony Cruz and Alan Atkins, it was observed that when questioned he would avoid eye contact and cover his mouth with his hand, making his reply difficult to hear. Atkins had stated that he appeared very nervous and would not have made a good witness. In body language, covering the mouth is a sign of lying as, to a lesser extent, is lack of eye contact. He was asked if he could get any teacher to confirm that he was sent home early on that day. His reply was that he had changed schools and did not know if any of the teachers were still at the school. He was asked if he could get the parents of one of his friends to confirm that their child had been sent home early on that day. He stated that he did not know the whereabouts of any of his previous school friends. He was asked if he would at least try to find just one. He said he would, but never did. While he was giving evidence, Nica, from the body of the court, was continually calling him a liar. This was drawn to the attention of the Judge by Atty. Billena. Judge Osorio claimed, however, not to have heard it.

The next thing one has to question was whether Vicky was in the house? She and Wilson both claimed she was. Nica had stated that Vicky had gone to City Hall in Valenzuela. She, of course, being a fugitive, could not take the stand, but had submitted an affidavit to confirm that she was in the house.

Nica, in her original complaint of attempted rape, had stated that Suny had grabbed her by the wrist and was pulling her towards the bed when the telephone rang and he let go of her wrist in order to answer it. She used this opportunity to run away.

In her testimony she stated that he had said to her:

"I am the boss in this house. If you take all your clothes off, you can have anything you want."

In his evidence, Wilson states:

“This is my house, that I am the boss in my house. She could take out all her clothes, all her things and even things I bought for her, she could have anything she wanted but I will be the boss in my house, not her, either she could respect her mother and myself or go.”

There is a remarkable similarity in these statements, which indicates there is some truth there somewhere.

All very circumstantial, except that in one visit Wilkinson asked, “Did the telephone ring at all that day?” Wilson answered, “Yes. About 4: 15 p. m. I answered it and it was a neighbor, Vali.” (Wilson had stated in evidence that he never answered the telephone because the call would not be for him and he didn’t speak Tagalog. Anybody who wanted him would ring him on his cellphone). Wilkinson then asked, “Why did you answer it?” “I was the only one in the house.” Came the surprise answer. So where had Vicky and Jay-R disappeared to? “I was the only one in the house.”

The next strange thing is that the day was exceedingly stormy. Rain was pouring down. Wilson had lived there long enough to know that in these circumstances, extensive flooding occurred. It was certainly not a night to go out walking. Yet he and Vicky put on boots and set off for Erick’s, a nephew of Vicky who not only speaks good English, but is an admitted friend and adviser of Wilson. Why? Wilson claims it was to get Erick to help him explain his position regarding Nica, and also find out how the repair of his motorcycle was progressing. This could not wait until morning, when the rain would possibly have stopped? What made it so urgent to communicate with Vicky, using an interpreter that very night? So urgent that they were willing to wade through flooded streets? Certainly it was not to talk about motorbikes.

In another visit, while discussing the case, Atkins had suggested that if Nica had not “gone over the top” with her accounts, Wilson could well have been in trouble. He smilingly stated, “If she had stuck to attempted rape, I would definitely have been in big trouble.”

Wilson was also extremely concerned over the three cases of alleged rape that enjoined Vicky. He wrote to Wilkinson on 2 November 1999:

*Thanks to you and Alan for visiting me today. I found the discussion very interesting and conducive towards my proposed inclinations for the future.*

*Upon returning to my concrete cube I took another look at the prosecution motion to be heard on November 17 and note that they are being very slick.*

*After careful consideration, I think it is extremely important that Ortega and Co be advised no ordered, to move to amend*

*the motion of the prosecution to change the word “withdraw” to dismiss in line with the original order of the D. O. J and to include Vicky.*

*If they (the prosecution) are allowed to simply “Withdraw” the cases without provision they could in theory reinstate them at a later date, whilst a dismissal is absolute. In fact*

a “withdrawal” for me alone does not prevent them proceeding against Vicky since my cases will not have been dismissed but withdrawn as might happen for example should I have turned State Vldtness against Wcky.

Imagine a scenario whereby Vicky is arrested, forced to “confess” and is thus convicted. They would have every right to reinstate any “withdrawn “ case a ainst me.

Please do not allow the incompetence of Ortega & Co to fuck it up yet again.

N B. The D. O. J. original order actually reads “Withdraw/ Dismiss” which, at a pinch, I will settle for I (Bold italics: by the authors)

For a prupoited lawyer, he was certainly confused. As no arraignment, let alone any hearing, had been held for these cases, they, at this time, did not exist suf ciently to be dismissed. No evidence had been heard, so the trial had not commenced. They could only be “withdrawn.”

The more important point was the comment regarding confessions and State Witnesses. What really was the worry? Was he scared that Vicky might “confess” that she had not actually been in the house at the times stated on 16 September 1996?

There are a number of people who know the truth of what actually went on that day. Perhaps Nica didn’t initially lie. Perhaps Suny was alone when she visited. Perhaps he did decide that enough was enough, grab her wrist and attempt to frighten her by telling her that if she was to keep accusing him of raping her, then he had just as Well do it. If this was so, he had no intention of carrying out the threat, for he let go of her to answer the telephone, but, in the Philippines, what a dangerous thing to do. Had she stuck to her accusation of attempted rape, Wilson might well have another thirteen years to spend in the Philippines. Nevertheless, he is innocent totally of that with which he was charged, and we can only wish him a happier life, but advise him against ever returning. These people will never forgive and forget. Pasco, who expected the world, has ended with worse than nothing. He had to pay Atty. Principe P 1,500 for every comt appearance, a lot of money for him. Dante Jimenez has promised to “get the Briton.” Pasco was quoted as stating that upon hearing of Wilson’s release and ‘escape’ he was so angry he wanted to “kill the first foreigner he sees.” Quite frankly, were he to kill Wilson, there are a lot of Filipinos who would consider him a hero.

## **Addendum One**

### **Addendum 1 Appealing For Funds**

The letters written to both the press and others in the campaign to obtain justice and sustenance for Wilson will be of interest to many. Written at various stages, they indicate the problems with an increasing clarity, sometimes the helplessness experienced, the frustrations, and the steadily increasing con dence of all concerned. The following letters are those not included in the main narrative.

On 9 February 1999, Wilson Wrote to the British Businessmen’s Association of the Philippines:

*Sirs/Madams,*

*I am British, and on Death Row I have been in prison for two years, and I am innocent of charges, but have no money left. I have du culty living on the P 32.00 a day food allowance that was meant for Filipinos and not larger Westerners. This is also unfair to large Filipinos. Money, which I don 't have, is needed to cook the food!*

*I have nomoney for vitamin pills. So, all I ask from you, Sirs/ Madams, is food and medicine for my prison friends and I. Would you kindly let me know urgently what **action** was taken to help?*

*May the good Lord bless you for your efforts. Thanking you in grateful anticipation.*

*Faithfully yours,*

*Albert Ernest Wilson*

A similar letter was sent on the same day to the Philippine-British Society, Inc.

Wilson neither received any assistance nor the courtesy of reply from these bodies.

Earl Wilkinson had, as usual, been very active in writing appeals and letters, even before the above.

On 13 January 1999, he -had written to three Manila newspapers, a letter titled, "An Appeal From the Heart! "

*As an act of Christian compassion, I have visited death row at the Bilibid Prison in Muntinlupa. It is a frightening experience. What many ofthe near 900 wish for is news! Some are innocent, as proven by USA court reversals. So, why not send your 'pocket books " and magazines, the request I received to these scared men? You may send them to Albert Ernest VWlson, N 98 P - 2848, Dorm ID, Bureau of Corrections (BOC), New Bilibid Prison (NBP), Muntinlupa 1776.*

*I will check next month, on my visit, what was sent, which will be a valuable measure of our real care for those who are doomed to die. A letter of concern would be a near life-saver of spirit. None of those I interviewed had received one in two years! Dare anyone even visit? All it costs is a few stamps for news!*

*May I on behalf of those death row inmates, request you to invest a few pesos on behah' of humanity? I will report to you the results in February. Code your surnames with any initials. I will credit your sending in this paper mid-February.*

*Yours sincerely,*

*Earl K Wilkinson*

Results? Not a thing received. On 9 January 1999, he also wrote to the Philippine-British Society:

*Dear Sir,*

*Happy New Year!*

*As the American Association serves notice o ts big February 20, 2000 Charity Ball at the American Embassy, as we have no meeting after I advocated (last year) similar to progress to USA.*

*We need British Embassy help particularly as it was so keen to get on the Board which kept me off it. One of the two has already left the Philippines, and the other who doesn't know what a Demurrer is, should have known as my query applied to his countryman Albert Ernest Wilson, who is on death row and is the first Westerner to die for child abuse. The new Ambassador is very concerned. I was concerned when I asked Director Brian Murray about Wilson yesterday, and he hadn't heard of the case even though there has been press in U. K and here this year and last Friday and the weekend in The Foreign Post, January 21-22 1999 issue, in its front page and page 10, to which I refer you.*

*There is an appeal for food and funds for Albert Ernest Wilson. I request that we support this with a notice to members, which I will pay for. Kindly advise me on your action urgently.*

*Thanking you in anticipation.*

No reply was received.

The same day he wrote to the president of the Rotary Club of Makati, Mr. Tony Quill:

*Dear President Tony Quill,*

*Congratulations on your ADB promotion. What an honour! You deserve it.*

*Another deserving person is Albert Ernest Wilson, who is on death row and wasn't enjoying our new five-star P 400.00 Rotary lunch, as his daily food allowance is only P 32.00. So, my appeal to Rotary for food funds is echoed in The Foreign Post, January 21-27, 1999 issue I gave you yesterday. Kindly arrange for this in our newsletter:*

*We have some Britons in our club who may want to help a fellow country man. Other Westerners might want to help the first Westerner facing lethal injection for allegedly abusing a Filipino child. Some Filipinos might want to help Philippine justice, as I believe the conviction is as fraudulent as the Penis Manager's claim yesterday that "Wilson's family is feeding him it might be hearsay." I pointed out that this was contrary to Wilson's letter to me last Friday, and contrary to his lost weight, and sick look when I visited him with Christmas gifts. No Rotarian had done so in two years. So, now would be a good time to appeal to the Christian compassion that we hear so often in invocations. Our coming party on Valentine's Day of wine, dining and dancing is our great opportunity to help save his Filipina Valentine (wife) as he fears for her life, and she told me, "I don't want my husband to be murdered in the Philippines!"*

*Thanking you in anticipation.*

No reply was received. On 26 January 1999, Wilkinson also faxed the president of Australian-New Zealand Chamber of Commerce, Mr. Peter Wallace:

*Dear Peter;*

*I respectfully draw your attention to The Foreign Post, January 21-27, 1999 issue,*

page I, “*Help, pleads Briton on Death Row*”

” Also on page 10, an appeal from Canada to help the Briton; Albert Ernest Wilson, with food and legal funds to avoid a lethal injection for alleged child abuse.

As Australian business has many links with Great Britain, I feel that the Australian-New Zealand Chamber of Commerce (Phils. ) Inc. (ANZCHAM) should support this appeal. It should do so even d there were no links, as other foreigners could be put at risk with the new national emotionalism about the death penalty and child rape.

.As Australia was a prime mover in the child sex debate with the award for the first foreignen Wctor Keith Fitzgerald, jailed for child sex, and as Australian business had played a leading role in brothel-type bars, we have an obligation to appear to be concerned by helping a fellow foreigner who might not have even been charged if it were not for the bad publicity on child sex that we allowed to snowball.

Kindly advise me of ANZCHAM action so that I can lift the spirits of a “scared ” and malnourished Albert Ernest Wilson.

Thanking you in anticipation of your generous response.

There was no reply.

In late January 1999, Walter Moran indicated his intention to visit the Philippines on 11 February and requested Wilkinson to line up some speaking engagements for him. In response to the request, Wilkinson Wrote to the Task Force of the Philippines, the Philippine-

British Society, the Rotary Club of Makati and the Union Church of Manila. Not one reply was received.

On 18 February 1999, Wilkinson forwarded Wilson’s letter to

### **Pope John Paul II, with a covering note:**

*Dear Pope John Paul*

*Warmest greetings to you, Holy Father*

*As requested by a dead man walking, enclosed please nd*

*a letter to you from MR. ALBERT ERNEST WILSON a British national, whom I believe is a victim of miscarriage of justice. He is now on death rom for alleged child rape, at the New Bilibid Prison in Muntinlupa City, Philippines, trying to appeal for rightful justice and mercy. His fate is in the hands of the justices of the Philippine Supreme Court.*

*Hoping his Holiness would spare a little time in considering this appeal.*

*Thank you very much, and good health to you.*

### **The letter of Wilson had stated:**

*Your Holiness,*

*Re: My Murder in the Philippines.*

*It is perhaps not my place, for I am neither Roman Catholic or Filipino, but I want to thank you for trying to save the We of Leo Echegaray and thus 900 others sentenced to death here, not forgetting many around the world.*

*I did not know Leo very well, although I share his fate, because we were only together a short while and I am English, but I am sure both he and all of us here thank the Lord for His justice and mercy.the Philippine judiciary or government.*

*It is all we have since neither justice nor mercy exists among I do not know if Leo was guilty or innocent. I know only that he could not have received a fair trial from a awed and corrupt judicial system.*

*I beg a simple response of prayer for us all, for no man is without sin, but as a man who truly knows, of 900 sentenced more than 300 of us will be murder victims for our sins which do not include the crime we are sentenced for May your letter of prayer give us hope and God have mercy on all our souls.*

Wilkinson also included his letter published in Today newspaper on 13 February 1999, which stated:

### **Saving the Innocents.**

*The merits of death for rape were debated on the front page as Leo Echegaray died from state-administered lethal injection of poison in his veins. He is a first in the Philippines. He was wearing a silver cross and his arms were stretched out on the death table forming a cross.*

*I call upon my fellow Bishops-Businessmen's Conference (BBC) members to ask for a public inquiry into this new form of execution, and to do it themselves. It is a statistical improbability that all 900 on death row are guilty. Where are the BBC investigation into those who are innocent? I believe that I know one, but I have no support. So, whats wrong with an investigation?*

*Let us at least try to save the innocents!*

*These letters did receive a response in a letter dated 16 April 1999 received from the Secretariat of State at the Vatican, which read:*

*Dear Mr Wikinson,*

*I am writing to acknowledge your letter to His Holiness Pope John Paul II regarding the case of Mr: Albert Ernest Wilson and I assure you that His Holiness will remember your concern in his prayers.*

*In such cases the Holy See generally makes an appropriate appeal on humanitarian grounds through the Papal Representative and through the Bishops of the country involved.  
With good wishes,*

*I remain Sincerely yours, +G.B. Re  
Substitute.*

*The appeal in The Foreign Post still ounded, with just over P 2,000 being forwarded to the paper, so Wilkinson tried to shame its readers a little more. On 4 March 1999 he wrote:*

*I wrote an appeal for Death Row inmate Albert Ernest Wilson of Britain.*

*This was for food medicine and vitamins.*

*My cry to Britons was headed, "Stand tall, caring Britons." What happened ?*

*Virtually nil donations, as Britons fell on their knees, as no one cared.*

*I was in London during the Battle of Britain in the war: I saw much bravery even more from the women there than I see from men here now True Englishmen don 't lie down in the gutter like dogs. So, what happened to this lot in Manila, where we see an American, a Canadian and an Australian supporting the jailed Briton, who is condemned to death by his British buddies.*

*During the war a song of courage was "Run, rabbit, run." Now in 1999, we see the act of cowardice in the Year of the Rabbit as Britons run away from writing a cheque like frightened rabbits. A One senior official cowardly told me, rejecting medicine help, that it was because this was "political." And that "we are not without sympathy.*

*It is sadly proven, as some Pinoys sneer at such lack of little guts from those who didn 't even send Vldlson a Christmas card. I gave mine on Death Row I pledge A\$ I ,000 for the Albert Wilson fund, providing that the total from all Britons at least matches this amount. This seems fair - there are hundreds of them, and only one of me.*

*What made this lack of response by expatriate Britons even more bizarre was that a small Christian group of Filipinos had given Wilkinson P 2,000 to purchase food for the prisoner. After receiving a 'thank-you' letter from Wilson, they were so impressed, they followed up with a box of coffee and a box of used clothing for other prisoners.*

*Albert Wilson wrote to them again:*

*As always, he heads his letter: -My Murder in the Philippines.*

*As a Brit. sharing the hardships of the 900 plus on Death Row may I thank you for your kind donations that I was able to share among those in this dorm and those going direct to hospital.*

*While innocent and guilty await death at the hands of the unforgiving, it is important to know that humanity still exists among enlightened people.*

*The Philippines now rates top billing on two of the world is charts, of which they can be proud of neither It is a very sad thing for any country least of all a Christian one. May God forgive those that are responsible..*

I would be most pleased if any member were able to visit me, that perhaps I could impart a little of our situation as we endure mental torture and the problems of close confinement while death creeps so visibly upon us.

I ask your prayers for our loved ones, our wives and children, who suffer even as we suffer. Even as I struggle with my own innocence, how much more must families of innocent or guilty alike suffer.

If it should be in your power; I ask that you help the Philippines that it may grow as a nation. To have an honest and respected judiciary where the guilty are fairly tried and punished with humanity while the innocent are set free and thus no judge may come to know that he is truly a murderer.

An amazing thing did happen, though. In spite of the appeals being directed at the British and Australians, it was the Americans who answered the plea for medicines, and in a big way. They provided over 70 kgs of various medications, including expensive allergy and fungicidal creams. Wilkinson was highly delighted and wrote to The Foreign Post:

As an Australian I admire England. I went to university in London where I studied to be a doctor but bombing during World War II interrupted this.

Some of us young students were surprised to see others studying who were old men before their time. They had fought the Battle of Britain as pilots and had been taken off active duty due to injuries.

One had a terribly scarred face, after his plane went down in flames. But he was fighting for human rights. This heroism inspired me to a humble attempt to try to help humanity. This continues in the Philippines today.

So, I am appalled at the lack of a little courage by Englishmen in Manila who have virtually dumped their countryman Albert Ernest Wilson who is on Death Row.

Since last year not one has bothered to visit Wilson. I did. The British Embassy did. Press appeals for food were ignored and Wilson barely exists on P 32 per day for food, which is less than most English businessmen spend on one drink at lunch.

One cowardly president of an English group wiped of my request for help. Members were not even informed in the group's newsletter about any news of Wilson's looming death although the coward did say "We are not without sympathy."

I replied that the extent of their sympathy would be shown by their donations to the published appeal for help. That "sympathy" resulted in near nil donations.

The Australian-New Zealand Chamber of Commerce, to whom I appealed in writing, never even replied.

However; the American Chamber of Commerce has done much better and has donated a massive amount of medicine for Wilson and all those on Death Row.

I did not appeal to the Americans for an Englishman. So, credit is given for compassion to those who earn it.

One such group is the Philippines Jesuit Prison Service, which is based near the New Bilibid Prison death row. These dedicated young Filipinos care for all, including Wilson.

They have given much help but have little money. Their address is (c/o Mn Martin Perfecto) Ina ng Awa Parish, New Bilibid Prison Compound, Muntinlupa City.

In the same publication, Wilson had a letter printed that read:

Here is a letter from Death Row at the New Bilibid Prison. It is on behalf of my self and others who wish to express our heartfelt appreciation for the kind donation of 70 kilos of medicines from the American Chamber of Commerce (Amcham).

This could well be a life saver for those who are doomed to die later:

Pablito Andan is scheduled to be executed on May 28, 1999. Three more will not need medication on June 16, 17 and 18, 1999.

But new death convictions are piling up faster than executions. So we wonder about the deterrent effect that seems unaffected.

What is the logic of prolonging life if it is to be taken anyway? Howeven the gratefully received donation of Amcham shows that some businessmen have a sense of social responsibility and we wish we could reciprocate, but we are hebnless.

Some of us prayed for bene ts during the Holy Week. They have arrived.

Thank you very much.

## **Addendum Two**

### **Addendum 2 Letters From Wilson**

When Earl Wilkinson first visited Wilson in November 1998, he witnessed a broken and defeated man. Until then, he had only received visits from his mother-in-law and stepson. He had only seen his attorney once, who had come to the gaol to apologize for losing the case. His papers were still with the British Embassy and he had given up all hope.

Wilkinson knew that he had to make the man active. He could not be allowed just to give in and accept his fate without a ght. He provided him with writing pads and pens, stamped addressed envelopes and even a dictionary to encourage him to start writing, to get his mind active once more.

The first letter was written before meeting him but in response to a letter written by Wilkinson to him. The reader will notice the change in attitude of Wilson over a period of six months, from a beaten man to one who is ghting for his life. All letters were headed, "MY MURDER IN THE PHILIPPINES."

*October 28, 1998*

*I thank you very much for contacting me and your offer of assistance.*

*While the pro-consul of the Embassy is here, I make this quick reply since I do need help very badly.*

*If you have read the transcripts of my case you will know I am innocent. I did not*

*rape my wife's daughter and simple common sense says my wife, her son, her mother her sisters and the brothers would not have testified in my defence I had.*

*More so, the NBI supervising doctor would not have said in plain English that the supposed victim is a liar My Filipino family do not have money, yet my 85-year-old mother-in-law has come here with me when I -was transferred. My wife sends messages of love and hope if you are willing in even the smallest ways to help I would be grateful.*

*Please try to visit me, or if you cannot, write so that I can explain more fully my situation, although Laurie (Consul) is well aware of it, and you can tell me what I need to do on my part.*

*God bless you and thanks.*

*Earl Wilkinson had met Vicky, Wilson's wife, and taken a photograph of her, which he took with him on his first visit on 27 November 1998. Wilson wrote him a letter following that visit:*

*Thank you for two wonderful gifts. The picture of my wife and the hope that your visit of the 27th Nov. '98 brought. I am in addition grateful, for the picture and message from Wcky are a very special thing to me and there are no words to express its importance.*

*I have studied the press clipping and the legal opinion you left with me and must, in general, say the opinion is fairly accurate and good. I will prepare notes on this and matters regarding the Decision of the RTC dated October 9, 1998 to await your return.*

*In order to prepare notes on the case in general, and as stated at our meeting, I do need the Demurrer; medical report, statements of witnesses etc. which are currently in the Embassy.*

*I will write to them but it may well be advisable for you to telephone them to insure the messenger has delivered them to me. They are in a checkered bag similar to the one you saw me carrying, (as far as I know).*

*Thank you again for your help to me, may God bless you for it and bless your efforts with success.*

*Wilkinson again visited him, on 19 December 1998. He reported this visit in a letter published in the Philippine Daily Inquirer on 24 December 1998, that said:*

*I wanted to host breakfast on Death Row. It was a disaster The milk carton I brought was still frozen solid and the cereal on top of my bag of Christmas gifts had been stolen not by murderous inmates but by someone in the large crowd outside. It was safer inside the prison.*

*But the "mercy mission" had value since valuable material to help save the We of Albert Ernest Wilson was exchanged. This "Mission Possible" is not probable since I was only contacted after the death sentence was imposed on him. I am assisting on the legal side.*

*It is a statistical improbability that all 820 sentenced to death by legal injection are guilty. Infact, several of the gang bosses assured me of the innocence of many of them. I*

*asked for details.*

*Englishman Albert Ernest Wilson is a solid man of 47 years, and is scared. He is also undernourished as the food allowance is only P 32 daily per inmate, and then you have to have the money, which he hasn't got, to cook it.*

*Why does a big foreigner get the same amount of food as a smaller Filipino? This could be against United Nations conventions outlawing "cruel and inhuman punishment." For big Filipinos and foreigners, this constitutes another form of punishment.*

*As we celebrate the birth of Jesus this Christmas, over 800 dead men walking are wondering about the death penalty in a Christian country. Leo Echegaray walked in the same D Block I was in for two hours.*

Regarding this visit, Wilson wrote, with the usual heading:

*Thank you for today making your second visit to me at Muntinlupa and your continual effort to exonerate an innocent man.*

*I note the response of Jose Tomas C. Syquia, State Council of the Department of Justice dated June 18, 1998 and addressed to the City Prosecutor Caloocan City, directing said prosecutor to "cause the withdrawal/dismissal of the three informations led in court against me and to report the action taken thereon within ten days from receipt hereof"*

*The City Prosecutor has not withdrawn/dismissed them and I therefore ask your kind assistance in continuing to pursue this matter at the Department of Justice (Crim. Case no lv. 6059-6061-V-97).*

*This is clearly a matter under the jurisdiction of the Dept. of Justice and a simple confirmation of their Order to Withdraw/Dismiss directed to the City Prosecutor would be of immense assistance.*

*As regards an appearance before the Supreme Court as an amicus curiae or the presentation of the legal opinions, medical opinions and other documents you have obtained, which clearly show and prove my innocence, please give them to any and all bodies to which it is appropriate.*

*To a man who has been judged by his own peers, as represented by the British Embassy his elders, as represented by yourself and medical experts both in the Philippines and abroad to be innocent, it is hard to understand and or accept that another man has ordered his death particularly when that one man's opinion is clearly not shared by the Dept. of Justice.*

*Lastly may I add my special thanks for your Christmas card, with its aptly chosen words and your kind gifts to a man you know is not in a position to repay you but can only pray that God will bless you for such kindness and generosity.*

*Yours most sincerely.*

*P S. Could you please send a copy of your “Comments on Memorandum re Wilson” to Wally Moran and the British Embassy?*

*Also, re: Dorm Officials at Muntinlupa. I ask your understanding of my situation and OBLIGATIONS.*

On 7 January 1999, another letter was sent by Wilson to Wilkinson:

*Further to my letter of the 25th December; 1998. May I again seek your kind and generous assistance since your own legal report indicates I can put little faith in the attorney who represents myself and the British Embassy.*

*A firm of solicitors in England have advised me that they believe the Philippine government are in clear breach of the International Law in imposing the death penalty in my case. Thus they have requested copies of the transcripts, Demurrer and Decision etc.*

*I am not personally in a position to provide them but the attorney and the British Embassy have them. May I ask if you would kindly obtain copies of these documents and personally insure they are supplied to: Andrew McCooey and Co.*

*Solicitors. 3d West Street, Sittingbourne, Kent. They have already arranged a QC to put same to International Court of Human Rights. A My sincere thanks in anticipation of your kindness and of seeing you again soon.*

A little bit of the fears he was having was indicated in his letter of 14 January 1999:

*I received your telegram today, I am very grateful to you for showing such concern and interest. God has sent me some wonderful “gifts” in jail and not the least been good Christian people. A Your report on the Memorandum is currently with Ian Sargeant, H. M. consul, but I will gladly make a detailed comment when it is returned. Meantime could you please ensure that Mr Moran receives a copy.*

*Your opinion that a lawyer other than or in addition to Billena should present my appeal is apparently shared by the embassy and Mr Moran. The Embassy have some ideas on this matter Perhaps you could find out what they propose and give me your opinion.*

*Time of course is important. The current “yo-yo” situation re Leo Echegaray is torturing to my mind particularly as Pio Pasco has gone on radio in an attempt to link my case to his. My wife remains in great danger and I fear Pio will find and kill her.*

*I love her more than my life and pray you can find a way to lift the warrant of arrest against her.*

Six days later, he wrote again. He mentioned that letters from Moran were telling him that he would soon be free.

This was because Moran did not understand first and Philippine law. Moran believed that the Department of Justice had the power to allow him out on bail. This of course, is not true. Once there is a court decision, the Department of Justice are powerless. Only the Supreme Court could free Wilson, and they would only do that after considering his appeal. So, on 20 January 1999, he wrote:

*Further to my letter of the 14th January 1999, I am sorry to inform you that H. M. Consul has still not returned the report of Billena despite my reminder and the presence here of an Embassy messenger last Friday and Monday.*

*I am actually anxious to talk with you since correspondence from Mr: Moran appears extremely optimistic and indicates I have a great deal to thank you for. Certainly the recent government decision to proceed with a "procession of executions" causes me great concern, but so long as such renowned individuals as yourself are prepared to fight in my corner I remain hopeful that truth and innocence will set me free.*

*My immediate concern remains for my wife who is enduring great hardship because of her support to me. I pray she remains safe and well and look forward to seeing you soon.*

Wilkinson sent Wilson a telegram that read:

*Family is well I hear and offer support and strength.*

*House is unoccupied. In touch with Moran near daily. Today I received three page supporting letter from British Ambassador Alan Collins, hand delivered. He states you made choice of lawyer. What are the details? Who is paying? Also there is no coordinating of your defense by the Embassy.*

*Do you wish me to? He states, "It would not be appropriate for us to act on the advice of third parties," So I ask you to write (Telegram) me for authority to act in providing the transcript to the Solicitor-General and to help in getting the assistant lawyer to assist the defense lawyer and to advise Great Britain law firm. Keep your British chin up buddy. How did the Christmas games gifts go?*

*Regards to all innocent prisoners like you.*

Wilson wrote back:

*Just received your telegram. Thank you for your concern. I am very angry at the disclaimer by the Embassy and do not understand.*

*The firm of attorneys representing me is the same firm used by the British Embassy and they have, to date, been coordinating with them. They have been in regular contact, held meetings with, passed instructions to, made requests of and supported them; even at such time as I indicated I wanted to change them, they advised against it.*

*They were chosen from a list provided by the Embassy with their help. The individual attorney appearing in court was changed three times without consultation. Each time the judge was not amused. I am supposed to pay but right now no money and also after becoming angry at performance said I would only pay upon my release. A letter of authority is attached for you to obtain and submit copies of all transcripts and court documentation to the Solicitor General and the firm of Andrew McCooey, Solicitors.*

*I would also be happy to have an assistant lawyer able to ensure my release, BUT do not have any money left as you know God bless you for your help to me and your belief in me for I am truly innocent.*

*R S. SORRY I CANCELLED CHRISTMAS - COULD NOT FACE IT*

Wilkinson wrote on 29 January 1999:

*Received a second authority via Jesuit Prison Service. Thank you.*

*Kindly write why the DOJ should dismiss the 3 charges. Seeing mother-in law on Sunday. She is seeing you next Tuesday.*

*Embassy and Defense very active. now. I stirred up both based on past performance and future blame. Position stronger now clearer after end of Feb.*

*I saw Billena, spoke and wrote Ortega, wrote and spoke to Ambassador No reply from the English law firm yet. It is a long shot anyway.*

*What is the significance of the past charges dropped versus the decision of the judge? Your comment please.*

*Enclosed The Foreign Post and one of my appeals to Rotary. Don't hold your breath waiting for big money!*

*How did you meet your wife? Why settle in the Philippines? How were you living in the 90s? This is good for the human interest and to answer the questions I am getting.*

He wrote a long explanatory letter on 2 February 1999. For a usually reticent man, he certainly opened up with candour about some of his past life:

Sir you are a man I owe a debt to that is beyond payment for the help that you give to my wife and her family. May God bless you always.

I have your note and enclosures of the 29th January 1999 as delivered to me by my mother-in-law today.

*To answer your questions:-*

*1. The DOJ have already ordered these charges dismissed but the judge, scal and prosecutor have chosen to a) ignore that order and b) submit a Motion for Reconsideration. To permit the motion the DOJ must reverse itself" and thus make a mockery of itself It has only once done so in Philippine history and the Supreme Court ordered it to "turn again. " The only way Pio could obtain such an unthinkable decision is by means of corruption and he is trying. Please ask the Embassy to furnish you a copy of the Motion and opposition thereto.*

*2. The judge based his erroneous decision partially on those charges and an assumption of my guilt in relation thereto. He convicted me of them without trial and despite the order of dismissal proving them to be lies.*

3. *My wife was slaving for the girl friend of an Australian in Puerto Galera.*

*There were differences of opinion, not the least caused by her sleeping at the foot of their bed in a tiny room. She suffered it and the humiliation to provide for her children left with her mother. The Australian asked my help when the behaviour of his girl friend and another Australian with designs on Vicky became too much. I hid Wicky in a room (separate entrance) attached to the side of my house. Time and cupid's arrow after some months found her sharing my life and my bed. It did not, however stop a great deal of misunderstandings and fights caused by the fact we could not understand and what each other was saying or meaning.*

4. *It was back and forth to England but she stayed in my heart and love. In 1994 we worked in England together; securing the money to build a house for the children I at first did not know she had.*

5. *To marry in the Philippines was bigamy for her since there is no divorce in the Philippines and would not have been recognized by the British Embassy. I doubted also we could marry in England and return particularly in light of the threats of her husband. We lived as best we could between countries, between laws but true to our hearts. This is far; far from the whole story but I do not have enough paper or enough words to tell it all.*

6. *Sufficient to say she is my love, I would give it freely for her and likewise whether you collect a million pounds or a single peso so long as you first spend to obtain her freedom, her safety, to enable me to see her and know she is safe, I will be happy.*

7. *I will send, as soon as I am able, a letter for Tony and Alan.*

*I do not know who they are. I have never met them. I know only they are names spoken with joy by my mother-in-law. Please thank them most sincerely for that joy and the hope they have given her for it is hope and happiness she will convey to my wife.*

8. *My mother-in-law does bring me a little food, but she herself is dependent on her children, so much so that each mouthful shames me.*

*In truth I am better and healthier now because of the support of fellow inmates and the hope that you have brought me.*

*God bless you all.*

He did, in fact, write a letter to Tony and Alan. They had met with Virginia Delistan, Wilson's mother-in-law and Jay-R, the stepson. She had told them that every time Pio Pasco passed her house that he would call out "The Kano is going to die."

For her to listen to two men who showed enthusiastic optimism must have indeed been exhilarating. His letter stated:

*I do not know who you are or where you are but feel that Mr Wilkinson will see that this reaches you.*

*All I know of you is that you have placed a joy and optimism in the heart of my mother-*

*in-law for which I will be eternally grateful. She is a very old sometimes cantankerous (so my wife tells me), but very kind and special lady for me.*

*She struggles alone to visit me in the jail and control, support and feed my teenage stepson alone. A task any experienced parent knows is not easy anywhere in this world.*

*The hope that you have given her you give to my wife and me. I thank you in all sincerity.*

*May God bless you both.*

*In early February for the first time, Alan Atkins accompanied Wilkinson to meet Wilson. After that visit, a letter was received dated 9 February 1999:*

*Thank you yet again for visiting me and a special thanks to and for Alan Atkins for accompanying you.*

*It was an extremely good day for me, not least because soon after your departure my son also came and I was able to give him many items to take home. Thank you again. I just pray that soon his mum will be free to come herself I look forward very much to the Embassy being able to get my word processor inside since I find my current nervous disposition makes concentrated thought and talking very hard at times. Putting my thoughts to paper is much easier particularly at night when others are sleeping.*

*I will try to concentrate on errors or mistakes I think were present in the Web Site as per your request. (There are not many and in the main it is very good from such a distance with information hard to come by).*

*I feel that:*

*There should be prominent listing of the defense and prosecution witnesses.*

*To show clearly that almost the entire family of the complainant support the defence, as did the teachers and specialists.*

*A quote should be included from the testimony of the NBI medico-legal.*

*The list of supporters is missing the name of a very kind gentleman and important supporter It should be updated generally.*

*The rest of the letter pointed out typographical errors and general mistakes. It was indicative, though, how Wilkinson had raised Wilson from a coma-like stupor to a point where he could now analyze and think clearly. As Wilkinson was on an overseas trip on 25 February 1999, Wilson Wrote to Atkins:*

*I today received a copy of your letter to Atty. Billena, dated February 5, 1999. Thank you for your continued help and support to me.*

*Just as this fighting has occurred between "gangs" in the prison compound resulting in death and injury. This concerns me greatly and should you be able to do so please assure Vicky I am safe.*

*Whilst this is not strictly true I would not wish her to think otherwise. The fact is that*

*those in my brigade, (dorm) are part of the “gang” (group) being identified as responsible for the death of one inmate. I have been told by another Brit who is domiciled with the “gang” of a dead inmate that they are seeking revenge and preparing weapons accordingly.*

*Although some visitors are coming inside it is thus, nevertheless, a very “delicate” time.*

*The Embassy also came today and will be here again next Thursday, thus, are, I believe, monitoring the situation. Perhaps you should keep in touch with them and if visiting come to Gate I rather than passing inside.*

*Although, as walking dead we remain inside the dorm, it has stopped the flow of e-mail back and forth to Wally. (Perhaps you could advise him). And made purchase of foodstuffs, cooking materials, etc. very difficult. However; I am sure I will manage.*

*Meantime, my thanks to you and Earl for the continued media coverage, the clippings you sent and above all your fight for justice.*

On 5 March 1999, he again wrote to Atkins:

*Thank you for your letter received yesterday via the Embassy along with the great little machine thanks again. Please also give my thanks and regards to Roy for his kind assistance.*

*I am rather embarrassed to learn you are spending so much time on my case, although I fully realize and appreciate the value of a logical data base with cross-reference. There are no words to express my appreciation for your taking on such a task.*

*May God bless your efforts with such success that the British and Philippine governments are shamed into buying the champagne.*

*Infact, you are right, I am sorry Nica is such a liar but I know inside that they are the words of her father coming from the mouth of an imprisoned puppet.*

*May God have mercy on her.*

*Meanwhile, Billena may insist that the 45 days start, from the receipt of the “Notice of Solution!!!” from the Supreme Court, but to delay preparation of even a draft appeal document until it is received is little more than criminal folly.*

*Forty ve days is not enough time to prepare the draft and have necessary and vital reviews carried out before submission. As I see it he is simply declaring an intent to delay until such time as it may be submitted without reference to anybody on the pretext of lack of time.*

*I would appreciate if you could advise the Ambassador personally and accordingly. Please insist that should Billena not produce a draft document post-haste ‘for review by interested parties.’ They should intervene and should this fail I will write to him and the F C. O. putting my point of view backed by knowledge of the proper and general procedures that have been applied by attorneys for the 900 “experts” here. Copies would of course, be available to the media.*

*There is absolutely no point in experienced and able persons such as yourself and certain Attys. doing a great deal of work, for petty seynishness, jealousy, ethics or whatever to cause it to be wasted.*

*Perhaps if you are in contact with Earl and Wally you could convey this to them since it is important, even imperative, the appeal brief is available to Wally during his time here.*

Earl Wilkinson was on a visit to Sydney. He hand-delivered a letter from Wilson to Amnesty International Australia, an organization of which he is a long-time member. It read:

*My liberty has been lost, so I respectfully seize the liberty of writing to you in order to help save my life, and that of many Filipinos, from the death penalty, which I have been condemned to. I enclose photocopies of the Manila Foreign Post that will give you a brief background to this proposed slaughter of an innocent Englishman. The web site mentioned has more.*

*Your Sydney member Earl K. Wilkinson has kindly visited me and ojered to deliver this to you in person early March.*

*The Philippines signed the Optional Protocol of the International Convention on Civil and Political Rights, and so the death sentence appears to be in breach.*

*What material do you have that shows the death penalty is NOT a deterrent to child abuse or other types of crimes? This is written as the first lethal injection in the Philippines is being carried out on Leo Echegaray.*

*Trusting to hear from you via bearer Earl Wilkinson.*

*On 16 March 1999, Wilson wrote an angry letter to Mr. Gerard McGovern, who was part of the Delegation of the European Commission. He wrote:*

*I am very disappointed to be informed that despite the entreaties of Sister Francis, my three letters and the critical situation here, your visit has been postponed inde nitely.*

*My case, being one of high pro le, is being closely followed by media world-wide and I had advised several of your expected visit. I have since been asked by such as Mr: Sheridan (Times, UK), Mn Moran (Canada) and Mr Vldlkinson (Aust) of your opinion or proposals but can tell them nothing.*

*You will note from recent television reports, and I am sure from information provided by Sister Francis, that with the current disturbances L or indeed, any European inmate could become a victim and thus never be able to present a case to you.*

*Might I respectyitlly urge you to reconsider?*

*It is possible for an interview to take place in a VIP visiting room at Gate I should you deem the risk of actually entering the prison unacceptable.*

*Alternatively perhaps, you could reply to correspondence so that I may at least con rm your interest to those media inquiring.*

*Should you feel the need to study any documentation ref my own case, all can be made available via the Embassy, or the local Canadian, Australian or UK coordinators of*

*“Freedom & Justice for Suny. ”*

Wilson had obviously gotten his brain back together as, on 17 March he Wrote a somewhat disturbing letter to Wilkinson:

*I believe you will be back in the Philippines to receive this letter and hope you have returned, after a good trip, in ne health and ghting spirit.*

*Disturbances here in your absence have resulted in at least one death and three seriously injured. Two “gang commanders” have been put in solitary. Further outbreaks led to searching and you may have been informed of the televised display of shotguns, knives, etc. found in the “sputnik” brigade. Just a few evenings past an “explosion” caused inmates to rush to places of safety.*

*My own brigade remains quiet, thankfully, but rumours abound. The arrival of Mr Moran appears to be continually delayed and is a matter of great concern for me. Despite the kind attitude of the Embassy progress in my case remains stagnant with Billena saying that the Supreme Court has not asked for the appeal brief This is far from an acceptable reason for not preparing it for review purposes. This attitude is a source of continued frustration and justqies my lack of confidence.*

*Sister Francis kindly provides me with copies of the “Tablet” when available. The December 5th issue had a small reference to myself and the December I2 an article on human rights.*

*It raised many questions in my mind. I quote, “The study of the evolution of the idea of human rights shows that they all ow from the one fundamental right the right to life.*

*If this is true why then in a predominantly Roman Catholic country is the death sentence permitted to exist? Not only is*

*this contrary to that basic fundamental right but it is handed down by individual fallible humans once described by Estrada as “hoodlums in robes” and recently as “corruptibles.” (Inquirer article where he also says women judges commit fewer transgressions than men). For their part accused lack even the benefit of a jury competent defense or accurate transcripts, due to the interpretation and translation into English by persons lacking in training.*

*Convicted persons may appeal but such appeals are based quite simply on those questionable and inaccurate (translated) records provided by “corruptibles” or “hoodlums in robes.” It is even more certain that an appeal cannot prevent the guilty purchasing their innocence.*

*“I quote further from the re ections of the Catholic Bishops of England and Wales:-*

*“Every member of the community has a duty to the common good in order that the rights of others can be satis ed and their freedoms respected. Those whose rights and freedoms are being denied should be helped to claim them. Indeed human rights have come to represent that striving for freedom from tyranny and despotism for which the*

*human spirit has always yearned. ”*

*There can be no denying that the Philippines is a predominantly Catholic country. There can be no denying that corruption lies within its judicial system (the President admits it). There can be no denying that individual human rights and even collective human rights are denied when a judicial system is not one of justice but more of peer pressure and nancial interest.*

*What then is the Church doing to correct this and where is the direction that should be provided by its leaders?*

*Can the rights of an embryo be said to be any greater than those of a minor?*

*(Minors too face the death penalty in the Philippines). Is a child greater than the mother on whom it relies for sustenance? Does that child not have a right to family and parents to protect it from poverty and suffering, perhaps even death?*

*Is the Church meeting its duty responsibilities collectively or individually in not openly and ‘forcefully’ helping those whose fundamental right to life is denied by an unjust and corrupt judicial system? Justice for victims of crime is after all only served by sentencing the guilty and not by the rich purchasing ‘freedom’ and the poor paying the penalty of poverty.*

*Does indeed any man have the right to take the life of another on any pretext? Again I quote.” g “The second theme is that Christians learn from the Gospel that life is not only a human right, but that it is also, and in fact first ly and ultimately a divine right. In the words of Jesus in John 10:10, “I have come that they might have life and have it to the full.” This unique life is something that only God can take back and therefore the right to life does not entail the right to suicide or euthanasia. ”*

*A man cannot take his own life or make a rational decision to end suffering beyond capacity or dignity - yet the Roman Catholic Church condones the taking of life by “corruptibles,” by “Hoodlums in robes,” when it does not lead the voice of its people in opposition to those that openly propose and advocate increased death penalty and murders by a corrupt judicial system. This cannot be said to dispense justice, (The hands of Pontius Pilate are brought to mind).*

*I apologize for both the length of this letter and the strength of my feelings but I also appeal to you, as a man I greatly respect, the man who wrote “The Pope and Aids” and was a man of sincerity, without fear; to take my words, my thoughts, and put them in appropriate form before those you deem best in seeking a response.*

*Such “heavy” matters aside, I look forward to seeing you in the near future.*

Things appeared to settle down as the battle to get the law firm to prepare a decent brief raged on outside the walls. Atty. Billena had been to see Wilson with his Appellant’s Brief, admitted that it was not very good and told him he did not think it would free him. He was not in a very good state when Wilkinson and Atkins visited him on 30 March 1999. After that visit he wrote:

*Thank you for your visit today so soon after your return from Australia and my apologies for my nervous state.*

*I feel a need to explain a little on paper just for the record so I hope you will bear with me.*

*As you know I am confined in Dorm ID and unable to move around. Also you know of the recent disturbances here resulting in death and injury. In fact the max. compound is now divided into two “armed camps” with a high wire down the middle. Incidentally most British, including Michael Clark who you mentioned, are in the “enemy” camp. He and other Brits used to bring my food ration which is first delivered to the foreigners dorm then brought to me. Now however; it is brought by a Frenchman who, being a member of “oxo” (the “father gang”) can still come here. ‘*

*In addition to this “gang warfare ” there is “political warfare ” in my own dorm. The Chinese outside, who hold the purse strings, are upset with an assistant mayor and want him to go, or they will. This puts great pressure on us three foreigners likely to remain, donations and obligations will be very high, and I may even be forced to transfer myself. Conditions in the new dorm being created are much worse than here, very hot and no outside area, with poor water supply. In fact, I have become a target between a rock and a hard place.*

*When you add this to the news from Billena, which I tried to explain to you, I hope you will understand.*

*Thank you again for your kindness and generosity in bringing me essential needs, for ghting in my comer and simply understand.*

On the same date, in a feeling of helplessness he wrote:

*With your understanding and your visits to me you have become some what of a mentor and while you never mention it your Christianity is never far from my mind.*

*I hope you will forgive me, therefore, if I pose a question to you which causes me some dilemma.*

*As a result of internationally applied sanctions, it appears the Libyan government have been forced to turn over two persons probably responsible for the Lockerbie disaster This must have cost a great deal of money and involved a great deal of political pressure from Britain with the intent to punish the guilty. Quite rightly so and a duty you may say to those who died.*

*But what of the duty to the innocent? Do they not deserve the same assiduity for justice?*

*My innocence, as you well know is proven beyond doubt. The Embassy of cials here and all right-thinking people agree it to be the case yet they maintain they cannot interfere in the judicial system of the Philippines.*

*I await my murder while my country spends millions bringing the Lockerbie suspects to trial, thereafter to spend a few years in jail at government expense. I watch while millions more are given to the government which will murder me. I read of visits here by Prince Charles, Princess Anne, etc. and gifts of military ships.*

*I read of those guilty but with pretty legs who are freed by my government.*

*Please help me to undefirst and, please seek answers for me so I may reconcile it to a Christian faith.*

It was during this period that the team prepared the brief that was to shame the law firm into rewriting their pathetic effort. A copy had been delivered to Wilson, and it gave him a great lift. He wrote:

*My sincere thanks to you and Alan for your visit today.*

*Whatever happens in my case I could ask for no better people in my corner than the two of you. Religion is one thing but true Christianity is another and you gentlemen are Christians.*

*If I do survive to write the book you can be assured of top billing and certainly will star in the film.*

*On my return to the dorm I received an e-mail from Wally consisting virtually of another draft appeal brief I wish there was some way I could send you a copy, although I think Alan has already covered the points therein. (This was Atkins' brief.*

*He had e-mailed it to Moran, who then passed it to Suny, without explanation, giving the impression that he had prepared it himself).*

*Being among and listening to the many experts inside, I find it hard to be optimistic of my freedom, but content that no matter what, you will show beyond the slightest doubt my innocence and have the world acknowledge it irrespective of the Philippine judiciary and my state of health.*

*Thank you for that and should you have the opportunity please pass my love to Vicky and to my mother-in-law my desire to see her.*

Conditions in this dreadful prison continued to decline, when, on 25 April 1999, he wrote:

*Further to my letter of April 21, 1999 and knowing you wish to be kept aware of the situation here I would advise you of the latest happening in Muntinlupa.*

*It appears that now Jalosjos (a Congressman) has moved out of his apartment in Dorm IA; he has disconnected his water supply. Consequently they have run a new water supply to our dorm. In doing so they have reduced the flow volume of supply by 50 % and also the time period for which it flows. We now have something like 180 of the 200 inmates unable to shower. Officials of course have priority in water. In my own case for two days I have obtained only sufficient water from this new supply for drinking, albeit non-potable. I am not alone in this situation, with some of those sleeping close to me not*

*having showered for 3 days.*

*This is at a time when it is very hot and muggy and I have not been able to get my electric fan held in the Bureau office despite the written assurance of Ian Sargeant that Under-Secretary Liwag of Department of Justice telephoned the Director requesting that it be allowed to enter The radio you sent me likewise has not been let in.*

*I am not requesting or expecting you to be able to become involved in these matters but felt sure you would wish to be advised.*

Although this section deals with the letters written by Wilson, the next one requires some explanation. It was the result of a number of letters in the press which are reproduced below.

In a letter published in the *Philippine Daily Inquirer* on 10 April 1999, Emil Sy wrote:

*It was April Fools Day when I read that the Philippine ambassador to the United States was going to plead for the life of Filipino Alvaro Calambro in the United States. This diplomatic futility came as we were planning to kill three Filipinos by lethal injection on April 7, right after Holy Week. Why should the United States listen to save a life when we execute convicts so freely ourselves?*

I hear from death row last week that some foreigners there are scared for their own lives. This is because those who have nothing to lose try to gain goods and money from the “rich” foreigners who really have no money. This is a clear and present danger and amounts to cruel and unusual punishment or a second illegal penalty that the United Nations should object to.

Why don't foreign embassies in Manila object? Why aren't foreigners on death row segregated for safety? Some may be innocent as, no doubt, many of the 900 Filipino death row convicts are.

I ask the chief of the New Bilibid Prisons to reply in order to save lives. I call on the Catholic bishops to help. The present situation amounts to racial discrimination, and we are not racist, are we? Why not put a gate half way up “D” Block and separate foreigners? That will solve the problem. I'll help to pay for it. , The present torture is the responsibility of our government, which is silent. I call on President Estrada who is for the poor Most foreigners on death row are poor.

Earl Wilkinson also had a letter published as a follow-up to this plea in the *Philippine Daily Inquirer* on 14 April 1999:

*What a good idea Emil Sy had to save foreigners from illegal torture on death row as those who have “nothing to lose” gang up on foreigners for money which they don't have.*

*Sy's idea is to “help” pay for a gate on D-Block to separate foreigners from local convicts. I will pay for all of it! I have visited D-Block three times and the situation is tense and dangerous, and the responsibility for injury or worse...*

*But extortionists are as Sy says a “real and present danger” Why not try to save lives after Holy Week? I ask for a reply urgently. Who do I make the check to, dear prison director? When can I see the result? The clock is ticking.*

In another letter published on 26 April 1999, John Hansen, under the heading, "Is Segregating Foreigner Convicts Wise?" Wrote:

*The difficulty with fellow Australian Earl Wilkinson is letter offering to pay for even more bars on death row to segregate foreign convicts from extortion and physical danger is that he fails to point out that those there have a lot to lose in their prison within a prison! foreign and Filipino donors are afraid to visit, such benefits they help provide could be cut off for all. This is happening now as priest friends tell me the fear factor is stopping some from visiting and others have begun to avoid those on death row by going to the general visitors room that is now getting very few visitors. Australian aid in general could stop.*

*The heroic Filipino Jesuit Prison Ministry that adjoins the prison could suffer a lack of vital supplies such as lifesaving medicines. Worse, the efforts of many to repeal the death penalty could be damaged and so destroy the last chance of some of those who now resort to extortion that is seemingly out of control of the prison governor. An inquiry into this by the justice department would be welcome before yet another prisoner is killed by fellow prisoners.*

*In short, why cut off a nose to spite a face? Why should we help abolish the death penalty if convicts are fighting and killing one another in prison?*

These letters caused a great deal of trouble in the prison itself. The Superintendent had obviously been asked questions. He, in turn, carried out a thorough investigation as to who was leaking such information. The mayors were called together and instructed to assist in preventing such letters being written to the press. Wilson Wrote to Wilkinson on 27 April 1999:

*Last evening I was called before the dormitory boss and his sidekick. They had a copy of both articles concerning foreigners in D-Block.*

*They informed me these had now become a major problem for them. It appears the dormitory boss of the Chinese went to the Bureau Director concerning the first and the gang commander was consequently called.*

*Since officials of my dormitory know of our relationship, they were extremely upset about the second article and I was called to account. None of course, I am under great pressure in respect of this matter and there is to be a meeting of gang officials and the director of the Bureau on Wednesday.*

*I have simply pointed out that you are a man of strong principles who will act as your conscience demands in my interest. I have also pointed out that you liaise closely with the British Embassy and many others of high position in the Philippines.*

*Now I can only wait with trepidation the results and interpretations they put on matters.*

*We can expect them as a minimum to increase surveillance during our meetings and also to limit them. You need therefore to have the Embassy investigate and enforce your privileges under R. A. 7438 as legal counsel. Also, the Embassy will need to maintain high visibility monitoring of my well-being.*

*The medical I have long been requesting appears more desirable. A drug test could be part of this since searching of my cell may have unpredictable results. Such things happen. Also the name on any envelopes you kindly provide would be better other than your own. I am sure my situation requires no further explanation than this and you will take those actions of best in the interests of our needs.*

There was a clear warning to Wilkinson that his safety could no longer be guaranteed within the prison. This Was confirmed by the British Embassy in a message to him as well. Every visit there after a guard was positioned near enough to overhear any conversation and the time of the visit was strictly limited. Even kindly Mrs. Davies, an Englishwoman, who had started to visit Wilson after reading the newspaper appeals, was dreadfully frightened on one occasion. A guard sat at the table with them, interrogated both her and her maid and she was followed to near her home...

On 4 May 1999, Wilson wrote a beautiful letter to Earl Wilkinson

*Thank you for visiting me today. I am sure that nobody can really undefirst and just how much such visits mean to me for to see you is to know my innocence.*

*You have put men behind bars for much lesser offences than the one I have been found "guilty" of You have a knowledge and undefirst anding of the Philippines I could not hope to emulate more than this. You are a wise old man of the world with the heart of a young lion. ‘*

*It is through you that I am able to smile, able to fight for justice; even to be overzealous in my determination to fight.*

*Sometimes, however; the determination to pronounce the truth in my case is, I know a failing and a cause of mistakes. In my innocence I seek it in others, in facing the death penalty I seek its abolition for all.*

*You have given me not just life but life e to fight, hope to win, so please forgive some of its results.*

*Death lies on my shoulder; mental torture and physical danger accompany each day but also do just men.*

*May God forgive my small liberty:*

*Though I walk through the valley of death, I fear no evil, I have no fear for thy [sic], Earl and thy, Alan, comfort me. Through them Thou preparest a table before me in the presence of my enemies. Thou anointest my head with oil and my cup runneth over: Surely goodness and kindness have followed me for those days left of my life, for through them,*

*Thou art with me and I shall dwell in the house of the Lord for ever It has long been my favorite psalm though I doubt you will find such old English in a modern bible.*

*Thank you.*

*This very touching letter elicited a response by Atkins:*

*Dear Suny*

*It was a chance remark made to Earl Wilkinson while he was having a drink in the Prince of Wales [pub] that eventually brought us all into contact. Before that fateful remark, neither of us had ever heard of you or your trial.*

*Earl had, for many years successfully fought paedophilia and had assisted in bringing many before the courts to answer for their crimes against children.*

*Fortunately, there are, and probably always will be, mysteries to be solved One of these is.' why a chance remark concerning a person he had never heard of and regarding a court trial of which he was unaware, motivated him into obtaining a copy of the Decision.*

*Having fought for over a decade for not only stronger laws but, more importantly the strict application of those laws against paedophiles, this was an almost inexplicable action on his part.*

*Reading the Decision, however; he began to fear that it was proof of a typical Philippine knee-jerk reaction. From less than eight years earlien when there had been not one prosecution of a paedophile, to now over thirty death sentences every month for that crime, was statistically impossible. Your case clearly indicated, from the Decision alone, that you were most likely a victim of wrongful conviction.*

*Being a cautious man, howeven he sought the opinion of others, one of which was mysebf. My report to him stated emphatically that you were de nitely not guilty.*

*From that point, other documents were analyzed even before he made the first contact with you.*

*Since then, we have all met many times and worked together to find a solution to not only your problem, but our own as well. After all, what happened to you could have happened to any one of us, as Fr Shay Cullen writes in May "False accusations against the innocent are so easy to fabricate, it could happen to anybody." This was just after a fake rape charge against him was nally dismissed by the Prosecutor It is ironic that last year we warned, in writing, this paedophile-busting priest of the likelihood of a frame-up, as we wrote of the new danger to all Fathers in the Philippines. Father Cullen was soon a victim. He could have been on death row.*

*This exercise has taught us a great deal about the Philippine judicial system and the abysmal performance of law rms. You, though, have given us the biggest lesson. "Pigheaded" you are. Stubborn, you are, but more importantly, we have never witnessed a man willing to suffer so much for principles of decent human behaviour Even though*

*you could well have alleviated much suffering and mental distress, although you could have saved considerable sums of money, just by paying a relatively small amount, you have refused to do so, as you truly believe it would be wrong. Many lesser mortals believe you are stupid for not complying with what is considered natural in this country and they are wrong.*

*A man of principles is, unfortunately, a rare animal. A man who will hold onto those principles in the face of such torture as you have endured, and still are enduring, is even rarer: You belong to a species that is all but extinct. We only hope, should we ourselves suffer such adversity in- the future and be faced with a similar choice, that we too can have the courage of our convictions.*

*We appreciate your thanks for our modest efforts. We, however; cannot thank you enough for the lesson that you have given us.*

*You are correct. If we are ever to attain the rank of being civilized then we all must live by our principles. We must all recognize that which is wrong and refuse to participate in practices that dehumanize us as people, whatever the personal cost.*

*However; yours would be a hard act to follow.*

*You have made me proud to have been brought up in an era when, in Britain, standards were important. These standards appear to be lacking in our compatriots domiciled here if we are to judge from the response to our appeals. Because of your example, I today walk just a little taller May justice. be done. May you be rewarded for your ideals with a peaceful and productive life. May your God go with you.*

All was not yet over, however, as Wilson received a severe shock. His young lawyer visited him to show him the intended Appellant's Brief. On 15 May 1999, he wrote:

*Atty. Billena came on Thursday 13th May 99 and we spent 5% hours in discussion.*

*He had brought with him the latest effort of which I had a copy, courtesy of Embassy messenger and described by Ian as the "Final" appeal brief This document was NOT the one studied by Alan, Wally etc. and did not include many of the modifications suggested by Alan.*

*In fact, despite having been described to me as the "Final" appeal brief Billena is own copy was covered in alterations much as my own now was, since, apart from its contents, I had found the English very questionable.*

*Thus, in reality the five and a half hours were to be a wasted exercise since we began without a firm document to discuss. Billena now says he will return on 21 st May 99 with a firm document for discussion. I had understood that, subject to inclusion of the suggestions of Alan and modifications by Katrina Legarda, a final document had been agreed but since Ortega and Co now appear to have produced another TOTAL rewrite we must start again seeking a consensus.*

*Looking at matters simplistically by not beginning the appeal brief drafting in Nov*

98, as Ortega and Co could and should have done, thus having it ready when called for in March 99, they have added some seventyfive days to my period in prison (Valenzuela delays aside) and still have no acceptable appeal brief to present to the Solicitor-General.

During this meeting Billena showed considerable signs of strain and despair. On occasions he was unable to understand my English, matters of grammar and specifics to the case. He preferred to sidestep questions rather than answer them.

In short I believe my case remains jeopardized by the quality of legal representation by Ortega and Co. It may even be the case that Billena personally is reluctant to present the appeal brief for fear of failure.

Wilson was very, very unhappy about the preparation of his brief by Atty. Billena. On 25 May 1999, he wrote:

*I was very much hoping to see you this week in company with the British lawyer who I have requested to take up my case, entirely separately in the international courts.*

*Atty. Billena was in fact here on Friday afternoon (21 May 99) and showed a distinct lack of confidence in my acquittal on appeal before the Supreme Court.*

*I am therefore very anxious to consult with you about this*

*and seek your assistance in advising me as to how matters should proceed with respect to the Solicitor General. Billena has indicated his firm is extremely conservative and will take little action other than the submission of documentation.*

*Whilst in a respected court of England this would be normal procedure, I do not feel it applies here and therefore must consider such legal avenues as are open to us to expedite my acquittal. If yourself and Alan would do me the honor of visiting me to discuss matters further; I would be very grateful.*

Most of the letters after this date have been included in the main narrative, although some interesting insights into life on death row were given by Wilson when Wilkinson asked him to write something down about them.

*You know Earl, some time ago they removed a guy from my cell because he wasn't learning the right way of the gang. I had asked him to buy kerosene outside the dorm which, out of loyalty to me, he did without argument. Unfortunately somebody ratted on him since you are supposed to buy everything inside the dorm so the officials can get the profit from the store.*

*Anyway as punishment for doing as I asked, he was moved to the cell of an ex-policeman. Of course, he had been providing the guys food, soap, cigs, water etc while he was in my cell. The ex-policeman makes him sleep outside in the hallway and provides virtually nothing. So the guy sneaks back to me every day to scrounge food, soap, cigs, water etc. and takes whatever he can from the ex-policeman.*

*Now that is learning the right way of the gang.*

Another interesting letter:

*“Hi*

*“Hi. What you in for? ”*

*“Kidnapping. ”*

*“Kidnapping Is it true? What happened?”*

*”” “Oh, they found out the kidnappers used my ‘phone and my car  
Is that all? ”*

*Sure. I was nowhere around when it happened.” \_*

*Didn’t you tell the court? ”*

*Didn’t go. Well, only the arraignment. ”*

*“What?”*

*Yeah. After the arraignment I got bail. Then two years later they arrested me  
again and brought me to death row. ” How come? ”*

*“I lost. ”*

*“You lost?”*

*Yeah. Just waiting for my appeal. Anyway, what happened to you? ”*

*I got pissed.*

*You got pissed. So they sentence you to death? ”*

*I was arrested outside this house, collapsed on the sidewalk.”*

*So. What happened?”*

*“A year after; I was put in jail. They took me to court and I found out the  
house was robbed and somebody got killed.”*

*“What was that to do with you if you were on the sidewalk pissed out of your  
rain?”*

*They never caught them, so they said I must have been the look out. ”*

*Didn’t you have a medical or something? ”*

*Didn’t have an attorney ‘till I was arraigned. ”*

*You mean you were in jail a year with no attorney and no hearing?”*

*Didn’t have no money.”*

*So, anyway, how come you got convicted? ” \_*

*“Didn’t have no defence, did I and they already kept me in jail for a year while they  
looked for them what did it. ”*

*So ? “Well, my attorney said plead guilty and I would get a small sentence. ”*

*“So what happened? ”*

*“Judge said I must have conspired to it ‘cause I was look-out so he gave me the death  
sentence. Maybe also because I didn ’t know who did it. Its okay though ‘cause they put  
me on appeal.*

These little sketches are eye-opening, as they reveal the incompetence of the Philippine judicial system. The next one refers to those Wonderful people, The Sisters of Mercy, who do not just preach, but actually live Christianity.

*Sunday morning and everyone is waiting for Sister Francis. She, her sisters in Christ and fellow missionaries, will answer their requests and their pleas.*

*She brings soap for washing, clothing, foods, and even mats for sleeping on.*

*The lucky get glasses for reading. She risks her life not only*

*to enter death row to bring them these bare necessities, but to share mass with them. She must feel a little pride among so many praying fervently to the Lord that they might leave this place free men.*

*Afterwards, she leaves this dorm to attend to the needs in another The cards appear; the dice roll, and inmates parade the hallway. Soap, clothes, foods and mats being sold at less than half the price Sister Francis paid for them. Glasses sell for as little as P 100.*

*The Filipino always knows what he needs - cash for today and let the Lord take care of tomorrow*

Finally, a wonderful sketch of daily life, the early morning roll-call, or head count.

*Bang. Bang. Bang. 0600 on death row and time for headcount. Inmates muster before this guard as he, the responsible official of the Bureau, checks the murderers, rapists, drug pushers, dead- men-walking, under his sole charge.*

*“All present and correct, sir Yes, sir 204 sit: All here, sir ”*

*“What? Oh, no sir 185 here, sir Inmate officials don ’t attend morning headcount, sir Mustn’t wake them, sit: How many, sir? Ten, sir What, sir? 185 plus 10, 195, sir No, sir 204 in all, yes, sir No, sir Drug lords, sir Still high, sir Yes, sir Four sin Five more, sir? Oh yes, sir Two in the comfort room, sir and three Chinese, sin Still gambling in another dorm, sir Okay, sir? Yes, sit: Thank you, sin Christ, I wish they wouldn’t give us new guards. Its so hard to teach them anything.*

## **Addendum Three**

### **Addendum 3 British Embassy Letters**

Initially, Earl Wilkinson believed that the British Embassy were not doing everything they could or should in helping Wilson. With the new team of Ambassador Collins and Consul Sargeant, this was to change. The letters to the Embassy do make interesting reading however. The first was written by Wilkinson to Mr. Neale J agoe, who was 2nd Secretary (Political), dated 19 October 1998, which stated:

*I enclose my 8-page comments on the Decision of the Albert Ernest Wilson death penalty case.*

*I was handicapped by not being able to speak to the defense attorney whose phone number I was not given. I was further disadvantaged by not having the vital transcript to see what was left out of the verdict. What was put in was enough to make me fear that there is a miscarriage of justice which an urgent appeal could rectify.*

*Its a pity that the accused didn't have bail to get his defense in order which seems disordered, an example being the tedious detail on the house layout, and bed and phone position, near a large window where an alleged naked man stood in full view of neighbours only feet away when answering the phone, which he normally never answers, and so interrupting the "rape" of a girl who took time to dress including bra, and who escaped from right behind his back! So the phone rang and the girl was saved by the bell! And the evidence was thus destroyed and she got P 50,000 which is a lot better than the P 200 she got from pawning her ring. It seems one ring was worth a lot more than the other cash-strapped young girl, who has stated she wants to see the man executed!*

*It seems that a number of areas need going over; such as the apparent lack of photos of the house layout instead of those lengthy descriptions. I didn't see any verification of the school being closed when the son claims he was home. This could be vital, as the judge rejected the sons testimony. Even if the son cannot be believed it doesn't destroy the defenses case. The medical evidence does not favour the prosecution, and a top expert could be vital.*

*Background suggesting settlements of millions seems to be lacking. I could help interview some of the key players as an independent, and it couldnt do much more harm than the very nal result that Mr Wilson now faces. I could help with a second opinion - Atty. Jose Maria Ochave, who I have worked with. He is an expert on such cases. Kindly let me know if Mr Wilson wishes to meet, and how this can be arranged. Someone asked for a copy of the Demurrer Can you help on this?*

*I note the Honourable Judge Adriano Osorio states that the victims discrepancies were believable as it shows that she had not been rehearsed. It is unbelievable that the father did not go over the details of his daughters devastation particularly as he was so outraged by the matter that he refused the offer of millions which apparently did not exist! U the daughters inconsistencies show the truth, well then, a no-change testimony must mean a lie. On the other hand, a straightU'orward rendering of evidence, without contradictions, could well be the truth.*

*I wish all concerned good luck.*

*The damage of a successful prosecution to Britain could be great for many years.*

The following day Earl Wilkinson again Wrote to Neale J agoe:

*I offer my service to the defense attorney. Does Albert Ernest Wilson need money? If so, what for? May we be permitted to deliver it to him? May he be photographed at the same time? It may help. In the meantime, do his common-law wife and child need money*

*for food, school fees, etc. ? Wilson can write. My contact and office manager is Anthony A. Cruz, as I will be in Nepal for a few days, but I will be in touch. It takes a credible step for a child abuse prosecutor to switch to defense due to reading a 48-page decision of death! I was asked to help, I am doing so. There is no house mock-up display. Clarification on offers or request on settlements of millions of pesos is needed. Public statements, since the verdict might be vital, by father and child. Maybe I can get more!*

*I appreciate the sensitivity regarding the Embassy of Great Britain's position, and I will respect that as I did on the Douglas Slade case. I do not request any recognition of my vital role in stopping Michael Clarke from escaping. The British are now topping the list in the Philippines for child sex abuse cases and the head of Scotland Yard told me in New Zealand weeks ago that not one case under the new extraterritorial law has been launched, let alone a conviction, unlike Australia. So, we have a political component, Mr Jagoe, and the economic component is worse as this is the first ,foreign, child abuse case that has resulted in a death sentence in the Philippines. Kindly advise as time is running out, and so is a mans life!*

In December 1998, Wilkinson Wrote to the British Ambassador:

*Welcome and congratulations on your new appointment. Kindly let me know if I can be of any help.*

*Help is a scarce commodity here as only a handful of Britons have extended any with regard to the death row case of Britisher Albert Ernest Wilson for child rape.*

*As an honorary social helper and member of some child protection groups, I have assisted in prosecution of foreign paedophiles with great success. I now try to save a man falsely accused of being one.*

*My concern in the past was that Australia, where I was born, was getting the worst name on the subject in the Philippines. Britain now is the front-runner with most foreign convictions, most charges, and the first foreigner for the death penalty.*

*I spent two hours with Mr Wilson on 26 November 1998, and supplied two bags of greatly appreciated material. I have not given him the real position as no value is in that for him. I give you a look at the enclosed for a view of the case that seems at odds with the past, and alarming.*

*I saw no evidence of investigation of the girl is father; and yet facts indicate that there was good cause for it. So if not done, why not?*

*I stopped Britisher Michael Clarke escaping from prison after I visited him.*

*He is now back in prison for 16 years. I now wish to help get Albert Ernest Wilson out of prison, and away from the lethal- injection table. From my interview I saw no evidence that he had suicidal tendencies. So why would he invite a death penalty with a hostile girl and allow her to escape because the phone rang? She was saved by the bell! How convenient, as she now gets P 50,000 when she was so destitute that she pawned her ring*

*for P 200. Mr Wilson could have escaped on his motor bike. Being innocent, he unwisely decided to fight for justice. I am trying to help.*

*I enclose The Foreign Post, October 22-28, 1998, and a 14- page comment on the Memorandum, for your comment. I still have not read the thousand-odd-page Transcript as it is on "loan." I was charged P 2.50 a page by VWilson is defense attorney who is not even a partner and has limited experience. I 'm not complaining, merely commenting constructively.*

*Looking forward to hearing from you at your earliest convenience on this life and death matter.*

A follow-up letter was sent on 21 December 1998:

*I had hoped to have had a response to my letter of December 14, 1998 on the urgent matter of saving Albert Ernest VWilson from the Death Penalty.*

*I respectfully wish to report that, yesterday December 20, I visited Mr Wilson at his request, and found that he had given a letter for me to the Embassy messenger weeks ago. Kindly give this to me.*

*Mr Wilson requests the large slippers that were promised as he risks toe infection from the saliva-covered oor on which he often has to sleep because the steel-mesh bed is too uncomfortable, and the foam mattress that was also promised.*

*Another urgent message from death row now comes, not from Mr Wilson, but from several Britishers who have not received the prisoners money for support. They need this for a little Christmas cheer On behay of several Britishers here, and even one Filipino, I gave Mr Wilson two bags full of Christmas cheer and nutrition which he seems to need, which is undefirst andable as the food allowance for this solid man is the same as for the small Filipino, P 32 per day. He appeared drained of energy which probably worsens his mental condition, and results in him being , "scared." Further infomation which may cause concern that justice is not being done is that Defense Attorney Ismael Billena has still not seen Mr: Wilson, apart from his one and only visit. I now nd out that Attorney Billena was away for part of last week, and that hes on leave till next year! None of this was communicated to me when I spoke to him and his secretary on two calls.*

*The following points give me concern. There are others.*

*1. Mr Wilson could have escaped on his motor bike but, being innocent, he chose not to...*

*2. He could have easily escaped later on from his small lady custodian at Valenzuela gaol where at one stage he was custodian of her gun.*

*3. Evidence of innocence was that he asked for a DNA test when arrested and was told that they didn 't know how to work the machine.*

*4. He was confronted with a police offer of P 100,000 for the scal in order to "solve" the case! This was in front of witnesses at Valenzuela. Apparently, at this late stage the*

*defense does not know this.*

*5. Mr Wilson has not heard of the presence of the British police in the Philippines, but he appreciated the first visit by the new Consul.*

*6. I can't understand and why there were no countercharges, such as the threats of the father to beat up the son.*

*7. The advice of "wait" has now resulted in Mr Wilson waiting on death row and writing to me headed, "My Murder in the Philippines."*

*8. The "wait" policy seems to have resulted in no one checking the school, teachers, parents and students regarding the vital testimony of the son who claims he was sent home, and so the rape could not have occurred. I believe the father even testified that he saw the son, who should have been in school!*

*9. Why wasn't Jovy, a vital witness, called, particularly as she was friendly with Mr Wilson and even visited him in Valenzuela jail?*

*So, Sir you see some of my reasons for concern in this case, as it seems to need urgent damage control to save a man's life.*

The foregoing letter clearly showed that Wilkinson was worried that the Embassy and the lawyers were not doing enough to get the decision reversed on appeal.

This letter was immediately answered when Ambassador Collins wrote to Wilkinson:

*Thank you for your letters of 14 and 21 December about Albert Wilson. Thank you too for taking the trouble to visit him in prison. We are most appreciative of your concern.*

*I have been thoroughly briefed on Mr Wilson's case, both by my predecessor;*

*Adrian Thorpe, and by Embassy staff. We all share your concern about his plight.*

*While I am reluctant to comment on the several aspects of the case as it is still sub judice, we are doing all we can to alleviate Mr Wilson's suffering. And we remain in close contact with his legal team to offer any assistance we can.*

*You also mentioned in your letter of 21 December that Mr Wilson had given the Embassy messenger a letter for you some weeks ago. Unfortunately we have no record of our messenger having received such a letter.*

To Wilkinson this was just a diplomatic brush-off. On 13 January 1999, his frustration again became apparent:

*Dear Ambassador Collins,*

*I respectfully submit the following:*

*Albert Ernest Wilson's appeal goes on automatic review to the Supreme Court.*

*Submission of Appellants Brief by his counsel and Appellees Brief by the Solicitor General would take some time. Accordingly:*

*If the Solicitor-General has already submitted the Appellees Brief it would be too late in the day to convince him to change his position; Wilson's counsel would file a Reply Brief'*

*If the Solicitor-General has not yet filed the Appellee's Brief Wilson's counsel can expedite submission of his Appellants Brief' thereafter he can make representation within the Office of the Solicitor-General to convince that office to support his cause and to submit a recommendation for his acquittal (instead of his Appellees Brief)*

*It seems that action on this should have been undertaken by the defense law firm in the past when I was advising a move to render a "no case" result.*

*In any case, kindly let me have a Supreme Court Docket Number when available, and who is assigned in the Office of the Solicitor-General. Eventually I will need a copy (at my cost) of the defense pleading.*

*The lack of cohesion on the case shown so far is probably why the case was lost. So may I suggest a collaborating attorney, If the defence and Wilson agree? This might prevent further loss, such as his life! Do you agree on legal insurance need, or is this "sub judice," as you claim in your December 21, 1998 letter? I have other "sub judice" points that I am sure any judge would rule in my favour such as:*

*Where is the press and internet on the arrest and conviction? I lack this as I was only asked to help after the case was lost.*

*Why wasn't the Solicitor-General approached last year? Who was seen re the school class being sent home as claimed by the son?*

*Out of human compassion for the "wife" of Albert Wilson, what is her status and hope? This would help the morale of Wilson, and so help his input and might obviate "My Murder in the Philippines," as he wrote to me.*

*Trusting this is of help.*

This was a polite letter. However, events of that same day caused him to issue a clear warning that he was going to assist and would not be snowed by the Embassy.

To Ambassador Collins he wrote

*Thank you for your invitation to visit you across the road at the Embassy which I hear from Walter Moran in Canada.*

*Your cautions for not replying to me on the case are unclear despite your non-committal letter of December 21, 1998. One can only surmise your reason. My reason for declining your offer is clear; and in the interest of Albert Wilson. It is that a non-witnessed meeting can be open to serious conflict later; as is shown by the Wilson case where his life is at stake about an alleged meeting. I want no misunderstanding on this case in the future as to what was done, and what was not done which should have been done. Let there be no cover up.*

*The competence of culprits should be clear for the public to judge. This is a public*

*matter and not one for secretive Embassy meetings. By way of open legal comment, I enclose 8 pages of comment headed, "Comments on the case of Albert Ernest Wilson." Some of them could be helpful to the Solicitor-General. Mr Walter Moran wanted me to get a Transcript copy to you, Sir for the Solicitor-General. I rang Attorney Ismael Billena for a spare copy (I was overpriced by the law firm for my copy). Again, Mr Billena was "out." He is "out" so much, one wonders whether he is ever in. After waiting, I was cut off. No call of regret came to me. So,*

*I rang again and spoke to Attorney Ortega who was pleased to hear of Billena's difficulty in making contact. He assured me that all six partners of the law firm were conversant with the Wilson case, which impressed me. So, I asked for the Transcript for you, Sir. This would be a clearer copy than my three-generation one, which is hard to read already. Mr Ortega was businesslike in promising to lend me the copy of Mr Billena, who was out, as the firm's photocopying machine was broken. I offered to pick it up. Mr Ortega rang back with the news that my man, Edmund Lopez, had picked it up! "With a letter of authorization?" I asked. "No," I was told. No Mr Lopez was known. Mr Ortega then rang back stating that Mr Lopez was from the British Embassy! So now you have it, do you? 'I A cameo of confusion is revealed, as Billena's secretary said Billena came back from leave of absence on 11th January "yesterday" and Mr Ortega said he returned on 6th. Either coinciding way there was no return phone call on the Transcript issue, or the Solicitor-General, which were urgent.*

*My suggestion is that, as the Embassy didn't have a copy and now the defense has none, that Wilson's copy should have been utilized which was in the custody of the Embassy but "couldn't be found" originally. I wonder what happens on a complicated matter? A spare copy should have been available for expert, independent study as insurance for Wilson. I did this. So, as musical chairs are being played with making contact, I point out that Wilson might be the only one who misses out, as there seems to be no one in charge. Had there been, the Solicitor-General issue should have come up last year when I was writing to the previous Ambassador I trust this constructively is of help.*

From the letter he received a telephone call from Consul Ian Sargeant, which prompted him to write on 19 January 1999:

Dear Mr Sargeant

*Thank you for your courteous comments last week on the Albert Ernest Wilson case.*

*I enclose portion of a letter to me, dated January 7 by Mr Wilson, headed "My Murder in the Philippines." He requests documents to be sent to the English law firm of Andrew McCooney and Co. I have telephoned the firm, and am advised that leading human rights Q. C., Edward Fitzgerald, who won the UK award last year; offers his services free.*

*A check up on this firm and their past activities on human rights is needed. I have*

*advised them to contact the British Embassy and that in view of sensitive local negotiations, UK activity might be perceived as foreign interference.*

*Could you supply me, which I will pay for a copy of the Demurrer that Mr Wilson refers to? Some copies of the British press on the case would be helpful.*

*Atty. Ismael Billena has failed to return a single one of several phone calls this year I believe that my fellow Rotarian, former Solicitor-General Frank Chavez, may have spoken to his friend, current Solicitor-General Galvez, about the Wilson case. This could be a cause of the reluctance of Atty. Billena in protecting his client by not contacting me.*

*Kindly advise me if there is any development in the case, particularly when there is a Supreme Court docket number; which Frank Chavez has requested from me in writing.*

*Thankyou very much, and looking forward to your reply at your earliest convenience.*

Ambassador Collins did write once more, on 20 January 1999:

*Thank you for your two letters dated January 13.*

*I think there are a number of misunderstandings and, since I have only been in the Philippines and involved in this case for one month, I believe it best to address them at the outset. Since the points covered relate mainly to how Britain protects its citizens abroad I have consulted my Head Office in London.*

*The very first thing to say is that everyone in the British government, including the Minister responsible, Baroness Symons, our Consular Division in London and the staff at the British Embassy, are determined to do everything possible to see an early and just settlement of Mr Wilson's case and the removal from him of the threat of the death penalty. I am personally committed to this. The Embassy will give absolute priority to helping to achieve a just settlement despite the other pressing matters, including other British prisoners. None of these things involve the risk to a British citizen's life which is why dealing with Mr Wilson's plight is our key objective and our number one priority.*

*We welcome ideas and assistance in achieving this objective from any well meaning person. This is why when Mr Walter Moran told us that you were disappointed to receive only a short letter from me sent shortly after my arrival, I assured him that my colleagues at the Embassy and I are available to meet and discuss Mr Wilson's case and how to resolve it. You were not being invited to a secretive non-witnessed Embassy meeting but rather invited to give us any information you have that might help Mr Wilson. We would be glad to co-operate with anyone to this effect.*

*I know that you have now had two telephone discussions with my colleagues.*

*What we cannot do is to be seen to interfere in the judicial process of the country to which this Embassy is accredited. That applies to our diplomatic missions worldwide and is not specific to the Philippines. Nor can we engage in detailed correspondence with third parties about the legal aspects of a case involving a British citizen when the case is still before the courts. Thus, while a case is sub-judice (as it is in Mr Wilson's case since*

*it will be next heard before the Supreme Court) no British official is able to debate with anyone apart from Mr Wilson and his legal advisers the rights or wrongs of earlier legal proceedings. I am sure that you appreciate the British governments position on this which does not detract from our wholehearted efforts to help Mr Wilson. We can and will speak up loudly for Mr Wilson rights to be observed in this case.*

*You have provided a very full analysis of the earlier legal proceedings and your conclusion that they were fundamentally flawed. The people who will benefit from your work and expertise are Mr Wilson's legal advisers. I strongly urge you to make your careful analysis available to his lawyers as quickly as possible so that full account can be taken of it. For reasons of confidentiality, we will not pass on your letters to the lawyers ourselves. You must do this yourself. You express unhappiness with Mr Wilson's lawyers. This is a matter for Mr Wilson to decide. The original choice of lawyer was made by Mr Wilson himself. We have made clear to him that if he wants to choose new lawyers we will assist him in any way possible in this process. It is he, whoever are Mr Wilson's lawyers, in consultation with Mr Wilson, who must decide the conduct of his defense. Neither the British government in London, nor this Embassy is co-ordinating Mr Wilson's defense.*

*We have no lawyers at this Embassy much less Philippine lawyers, and must depend on Mr Wilson's legal team to decide what is in his best legal interest. Mr Wilson considers that a legal co-ordinator is necessary as you suggest, that again is a decision that we will do our best to help him carry out. Unlike in the U. K where legal aid funding may be available to persons in dispute in the U. K, there is no such aid available for British Citizens overseas who find themselves in distress. Costs have to be met from private sources. I understand that friends of Mr Wilson are attempting to raise money on his behalf to meet legal costs. We have put them in touch with the British business community in Manila and you have helpfully suggested that lawyers in the U. K might help. We also understand that you are willing to contribute towards legal costs. Can you please tell us the extent to which you are willing to help so that we can pass this on to Mr Wilson?*

*We very much agree with you that keeping available the full transcript of Mr Wilson's trial is important. We did not hold a copy of this ourselves and therefore borrowed a copy from his lawyers so that, with their permission, we could make copies. This was a difficult task because the nature of the document precluded commercial copying. But it has now been completed by Embassy staff with the original back in the hands of the lawyers.*

*In the same way I would strongly urge you to make your analysis available to the lawyers, I also strongly urge you to make available to them your views about the involvement of the Solicitor-General and the action the lawyers should take as regards the appeal to the Supreme Court. We would naturally be hopeful that when he has considered the case the Solicitor-General would submit a recommendation to the Supreme Court favourable to Mr Wilson. Given his position we would envisage his having complete access to the transcript of the court case in order to allow him to decide the matter. But, in case he does not we have made a copy of the transcript available to the defense to send to him should*

*they believe this is the right approach.*

*In this matter; as in everything we do with the case, we must be guided by Mr Wilson's wishes and those of his lawyers. It would not be appropriate for us to act on the advice of third parties, however well meaning and well informed, without the express authority of Mr Wilson and his legal advisers. .*

*On your detailed points, I am not clear whether you are asking for copies of the media coverage at the time of Mr Wilson's trial or asking why there was not more media coverage. We cannot, of course, speak for why the media reported as they did, nor why you were not approached earlier. On the point of the timing of any approach to the Solicitor-General, you will need to discuss the matter with Mr Wilson's lawyers. As stated above, they and not the British Government are responsible for the way the defense is conducted and the timing of any activity to do with the Supreme Court. The same applies to your question about which witness was seen by the defense concerning evidence at the trial. As I have explained, it was not this Embassy that organized Mr Wilson's defense at his trial, but his lawyers.*

*You also raise the matter of Mr Wilson's Filipina partner. Please be assured that this is something that the Consul is discussing with Mr Wilson during his visits to see him in prison. As you know the Consul is seeing Mr Willson frequently.*

*Can I conclude by reassuring you once again that we will do all we can to assist Mr Wilson. Everyone in the Embassy and in London is fully committed to this urgent necessity. We are all well aware that a death sentence has been passed and everything possible must be done to bring justice for Mr Wilson and to get the threat of this sentence removed. I am making the concern of the British government clear at appropriate introductory calls at the highest levels in the Philippine government. The constructive advice which you kindly provided can also play a part in guiding whoever Mr Wilson appoints as his legal adviser.*

*Please do not hesitate to keep in touch with us on this crucial case. As you know my two colleagues tasked with handling it are Ian Sargeant and Neale Jagoe.*

*They, like me and our colleagues in London, share your goal of ensuring any wrong is put right as swiftly as possible.*

A very important letter was sent by Wilkinson to Ian Sargeant on 1 April 1999, which clearly set out the misgivings he had concerning Atty. Billena:

*Thank you for your usual concern for death row convict Albert Wilson yesterday on the phone.*

*Today April Fool is Day I collect my thoughts on concern for the likely lethal injection of an innocent man! The case is in bits and needs instant glue to hold it together at this late stage, where legal firm delays cause trouble at the last minute after half a year of procrastination. The deadline for a Supreme Court appeal is 17 April 1999, and the Embassy has not been shown a draft brief. Why not, as a 30-day extension is sought with*

*no guarantee of success? No attorney bothered to pick up the phone to the Supreme Court and ask why the normal 45 days to appeal had been reduced to 30 days in Wilson's case. Why the rush to the death table?*

*The state of mind of Attorney Ismael Billena is important for the life of Wilson. It is devious and despondent to the point of near criminal negligence, as is proven by telling the prisoner that the case is lost! This could cause suicide by the accused, and nearly stopped him from helping himself and us from helping him. This sad disgrace has partly resulted from the attitude of some of the partners who deny outside help, and deny the Ambassador the right to see a last-chance draft, which, I secretly know is a complete shambles of typos, grammatical errors, omissions and rambling of 90 pages, with some missing, that lacks logic and proper presentation and vital legal facts. Why is this a secret? Why didn't a partner handle the case? Why a sick junior? Who handled the case when he was seriously ill? I rang for a vital two weeks and was not referred to an assistant of the sick junior man. I heard lies. This man proposes to visit Wilson on 7 April 1999. This is likely to be denied. High security will be in force on that day as a second execution is due! How come they don't know? That is already Wednesday and leaves near nil time to no-visit Friday. More delay as the clock ticks. This is the man who committed previous serious indiscretions, one of which I told you about that could have blown the case, and the Embassy!*

*This is the man, under the "direction of the six partners," who confesses as late as March that he didn't have an index of the 1,000-page transcript or the other documents. He relied on "knowledge and memory."*

*He then asks the listenen Atkins, to remind him of the date of their next meeting, the brief day. We did our own index, which is now ready!*

*But, Attorney Billena is not all to blame. Senior partner Ortega blusteringly told me that my "man" had picked up the vital transcript. He had to ring back and confess his mistake. It had been the man from the Embassy! Mistakes constantly occur No wonder the case was lost.*

*To be constructive, I acted this week on Wilson is urgent appeal to be seen. I took old clothing and money, and a large box of donated coffee, and a short-wave band radio. I did not bring hope as I received disastrous, demolishing news. Some was confidential, please excuse this, as it is his We at stake.*

*As predicted in writing months ago, Wilsons life is in danger! He now says so, and needs a doctors certificate to say he is physically sound in case he is murdered and death in sleep is claimed by those who are doomed to death anyway and have nothing to lose and something to gain by standing over foreign prisoners for money that they don't have, and goods that kind people like Mrs. A. Davies give. She took food and English hot steak and kidney pie yesterday! Why aren't these "rich" foreigners not segregated for their safety as they endure a second sentence that is not applicable to Filipinos? The United Nations would object to this "cruel and unusual punishment." The United Kingdoms Foreign Affairs Department might help. Amnesty International and the Pope have been*

*contacted by myself They tried to help Leo Echegaray but he is dead.*

*The urgent action in contacting Attorney Katrina Legarda for a signature to a Supplementary Brief has been discussed, but I will try and stand by “name ” in case this fails. We have been left with very little time to try this last chance. This is the fault of the law firm. I will have strong documentation ready to help (60-odd pages) when you receive this respectful appeal.*

*I enclose a rough transcript of the ITN “Crime Report” television program beamed in Great Britain in March. The video looked good concerning VWilson and is a long eight minutes. I also enclose an “Executive Summary” of 10 pages on the VWilson case. This will help an attorney who now has no time to analyze the over one thousand page transcript. Alan Atkins and I have put in more than 150 hours on this issue. Philippine justice is on trial, along with the law firm, and Attorney Ismael Billena.*

*I stated in the ITN program, “that if I wanted to lose a paedophile case, I would hire a company law firm!” How prophetic that was in February as we see the result in March!*

*Kindly advise any developments, and I will help by doing likewise.*

*As an international big-game sherman, I have experiences with man-eating sharks including the great white, commonly called “White Death.” I feel in Wilsons case like a helpless watcher from the beach as I see a man being eaten in the water; and I can only shout, as a white man goes to his death. Shouting is not good enough, action is needed. We can do it. I appeal to the British Embassy to put pressure on the Foreign Affairs in London and other bodies like the European Commission that didn't even reply to VWilson where I was the messenger A protest is in order to stop this devouring of humans via a law in Philippine law which should be amended. I have, on VWilson's instructions in writing, appealed to Amnesty International and the Pope. Both appealed against the state execution on February 5 when Leo Echegaray died, But you have the power I lack. So, if you do anything, kindly let us both know urgently. Kindly forgive this letter which is disjointed due to interruptions, which break sequence, and which happened with so-called “defense” law firm.*

*By way of background, I note that sentences here for child molestation are not double Australia's but about 3 times! One country has got to be wrong. Also, would you kindly note the following, March 31, when confirming the 31st death sentence, the Supreme Court said; ‘In a 19-page ruling, the High Tribunal noted that while the victims hymen was still ‘intact,’ it had been established by the Davao lower court that Ayo rubbed his sex organ against the girl's genitals each time the molestation took place... Mere touching, no matter how slight, of the labia or lips of the female organ by the male genital, even without rupture or laceration of the hymen, is sufficient to consummate a rape,’ the SC said... Ten of the 14 judges also gave weight to the ‘clear cut, credible, straightforward and spontaneous’ testimony of the victim-witness, saying it was inconceivable for an eight-year-old child to make up stories against her own father.. “If she is not motivated by truth, no woman, much less an eight-year-old girl, would subject herself” to the rigours of a*

*public trial, describing before total strangers the shameful, humiliating and degrading experience of the sexual assault, ” the Supreme Court said.*

*So, loose shorts, playful wrestling could result in a death sentence for the father who might have earned the ire of a daughter by disciplining her for watching too much television! Its as simple as that. The young daughter stands to gain fame and fortune whereby she could retire at I 5 years with money a millionaire movie contract, and a free house and lot, as shown by media-smart “Baby” in the case of Leo Echegaraylv death. What a travesty of justice as proven in the press, which is reminiscent ofthe USA Salem witch-hunt death trials which are discredited. It would be to the credit of the Embassy, which has little to lose, and certainly no lives lost, if it spoke up for the world famous British justice. I am spending more money and eifort in Vwlsonls “mission near impossible, ” as a Filipino put it, than I did trying to make the money! I respectfully ask the Embassy to do nearly as much without risk.*

*Many are at risk!*

*On the issue as quoted of a Philippine child not wanting to be shamed as a liar which is becoming the parrot echo of many judges. Long-time resident at grass roots Alan Atkins wonders what planet some judges live on, as he could produce a number of poor children who would gladly lie about their drunken father in order to gain fame and fortune. I concun and could do the same.*

*So, this new myth of unblemished children, unique in the world should be destroyed by court evidence as exhibited in other countries. You could start with some ofthe published authoritative accounts in other countries. This would be legally sound, and I have a library on it. Probably the best in the Philippines. But I lack your status.*

*Any father or friend or even priest, is nom for the first time in history, at risk. This is a grave death risk, and itis wrong. Offers of cash to poor children are ones many cannot afford to refuse. But fathers can die, and are doing so, and so will others die unnecessarily. This needs immediate action on a public relations scale. You can do it. I cannot.*

*If children are so chaste and so easily shamed and don ‘t lie, there would be no need for so much parental control. The proof of many children out of control is the large number in prison for doing a lot worse than lying to make money! U children are so easily shamed, why was it necessary to set up a new Presidential Task Force to help children? I know as I got Fr Shay Cullen appointed to it!*

*If children can ‘t be bribed by money why do I have to expose to then Senator Ernesto Herrera the taped conversations of Australian paedophiles? None of the hundreds of parent pimps in Pagsanjan, Laguna, were even prosecuted. The myth of “not us” was supported just like the myth of chaste children. So, why are these Government estimates of tens of thousands of child prostitutes if no child dares to sue for money?*

*All this and more should have been used to defend I/Wlson. The bribe oyers to him to “solve ” the case were not even investigated. He was advised to pay the P I 00,000! The law firm partners overcharged me by 50 % more than commercial rates in photocopying*

*the massive Transcript. If the partners are not part of the chaotic brief and its seemingly calculated delay they are guilty of negligence to execute a client! if they are a part of the killing chaos their guilt is proven. Either way they should be exposed in the interest of Philippine justice, and to protect the public. The fact that after last year on the case, the law firm can't get a quick message to the accused is disgraceful, and I can! Walter Moran, in Canada, can communicate better than the law firm in the Philippines. I alerted the law firm to Wilson on the Web last year At last check this year it had not bothered to print it. I had to be the one to physically give the many pages to Wilson last year He was astonished. I am astonished now at the seemingly, perhaps fatal, delays. One theory is that frustration results in the sacking of the law firm, and so absolves it from handling a case that it doesn't want.*

*Obviously, the Embassy needs a capable criminal lawyer who could cope with the increasing number of paedophile cases whereby Britain is leading the pack of foreign nations in the number of citizens charged and convicted. The present law firm seem to shy away from the case of the first Westerner to face death for child rape. A clever Filipino lawyer could have given early warning of the need for a supplementary brief that could save Wilson's life.*

*After the Wilson case submissions, I recommend Attorney Jose Maria A. Ochave of Balane, Tamase, Alampay Law Office, with offices at 12th Flr, PDCP Bank Centex Herrera corner Abfaro Streets, Salcedo Village, Makati City. He is a dedicated, expert and respected lawyer also, I know him from having worked with him on the prosecution of Hisayoshi Maruyama who received 42 years jail sentence, which was a record sentence, and the first for a Japanese. A prosecutor knows a lot of tricks of the defense, and so is very capable of acting for the defense. In case of being busy, a second lawyer could be Attorney Theodore Te.*

*My paedophile prosecuting friend who I help, Father Shay Cullen, might help as he is high profile. Would you kindly contact him using me as conduit? We have had mainly due to him, enormous success. Your citizen Michael Clarke who talks through the bars of Wilson's cell is an example of it. I stopped him escaping. It's on record, so I have some knowledge of what I speak.*

*My humble appeal comes from the heart. I trust that the Ambassador has such a heart. It might save Wilson from death. My now alternative is to go public to save Wilson, and justice. We are watching instead of acting in a great human rights injustice. So, let you act, as we try to avert that which is already underway!*

*Thank you for your concern about your citizen.*

*My humble appeal comes from the heart. I trust that the Ambassador has such a heart. It might save Wilson from death. Now my alternative is to the public to save Wilson, and justice. We are watching instead of acting in a great human rights injustice. So, let you act, as we try to avert that which is already underway.*

*I advised Walter Moran to come here on April 12. He has done a wonderful job, and*

*his efforts are valuable, if not vital, and deserve full support. I have given him mine. My phone bill to Canada is proof.*

*The fact is, a girl who needed to pawn her ring for P 200 now has an award of P 50,000 and a man is paying the price with his life!*

*On 22 February 1999, Wilkinson passed a letter to Ian Sargeant received by him after inquiring with his own Australian Embassy. In the covering letter he stated:*

*I am worried about the death penalty imposed on Briton Albert Ernest Wilson, and other Britons. How many are there, and for what offences?*

*I believe Great Britain is opposed to the death penalty as is the European Union. Could I have some details, and the Official stand? This may help.*

*The enclosed from Mr Nicholas Coppel of the Australian Embassy may be of interest. Looking forward to your response, thank you.*

The letter said:

*Dear Mr Wilkinson,*

*The President of the Australian-New Zealand Chamber of Commerce (Philippines) forwarded to me a copy of your letter to him dated 26 January in which you expressed concern about foreigners who have been charged with child sex offences and potentially faced the death penalty.*

*The Australian Government is universally and consistently opposed to the use of capital punishment in any circumstance. Our position is based on the view that the death penalty is an inhuman form of punishment, which violates the most fundamental human right, the right to life. The Australian Government consistently raises its opposition to the use of the death penalty with all countries that employ capital punishment, including the Philippines. As a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) on the death penalty, we also encourage those who are not yet party to give careful consideration to doing so.*

*On the issue of child sex abuse, in October 1997, Australia and the Philippines signed a Memorandum of Understanding (MOU) to Combat Sexual and Other Serious Crimes. The MOU sets out areas of cooperation between police and other relevant agencies of both Governments, including in the exchange of information relating to child sexual abuse and the undertaking of joint law enforcement investigations. The MOU is guided by the Australian- Philippines Treaty on Mutual Assistance in Criminal Matters. As a result of amendments to Australia's Mutual Assistance in Criminal Matters Act 1981 in March 1997, Australia could refuse under article four of the Treaty a mutual assistance request in respect of an investigation or prosecution of an offence punishable by death.*

*So, the imposition by the Philippines of the death penalty had caused Australia to pass an amendment to a previous law. Whereas previously they had been able to warn the*

Philippines of the possible presence in the country of a known Australian paedophile, they no longer could or would do so as the offence carried the death penalty. Far from being a deterrent, the death penalty for child abuse is proving to be a retrograde step in the fight against this terrible crime.

The terrible news had been received from Wilson, and a copy of the proposed brief had been obtained. Both Wilkinson and Atkins felt absolute despair. Would a good brief, prepared by them, work to shame the lawyers into vastly improving theirs?

It was worth a try at this late stage. What is more, if the Embassy were aware of this brief, should the lawyers persist in submitting their efforts and they failed, it surely would provide some basis for some future action by the Embassy. After all, it would totally eliminate any excuse.

The brief was done over the Easter weekend and a copy was submitted by Atkins to Ian Sargeant together with the following letter:

*Dear Mr Sargeant,*

*As you are aware, we are very concerned at the apparent reluctance of Atty. Billena to allow us to examine and comment on, as requested to them in writing by Mr Wilson, the proposed appeal brief to be submitted to the Supreme Court.*

*As we have carried out considerable research into this case, rather than that research being wasted, we have today forwarded a copy of our assessment to Atty. Billena in order that he can evaluate our work and check that all relevant points are included within his submission.*

*As this is the final opportunity for Mr Wilson to prove his innocence, we are including a copy of our analysis as we assume that your embassy will not be refused a copy of the Appellants Brief and will receive same with ample time to check it. Our effort has been prepared by laymen and thus we do not attempt to include the necessary legal precedents. However we feel that it may be of value in allowing your own staff to assess the official brief.*

*With best regards,*

Meanwhile, Wilkinson was getting more frustrated at the continual delays, and he let the Embassy know it. On 8 April he wrote:

*Dear Consul Sargeant,*

*I enclose the latest letter from Albert Wilson which shows he is in danger; as foreign prisoners are discriminated against for money which they don't have. This is discrimination and should be stopped by segregating the foreigners on death row by having a gate in the middle of the block, which I will pay for.*

*The danger to Wilson inside prison is increased by the dangers created outside the prison, such as the near criminal delays by the legal firm, who, as death knocks on the*

*doon have failed to produce a brief after six months, which we, as laymen, produced in six days! A copy of which you have, which is near valueless unless it is signed by a Philippine attorney. I can't understand the delay by the Embassy in contacting Attorney Katrina Legarda at this late date as she is sympathetic and could be a lifesaver. The pattern of delays has resulted in no other party having time to read the massive documents in order to help us, as the deadline for filing the last chance appeal is April 17 1999. We have no evidence that an extension was applied for as the defense again talks of waiting for a reply in the mail without even knowing when it is due let alone sending a messenger for it.*

*If you want me to help save the life of your citizen kindly let me know what is happening, because the present situation is a one-way street of information, such as Mr Jagoe hasn't bothered to return my call of last week. I'm still waiting your response to my letter of this week.*

Concern was also being voiced by Atkins when, following a visit to Wilson, on 15 April 1999, he wrote:

*Following yesterday's visit to the above, may I request the following actions be urgently undertaken:*

*1. Appellants Brief*

*You will today receive one copy of the revised brief from Atty. Billena. With their usual efficiency they claim to have only produced minimum copies. Would you therefore kindly produce a copy of your brief and have your messenger deliver it urgently to the one person who really needs to study it with care, Albert Ernest Wilson,*

*2. Electric Fan*

*With the onset of Philippine summer the need for this fan has become urgent.*

*Would you kindly fax the prison director and, for reasons of concern of the prisoner's health, he being a Caucasian and unused to tropical climate, request his permission for Wilson to receive this fan. Once this permission is obtained, the fan can be delivered and the guards will not dare steal it.*

*3. Medical Examination*

*Wilson has requested that an independent medico perform an examination, which, he believes, will assist in protecting him from possible injury. Perhaps the same fax can also request the necessary permission at the same time?*

*4. Pillow*

*Wilson really would like a lump of foam to use as a pillow. Could this be arranged to be delivered with the brief?*

*5. Extension of Brief Submission Date* Nine hundred and fourteen experts, Wilson's companions, assure me that a request for extension of submission time is automatically given by the Supreme Court for up to five periods. This, however; depends on one being actually applied for. Atty. Billena assured me yesterday that he had indeed applied for the

*extension, but then, his lips were moving at the time. He denied my request, for reasons of Company confidentiality, to actually see the document.*

*As you are meeting the partners and him for lunch today, would you be kind enough to demand assurance that the request has, in truth, been lodged.*

*Many thanks in anticipation of your cooperation on the above.*

It was felt by Wilkinson that he had to keep up the pressure on the British Embassy. Relevant parts of along letter sent on 24 June 1999 are as follows:

*Wilson stated to me that he appreciates your efforts, which, in my opinion, are over and above the call of duty. This contrasts with the Embassy efforts last year when Consul L. Evan assured Wilson that there would be no conviction. This coincided with Walter Moran's opinion after he had given evidence. Wilson was convicted!*

*When I came in as damage control on mission "near impossible," as some three British said when they asked me to enquire, I did so, and, over half a year later with nearly 100 hours spent on the final brief by Alan Atkins, and after five briefs by the law firm, we have a good brief. The proof of the failure of the defense law firm is the fact that it took six months to do what should have taken six weeks. So Wilson spent another half year in prison. So, I recommend that the famous corporate law firm should be struck off your list for criminal cases. Kindly advise K this is the case.*

*Wilson stated again the need for a medical test. He is afraid for his life, and now for drugs being planted. He is still writing of Philippine legal corruption, and extortion of guards and prisoners. This is despite my warnings and those in writing by Alan Atkins. Mine started last year. He could do himself physical harm if not worse. He invited such danger again only recently by writing to Prisoners Abroad.*

*This is a sensitive time with the SOLGEN's response expected in weeks. As I said to you, "Why allege unproved corruption from those who you are seeking a favour from, such as your life?"*

*Regarding the connected case of Victoria Delistan: perjury charges should be pursued against the father; Pio Pasco, and daughter Veronica, which should help deter other fake charges with money motives against Filipinos.*

Wilkinson was like a dog with a bone. The Embassy appeared to wish that he would go away, but he pursued them relentlessly: On 1 July 1999, again extracts of a letter he wrote:

*Now some more matters arise for your urgent attention, which are contained in a letter to me from Albert Wilson received this morning. He is concerned about his partner "Vicky" and suggests a meeting, that the Ambassador requests, between her and him in order to present both passports. I again point out the arrest warrant for this lady could still stand, and so such meeting with a wanted-by-police person could be considered undiplomatic, if not disastrous!*

*I hear that you don't know Wilson's age. That should be in his application for a passport. Vldlson wants the Embassy to be in possession of his and Vickyis passports. Who is going to achieve this?*

On 7 July 1999, Wilkinson wrote a letter that indicated a loss of patience with the embassy:

*I still have had no reply to two recent letters concerning Albert Wilson and his life.*

*As I explained, he was amazed on my last visit, to learn that the Embassy had not heeded his request to contact me for action with regards to the dropping of the charges against him and Ms. Delistan. I needed the documentation last month. I have not got it this month. This also concerns locating the hidden passports.*

*Walter Moran faxes me today and divulges that the Embassy meeting of 23 June with Solgen "was a good one," and "the atmosphere was excellent." Infact, the Solgen had a copy of the Brief on his desk. Moran claims that this is connected with his telephone talks with the Solgen last January regarding acquittal. This is simply incredible that the Solgen will compromise his position with a foreign stranger who is overseas, and virtually tolerate foreign meddling which Moran now warns Atkins against after having done so himsebf/ This miracle of acquittal by proxy was achieved by the Solgen, who, in January did not even have the Brief any more than Moran failed to have the transcript.*

*The above caution is yet another one that I feel is in the interest of the Embassy to know. But, as I have not been informed of what, Moran claims, the police contacts of the 2nd Secretary Neale Jagoe are doing, I thought I better do something to help Albert Wilson and the British Embassy.*

*With regard to the passport of the wanted-by-police lady, Wctoria Delistan - this has probably been destroyed by the ood. In any case, it would have expired on 2 February this year The position regarding arrest warrants for her is still not clear; and so would possibly affect her applying for a new Philippine passport.*

*With regard to the passport of Albert Ernest Wilson, that no one was able to locate this year -I enclose it (GBR 007178066). You wanted his date of birth, there it is 13 November 1951. It is still current till November 12, 2002. You'll note from an entry on Page 7 that his stay is extended till October 3, 1996 only. As I pointed out previously, he has ovefirst ayed his visa and could be arrested upon his release. Both he and I would appreciate knowing how this will be handled and by whom.*

*The news that Wilson might want to tempt fate by staying here in the event of his release is to be condemned as foolhardy!*

As can be obsewed, it was Wilkinson who tracked down and obtained the passport of Wilson. On 11 August 1999 Wilkinson again wrote to the Embassy:

*I have just returned from the North Pole, and I'm disappointed to nd that, after one*

*month, there is less happening here in the life and death matter of Albert Ernest Wilson than there is up there where nearly nothing is happening!*

*For instance, where are the replies to my letters that were largely instigated at the request of the prisoner? At least the prisoner with his dq culties, managed to write to me while I was away while the Embassy which is across the road, failed to write! The prisoner was amazed to be informed by me from Finland that the Solicitor General had unexpectedly called for a 30-day extension for its response to the Appellants Brief which might be the last chance for life. Why is this? And, why didn 't the Embassy inform the prisoner?*

*Such above matters are so simple for an Embassy which only has to pick up a phone and enquire as to the status of the case involving a British subject, and as to when the Solicitor-Generals response will be available, it being a public document.*

*Kindly convey such status to me, along with the document. This is the written request of the prisoner; who also wants to know if there is a "Hold Order" at airports if Ms Vctoria Delistan wishes to leave the country.*

*As the Embassy was so desperate to obtain the "missingfor- months" passport of the prisoner; which I obtained and had delivered to the Embassy last month, maybe a sentence of acknowledgment of receipt, along with the use to which it was put, could be a matter of careful consideration. The prisoner may wish to know.*

*Regarding liaison matters in which the prisoner refers to me as the "Philippine Coordinator; " I have asked before for the Very Reverend Barry Cumberland to be my guest for dinner to help in his work with the above prisoner and others. Again, I haven't heard a word of response. I have calls from prominent people overseas directly connected with the prisoner: They seek valid information, which I cannot give because of a virtual breakdown in communication. This upsets the prisoner:*

*I have a social contact with the Supreme Court that has been alerted to this case because it has a SOLGEN contact who was favourably disposed. I have a new social contact with a judge of the Supreme Court. Do you wish to make any representation in the interest of justice and Philippine-British relations?*

*Wilkinson wrote to the Embassy following the postponed court hearing, regarding the three cases enjoining Vicky Delistan:*

*Here is the update on the Valenzuela court hearing involving Albert Ernest Wilson and Victoria Delistan on 17th September 1999. It was a non-event as the judge was alleged to be sick, although he attended to his court duties the day before. Coincidentally, Prosecutor Razon did not appear; ana' the vitally concerned father; Pio Pasco, may have known that the judge is going to be sick as he didn 't appear: Who did appear was another junior attorney from the six-partner law rm of Ortega. He admitted to me that he was not very familiar with the case as I told him that junior Attorney Billena was sick until 1 October. The hearing was put off till 17 November 1999, 8:30 a. m. The judge had recovered by Monday!*

*Wilson has been informed of this further delay. Attorney Damasing helpfully volunteered that if it is defeated, the most Wilson could get would be life! This means that a full 40 years will mean virtual death to the prisoner nearing 50 years now. He was also of the opinion that the time frame from Solicitor-General response to Supreme Court action was "about a year; and could be two years!" He did agree that the dropping of the three cases would include Delistan, as it takes two to conspire. The second 90- day extension panic was laid to rest.*

*Who was present at the court was the courageous Mrs. Anne Davies, to give moral support, which showed up the lack of foreign support as not one other foreigner bothered to attend then, or to even enquire subsequently.*

*The extension sought by the Solicitor-General which keeps Wilson in jail longer is contrary to my interpretation of the undefirst anding of the Ambassador The reason for the delay is not known. It should be, as Wilson sujers by not knowing. An opportunity now arises for a casual enquiry as a result ofthe enclosed letter to me by Alan Atkins concerning Wilson. This is disturbing, and the Ambassador may well wish, without endorsing Atkins, to raise his concern with the Solicitor-General on the basis that there appears to have been a serious miscarriage of justice that affects the integrity of the Philippine judicial system, as racism, or worse, may have been a factor for Wilson becoming a victim.*

*The effects of the above would be to put those concerned on notice that they are being observed, and that any machinations are likely to be exposed. Having worked on this case exhaustibly during the year and since late last year I am familiar with most of what Mr Atkins writes. I am asking you, on his behahf to forward the result of any action on the above.*

*The recent well-intentioned visit by Caroline McCooey, in order to help Wilson, failed to help as the frantic activity was a case of visiting of ices where action had already been applied for and nothing new resulted amid the danger of a perceived overkill resulting in foreign interference. What did result was an amateur lack of coordination, and a posted letter from Caroline to Wilson which was opened and caused him concern. My concern is that there was a very serious breach of high-level security with regard to the Solicitor-General, to Wilson in person, and to myself in writing that could, gf leaked, cost Wilson his We! Consequently, future overseas visitors should be treated with considerable caution in the interest of the prisoner .*

*Wilkinson fully believed that the Embassy were leaking too much information to Walter Moran. As the Brief had been submitted, it was important that everyone kept as quiet as possible and not arouse any bad feelings in the Filipinos concemed. On 6 October 1999, he Wrote to the Ambassador:*

*I wrote previously, "I know your staff are busy because I haven 't had a reply to my last letter!" Nom I can say, "I know you are busy as you failed to reply to my letter of last month!"*

*I think you will agree this type of approach is irritating, and that is exactly what*

*Walter “Mitty” Moran is doing with high Philippine officials involved in the Wilson case. This is counterproductive as it overlaps local initiatives such as those of my “Team,” and the British Embassy. Such intrusions are impulsive and without coordination or permission from the principal person, Albert Ernest Wilson, who could lose his life! Such meddling could be viewed as foreign interference to alter Philippine justice.*

*One of the problem areas where Moran gains inspiration is your Embassy, Sir. His constant phone calls supply ammunition that could shoot down Wilson. His e-mails are full of ‘xing’ bluster that failed in the past like his prison visit that even Wilson described as a “bull in a China shop.” We are still repairing that damage, and Wilson suffered as a result.*

*Walter Moran's latest threat is to come here before Christmas to set the Supreme Court straight on “how we do things in Canada,” which so irritated prison officials. His written wording on this future danger is to “rattle some cages.” This is not a zoo, and he is not an animal trainer! , I have just heard that Walter Moran put in writing to Wilson, for prison authorities to see, sensitive material about Solgen to meet with “the people at FCO ” in London. Disclosure of such material in the “enemy” hands could result in a cry of ‘fix’ and a severe Appellees Brief that could cost Wilson his life. Some months ago, I advised Consul Sargeant that the work load could snowball to a point where serious mistakes are made. This is happening as your office has more leaks than a plumber can fix. Time is running out as is my patience with Canadian interference.*

*This did bring a response from the Ambassador. He telephoned Wilkinson. The conversation did not convince Wilkinson of the Embassy’s ability to prevent information from escaping. On 19 November he wrote:*

*Thank you for your phone call explaining that there were no leaks of information in the Embassy after I had helpfully written that there were more leaks than a plumber could fix. I now note the tap has still not been turned off if I hear the Embassy does not want ‘the news of the Solgenis motion to the Supreme Court in the Wilson case to be widely circulated for fear of bodily harm to Wilson. I agree. I have agreed with the last three members of the public who told me about what I am in discreet possession of that neither Alan Atkins nor I have been informed of by the Embassy. But, Consul Ian Sargeant informed Walter Moran of it in Canada and he is a vocal publisher. So, how wide a dissemination of perhaps deadly information is sought?*

*Last week, I heard that a government official from London is due to arrive in Manila this week, and the Wilson case is on the agenda. You, sir; will know if my advance information is correct. If it is not, it's sloppy Embassy gossip. If it is correct, I request a meeting with this official to set the record straight on some matters that will help future cases, like the case of John Pidden, and probably the Wilson case.*

*Also, did the FCO have a secret plan to settle for a life sentence for Wilson without his knowledge, as alleged in writing by Walter Moran? What other “secret” plans involved Wilson's life, and spirited out of the country his partner; Victoria Delistan, who,*

*I pointed out to the Embassy, has no valid passport? Her passport was allowed to expire last February of this year; as the previous Embassy official of last year missed this, and other vital factors, that nearly cost Wilson his life.*

*Alan Atkins, Mrs. Anne Davies and myself missed hearing of the cancellation of the last Regional Trial Court (RTC) hearing and so wasted much time attending that which the Embassy knew was cancelled. Nor were we informed of the obtaining of the documents we and Wilson sought regarding the next RTC hearing.*

*The above tip of the iceberg in the tropics of the Wilson-on-death-row case is cause for concern for those who are anxious about justice denied, and “leaks.” The latest one being that, “no other Ambassador of the past has bent over so backward to help a prisoner and visited him in prison and intervened at high Philippine government level.” I congratulate you, Sir: But, I would respectfully point out there was no way a convicted foreigner could be set free, or even get life, while over 600 Filipinos were on death row for the same offence. The ‘influence’ factor is applauded. It was useless without a proper brief and the main influence on this, Mr: Alan Atkins, has not received recognition. He deserves no less, and Wilson has said so, as silence reigns on this life-saving.*

*Speaking of “leaks” that are invisible to some, as others see them, I respectfully draw your attention to what I hear we both know and that is the danger to Wilson of revenge action by Pio Pasco if it is known that a near acquittal has resulted from the Solgen.*

*Last Sunday in The Manila Club, a director held forth in front of others at the lunch table on the above issue, and stated the Embassy concerns as he was aggravating them. He even had went details like Wilson's nickname “Suny.” This English drug company executive had no details or interest in the case a month ago. But, he has now!*

*Thanking you in anticipation of your early response in writing to help us avoid more “misunderstandings.”*

There is no doubt that the continual pressure on the Embassy ensured that they performed their duties to a point beyond duty. Credit should be given to the work they did, irrespective of reasons. There is no doubt that an overworked Consul, Ian Sargeant, is to be highly commended.

## **Addendum Four**

### **Addendum 4 Some Letters To The Press**

Although Earl Wilkinson had effectively used the “Letters to the Editor” section of every major newspaper in the Philippines in his previous campaigns, here he was faced with a totally different problem. As detailed in the main narrative, Filipinos can be very sensitive to adverse comments from foreigners. The eventual fate of Albert Ernest Wilson was to be decided by Filipinos. Pointing out the obvious flawed judicial system, exposing the corruption and bias of this case and criticizing the judge could well have an adverse effect. The decision could well go against Wilson just to prove that they were never wrong. It had been verbally agreed by all concerned, the Embassy, the law firm and the Manila group of supporters, that publicity should be kept to the minimum in this country.

In case of an adverse appeal decision, it was decided that the case should be kept alive in England. In this area, Walter Moran from Canada elicited the interest of a number of newspapers, and ITN eventually arrived with Wilson's daughter, Denise, to record an 'episode on it for "Crime Watch."

Publicity for the case was obtained by letters of appeal, which could present the facts without actually causing offence. Some letters were introduced, however, carefully written in most cases, in order to enlighten the locals.

It was before this decision was made, though, that Earl Wilkinson wrote in Malaya newspaper on 16 December 1998:

*I have mostly been concerned with prosecuting paedophiles. Our group of foreigners and Filipinos have had success. We got the first foreigner; my Australian countryman, Vctor Keith Fitzgerald. He is doing 17 years jail. We got the first childsex-tour promoter Michael Clarke. He is doing 16 years. I stopped him escaping! We also got the first Japanese, Hisayoshi Maruyama, who got a record sentence of 42 years. We have other cases that are current so I can't comment except to say that due to the injustice system we will likely lose one against a Greek where I have been trying for a year to get an Interpol report which I know*

*what it will say. And it should take 24 hours. Another likely loss is a Britisher where even the prosecutor resigned in disgust. Bribe offers are subverting justice.*

*Like Michael Jackson who got away with a \$10-million payoff that would be illegal under British law Now, we have another first, Britisher Albert Ernest Wilson, who has been sentenced to death by lethal injection in a Valenzuela court in the Philippines for child rape of a 12 1/2-year-old girl. That is a very nal result as he eats his rice in Muntinlupa prison. I was asked to help, but only after the sentence of 9 Oct. 1998.*

*This makes it hard. I will try. Britishers now top the list in the Philippines. I find it hard to nd another Australian so that media warning has worked.*

*In the Wilson case, I am switching from prosecution to defense, as I feel he is innocent! So I call for appeal, and support it with facts from the 48-page verdict of death. if I am wrong, I will have least tried to save a live. If I am right, it will show that any foreigner who may have Filipino children in the house of his common-law wife, like Wilson, is in great danger for his life! For the case was basically the word of a child against a man. As the defense lawyer said, "There was no evidence of penetration." The girl got P 50,000, and said, "I would like to see the execution of Wilson" The girl needed money and pawned her ring for P 200 before her charge.*

*Where is the British support? It is a thankless, lonely task. Am I the only one? The next case could be you!*

In the same newspaper, on 17 January 1999, he took issue with a priest, Monsignor Nico Bautista:

*The Jan. 10 column of Msgr Nico Bautista titled, "A time for refocusing and fine tuning, " is about the death penalty and the church. So, let us "refocus" as many are out of focus!*

*The sincere Monsignor does the church a disservice! He quotes a good writer; Ma. Ceres P Doyo, as exposing "the laughing, jumping holy nuns on hearing the child rapist stay of execution of low-life- Leo. So, the only few dozen agitators to break the law were asked what penalty did they want for child rape. The bleeding-heart sisters were "stunned" as they had not focused. None of these bleeding- heart paid protesters had bothered to even visit Albert Ernest VWlson, the jifirst Westerner on death row. So, is this a racist campaign to exclude Filipinos from death?*

*Monsignor Bautista then trashes another priest, F 72 Fausto Gomez, "He contradicts himseb' by saying I am prolife, but I'm for the law of the death penalty." No focus here. But, the Monsignor gets himself out of focus, "I campaigned for the death penalty, but in modifed form. " What's the focus? Half death? The contradiction soon follows as he states, "Now I 've been converted to be anti-death penalty!" So, he was against the Pope in the fifirst place! Some senior priest! No wonder the same day, the Education Secretary wrote in Malaya to thank "Ducky" Paredes about the well written column, "Some Catholic laymen and bishops are afraid of sex!" So, Jesus Sison wrote a clever column the same day, "Silence of priests and nuns. " Over the debacle of death penalties and the Stop-go CBCP that lost credibility which is not helped by the failure to focus, Msgr: Nico Bautista invites ridicule. He concludes, Lord have mercy on us all. Amen. " You got that correct, Monsignor:*

*In another item, also in Malaya, on 20 March 1999, Wilkinson wrote subtly:*

*A religious friend was all for the death penalty until his innocent friend got it! Albert Ernest Wilson is on death row. I visited him. Near no one did in two years.*

*My friend then wondered if he might be next.*

*The new danger to all fathers in the Philippines is that the Draconian new lam R. A. 7659, is an overreaction compared to other countries. Penetration in child sex does not have to be proven, and there is still no DNA testing in the Philippines to prove guilt or innocence. So, any naughty child disciplined by her father; can put him to death and get great nancial rewards, such as a house and lot and money that will buy lots of toys and candies and child friends. What a temptation to a poor child!*

*What a mistake of the money and house givers in this one media mania case of Leo Echegaray. What of the house and lot for the other 514 child rape victims? But court money damages are enough, and so the avalanche of new cases starts as money could be a motive.*

*As protests by this government to other countries against the death penalty are imposed on over 100 Filipinos overseas, we can expect little sympathy as we kill one of*

*our own. Fr Shay Cullen points out in the Philippines Free Press, February 20, that a rapist “might as well be executed for a greater crime as a lesser one.*

*” I think what he means is, why not kill the raped kid, who is the only witness! This is a fact and encourages more deaths, which the death penalty, R. A. 7659, is supposed to reduce. Law reform is in order to save innocent Filipinos. Child rape numbers on death row of 514 are greater than all the 450-plus murderers, bank robbers, killers, wife killers, and killing kidnappers put together Doesn ’t this tell a story that the new law is in error?*

Mainly though, the down-graded campaign was in letters of appeal, already quoted in Addendum One.

Wilson himself got into the act. Against all advice, he wrote a letter to Expat, a weekly news sheet aimed at foreign residents and tourists. It was headed, “My murder in the Philippines,” and stated:

*Having read your front page article, “Bad image, Lack of facilities Equal less [sic] Japanese Tourists,” I am surprised that anyone would attribute this to the currency crisis or Philippine Air Lines.*

*The simple reality is, Europe in particular; and now Japan, recognize that the Philippines is not safe.*

*Foreigners are recognized as rich and ripe for robbery and extortion by any and all means. For every peso a foreigner gives, two are extorted or simply stolen from him. And, God forbid, U” he upsets someone then God is indeed his only hope.*

*There is no justice.*

*I challenge you to meet those of us here (British, French, American, German, Swiss, etc.) facing life or death behind bars.*

*A German was released yesterday, acquitted on appeal after three-and-a-half years behind bars. A French guy limps around the compound, run down by a car before being arrested, and still in pain after years in jail. A Japanese and myseb’ (a Brit) have adjoining cells in death row.*

*I ’m here because I committed some terrible crime. Judge*

*for yourself My crime is supposedly “rape. ” The DEFENSE witnesses were the mother; brother grandmother; aunts, uncle, school teacher and principal of the supposed “victim. ” PLUS the N. B. I. supervising medico-legal and the chairperson and head of gynecology of the M. C. U. Hospital.*

*Prosecution witnesses were the supposed victim and her drug- pushing father Unbelievable! Write and arrange to visit us and learn the real reason why the Philippines does not deserve tourists and why expats should be very careful or better leave. ‘*

*The Philippines ranks third after China and the United States*

*in death convict population. On the basis of population, it beats even the US. Does that sound like a safe country to visit or doesn ’t it say something about its justice system. Muntinlupa alone holds more than 12,000 “convicted” males.*

A What Wilson wrote was true. It was the fact that he was writing it while his appeal was being prepared that made it dangerous. The British Embassy certainly agreed with him as they had written a Travel Advisory on the subject. In article 7, they wrote:

*Philippine laws regarding paedophile activity are severe (including the death penalty) and are strictly enforced. The British*

*Embassy has been in the forefront of assisting the Philippine Government in the fight against child abuse, but due to the publicity this crackdown has received, cases of entrapment have occurred where single male visitors have been befriended by strangers with minors. Allegations have then been made that the minor was abused in an attempt to extort money.*

It was Wilson's friend, Walter Moran from Canada, who was proving the biggest danger. He had never lived in the Philippines and was unaware of the massive problem the wrong word could cause. He had written to Wilkinson expressing his fears of Wilson writing the wrong thing, ending with "but dangerous if he says or does the wrong thing."

He was to visit the Philippines to meet, among others, Solicitor-General Galvez. Yet, in the same week when President Estrada said to his critics "Don't get personal," he had printed in The Foreign Post a letter in which he said:

*So, nice to see that President Estrada can dish it out to his citizens, but he can't take it.*

*Last week, in spite of Philippine requests, the state of Texas executed a Philippine man.*

*Then Woleta Miranda comes home spared the lash in Saudi Arabia for her conviction on charges of smuggling shabu.*

*So what about the 950-plus Filipinos on Death Row President Estrada? VWIZ you speak for them also, and rescue them from the consequences of their acts, as you did for Miranda, and tried to do in Texas last week?*

*And the next time the Pope, or even the international community, or even concerned Filipinos, make an appeal for the life of a condemned man, will you, as did the Saudis, listen to the voice of mercy?*

*That voice of mercy was your voice this time. Whose voice will it be speaking? Its too late for Leo Echegaray.*

This attack on President Estrada was, at this time, not wise. The Solicitor-General is a personal appointee of President Estrada. Moran was to meet him to attempt to obtain his sympathetic handling of the Wilson appeal. Within Philippine culture, Galvez owed President Estrada a favour. An attack on Estrada would be considered an attack on Galvez.

We end this section with a letter in the press of 14 January 2000, from Jovita Matero

Montes. She was from the Women's Rights Department of Gabriela. She wrote:

*We would like to express our alarm and consternation over the Supreme Courts recent acquittal of a Briton earlier convicted for the repeated rape and abuse of his Filipino step-daughter:*

*On December 21, 1999, Albert Ernest Vldlson was dubiously acquitted set free and sent home all in a span of less than 48 hours. The first foreigner ever meted the maximum penalty for statutory rape. Wilson has conveniently and stealthily left using British diplomatic channels.*

*Later he even had the gall to have himseh" interviewed publicizing his "ordeal" in British media channels upon arrival. More than a week has passed before the victim and her family learned of Vldlsons acquittal in the Supreme Court, and only after a family friend saw Wilson on British television.*

*The recent cases involving violence against women grossly magnify the awes of the justice system. Far worse than dragging the long-drawn Wzconde trials, is to have been duped by a foreigner in our own country.*

*The Supreme Court could not have done worse in dishing out a catastrophic conclusion to the rape and abuse of Nicole, Wilsons very young victim. The Court could not have done worse in maligning the long and arduous struggle for justice of women and children victims of violence.*

*For Filipino women and children, justice remains elusive to the impoverished, and a slave to the moneyed and influential.*

*And while the Supreme Court puts into*

*place yet another obstacle for the womens movement, women and children like Nicole will muster strength and determination to combat injustice and carry forward the womens struggle toward genuine emancipation.*

The backlash had begun.

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