



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-18-CRM-0241
Plaintiff, For: Plunder

Present

- versus -

AL C. ARGOSINO, ET AL.

Accused.

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
TRESPESES,* J.

Promulgated:

AUG 30 2018 

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the following:

1. *Petition for Bail*¹ filed by accused Al C. Argosino;
2. *Petition for Bail*² filed by accused Michael B. Robles;
and
3. *Application for Bail*³ filed by accused Wenceslao A. Sombero, Jr.

In his Petition, accused Argosino prays that he be allowed to post bail for his temporary liberty. He avers:

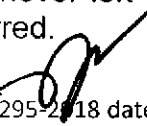

1. He is not a flight risk. He never left the country from the time the incident allegedly occurred.

* In lieu of J. Vivero (Per Administrative Order No. 295-2018 dated May 25, 2018)

¹ Dated July 4, 2018; Record, Vol. 4, pp. 29-40

² Dated July 3, 2018; Record, Vol. 4, pp. 54-83

³ Dated June 26, 2018; Record, Vol. 3, pp. 487-498

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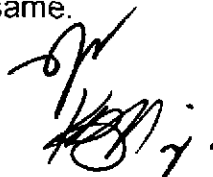
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2. Calima, who alleged that the accused committed Plunder, had no personal knowledge of the "series of overt or criminal acts" which allegedly happened from around 2:00 A.M. to 5:45 A.M. on November 27, 2016. His information on the matter came from one of the accused in the present case.
3. The National Bureau of Investigation (NBI), which conducted an extensive investigation, did not file a complaint for Plunder.
4. He could not have caused the release of the Chinese nationals arrested and detained at Fontana Leisure Parks and Casino. It is the Commissioner of the Bureau of Immigration who has the authority to order the release of said detainees.
5. It is a matter of record that (a) the detainees were released through bail approved by the Bureau of Immigration and Deportation; and (b) some detainees were released under recognizance of the Chinese Embassy. These are inconsistent with the claim that the detainees were released through his and accused Robles' intervention and assistance.
6. There is no series of criminal acts in the present case. The two (2) acts alleged in the Information happened in connection with the alleged commission of a single crime.
7. Persons who have personal knowledge of the facts and circumstances affirmed that the subject money was not for an illegal purpose, but for legal bail. Of the total amount of ₱50 million, ₱2 million was intended for legal fees of the lawyer who would handle the application for bail.
8. The amount involved falls below the threshold required for Plunder. The money was ₱1,000.00 short of the amount required for Plunder.
9. The possession of the money in the amount of ₱48 million was within the purview of gathering evidence in the criminal case filed with the Parañaque City Prosecutor's Office, docketed as NPS Docket Number 16-3000 entitled *Deputy Commissioners Al C. Argosino and Michael B. Robles vs. Dr. Lam Yin Lok @ Jack Lam, et al.* for Corruption of Public Officials and Wire-Tapping. The amount of ₱29,999,000.00 was turned over to the Department of Justice, while the ₱18 million was with Calima and ₱2 million was with accused Sombero.
10. By turning over the money to the Department of Justice, he has shown his lack of pecuniary interest to consider amassing, accumulating or acquiring the same.



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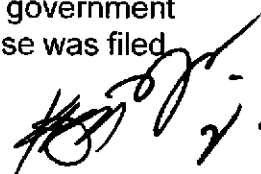
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In his Petition, accused Robles prays that this Court allow him to post bail for his temporary liberty and to fix the amount of bail. He avers:

1. Although Plunder is punishable by *reclusion perpetua* or *life imprisonment*, the evidence of guilt is not strong. Therefore, he should be allowed to post bail as a matter of right.
2. There is no evidence to prove the purported series of overt or criminal acts attributed to the accused.
 - a. Without making any admission of facts, the amount of ₱50 million given in two (2) tranches within the span of more than two (2) hours constitutes only one (1) overt or criminal act, and not two (2) separate acts, each having an independent existence of its own.
 - b. The alleged accumulation of ill-gotten wealth amounting to ₱50 million resulted from a single criminal impulse, and therefore, should be considered to be a single act.
3. There is no evidence of the alleged ill-gotten wealth.
 - a. The subject amount of cash was actually intended for the bail bond of the Chinese nationals who were arrested for violation of immigration laws.
 - b. On March 19, 2018, Atty. Caroline PM. Cruz wrote a letter addressed to Hon. Vitaliano N. Aguirre II, then Secretary of the Department of Justice (DOJ), requesting the release of the "cash in the amount of PhP29,999,000.00" intended for "legal bail."
4. The actual amount of money falls below the threshold required for Plunder.
 - a. Even assuming that the money was intended for illegal purposes, ₱2 million out of the ₱50 million was intended for lawyer's fees. The remaining ₱48 million falls below the ₱50 million threshold required for Plunder.
 - b. In the Special Power of Attorney executed by Alexander Yu and Norman Ng, as well as in the Affidavit of Yuan Jing, the money believed to be in the amount of ₱50 million is actually short by ₱1,000.00.
5. There is no evidence of unjust enrichment. They willingly and voluntarily turned over the money to the concerned government agencies for safekeeping even before the present case was filed



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They intended to use the money as evidence in cases for Bribery and Corruption of Public Officers.

6. The Office of the Ombudsman found that his sole participation in the alleged crime was limited to helping carry two (2) paper bags containing money. He later turned over said paper bags to accused Argosino. There was no finding that he received money for his personal benefit. The act of carrying money *per se* is not illegal.
7. Assuming *arguendo* that the factual findings as to his participation are correct, he would, at most, be an accessory, rather than a principal.

In his *Application for Bail*, accused Sombero prays that this Court admit him to bail in the amount it may fix and order his release upon posting of the bail. He avers:

1. The evidence of his guilt is not strong, but assuming that the evidence of guilt is strong, he is nonetheless entitled bail because he is not a flight risk.
2. There is no strong evidence showing that accused Argosino amassed, accumulated and acquired ill-gotten wealth in the aggregate amount of ₱50 million through a series or combination of overt or criminal acts, as defined in Sec. 1(d) of R.A. No. 7080.
3. There is no strong evidence showing that he conspired with accused Argosino. He could not have done so because he was the asset or informant of Gen. Charles Calima, then Acting Chief of the Intelligence Division of the Bureau of Immigration. His tip triggered the counter-intelligence operations conducted by Gen. Calima.
4. The possibility of him escaping is remote, if not nil, considering his official and social standing and other personal circumstances.
 - a. He was a decorated police officer who retired from the service with the rank of Police Senior Superintendent.
 - b. He immediately and voluntarily surrendered to the PNP a day after the issuance of the warrant of arrest against him.
 - c. He returned to the country to appear before the Senate Blue Ribbon Committee on February 16 and March 9, 2017.



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THE PROSECUTION'S EVIDENCE

The prosecution presented as witnesses, **Noel B. Cuestas**,⁴ **Jaime H. Morente**,⁵ **Paolo Carlo P. Calderon**,⁶ **Charles T. Calima, Jr.**,⁷ and **Julie Anne M. Aurelio**.⁸

The testimony of **Michael John Villanueva** was dispensed with after the parties stipulated as follows:⁹

- a) He is a Police Chief Inspector of the PNP, CIDG from 2016 to 2017, he was the Chief of the Investigation Intelligence Section of the CIDG;

(Stipulated by the prosecution and accused Robles and Sombero; Accused Argosino stipulated that such will be the direct testimony of the witness)

- b) He was the officer on duty at the said Office on December 20, 2016.

(Stipulated by the prosecution and accused Robles and Sombero; Accused Argosino stipulated that such will be the direct testimony of the witness)

- c) On December 20, 2016, Gen. Calima went to their Office to file a Complaint for Plunder and Violation of Section 3(e) of R.A. No. 3019 against accused Argosino and Robles and to turn over peso bills in the amount of P18,000,000.00.

(Stipulated by the prosecution and accused Sombero; Accused Argosino and Robles stipulated that such will be the direct testimony of the witness)

- d) The peso bills in the amount of P18,000,000.00 was turned over by Gen. Calima to and was received by the CIDG, which same money was turned over to the PNP Finance Section for safekeeping;

- e) The witness received and can identify Exhibits L-1-o, L-1-p, L-1-r.

(Stipulated by the prosecution and accused Sombero; Accused Argosino and Robles stipulated that such will be the direct testimony of the witness)

⁴ Judicial Affidavit of SPO2 Noel Cuestas dated July 31, 2018; TSN, August 15, 2018

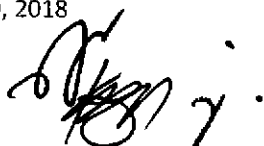
⁵ Affidavit dated May 2, 2017; TSN, August 1, 2018

⁶ Affidavit dated March 8, 2017; TSNs, August 3, 9, and 17, 2018

⁷ Complaint-Affidavit dated December 22, 2016; TSNs, August 10, 15, and 20, 2018

⁸ TSN, August 17, 2018

⁹ Order dated July 20, 2018



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- f) During the turn-over process, accused Robles was not present.

(Stipulated by the prosecution and accused Robles)

The testimony of **Clyte Telmo Tobias**, Disbursing Officer of the Finance Service, Office 14, Philippine National Police, was dispensed with after the parties stipulated that if asked, she will answer as follows:¹⁰

- 1) On December 20, 2016, she received a directive from the Director of the Finance Services to receive the amount of P18-Million from the CIDG pertaining to the complaint of Calima filed with the CIDG;

(Stipulated by the prosecution and accused Sombero; Accused Argosino and Robles stipulated that such will be the direct testimony of the witness)

- 2) In connection with the verbal instruction of the Director, Officer Tobias was shown a memorandum dated December 20, 2016 of Noel Obusan pertaining to the safekeeping of the P18-Million from the CIDG; and that if shown the said document, the witness can identify the same;

(Stipulated by the prosecution and accused Robles and Sombero; Accused Argosino stipulated that such will be the direct testimony of the witness)

- 3) After she was shown the memorandum, she proceeded to count the P18-Million in the presence of two (2) CIDG officers, one of whom was Michael John Villanueva, and in the presence of Calima, the counsel of Calima, and Police Superintendent Banak, the Director of the Financial Service;

(Stipulated by the prosecution and accused Robles and Sombero; Accused Argosino stipulated that such will be the direct testimony of the witness)

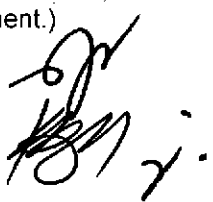
- 4) While counting the money, the witness also recorded the counting of the money via *tara*.

(Stipulated by the prosecution and accused Robles and Sombero; Accused Argosino stipulated that such will be the direct testimony of the witness)

- 5) The exhibit marked as Exh. L-1-p is a faithful reproduction of the original brought by the witness.

(Stipulated by all the parties; Accused Argosino, however, manifested that there is no signature on the third page of the said document.)

¹⁰ Order dated July 20, 2018



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- 6) After counting the money, Ms. Tobias prepared an acknowledgment receipt signed by her and by Michael John Villanueva, marked as Exh. L-1-r.

(Stipulated by the prosecution and accused Robles and Sombero; Accused Argosino stipulated that such will be the direct testimony of the witness)

- 7) Exh. L-1-r is a faithful reproduction of the original document brought by the witness.

(Stipulated by all the parties. Accused Robles and the Prosecution also stipulated that the said document does not bear the signature of the other witnesses to the counting.)

- 8) The witness has in her custody the P18-Million marked as Exh. I and series, which she can show to the Court and which she can identify to be the same money she received from Michael John Villanueva of the CIDG.

(Stipulated by the prosecution and accused Robles and Sombero; Accused Argosino stipulated that such will be the direct testimony of the witness)

- 9) Ms. Tobias returned the money that she counted to the same paper bag that contained the money turned over to her.

(Stipulated by the prosecution and accused Sombero; Accused Argosino and Robles stipulated that such will be the direct testimony of the witness)

- 10) That the witness bundled the money that she counted.

(Stipulated by all the parties)

The testimony of **Jesulito Limpahan** was dispensed with after the parties stipulated as follows:¹¹

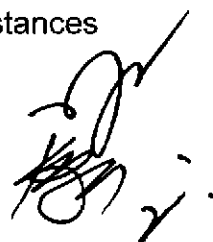
- 1) He issued acknowledgment receipt dated December 22, 2016 marked as Exh. N¹² and he will be able to identify the document.

(Accused Argosino and Sombero stipulated thereto and as to the authenticity of the said document; Accused Robles only stipulated that the witness will be able to identify Exh. N.)

- 2) The P2-Million was turned over to the Office of the Ombudsman Cashier under the circumstances

¹¹ Order dated July 20, 2018

¹² Re-marked as Exhibit I-56



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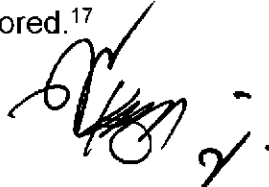
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stated in the acknowledgment receipt marked as Exh. N.

- 3) The Office of the Ombudsman Cashier is still in possession of the P2-Million and will be able to present the said money to the Court.
- 4) The money is the same bundle of cash turned over to the Office of the Ombudsman under Exh. N.

Noel B. Cuestas identified his *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, and testified:

1. He has been the Chief, Digital Forensic Laboratory Section, Regional Anti-Cyber Crime Office 13 of the Anti-Cyber Crime Group (ACG) of the Philippine National Police (PNP) since May 4, 2018.¹³
2. In March 2017, he was designated as Audio/Video Forensic Examiner, assigned at the PNP Headquarters in Camp Crame, Quezon City.¹⁴
3. As such, he performed the following functions:¹⁵
 - a. Receiving requests for the examination and enhancement of digital evidence, including video footages;
 - b. Acting as the custodian of digital evidence submitted for examination; and
 - c. Creating policies or best practices pertaining to the examination of Closed-Circuit Television (CCTV) footages.
4. He can identify the WD Elements External hard drive with Serial No. WX51A764RJPA (Exhibit G) under his custody.¹⁶
5. On March 1, 2017, he received a request for digital forensic examination from a certain Atty. Ryan P. Medrano of the Office of the Ombudsman. In connection therewith, he received said WD Elements hard drive wherein several CCTV footages of the City of Dreams Manila are stored.¹⁷



¹³ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 2

¹⁴ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 3

¹⁵ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, pp. 3-4

¹⁶ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 2

¹⁷ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 4; TSN, August 15, 2018, p. 14

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6. Said CCTV footages covered the period from the evening of November 26, 2016 to the morning of November 27, 2016.¹⁸
7. The forensic examination was for the enhancement of persons of interest, vehicles, and cash bundles as seen in said CCTV footages. Enhancement pertains to the optimal viewing of an image, a picture or a video.¹⁹
8. Upon receiving the hard drive containing the CCTV footages, he requested Atty. Medrano to accomplish *Form A-1a: Video Forensic Analysis Request Form* dated March 1, 2017 (Exhibit O); and to sign *Form A-8: Chain of Custody Form* dated March 1, 2017 (Exhibit P). He then encoded the request in the Digital Evidence Monitoring System (DEMS), and took pictures of the hard drive.²⁰
9. Said forms were also signed by PO3 Jeremiah James E. Cajayon, the Digital Forensic Examiner on duty.²¹
10. After encoding the request in the DEMS, he used a write-blocking device called a *Tableau Forensic USB Bridge* to access the hard drive.²²
11. Write-blockers prevent the alteration of a file's timestamp and of the file itself.²³
12. The timestamp determines the accuracy of the date of the creation of the file. Unless a write-blocker is used, making copies of a file will affect the timestamp.²⁴
13. He does not know if the timestamp of the file in the hard drive is accurate because he was not able to examine the original file.²⁵
14. Upon accessing the hard drive, he saw two (2) folders. One folder contained thirteen (13) video footages. The other folder contained the condensed video footage as requested by the NBI.²⁶
15. He then reviewed the CCTV footages to determine the specific times to be examined or enhanced.²⁷

¹⁸ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 4

¹⁹ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 4

²⁰ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, pp. 4-5

²¹ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 6

²² *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, pp. 6-7

²³ TSN, August 15, 2018, p. 27

²⁴ TSN, August 15, 2018, pp. 22-23

²⁵ TSN, August 15, 2018, p. 23

²⁶ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 6

²⁷ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 7

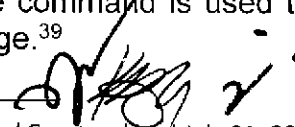
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16. Thereafter, he created a case folder in his working hard drive and copied thereto the video footages from the hard drive submitted by Atty. Medrano.²⁸
17. After copying the files to his working hard drive, he created hash values—digital fingerprints of a file—for both the original evidence and the copied files. He then verified that the values were the same, signifying that no alterations occurred during the transfer of the files to the working drive.²⁹
18. Converting a video file to a different format will change the hash value.³⁰ Conversion may also result in changes in the frames per second, the resolution and the quality.³¹ The contents, however, will not change.³²
19. He does not know which format the files were originally in.³³
20. After comparing the hash values of the files, he identified the metadata of the thirteen (13) video footages. He captured frame by frame images relevant to the case from the footages.³⁴
21. Metadata refers to the video's properties, such as frames per second, resolution, duration, etc.³⁵
22. He determined which specific times he would examine based on what Atty. Medrano told him.³⁶
23. He then pre-processed the captured images, meaning that he adjusted the black and white levels, the sharpness, and reduced the noise in the images.³⁷
24. Enhancement of the images is not automatically done by the computer. The user has to set the black and white levels, sharpness, noise, etc.³⁸
25. The interlace command is used to reduce or remove the noise from the image.³⁹


²⁸ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 7

²⁹ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 7

³⁰ TSN, August 15, 2018, p. 31

³¹ TSN, August 15, 2018, p. 32

³² TSN, August 15, 2018, p. 33

³³ TSN, August 15, 2018, pp. 38-39

³⁴ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 8

³⁵ TSN, August 15, 2018, p. 35

³⁶ TSN, August 15, 2018, p. 25

³⁷ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 6

³⁸ TSN, August 15, 2018, pp. 60-61

³⁹ TSN, August 15, 2018, pp. 54-55

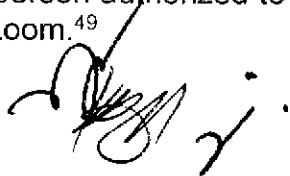
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26. After pre-processing the images, he chose specific frames and tagged persons of interest. He then saved the changes to create a final enhancement file.⁴⁰
27. After creating the final enhancement file, he created hash values for (a) the captured frame by frame images, (b) the pre-processed images, and (c) the processed images.⁴¹
28. After creating the hash values, he transferred the results to a SanDisk Cruzer Glide 32 GB USB Flash Drive (Exhibit G-68) for the Office of the Ombudsman.⁴²
29. To ensure that no alterations occurred in the files during the transfer, he created another set of hash values for the files in said flash drive and compared them with those in his working drive.⁴³
30. The hash values for the files (Exhibits G-1 to G-67) in the flash drive and those in his working drive were the same.⁴⁴
31. There were three (3) folders in the flash drive, namely, (a) captured frame by frame images, (b) pre-processed images, and (c) processed images.⁴⁵
32. The 67 images copied to the flash drive came from the raw footages. He did not enhance the condensed version of the video.⁴⁶
33. He then submitted a report to PCInsp. Levy B. Lozada, Digital Forensic Laboratory Chief.⁴⁷ He also informed Atty. Medrano that the examination was finished and that the results were ready for pick-up. He kept the WD Elements hard drive submitted by the Office of the Ombudsman in the Evidence Room of the PNP Anti-Cybercrime Group in Camp Crame, Quezon City.⁴⁸
34. He is the only person authorized to retrieve said hard drive from the Evidence Room.⁴⁹



⁴⁰ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 8

⁴¹ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 9

⁴² *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 9

⁴³ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 9

⁴⁴ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 9

⁴⁵ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 9

⁴⁶ TSN, August 15, 2018, p. 48

⁴⁷ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 10

⁴⁸ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 10

⁴⁹ *Judicial Affidavit of SPO2 Noel Cuestas* dated July 31, 2018, p. 11

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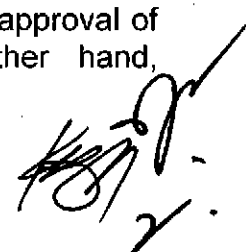
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The parties stipulated that witness **Jaime H. Morente** will testify that he assumed his position as Commissioner of the Bureau of Immigration (BI) on July 1, 2016.⁵⁰ Witness Morente identified his *Affidavit* dated May 2, 2017 (Exhibit N) and testified:

1. As Commissioner of the BI, one of his functions is the supervision, through the heads of its different divisions, of the Bureau's activities, including the enforcement of immigration laws.⁵¹
2. On November 23, 2016, he issued a mission order in connection with an operation that was to be conducted in Fontana Leisure Park in Clark.⁵²
3. On November 24 and 25, 2016, a raid operation, led by the Department of Justice (DOJ), was conducted in Fontana Leisure Park. He organized a contingent of BI personnel and provided logistical resources for said operation.⁵³
4. As a result of the operation, 1,316 Chinese nationals were arrested. They were detained and processed at the Fontana Convention Center because at that time, it was the only place capable of holding the detainees.⁵⁴
5. On November 28, 2016, charges were filed against 1,296 detainees. No charges were filed against minors and legitimate tourists. Custody of said minors was later given to the Chinese Embassy.⁵⁵
6. After filing the charges, they requested for guidance from the Secretary of Justice (SOJ) on what to do with the detainees. The SOJ advised them that those detainees not subject to summary deportation could be released on bail.⁵⁶
7. On November 29, 2016, a petition for bail covering 600 persons was filed with the Legal Division of the BI.⁵⁷
8. The Chief of the Legal Division recommended the approval of said petition. Accused Argosino, on the other hand,



⁵⁰ TSN, August 1, 2018; p. 10

⁵¹ TSN, August 1, 2018; p. 13

⁵² TSN, August 1, 2018; p. 115

⁵³ TSN, August 1, 2018; p. 18

⁵⁴ TSN, August 1, 2018; p. 19

⁵⁵ TSN, August 1, 2018; p. 20

⁵⁶ TSN, August 1, 2018; pp. 20-21

⁵⁷ TSN, August 1, 2018; p. 21

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recommended that the approval be done by the Board of Commissioners.⁵⁸

9. On December 2, 2016, the Board of Commissioners unanimously approved the petition for bail.⁵⁹
10. Subsequently, the petitioners were informed of the requirements for bail, including the payment of the bail bond in the amount of ₱50,000.00 each, as well as other fees.⁶⁰
11. He received a letter from the Chinese Ambassador requesting that the acceptance of the payment for bail be fast-tracked. 592 Chinese nationals qualified for bail were then released on bail on December 5 and 6, 2016. Considering the number of payments that had to be processed, the cashiers were made to perform overtime work.⁶¹
12. Thereafter, bail was approved for another batch of sixty-six (66) individuals on December 8, 2016, and for the last batch of sixteen (16) individuals on December 15, 2016.⁶²
13. The first 592 persons who posted bail were processed at the main office in Intramuros because payment of bail had to be done at the cashier.⁶³
14. The processing of the bail was done mostly by law firms representing the detainees.⁶⁴
15. The same was true for the batches of the 66 and 16 individuals who subsequently posted bail.⁶⁵
16. The detainees who were subject to deportation proceedings were deported by batch, the first of which was on December 23, 2016.⁶⁶
17. Sometime in the evening of November 25, 2016, after the termination of the operation in Fontana Leisure Park, but before the applications for bail were filed, Charles T. Calima reported by text message⁶⁷ that certain BI personnel were suspected of

⁵⁸ TSN, August 1, 2018; p. 22

⁵⁹ TSN, August 1, 2018; p. 22

⁶⁰ TSN, August 1, 2018; pp. 22-23

⁶¹ TSN, August 1, 2018; p. 23

⁶² TSN, August 1, 2018; pp. 23-24

⁶³ TSN, August 1, 2018; p. 140

⁶⁴ TSN, August 1, 2018; p. 141

⁶⁵ TSN, August 1, 2018; p. 141

⁶⁶ TSN, August 1, 2018; p. 24

⁶⁷ TSN, August 1, 2018; p. 29

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trying to extort money for the release of the detained Chinese nationals.⁶⁸

18. Calima used the term *areglo* in said report. The term means *magpalitan* or *magbabayaran* in exchange for something, for a favor.⁶⁹
19. Calima, formerly the Director for Intelligence of the PNP, was his Executive Assistant. He designated Calima as officer-in-charge (OIC) of the Intelligence Division of the BI because he personally knew Calima's competence.⁷⁰
20. As OIC of the Intelligence Division, Calima conducted investigations and rendered reports upon the instance of the Commissioner.⁷¹
21. After receiving the report, he instructed Calima to identify the BI personnel involved, to conduct an investigation, to do a case build-up, and if necessary, to entrap said BI personnel.⁷²
22. Calima commenced operations and regularly informed him of the developments by telephone or text messages. He learned that the personnel involved were two (2) incumbent Associate Commissioners—accused Argosino and Robles.⁷³
23. On November 28, 2016, he received (a) the Memorandum dated November 26, 2016, (b) the Memorandum dated November 27, 2016 and (c) a handwritten report from Calima.⁷⁴
24. It was not required in the BI, but as a practice, the reports submitted by Calima usually had cover sheets.⁷⁵
25. The "very reliable source" mentioned in Calima's reports was accused Sombero.⁷⁶
26. Calima, in an intelligence report, recommended the conduct of counter-intelligence operations.⁷⁷ Said recommendation was already verbally approved on the 25th, but was approved in writing only after the submission of said report.⁷⁸

⁶⁸ Affidavit dated May 2, 2017, p. 2; TSN, August 1, 2018; p. 27

⁶⁹ TSN, August 1, 2018; p. 138-139

⁷⁰ TSN, August 1, 2018; pp. 25, 132

⁷¹ TSN, August 1, 2018; pp. 25-26

⁷² Affidavit dated May 2, 2017, p. 1; TSN, August 1, 2018; p. 28

⁷³ Affidavit dated May 2, 2017, p. 1

⁷⁴ TSN, August 1, 2018; p. 93-94

⁷⁵ TSN, August 1, 2018; p. 145

⁷⁶ TSN, August 1, 2018; pp. 85-86

⁷⁷ TSN, August 1, 2018; p. 28

⁷⁸ TSN, August 1, 2018; pp. 28-29

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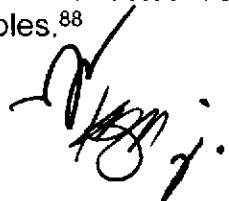
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27. No mission orders were required for the conduct of counter-intelligence operations. Only his approval was required.⁷⁹
28. The counter-intelligence operation commenced on November 25, 2016 and continued until December 13, 2016, when Calima's employment was terminated.⁸⁰
29. According to Calima, accused Sombero informed him (Calima) that there would be two (2) pay-offs of ₱50 million each—one on November 26 to 27, 2016, and the other on November 30, 2016.⁸¹
30. By the time he received the information, the first pay-off was already completed.⁸²
31. Calima informed him of his intention to conduct entrapment operations for the November 30, 2016 pay-off. However, the entrapment did not push through because the pay-off did not occur.⁸³
32. In the late afternoon of December 8, 2016, accused Argosino and Robles went to his office and complained that Calima was harassing them.⁸⁴
33. According to accused Argosino and Robles, Calima told them that he (Calima) had evidence of their involvement in illegal activities. They suspected that Calima approached them because he needed support for his application for the position of Intelligence Officer IV.⁸⁵
34. He told accused Argosino and Robles that he would call Calima so they could confront each other⁸⁶ about the alleged receipt of ₱50 million from Jack Lam through accused Sombero.⁸⁷
35. Sometime after accused Argosino and Robles left, he requested Calima to come to his office. He then directed his Chief of Staff to call accused Argosino and Robles.⁸⁸



⁷⁹ TSN, August 1, 2018; p. 115

⁸⁰ TSN, August 1, 2018; p. 84

⁸¹ Affidavit dated May 2, 2017, p. 1

⁸² Affidavit dated May 2, 2017, p. 1

⁸³ Affidavit dated May 2, 2017, p. 1

⁸⁴ Affidavit dated May 2, 2017, p. 1

⁸⁵ TSN, August 1, 2018; p. 50

⁸⁶ TSN, August 1, 2018; pp. 50-51

⁸⁷ Affidavit dated May 2, 2017, pp. 1-2

⁸⁸ TSN, August 1, 2018; p. 50

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36. Calima was already in his office when accused Robles arrived. At the time, accused Argosino had already left the premises.⁸⁹ Calima was seated in front of his table, about a meter away, while accused Robles, using the second chair after his table, was about a meter and a half away.⁹⁰
37. Calima told accused Robles that he was not making up stories of their involvement in illegal activities, and that Ramon Tulfo, a columnist in the *Inquirer*, wrote an article that was to appear in the newspaper on Saturday, regarding the alleged pay-off in the City of Dreams involving ₱50 million.⁹¹
38. Calima also said that accused Sombero was already in the NBI, executing an affidavit to testify on the reported pay-off, which was caught on camera.⁹²
39. Calima then dialed Tulfo's number, put him on speaker phone, and talked about accused Sombero. Tulfo then said "*abangan mo sa Sabado may exposé ako sa aking column.*"⁹³
40. Tulfo probably did not know that he was on speaker phone. He also probably did not know that accused Robles was in the room.⁹⁴
41. Thereafter, Calima called accused Sombero, who said that he was already preparing his affidavit.⁹⁵
42. Accused Robles, who appeared to be having a breakdown, stood up, then sat down, and said, "*Comm., tulungan mo naman kami dito, ano ang magandang gawin namin, tapos na yung career ko, paano na yung pamilya ko.*" Accused Robles then asked to be excused and went to the private restroom in his office.⁹⁶ Accused Robles went to the restroom several times.⁹⁷
43. Accused Argosino arrived around twenty (20) to thirty (30) minutes later. He (Morente) told accused Argosino that Calima already talked to accused Robles. Accused Argosino took the vacant chair beside accused Robles.⁹⁸

⁸⁹ TSN, August 1, 2018; pp. 50-51

⁹⁰ TSN, August 1, 2018; p. 55

⁹¹ TSN, August 1, 2018; pp. 51, 128

⁹² TSN, August 1, 2018; p. 52

⁹³ TSN, August 1, 2018; p. 52

⁹⁴ TSN, August 1, 2018; p. 146

⁹⁵ TSN, August 1, 2018; p. 53

⁹⁶ TSN, August 1, 2018; p. 53

⁹⁷ TSN, August 1, 2018; p. 57

⁹⁸ TSN, August 1, 2018; p. 58

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44. Accused Robles told accused Argosino about Calima's phone conversation with Tulfo and with Sombero. Calima then repeated that he did not make up the report.⁹⁹
45. Accused Robles became silent while accused Argosino asked, "*tulongan niyo naman kami Comm., anong dapat naming gawin?*"¹⁰⁰ He replied, "*wala akong maitulong sa inyo, you have to take the consequence of your action.*"¹⁰¹
46. Accused Argosino also asked him to talk to Tulfo but he replied that he did not know Tulfo.¹⁰²
47. After the confrontation in his office, he and Calima assessed that more evidence was needed to support the counter-intelligence operations.¹⁰³
48. He did not give Calima specific instructions on how to get the additional evidence because he knew that Calima was a very competent intelligence officer.¹⁰⁴
49. On December 9, 2016, Calima submitted a handwritten report (Exhibit N-9) stating that Calima was able to take into custody two (2) of the five (5) bags containing money allegedly extorted from Jack Lam and company. Said bags would be used as evidence against accused Argosino and Robles.¹⁰⁵
50. He then instructed Calima to contact the SOJ for the proper turn over of the money. He further instructed Calima to file the appropriate case in court, and to prepare and submit the after counter-intelligence operations report which would be the basis of the official report to be submitted to the SOJ.¹⁰⁶ However, he was not able to submit the final counter-intelligence report to the SOJ because Calima was not able to submit to him the after counter-intelligence report.¹⁰⁷
51. Calima later told him that he (Calima) was in contact with the SOJ but was not able to personally talk to him (SOJ).¹⁰⁸

⁹⁹ TSN, August 1, 2018; p. 58

¹⁰⁰ TSN, August 1, 2018; p. 58

¹⁰¹ TSN, August 1, 2018; pp. 60-61

¹⁰² TSN, August 1, 2018; p. 61

¹⁰³ TSN, August 1, 2018; p. 102

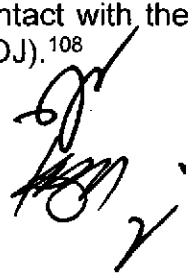
¹⁰⁴ TSN, August 1, 2018; p. 102

¹⁰⁵ TSN, August 1, 2018; pp. 67, 76

¹⁰⁶ Affidavit dated May 2, 2017, p. 2; TSN, August 1, 2018; p. 77

¹⁰⁷ TSN, August 1, 2018; p. 92

¹⁰⁸ TSN, August 1, 2018; p. 78



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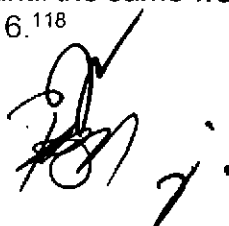
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52. He never saw the ₱18 million. He only knew about it from Calima's reports.¹⁰⁹
53. He did not know how the ₱18 million came into Calima's possession but he was not surprised, knowing Calima's skill.¹¹⁰
54. He instructed Calima to deliver the money to the SOJ because he (Calima) conducted the operations, and was in possession of the money. Thus, he would be the complainant or a witness.¹¹¹
55. Calima was still an employee of the BI at that time, and was therefore, an extension of the BI.¹¹²
56. The next day, on December 10, 2016, he visited Calima in a safe house along Santolan Road, Quezon City. It was a motor shop located in front of Avida Condominiums.¹¹³
57. He asked Calima to submit a report but there was no computer at the safe house and there was no time to prepare and print a report so right there and then, Calima made a handwritten report and handed it to him.¹¹⁴
58. On December 12, 2016, he prepared an official memorandum (Exhibit N-10) directing Calima to get in touch with the SOJ, turn over the money to him (SOJ) and explain the details.¹¹⁵
59. In said memorandum, accused Sombero was referred to as the person who delivered the bribe money.¹¹⁶ He could not have given Calima clearance to use accused Sombero as an asset before the conduct of the operation.¹¹⁷
60. The SOJ terminated Calima's employment on December 13, 2016, after accused Argosino and Robles said, in a press conference, that the ₱18 million was with Calima. However, Calima continued to be in possession of the paper bags containing the ₱18 million until the same were turned over to the PNP on December 20, 2016.¹¹⁸



¹⁰⁹ TSN, August 1, 2018; p. 88

¹¹⁰ TSN, August 1, 2018; p. 103

¹¹¹ TSN, August 1, 2018; p. 104

¹¹² TSN, August 1, 2018; p. 105

¹¹³ TSN, August 1, 2018; p. 77

¹¹⁴ TSN, August 1, 2018; pp. 107-108

¹¹⁵ TSN, August 1, 2018; p. 79

¹¹⁶ TSN, August 1, 2018; p. 120

¹¹⁷ TSN, August 1, 2018; p. 120

¹¹⁸ Affidavit dated May 2, 2017, p. 2; TSN, August 1, 2018; p. 129-130, 138

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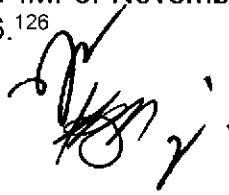
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61. The money was turned over to the PNP ten (10) days after Calima was instructed to do so, and seven (7) days after he became a private citizen.¹¹⁹
62. Other than making calls to remind Calima to turn over the money, and to make a report to the SOJ, he did not take any action against Calima for such belated turn over of the money.¹²⁰
63. On December 22, 2016, Calima filed a complaint against Argosino and Robles with the Office of the Ombudsman.¹²¹
64. He filed an affidavit (Exhibit N) in connection with the case filed by accused Argosino and Robles against Calima.¹²²
65. He did not execute any affidavit in connection with the complaint against accused Argosino and Robles, filed with the Office of the Ombudsman, because he was not asked to submit one.¹²³

Paolo Carlo P. Calderon identified, affirmed and confirmed the contents of his *Affidavit* dated March 8, 2017 (Exhibit R) and testified:

1. He is the Surveillance Operations Manager of MCE Leisure (Philippines) Corporation, the operator of City of Dreams Manila.¹²⁴
2. As such, he ensures the monitoring of all gaming, cash handling and non-gaming areas through the Closed-Circuit Television (CCTV) System. He likewise manages the efficient operation of the different shifts of the Surveillance Department, and ensures that the regular operational activities of City of Dreams are afforded a high level of protection and conducted with utmost integrity.¹²⁵
3. On December 9, 2016, City of Dreams Manila received a letter dated December 9, 2016 from the National Bureau of Investigation (NBI), requesting for a copy of CCTV footages covering the areas of Erwin Gastro Bar and Red Ginger for the period starting from 11:00 P.M. of November 26, 2016 to 6:30 A.M. of November 27, 2016.¹²⁶



¹¹⁹ TSN, August 1, 2018; p. 130

¹²⁰ TSN, August 1, 2018; p. 130-131

¹²¹ *Affidavit* dated May 2, 2017, p. 2; TSN, August 1, 2018; p. 91

¹²² TSN, August 1, 2018; p. 90

¹²³ TSN, August 1, 2018; p. 91

¹²⁴ *Affidavit* dated March 8, 2017, p. 1

¹²⁵ *Affidavit* dated March 8, 2017, p. 1

¹²⁶ *Affidavit* dated March 8, 2017, pp. 1-2; TSN, August 17, 2018, pp. 69, 102

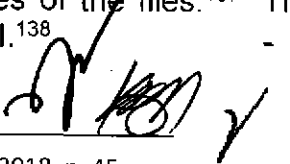
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4. He did not see the letter. He learned of the NBI's request for CCTV footages from Kenneth Guillon, the head of the department.¹²⁷
5. Guillon emailed him photos of certain persons, and asked him and his team to extract specific clips wherein the persons in the photos appeared.¹²⁸
6. A team of around eight (8) personnel reviewed the CCTV footages.¹²⁹ Members of the team worked in shifts.¹³⁰
7. The team members reviewed and extracted the footages. He was mostly a part of the extraction team.¹³¹
8. Footages were extracted from thirteen (13) of the 3,987 cameras in the City of Dreams.¹³²
9. They did not immediately extract the footages upon spotting the persons of interest. They first recorded the specific times and cameras wherein the persons of interest appeared.¹³³
10. They took around 7½ hours of footage from each of the thirteen (13) cameras. The total length of the footages would be around a hundred hours.¹³⁴
11. They did not view the entire 7½ hour footage for each camera. They started with one camera and followed the persons of interest based on the directions they were heading.¹³⁵
12. There were around four (4) cameras in each area. They chose the cameras that showed the persons with the least obstructions.¹³⁶
13. Guillon stored the CCTV footages from the CCTV System's Archive Server in an external hard drive because of the large sizes of the files.¹³⁷ The external hard drive was sent to the NBI.¹³⁸



¹²⁷ TSN, August 17, 2018, p. 45

¹²⁸ TSNs, August 3, 2018, pp. 47-48; August 9, 2018, p. 83; August 17, 2018, p. 91

¹²⁹ TSN, August 17, 2018, p. 47

¹³⁰ TSN, August 17, 2018, p. 52

¹³¹ TSN, August 17, 2018, pp. 95-96

¹³² TSNs, August 3, 2018, p. 34; August 17, 2018, p. 34

¹³³ TSN, August 17, 2018, pp. 105-106

¹³⁴ TSN, August 17, 2018, pp. 69, 95

¹³⁵ TSN, August 17, 2018, pp. 103-104

¹³⁶ TSN, August 17, 2018, pp. 107, 110, 112

¹³⁷ TSN, August 3, 2018, pp. 35-36

¹³⁸ TSN, August 3, 2018, p. 36

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14. Included in said external drive is a condensed short clip of movements and action points relating the NBI's original request.¹³⁹
15. He had no participation in the submission of the hard drive to the NBI.¹⁴⁰
16. The Office of the Ombudsman also requested a copy of said files. Copies of the CCTV footages were stored in another hard drive which was sent to the Office of the Ombudsman. The external drive being referred to is the WD Elements hard drive with Serial No. WX51A764RJPA (Exhibit G).¹⁴¹
17. The CCTV Recording System, wherein footages are initially stored, automatically deletes footages after a lapse of a certain period.¹⁴²
18. The cameras have continuous recording and videos are initially stored within the camera itself.¹⁴³ After a certain period, the recordings stored in the camera's memory are overwritten.¹⁴⁴
19. Each of the cameras retained between ten (10) and twenty (20) days of footage.¹⁴⁵
20. The files in the Dallmeier came from the Archive Server.¹⁴⁶
21. The footages from the Archive Server, and those from the CCTV Recording System were in MPEG-4 file format. The recording resolution of the footages was a combination of 720p and 1080p, with frame rates between 25 to 30 frames per second.¹⁴⁷
22. The footages that were stored in the WD Elements hard drive given to the Office of the Ombudsman are faithful copies of the footages initially stored in the CCTV Recording System, albeit in a different file format.¹⁴⁸
23. The footages were extracted from the Archive Server and copied to the WD Elements hard drive. The footages were converted from the original MPEG-4 format to the AVI format.¹⁴⁹

¹³⁹ TSN, August 3, 2018, pp. 37-38

¹⁴⁰ TSN, August 17, 2018, p. 84

¹⁴¹ TSN, August 3, 2018, pp. 36-37

¹⁴² Affidavit dated March 8, 2017, p. 2

¹⁴³ TSN, August 17, 2018, p. 55

¹⁴⁴ TSN, August 17, 2018, p. 60

¹⁴⁵ TSN, August 17, 2018, p. 97

¹⁴⁶ TSN, August 17, 2018, pp. 65-67

¹⁴⁷ Affidavit dated March 8, 2017, pp. 2-3

¹⁴⁸ Affidavit dated March 8, 2017, p. 3

¹⁴⁹ Affidavit dated March 8, 2017, p. 2

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24. The video files were converted from MPEG-4 file format to AVI file format on the Dallmeier PC using the P-Stream Convert software before being copied to the WD Elements hard drive.¹⁵⁰
25. The files were converted from MPEG-4 to AVI format because MPEG-4 file format is not readily playable in some commercial video players.¹⁵¹
26. The converted files in the hard drive looked the same as the files viewed from the Dallmeier system.¹⁵²
27. Included in said WD Elements hard drive is a condensed short clip of movements and action points relating to the NBI's request. Said clip was made by combining short segments cut from the original extracted footages from different cameras.¹⁵³
28. He knows that the short version came from the raw footages because they came from the same cameras. The Dallmeier system does not allow access to cameras not within the system.¹⁵⁴
29. Using the Dallmeier, portions of the original files were cut and merged to make the short version.¹⁵⁵
30. There is a window where several cameras can be displayed, each with specific start times and end times. The separate footages are put together by clicking "merge."¹⁵⁶
31. He participated in the extraction of the CCTV footages. He specified a start time and an end time. The system extracted the footages based on said inputs.¹⁵⁷
32. The merged file was then shown to Guillon, who converted the file from MPEG-4 to AVI format.¹⁵⁸
33. He saw the short version of the footages for the first time sometime in December 2016.¹⁵⁹

¹⁵⁰ TSN, August 17, 2018, p. 41

¹⁵¹ TSN, August 17, 2018, p. 99

¹⁵² TSN, August 17, 2018, pp. 82-84

¹⁵³ Affidavit dated March 8, 2017, p. 3

¹⁵⁴ TSN, August 17, 2018, pp. 78-79

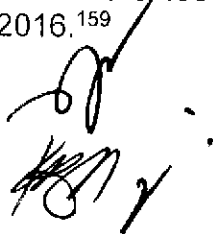
¹⁵⁵ TSN, August 17, 2018, p. 79

¹⁵⁶ TSN, August 17, 2018, pp. 77-78

¹⁵⁷ TSN, August 17, 2018, p. 58

¹⁵⁸ TSNs, August 3, 2018, p. 35; August 17, 2018, p. 81

¹⁵⁹ TSN, August 17, 2018, pp. 75-76



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34. He identified¹⁶⁰ the locations in the short version of the video file found in the WD Elements hard drive (Exhibit G).

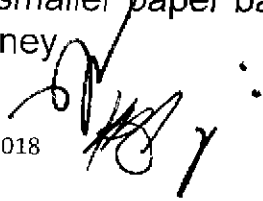
The video, viewed in open Court, shows that on November 27, 2016, around 12:30 A.M., two (2) men who appear to be accused Argosino and Robles, along with another man wearing a white shirt, entered Erwin's Gastro Bar in the City of Dreams. Around 1:30 A.M., a man who appears to be accused Sombero, accompanied by two (2) men, approached the counter of Pit 21. After talking to the casino employees, accused Sombero left. Around 1:53 A.M., accused Sombero's companions were putting what appears to be bundles of money into two (2) paper bags, each containing ten (10) bundles. The two (2) men, bringing said paper bags, met accused Sombero at what appears to be a dining area around 1:55 A.M. The three (3) men left the area together.

Around 2:07 A.M., accused Sombero took the paper bags from his companions and went to Erwin's Gastro Bar by himself. Around 3:11 A.M., accused Argosino and Robles, together with the man wearing a white shirt, came out of Erwin's Gastro Bar. Accused Sombero, still in possession of said paper bags, came out of Erwin's Gastro Bar shortly thereafter. Around 3:13 A.M., accused Argosino and Robles, using one entrance, and accused Sombero, using another entrance, went to the Red Ginger restaurant, also in the City of Dreams.

Inside the Red Ginger restaurant, accused Sombero placed the two (2) paper bags on the floor under the table occupied by accused Argosino and Robles. It appeared that the three (3) accused were talking.

Around 4:36 A.M., accused Sombero went out of Red Ginger, and together with another man wearing a black and white shirt, went to the counter in Pit 21. Accused Sombero appeared to be talking to someone on his mobile phone. He then handed his phone to the man on the counter. After his phone was returned, accused Sombero occupied a table at the corner of the room. Around 5:17 A.M., accused Sombero's companion went to the counter and put ten (10) bundles of money in each of the three (3) paper bags. He then brought the paper bags to accused Sombero. Before leaving, accused Sombero asked for what appears to be a smaller paper bag and put it into one of the paper bags containing money.

¹⁶⁰ TSNs, August 3, 2018 and August 9, 2018



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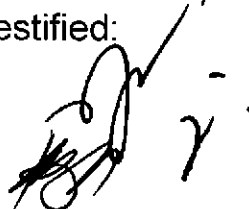
After leaving Pit 21, accused Sombero and his companion, carrying the three (3) paper bags, asked casino employees for replacement paper bags and transferred the contents to the new paper bag because the handle of the paper bag carried by accused Sombero broke off. Around 5:36 A.M., accused Sombero, now accompanied by another man wearing a black shirt, returned to Red Ginger. Accused Argosino and Robles were still occupying the same table and the first two (2) paper bags were still on the floor.

Accused Argosino and Robles, with the man wearing a white shirt, along with accused Sombero and his companion, left Red Ginger around 5:37 A.M. The man wearing a white shirt carried the first two (2) paper bags, accused Sombero's companion carried two (2) paper bags, and accused Sombero carried one (1) paper bag.

All five (5) of them went to the parking area. Accused Robles and the man wearing a white shirt went together, while accused Sombero and his companion went with accused Argosino. Around 5:42 A.M., accused Argosino's group were seen walking in the parking area as the lights of a parked white SUV momentarily flashed. Soon after, accused Argosino's group walked past the driver's side of the white SUV. Accused Sombero's companion was still carrying two (2) bags, while accused Sombero was still carrying one (1) bag when the group went to the back portion of said vehicle. When accused Sombero and his companion were leaving said area, they no longer carried the three (3) aforementioned paper bags. Accused Sombero only carried what appears to be a smaller paper bag, by its strings.

Around 5:46 A.M., a vehicle appearing to be a Mitsubishi SUV with Plate No. 17 (front) and WFO 147 (back) stopped in front of the parking spot of the aforementioned white vehicle. Accused Robles and the man wearing a white shirt came out of the Mitsubishi SUV. Accused Robles then went to the back portion of the white vehicle. He was carrying what appears to be a paper bag when he returned to the Mitsubishi SUV. The man in white boarded the first passenger side of the Mitsubishi SUV while accused Robles boarded the driver's seat. Said vehicle then left the parking area. The vehicle which appears to be a white Toyota SUV with Plate No. WQL 852 also left the parking area shortly thereafter.

Charles T. Calima, Jr. identified his *Complaint-Affidavit* dated December 22, 2016 (Exhibit L) and testified:



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1. He was the Acting Chief of the Intelligence Division of the BI from July 1, 2016 until December 13, 2016.¹⁶¹
2. As Acting Chief of the Intelligence Division, he conducted counter-intelligence operations against BI personnel who were suspected of being involved in corruption.¹⁶²
3. He first met accused Sombero on October 5, 2016. At that time, accused Sombero, President of the Asian Gaming Service Provider Association (AGSPA), conducted a briefing in the BI.¹⁶³
4. In the said briefing, accused Sombero sought the help of the BI in regulating employees in the industry, many of whom entered the country as tourists and later secured their working visas only if they decided to work in BPOs¹⁶⁴
5. On November 21, 2016, SOJ Vitaliano N. Aguirre II issued a Memorandum directing the Fugitive Search Unit (FSU) of the Intelligence Division of the BI to conduct investigations and raids on the Fontana Resort in Clark Field, Pampanga.¹⁶⁵
6. Around 9:43 P.M. on November 24, 2016, accused Sombero asked him by text message if the raid in Clark, which resulted in the arrest of over a thousand Chinese nationals, was a BI operation, and if it was conducted inside Fontana.¹⁶⁶
7. When he informed accused Sombero that it was an operation directed by the SOJ, accused Sombero expressed his fear that such raid would kill the industry. He advised accused Sombero to seek help from the SOJ.¹⁶⁷
8. Around 10:00 P.M. on November 25, 2016, accused Sombero informed him by phone (Exhibits L-1-f to L-1-n) that some BI officials were "*humihingi ng areglo*" in connection with the arrest of 1,316 Chinese nationals in Fontana Leisure Park in Clark.¹⁶⁸
9. He did not ask accused Sombero where such information came from. He just took note of the information because he was busy talking with other people.¹⁶⁹

¹⁶¹ *Complaint-Affidavit* dated December 22, 2016, p. 1

¹⁶² *Complaint-Affidavit* dated December 22, 2016, p. 1

¹⁶³ *Complaint-Affidavit* dated December 22, 2016, pp. 1-2

¹⁶⁴ *Complaint-Affidavit* dated December 22, 2016, p. 2

¹⁶⁵ *Complaint-Affidavit* dated December 22, 2016, p. 2

¹⁶⁶ *Complaint-Affidavit* dated December 22, 2016, p. 2

¹⁶⁷ *Complaint-Affidavit* dated December 22, 2016, pp. 2-3

¹⁶⁸ *Complaint-Affidavit* dated December 22, 2016, p. 3

¹⁶⁹ TSN, August 15, 2018, p. 139

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10. He informed accused Sombero by text that he wanted to entrap said BI officials.¹⁷⁰
11. After receiving information from accused Sombero about certain BI officials asking for *areglo*, he informed Comm. Morente and requested for clearance to conduct counter-intelligence operations to identify said officials and to gather evidence. His request for clearance was granted.¹⁷¹
12. Counter-intelligence operations are operations against members or employees of an organization. They are conducted to safeguard the organization from personnel who commit acts inimical to the organization and to national security.¹⁷²
13. From Clark, he went to Manila because he wanted to know the names of those who were asking for *areglo*. It was almost midnight when he arrived.¹⁷³
14. He met accused Sombero, who was with Jack Lam at the time.¹⁷⁴ He did not include the meeting in his Complaint-Affidavit because he did not obtain any information in said meeting. Thus, the meeting was irrelevant to the case he filed.¹⁷⁵
15. He wanted to know the phone numbers of the persons who were allegedly asking for *areglo* because a great deal of information can be obtained therefrom. He could have requested from the telephone company information on who the persons were in contact with, and from there, develop leads.¹⁷⁶
16. Around 10:15 A.M. on November 26, 2016, he received a text message from accused Sombero, updating him on the status of his discussion with the SOJ. According to accused Sombero, the SOJ advised him (Sombero) to coordinate directly with Associate Commissioners Argosino and Robles. He (Calima) thought it was strange because he expected the SOJ to advise Sombero to coordinate with Comm. Morente, the head of the BI, instead of the Associate Commissioners.¹⁷⁷
17. Accused Sombero did not specifically name accused Robles as one of the persons who were asking for *areglo*. He suspected that accused Robles was involved because of the SOJ's

¹⁷⁰ *Complaint-Affidavit* dated December 22, 2016, p. 3

¹⁷¹ *Complaint-Affidavit* dated December 22, 2016, p. 3; TSN, August 10, 2018, pp. 60-61

¹⁷² TSN, August 10, 2018, p. 16

¹⁷³ TSN, August 15, 2018, pp. 140, 144

¹⁷⁴ TSN, August 15, 2018, pp. 141-142

¹⁷⁵ TSN, August 15, 2018, pp. 144-145

¹⁷⁶ TSN, August 15, 2018, pp. 146-147

¹⁷⁷ *Complaint-Affidavit* dated December 22, 2016, p. 4

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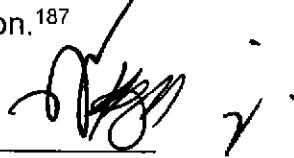
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instructions not to coordinate with him (Calima), but specifically with accused Argosino, Robles and some other persons.¹⁷⁸

18. Around 4:00 P.M. on November 27, 2016, accused Sombero informed him by phone that something was happening, without elaborating further. He suspected that it had something to do with the BI officials who were asking for *areglo*.¹⁷⁹
19. Around 11:48 P.M. on November 27, 2016, he received a text message from accused Sombero saying that he (Sombero) just left Fontana, and that he asked accused Argosino to return some detainees to the villas for humanitarian reasons.¹⁸⁰
20. Aside from accused Sombero, he did not have any other source of information on the incident subject of the case.¹⁸¹ He does not have personal knowledge of the incident that occurred at the City of Dreams on November 27, 2016.¹⁸²
21. He was not present when accused Sombero released the money to accused Argosino and Robles. He was informed of the same only after the release of the money took place.¹⁸³
22. Despite not having known accused Sombero for a long time, he considered accused Sombero a reliable source because of his (Sombero) reputation in the PNP.¹⁸⁴
23. As of November 27, 2016, as far as he knew, accused Sombero was not a representative of Jack Lam. Accused Sombero introduced himself as the President of the AGSPA.¹⁸⁵
24. The first time accused Sombero named accused Argosino and Robles as the BI personnel involved in the demand for money was on November 30, 2016.¹⁸⁶
25. He conducted counter-intelligence operations by himself from November 25, 2016 until November 30, 2016, when he received information that accused Argosino was asking for another ₱50 million.¹⁸⁷



¹⁷⁸ TSN, August 15, 2018, p. 82

¹⁷⁹ *Complaint-Affidavit* dated December 22, 2016, p. 4

¹⁸⁰ *Complaint-Affidavit* dated December 22, 2016, p. 4

¹⁸¹ TSN, August 15, 2018, p. 70

¹⁸² TSN, August 15, 2018, p. 79

¹⁸³ TSN, August 15, 2018, pp. 126-127

¹⁸⁴ TSN, August 15, 2018, pp. 72, 85-86

¹⁸⁵ TSN, August 15, 2018, p. 105

¹⁸⁶ TSN, August 20, 2018, p. 8

¹⁸⁷ TSN, August 15, 2018, pp. 92-96

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26. Around 8:57 A.M. on November 30, 2016, accused Sombero, by text message, asked him to call because it was important. When he called, accused Sombero asked to meet him in person to discuss the entrapment of certain persons allegedly extorting money in connection with the arrest of the Chinese nationals in Fontana.¹⁸⁸
27. Although he was in Bacolod at the time, he agreed to meet with accused Sombero. In the meantime, he requested for a technical support group from the Directorate for Intelligence of the PNP.¹⁸⁹
28. When accused Sombero informed him that accused Argosino was asking for another ₱50 million, he requested for assistance from the PNP Directorate for Intelligence because most of the personnel of the Bureau of Immigration Intelligence Division were assigned to guard the detainees in Clark.¹⁹⁰
29. He does not want to give the names of his subordinates in the Intelligence Division because they had no involvement in the incident subject of the present case.¹⁹¹
30. He arrived in Manila around 7:00 P.M. and met accused Sombero at the Hyatt Hotel in City of Dreams. Accused Sombero informed him that accused Argosino and Robles would be meeting him within the vicinity to demand an additional ₱50 million. According to accused Sombero, accused Argosino and Robles were "garapa," already having received ₱50 million in the early morning of November 27, 2016.¹⁹²
31. According to accused Sombero, the total amount of money demanded by the accused was ₱150 million. The ₱50 million received on November 27, 2016 was akin to goodwill because no detainees were released. The second ₱50 million would be for the release of 600 detainees and the last ₱50 million would be for the release of the remaining 700 detainees.¹⁹³
32. He sent a Viber message to Comm. Morente, saying that he was in a hotel, conducting an entrapment operation. Comm. Morente directed him to proceed, also through a Viber message.¹⁹⁴

¹⁸⁸ *Complaint-Affidavit* dated December 22, 2016, pp. 4-5

¹⁸⁹ *Complaint-Affidavit* dated December 22, 2016, p. 5

¹⁹⁰ TSNs, August 10, 2018, pp. 63-65; August 15, 2018, pp. 96-98

¹⁹¹ TSN, August 15, 2018, pp. 99-101

¹⁹² *Complaint-Affidavit* dated December 22, 2016, p. 5

¹⁹³ TSN, August 10, 2018, pp. 66-67

¹⁹⁴ TSN, August 10, 2018, pp. 23-24

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33. The pay-off for the second ₱50 million on November 30, 2016 did not happen. Thus, no entrapment operation was conducted.¹⁹⁵
34. He submitted written reports (Exhibits N-3 to N-9-a) in connection with the operations he conducted. Said reports were approved in the Memorandum dated November 26, 2016 (Exhibit N-4).¹⁹⁶
35. He used a cover sheet (Exhibit N-3) to indicate that a document had confidential information. It was a practice they adopted from the PNP and AFP.¹⁹⁷
36. He regularly updated Comm. Morente on the status of the operations. Late in the afternoon of December 1, 2016, he went to Comm. Morente's office and personally briefed him about the events that occurred. He also informed Comm. Morente that the accused Associate Commissioners were caught on camera carrying the paper bags containing ₱50 million.¹⁹⁸
37. After reviewing the evidence at hand, he assessed that he needed additional evidence, and that the best evidence would be the money given to said Associate Commissioners. He informed Comm. Morente of his assessment of the evidence. They continued the counter-intelligence operations and proceeded to gather more evidence using "tradecraft."¹⁹⁹
38. He confronted accused Argosino and Robles. They were alarmed after he informed them of the evidence against them. To gather information, he offered to assist them and asked them what really happened.²⁰⁰
39. Accused Argosino explained that he abandoned his connection with the SOJ because he had a new connection, through whom he could easily earn ₱1.5 billion in three (3) years. According to Argosino, he (Argosino) was not afraid of being exposed, and even dared accused Sombero to "bring it on."²⁰¹
40. On December 8, 2016, Comm. Morente asked him to drop by his office because accused Argosino and Robles were complaining about him, claiming that he was using the incident

¹⁹⁵ *Complaint-Affidavit* dated December 22, 2016, pp. 5-6; TSN, August 10, 2018, p. 68

¹⁹⁶ TSN, August 10, 2018, pp. 39-40

¹⁹⁷ TSN, August 10, 2018, pp. 42-43

¹⁹⁸ *Complaint-Affidavit* dated December 22, 2016, p. 7

¹⁹⁹ *Complaint-Affidavit* dated December 22, 2016, p. 7

²⁰⁰ *Complaint-Affidavit* dated December 22, 2016, p. 8

²⁰¹ *Complaint-Affidavit* dated December 22, 2016, p. 8

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to make them support his promotion to the position of Intelligence Officer V.²⁰²

41. In Comm. Morente's office, he explained that he did not need the promotion. Considering that he was the former PNP Director for Intelligence,²⁰³ he had already occupied the highest position in intelligence that an intelligence officer can aspire for. He agreed to work in the BI because he wanted to help Comm. Morente in implementing the latter's anti-corruption drive.²⁰⁴
42. To show them that he really had information about the incident, he called Mon Tulfo and put him on speaker phone. Thereafter, he called accused Sombero and asked him about the plans against the two accused.²⁰⁵
43. When he called Tulfo using his mobile phone, only he, Comm. Morente and accused Robles were in the room. Accused Argosino was not yet in the room.²⁰⁶ Tulfo said that his exposé would be appearing in his Saturday column.²⁰⁷
44. He learned that Tulfo was writing an article about the matter because on November 30, Tulfo called and congratulated him for the operation in Fontana.²⁰⁸
45. The accused admitted that they had the ₱50 million. Comm. Morente told them "*di ko kayo matutulungan diyán.*"²⁰⁹
46. Accused Robles appeared to be on the verge of having a nervous breakdown and had to use Comm. Morente's restroom around five (5) times. Accused Robles said, "*Tapos na ang career ko dito. Isinama lang naman ako dito.*"²¹⁰
47. When accused Robles mentioned "*isinama lang naman ako dito,*" he assumed that accused Robles was referring to accused Argosino because only the two of them were involved in the incident.²¹¹
48. When he called accused Sombero, accused Argosino had not yet arrived. Accused Sombero mentioned that he was in the

²⁰² Complaint-Affidavit dated December 22, 2016, p. 9

²⁰³ Complaint-Affidavit dated December 22, 2016, p. 1

²⁰⁴ Complaint-Affidavit dated December 22, 2016, p. 9

²⁰⁵ Complaint-Affidavit dated December 22, 2016, p. 9

²⁰⁶ TSN, August 10, 2018, p. 29

²⁰⁷ TSN, August 10, 2018, p. 29

²⁰⁸ TSN, August 20, 2018, p. 25

²⁰⁹ Complaint-Affidavit dated December 22, 2016, p. 9

²¹⁰ Complaint-Affidavit dated December 22, 2016, p. 9

²¹¹ TSN, August 10, 2018, pp. 31-32

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NBI, and was intending to file a case against accused Argosino and Robles.²¹²

49. Accused Argosino arrived around twenty (20) to thirty (30) minutes after accused Robles came to Comm. Morente's office.²¹³
50. Accused Robles looked as if the world had collapsed. In contrast, accused Argosino appeared to be relaxed.²¹⁴
51. After the meeting, Comm. Morente gave him clearance to continue counter-intelligence operations to gather more information on the matter.²¹⁵
52. He continued conducting counter-intelligence operations because the only evidence at hand was the video showing that the accused were carrying the bags. He needed more evidence.²¹⁶
53. Thinking that he could make accused Argosino and Robles fall into his trap, he requested to meet them. Only accused Argosino was available and they agreed to meet at the Promenade in Greenhills. There, accused Argosino sought help in containing accused Sombero and Tulfo, to prevent them from making the evidence against him public.²¹⁷
54. He used tradecraft to elicit information from accused Argosino. He used such information to verify the information he obtained from accused Sombero.²¹⁸
55. Accused Argosino made proposals on how to dispose of the extorted money. Eventually, accused Argosino made arrangements to deliver the money to him on the next day, December 9, 2016.²¹⁹
56. Around 2:00 P.M. on December 9, 2016, he met accused Argosino and Robles somewhere in Quezon City. They reiterated their request for some damage control, to prevent accused Sombero and Tulfo from making the matter public.²²⁰

²¹² TSN, August 10, 2018, p. 30

²¹³ TSN, August 10, 2018, p. 29

²¹⁴ TSN, August 10, 2018, p. 34

²¹⁵ *Complaint-Affidavit* dated December 22, 2016, pp. 9-10

²¹⁶ TSN, August 10, 2018, p. 70

²¹⁷ *Complaint-Affidavit* dated December 22, 2016, p. 10

²¹⁸ TSNs, August 15, 2018, p. 81; August 20, 2018, pp. 27-28

²¹⁹ *Complaint-Affidavit* dated December 22, 2016, p. 10

²²⁰ *Complaint-Affidavit* dated December 22, 2016, p. 10

