




Senate  
Office of the Secretary

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

18 JAN 23 AM 10:03

RECEIVED BY: 

S E N A T E

COMMITTEE REPORT NO. 232

Submitted jointly by the Committees on Public Order and Dangerous  
Drugs *and* Justice and Human Rights on JAN 23 2018

Re: Privilege Speech of Senator Juan Miguel Zubiri on the Death of  
Horacio "Atio" Castillo III due to Hazing delivered on September 20, 2017;  
P.S.Res. No. 504 and P.S.Res. No. 510

Recommending the Adoption of this Report and the Implementation of its  
Recommendations

Sponsor: Senator Lacson

MR. PRESIDENT:

The Committees on Public Order and Dangerous Drugs *and* Justice  
and Human Rights, to which were referred the:

Privilege Speech of Senator Juan Miguel Zubiri on the Death of Horacio  
"Atio" Castillo III due to Hazing delivered on September 20, 2017;

P.S. Res. No. 504, introduced by Senators Juan Miguel Zubiri and Cynthia  
Villar, entitled:

"Resolution

Condemning in the Strongest Sense the Death of Freshman Law Student  
Horacio Tomas Castillo III and Directing the Appropriate Senate  
Committees to Conduct an Investigation, In Aid of Legislation, To Hold  
Accountable Those Responsible for this Senseless Act"

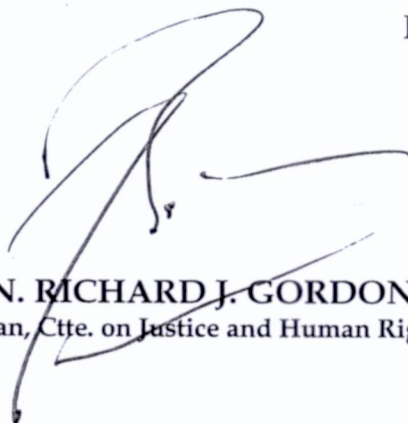
And P.S. Res. No. 510, introduced by Senator Paolo Benigno "Bam" Aquino IV, entitled:

"A Resolution

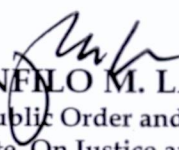
Directing the Appropriate Senate Committees to Conduct An Inquiry, In Aid of Legislation, Into the Recent Death of Horacio Tomas Castillo III Allegedly Due to Hazing-Related Activities"

have considered the same and have the honor to submit this Report to the Senate.

Respectfully Submitted:

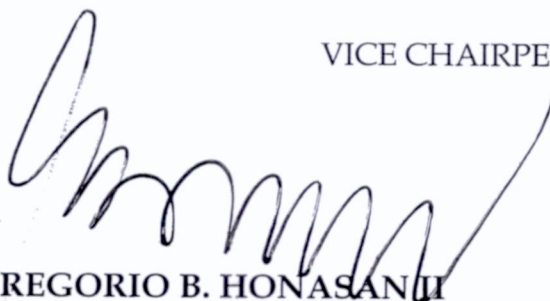


**SEN. RICHARD J. GORDON**  
Chairman, Ctte. on Justice and Human Rights

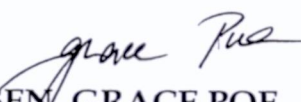


**SEN. PANFILO M. LACSON**  
Chairman, Ctte. on Public Order and Dangerous Drugs  
Vice Chairman, Ctte. On Justice and Human Rights

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Ctte. on Public Order & Dangerous Drugs  
Ctte. on Justice and Human Rights



**SEN. ANTONIO F. TRILLANES IV**  
Ctte. on Public Order & Dangerous Drugs  
Ctte. on Justice & Human Rights



**SEN. JUAN MIGUEL F. ZUBIRI**  
Ctte. on Justice and Human Rights



**SEN. FRANCIS "KIKO" PANGILINAN**  
Ctte. on Justice and Human Rights



**SEN. RISA HONTIVEROS**  
Ctte. on Justice and Human Rights

**Ex-Officio Members:**



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Senate Majority Floor Leader



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Senate President-Pro Tempore

**HON. AQUILINO "KOKO" PIMENTEL III**  
Senate President  
Senate of the Philippines  
Pasay City



*"Hail Aegis Thee  
The Mark of a Man  
Pride of the Asian race.  
Onward we march  
To stand for your rights  
Fighting with all our might.*

*Freedom and Justice,  
Peace and the Truth,  
Oh God, we pray to thee.*

*Thorns of Injustice,  
Wrath of the Sword,  
Behold thy sacred shield  
We're True Aegeans."*

*- Aegis Juris Fraternity Hymn*

## BACKGROUND

In *Greek Mythology*, Aegis is a leather cloak or shield carried by *Zeus* and often, by his daughter *Athena*. When *Perseus* killed the *Gorgon Medusa*, he offered its severed head to *Athena* and the same was placed on the Aegis in order that any of her enemies who look at it would turn into stone. Aegis as currently used means "shield" or "protection."

Ironically, the fraternity at the center of the controversy is named *Aegis Juris*, loosely translated as Shield of Justice. Instead of being the shields of justice and truth, as they proudly proclaim in their hymn, they have become the *Gorgon Medusa*, a dreadful, treacherous and venomous creature to their own brother.

In our contemporary society, hazing has been a recurring nightmare of parents who send their children to college or university. News of deaths and horrible beatings primarily among college students due to hazing injuries continue to haunt us. Horrid images of eggplant-like buttocks and thighs and pounded arms and shoulders of young men are depicted as a fervent warning to those who dare undergo the hazing rites. The meaningless deaths of these promising students, and the agony, cries, and ordeal of their families, resonate through the very core of our beings. But no matter how modern, sophisticated and civilized our society becomes, these barbaric acts of initiation of fraternities, sororities, and other organizations continue to thrive, even within the elite and cherished grounds of the academe.<sup>1</sup>

According to news reports, in the morning of September 17, 2017, the body of 22-year-old **Horacio "Atio" Castillo III** (Castillo) was found wrapped in a blanket on a sidewalk at the corner of H. Lopez Boulevard and Infanta Street in Balut, Tondo, Manila. He was brought to the Chinese General Hospital (CGH) where he was pronounced dead on arrival. His body had bruises, cigarette burns, and candle wax drippings.

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<sup>1</sup> Dungo vs. People of the Philippines, G.R. No. 209464, July 1, 2015.

Castillo was a first year law student at the University of Santo Tomas (UST) Faculty of Civil Law. He was the son of **Mr. Horacio Castillo, Jr.** (Mr. Castillo) and **Mrs. Carmina Castillo** (Mrs. Castillo) from San Lorenzo Village, Makati City.

Per the testimony of **Mrs. Castillo**, their son informed them that he was invited to join the *Aegis Juris Fraternity* (AJF), a fraternity whose alumni consists not only of several faculty members but also the Dean of the UST Faculty of Civil Law in the person of **Atty. Nilo Divina** (Dean Divina). Further, she was told that AJF was *“more on the academic and not physical, particularly hazing kind of a fraternity.”* With the aforementioned considerations at hand, **Castillo** decided to accept the invitation to join the fraternity.

By the end of their son’s service week, **Mr. and Mrs. Castillo** were told that the initiation rites have been concluded and that there will be a welcome overnight drinking session on **September 16, 2017** (Saturday). Their son never made it home the following day. They tried calling the mobile numbers of AJF members listed on their recruitment brochure but to no avail. It was only on the morning of September 18, 2017 (Monday) when the parents received an anonymous text message informing them that their son was at the CGH. They called the hospital and found out that the body of their son was already taken by the Scene of the Crime Operatives (SOCO) for autopsy.

Initially, it was reported that **Castillo’s** body was found on a sidewalk in Balut, Tondo by a passer-by named **John Paul Solano** (Solano). CCTV recordings in the vicinity and interviews of persons from the area where the body of **Castillo** was allegedly found, belied **Solano’s** story. He was later on discovered to be himself a member of AJF.

Based on CCTV footages gathered, the body of **Castillo** was brought to the hospital by a red Mitsubishi Strada registered under the name of **Antonio Trangia**, father of AJF member **Ralph Trangia** (Trangia), followed by a black Toyota Fortuner (no plate number), and Solano’s motorcycle.

On September 18, 2017 (Monday), **Dean Divina** issued a Memorandum Order that suspended all members of the AJF and prevented them from entering the UST campus. Said order was later lifted on September 20, 2017.

On September 19, 2017 (Tuesday), the Bureau of Immigration reported that a certain **Ralph Trangia**, together with his mother, **Mrs. Rosemarie Trangia**, left the country for Taiwan. Few days after, the Taipei Economic and Cultural Office (TECO) released a statement that the Trangias took an onward flight to Chicago, U.S.A.

Two days after, on September 21, 2017 (Thursday), sixteen (16) members of the AJF were placed in the immigration lookout bulletin issued by the Department of Justice (DOJ). The names are as follows:

**Arvin Balag**  
**Mhin Wei Chan**  
**Marc Anthony Ventura**  
**Axel Mundo Hipe**

**Ranie Rafael Santiago**  
**Danielle Hans Matthew Rodrigo**  
**Carl Matthew Villanueva**  
**Aeron Salientes**



Oliver John Audrey Onofre  
Joshua Joriel Macabali  
Jason Adolfo Robiños  
Ralph Trangia

Marcelino Bagtang  
Zimon Padro  
Jose Miguel Salamat  
John Paul Solano

On the following day, the DOJ included four (4) more names to the list: **Ged Villanueva, Milfen Alvarado, Daniel Ragos** and **Dave Felix**.

On September 22, 2017, **Solano** was turned over by **Dean Divina** to the Manila Police District (MPD) through the intercession of the office of the Chairman of the Committee on Public Order and Dangerous Drugs. According to Solano, he was not currently enrolled in UST as he previously filed a leave of absence. Further, he claimed innocence as he was not present during the initiation rites and was called only to give medical assistance. He admitted to having lied in his previous statement to the Police and committed to include in his Affidavit all other details regarding the incident.

On September 25, 2017, the MPD filed charges for murder, robbery, and violation of the Anti-Hazing Law against the abovementioned individuals including other unidentified members of the fraternity.

Outraged by the incident, Senator Juan Miguel F. Zubiri delivered a scathing privilege speech condemning the brutal death of Castillo and bringing to the public consciousness the gravity of the evil called "hazing."

As a response, an inquiry in aid of legislation was called with the end goal of amending the present Anti-Hazing Law (R.A. No. 8049). Pursuant thereto, the Committee on Public Order and Dangerous Drugs, jointly with the Committees on Justice and Human Rights and Constitutional Amendments and Revision of Codes (Committee), conducted public hearings last September 25, October 18 and November 6, 2017 to deliberate on the Privilege Speech of Sen. Zubiri dated September 20, 2017, PSRes. No. 504 (Sen. Zubiri), PSRes. No. 510 (Sen. Aquino), SBN 27 (Sen. Honasan), SBN 199 (Sen. Gatchalian), SBN 223 (Sen. Sotto), SBN 1161 (Sen. Legarda), and SBN 1591 (Sen. Zubiri).

On October 9, 2017, a supplemental complaint was filed by the spouses Castillo to include the following in the murder charge:

Lennert Brian Galicia  
Nathan Anarna  
Chuck Siazar  
Vicente Garcia  
Nilo T. Divina  
William S. Merginie  
Cezar Tirol  
Oscar Ce  
Alexander Flores

Alvin Dysangco  
Henry Pablo  
Gabriel Robeniol  
Michael Joseph Fernandez  
Allan Christopher Agati  
Paulino Yusi  
Arthur Capili  
Arnel Bernardo  
Edwin Uy

In the course of the public hearings, several AJF residents and alumni were issued *subpoenas* after they ignored the invitations sent by the Committee. The fraternity president/*Grand Praefectus* **Balag** was also cited in contempt by the

Committee for answering falsely and evasively last October 18, 2017. He was ordered detained in the Senate.

On October 25, 2017, **Balag** filed a Petition for Certiorari and Prohibition with prayer for issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction with the Supreme Court assailing the Contempt Order issued by this Committee.

On a press briefing last October 25, 2017, Department of Justice (DOJ) Secretary Vitaliano Aguirre announced that AJF member Marc Anthony Ventura signified his intention to apply to the Witness Protection Program (WPP) of the DOJ in exchange of his testimony narrating how Castillo died when he underwent his final rites with the fraternity.

Finally, on December 21, 2017, the Committee received a Resolution issued by the Supreme Court *en banc* dated December 12, 2017 ordering the interim release of Balag pending the resolution of the Petition filed before them. The Resolution was issued upon Balag's Motion to Resolve Petition (with fourth most urgent reiterating motion for the issuance of temporary restraining order and/or for the immediate release of petitioner) raising frail health, poor appetite, loss of sleep and mental anguish as basis for his request for immediate resolution.



## DISCUSSION

### *Hazing practices of the Aegis Juris Fraternity*

R.A. No. 8049, defined hazing as an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority, or organization by placing the recruit, neophyte or applicant in some embarrassing or humiliating situations such as forcing him to do menial, silly, foolish, and other similar tasks or activities or otherwise subjecting him to physical or psychological suffering or injury. From the said definition, the elements of the crime of hazing are as follows:<sup>2</sup>

1. That there is an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority or organization;
2. That there must be a recruit, neophyte or applicant of the fraternity, sorority or organization; and
3. That the recruit, neophyte or applicant is placed in some embarrassing or humiliating situations such as forcing him to do menial, silly, foolish, and other similar tasks or activities or otherwise subjecting him to physical or psychological suffering or injury.

During the public hearings conducted by the Committee, it has been established that the University of Sto. Tomas (UST) adopted a policy requiring student organizations (local and university-wide), including fraternities and sororities, to file their respective petition for recognition annually. Pursuant to the Rules of Procedure for Recognition of Student Organizations issued by the UST Office of Student Affairs (UST-OSA), fraternities and sororities, for both university-wide and college-based student organizations, must submit their "*Commitment to Anti-Hazing Law*" duly signed by the Grand Master, President/Grand Chancellor, and the Student Organization Adviser.<sup>3</sup>

Based on the documentary submissions of UST, it appears that AJF had religiously complied with said requirement over the years. In fact, the same commitment was submitted for AY 2017-2018, signed by **Balag** in his capacity as President/*Grand Praefectus* of the fraternity.<sup>4</sup>

However, the testimonies of three (3) members of AJF before this Committee betrayed such commitment as the requirement was submitted only for compliance without the intention of honoring the same. In fact, these members admitted that they themselves were hazed before they were accepted as members of the AJF.

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<sup>2</sup> *Supra*, note 1.

<sup>3</sup> Section 4(i) Rules of Procedure for Recognition of Student Organizations.

<sup>4</sup> Annex I, Commitment to Anti-Hazing Law AY 2017-2018, Aegis Juris Fraternity Petition for Recognition, July 12, 2017.

In his testimony, **Jason Adolfo Robiños** (Robiños), a student of UST Faculty of Civil Law, joined the AJF in June 2013. During the public hearing, he admitted before the Committee that he himself experienced hazing.<sup>5</sup> As a neophyte, he was made to run errands for the fraternity members and was also subjected to “*light slapping*”. Similar to those who were admitted before him and following AJF’s tradition, Robiños underwent the fraternity’s final rites, called “*Hell Night*”, which he described as follows:

“Ito ang huling stage para maging ganap na miyembro ng fraternity kung saan ay may ginawa akong military routine exercise kagaya ng **jumping jack, duck walk, barrel roll at wheel borrow** at pagkatapos ay pahinga na. Matapos ng lahat ng ito ay doon na po ako nakaranas ng ako ay piringan ng aking mata at ako ay sinabihan ng bite your teeth at sinimulang **sampal sampalin** at umabot ng ilang segundo. Pagkatapos po niyon at pahinga na naman ng inabot ng sampung minuto. Pagkatapos ay sinabihan ako ng irelax ko po daw ang aking braso at ng ako ay maka relaks ay dito na ako sinabihan na “READY” dito na po ako **pinalo sa parte ng aking braso** na may marka kung saan lamang pwedeng paluin. Habang ako ay nakatayo dito na sinimulan na **paluin ang aking mag kabilang braso** habang may umaalalay sa akin habang ako ay nakatayo. Pagkatapos po niyon ay pahinga uli. Dito na po tinanggal yung piring sa aking mata at sinabihan na **mag perform kung ano man ang nais kong iprisinta sa kanilang talent**. Kung saan ay ginawa ko po ang sumayaw. Matapos niyon ay sinabihan ako na makipag hawak kamay ako sa aking mga batchmates na hindi daw po kami dapat **maghiwalay habang kami ay hinihila sa kabila ng sakit ng aming braso**. Pagkatapos po ng test na iyon ay pahinga uli. Pagkapahinga ay dito na sinabi sa akin na **tanggalin ko raw po yung shorts na suot at tanging brief at t-shirt lamang ang nakatirang nakasuot**. Ito na po yung stage kung saan **pinadel ako ng sampung beses**. At pinaka huling stage ay ang tinatawag na candle melting kung saan ay **pinatakan ako ng kandila sa aking likod, dibdib at braso**. Pagkatapos po niyon ay dito na ako niyakap at sinabihan ng “MABUHAY ANG BAGONG BROD”. At kasunod niyon ay pahinga na at kainan bilang selebrasyon.”<sup>6</sup> (*Emphasis supplied*)

**John Paul Solano** joined the AJF in August 2015. Similar to those who were admitted before him, he confirmed that hazing was part of his initiation rites. When asked by Sen. Risa Hontiveros, he reluctantly admitted that he was mentally tortured, slapped and paddled.<sup>7</sup> He further mentioned that he was not informed during recruitment that he would be hazed.<sup>8</sup>

Similarly, **Marc Anthony Ventura** also admitted and briefly described how members of the AJF hazed him when he was a neophyte back in 2016. He and his batchmates were brought to Batangas for their final initiation rites. Aside from

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<sup>5</sup> TSN, October 18, 2017, pg. 197.

<sup>6</sup> Judicial Affidavit of Jason Adolfo Robinos dated September 26, 2017.

<sup>7</sup> TSN, September 25, 2017, p.142.

<sup>8</sup> TSN, September 25, 2017, p.108.



performing forced calisthenics, they were also slapped, punched and paddled. Moreover, melted candle wax was made to drip unto their bodies.<sup>9</sup>

The concept of hazing traces its historical roots to a tradition of rituals whereby prospective members are asked to prove their worthiness and loyalty to the organization in which they seek to attain membership.<sup>10</sup> The admissions of **Robiños**, **Solano**, and **Ventura**, who joined AJF on different years, showed that hazing is a tradition still being practiced by the AJF.

The corroborating statements of **Robiños**, **Solano**, and **Ventura** were sufficient enough to show that the fraternity repeatedly violated and wantonly disregarded the Anti-Hazing Law. This Committee also notes the fact that these admissions were made by members who have nothing more to lose considering that they are all presently accused of the murder of Castillo.

### *Castillo as neophyte of the fraternity*

From the last week of August up to the first week of September, **Castillo** repeatedly used his laptop to research about AJF and its connections, particularly with Divina Law.<sup>11</sup>

On September 8 and 9, 2017, **Castillo** told his mother that his classmate invited him to join the AJF. He assured her that the fraternity is purely academic and that membership will benefit him both as a student and as a future lawyer because of its resources and vast connections.<sup>12</sup>

After deciding to join the fraternity, **Castillo** proceeded with his service/initiation last September 11-15, 2017. He informed his mother that the fraternity would be having a “welcome ceremony” to celebrate the end of his initiation on September 16, 2017, and that he would be back home the following day.<sup>12</sup>

To support the claim that **Castillo** joined the AJF, **spouses Castillo** presented before the PNP, as seen on various news videos, an AJF recruitment brochure previously brought home by their son containing the names of several officers and alumni *brods* teaching in the UST Faculty of Civil Law including the Dean.<sup>13</sup>

Apart from the testimony of **Castillo**’s parents, AJF members **Solano**, **Robiños**, and **Ventura** all confirmed that **Castillo** was introduced as a neophyte of the fraternity some time between September 11 to 15, 2017.

### *Castillo on the deadly final rites of the Aegis Juris Fraternity*

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<sup>9</sup> TSN, November 14, 2017, p. 114-120.

<sup>10</sup> Villareal vs. People, GR No. 151258, February 1, 2012.

<sup>11</sup> TSN, October 18, 2017, p. 90.

<sup>12</sup> Judicial Affidavit of Carmina T. Castillo.

<sup>13</sup> <https://www.youtube.com/watch?v=AnTHiv0LcDk>,  
[https://www.youtube.com/watch?v=\\_H2Wd\\_hJj0](https://www.youtube.com/watch?v=_H2Wd_hJj0),

Apart from confirming that **Castillo** was a neophyte of the AJF, **Ventura** also admitted that he had personal knowledge of what transpired during the final rites held at the fraternity library.<sup>14</sup> However, the Committee, having an utmost respect for the prohibition set forth in RA No. 6981<sup>15</sup>, no longer asked **Ventura** to provide a detailed account as to what happened on that unfortunate night.

Briefly though, **Ventura** said that as to the conduct of **Castillo's** final initiation rites, the guidance was to proceed in a manner similar to how they were treated when they were neophytes, which also included hazing.<sup>16</sup> According to him, it was during paddling when **Castillo** collapsed. Notwithstanding the fact that **Castillo** was already non-responsive, it took a while before the members agreed to have him brought to the hospital. Further, **Ventura** confirmed that **Solano** was contacted and soon after arrived at the fraternity library to provide medical assistance.

With respect to **Solano**, he admitted during the executive session that on the morning of September 17, 2017, **OJ Onofre** (Onofre) called him and told him to go to the fraternity library.<sup>17</sup> Upon arrival, he found **Castillo's** body lying on the floor. He then proceeded with his attempt to revive him.<sup>18</sup> He even identified some of the members of the AJF present inside the library, namely: **Arvin Balag**, **Oliver John Onofre**, **Axel Hipe**, **Marc Anthony Ventura**, and a certain **Zach** (Zachary Abulencia) and **Dan** (Daniel Ragos) who both appeared to him as new members of the fraternity.<sup>19</sup>

**Solano** also admitted that he brought the body of **Castillo** to the CGH where he was pronounced dead on arrival. In fact, he said it was **Balag** who decided to proceed to the CGH.<sup>20</sup> Also upon instruction of **Balag**, **Solano** told the authorities that he found the body in Balut, Tondo.<sup>21</sup>

### *Hazing as proximate cause of death*

In the counter affidavit filed by **Solano**, he said that **Castillo** died of cardiac arrest caused by Hypertrophic Cardiomyopathy.<sup>22</sup> However, the Medico-Legal Report submitted by the Philippine National Police (PNP) disproved his claim.

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<sup>14</sup> TSN, November 6, 2017, p. 44.

<sup>15</sup> Witness Protection, Security and Benefit Act. - **Section 7. Confidentiality of Proceedings.** - All proceedings involving application for admission into the Program and the action taken thereon shall be confidential in nature. No information or documents given or submitted in support thereof shall be released except upon written order of the Department or the proper court.

Any person who violates the confidentiality of said proceedings shall upon conviction be punished with imprisonment of not less than one (1) year but not more than six (6) years and deprivation of the right to hold a public office or employment for a period of five (5) years.

<sup>16</sup> TSN, November 6, 2017, p.27.

<sup>17</sup> TSN, October 18, 2017, p.23.

<sup>18</sup> TSN, October 18, 2017, p.25.

<sup>19</sup> TSN, October 18, 2017, p.25-31.

<sup>20</sup> TSN, October 18, 2017, p.32.

<sup>21</sup> TSN, October 18, 2017, p.33.

<sup>22</sup> Counter Affidavit of John Paul Solano dated October 24, 2017.



A perusal of **Solano's** Counter Affidavit showed that he used as basis for his alternate defense Medico-Legal No. M-2017-499, a portion of which reads:

PROVISIONAL ANATOMICAL DIAGNOSIS: Hypertrophic  
Cardiomyopathy. Injuries Right and Left Extremities.

REMARKS: Pending Histopathological Examination.<sup>23</sup>

This Committee takes note of the fact that **Solano** deliberately disregarded the observation as to the injuries sustained by **Castillo** in his right and left extremities. Obviously, said injuries tend to support the allegation of **spouses Castillo** that their son died due to hazing.

We highlight the fact that the report states, "**PROVISIONAL ANATOMICAL DIAGNOSIS**". Clearly, the same did not refer to the victim's cause of death.<sup>24</sup> In fact, the MPD's Crime Laboratory Office submitted its modified report that indicated its conclusion that **Castillo's** cause of death was "*Severe Blunt Traumatic Injuries, Both Upper Limbs.*"

The same conclusion was supported by the PNP's histopathological report contained in Medico-Legal No. H17-042 dated October 3, 2017. The report reads:

"HISTOPATHOLOGICAL FINDINGS:

1. ACUTE TUBULAR NECROSIS AND CONGESTION, kidneys
2. SEVERE PULMONARY CONGESTION AND EDEMA, lungs
3. FATTY METAMORPHOSIS, liver
4. FOCAL AUTOLYSIS, pancreas
5. NORMAL HISTOLOGY, brain, heart, spleen

OPINION:

On the main histopathologic findings on the kidneys and lungs are directly but not specifically due to trauma. Other organ findings are incidental due to decomposition and will not cause sudden death.

The mechanism of death from traumatic soft tissue injuries in this case **swollen arms with hematomas** based on autopsy and **with history of hazing**, will cause **rhabdomyolysis** (skeletal breakdown) resulting to electrolyte imbalance and acute kidney injury. Increase potassium in the blood, and decrease calcium in the blood due to muscle trauma **will cause immediate death from cardiac failure** (fatal conduction abnormalities).

The cause of death is still **SEVERE BLUNT TRAUMATIC INJURIES, BOTH UPPER LIMBS** as shown in the gross autopsy findings." (*Emphasis supplied*)

Based on the findings of the PNP, **Castillo died as a result of hazing comprised of the collective acts of violence performed on his person by the members of**

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<sup>23</sup> PNP Medico-Legal No. M-2017-499 dated September 20, 2017.

<sup>24</sup> TSN, November 6, 2017, p. 153.

**AJF present.** This is premised on the rule that documents consisting of entries in public records made in the performance of a duty by a public officer, the medico-legal and histopathological reports, in this case, are *prima facie* evidence of the facts therein stated.<sup>25</sup>

At this point, there appears to be no indication of impropriety or irregularity committed by the Medico-Legal Officer who conducted the autopsy on the body of **Castillo**. That having said, such officer enjoys the presumption of regularity in the performance of his duties.

The Committee takes this opportunity to express its observation that the fraternity once again took advantage of **Solano's** blind loyalty to it when he publicly blamed Castillo's health condition. He could have just relied on his defense of alibi, backed up by CCTV footages, affidavits of witnesses and even the testimony of Ventura, which could stand alone on the hazing charge filed against him.

In posing as an alternate defense Castillo's alleged prior heart condition as the cause of death, Solano exposed his shallow understanding of our criminal law and jurisprudence despite having been a former law student himself. Had he been conscious of what he learned in his first year in law school in the subject of Criminal Law I, he should have realized that under article 4 of the revised penal code, criminal liability is incurred by any person committing a felony though the wrongful act done be different from that which he intended.

Though the Committee is cognizant that such defense is part of the web of excuses being put forward by the entire fraternity to shield from criminal liability members who were present in that fraternity library on the night of September 16 until early morning of September 17. Such defense however, deserves not even a scant consideration. In *People vs Ulep*<sup>26</sup>, the Supreme Court ruled that:

*"Even if the victim is suffering from an internal ailment, liver or heart disease, or tuberculosis, if the blow delivered by the accused –*

- (a) is the efficient cause of death; or*
- (b) accelerated his death; or*
- (c) is the proximate cause of death; then there is criminal liability.*

*Apropos to all these is that time-respected doctrine: "He who is the cause of the cause is the cause of the evil caused." This is the rationale in Article 4 of the Revised Penal Code which provides that "criminal liability shall be incurred by a person committing a felony (delito) although the wrongful act done be different from that which he intended."*

*Again, We elucidated that: even though a blow with the fist or a kick does not cause any external wound, it may easily produce inflammation of the spleen and peritonitis and cause death, and even though the victim may*

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<sup>25</sup> SEC. 23. Public documents as evidence. – Documents consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter. (Rule 132, Rules of Court)

<sup>26</sup> G.R. No. L-36858, June 20, 1988



*have been previously affected by some internal malady, yet if the blow with the fist or foot accelerated death, he who caused such acceleration is responsible for the death as the result of an injury willfully and unlawfully inflicted.*”

Although **Solano** had the right to choose any lawyer to represent him, we take note and give emphasis to the fact that one of his lawyers is **Atty. Edzel Bert Canlas**, as shown in one of his pleadings furnished to this Committee. The subsequent portion of this report will show **Atty. Canlas'** strong resolve to cover up the death of **Castillo**.<sup>27</sup>

This Committee is forthright in expressing its doubt as to **Atty. Esmaque**'s commitment in ferreting out the truth. Being a founder or “*Lord*” to all Aegeans, it is hard to accept that he is truly open and willing to “*let the axe fall where it should*.” In fact, he contravened himself when he moved for the exclusion of the paddles and other pieces of evidence found inside the library during the preliminary investigation.

Further, **Atty. Esmaque** made everyone believe that he was an inactive member of the fraternity and that he knew of the tragic fate of **Castillo** through newspaper accounts. In one of his office's written communication<sup>28</sup> to this Committee, we noticed that included in the names of his associates was that of **Atty. Niño Kjell Servañez** whose name also appeared on the group chat of members of the AJF where they updated themselves on the death of **Castillo**. On said group chat, one member even raised the need to reach and seek advice from the elders of the fraternity.<sup>29</sup> That having said, it was highly improbable for **Atty. Esmaque** not to have been informed of what happened given his close proximity with **Atty. Servañez**.

#### *Breaking the “code of silence” – Aegis Juris Fraternity's objective to cover up, conceal, avoid, and evade prosecution*

In the course of the public hearings, numerous screenshots of what appeared to be two (2) group messages of resident, non-resident and alumni members of AJF via Facebook Messenger were presented.

The first chat thread includes messages from several resident members of AJF, namely:

1. **Arvin Balag**
2. **Axel Hipe**
3. **Kim Cyril Roque**
4. **Lennert Bryan Leonardo Galicia**
5. **Jonathan Anarna, Jr.**
6. **Danielle Hans Matthew Rodrigo**
7. **John Paul Solano**

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<sup>27</sup> TSN, October 16, 2017, p. 157.

<sup>28</sup> Letter dated October 24, 2017 signed by Paterno Esmaque.

<sup>29</sup> TSN, October 16, 2017, p. 150.

The screen shots started off with an inquiry on the location of the final initiation rites. They initially suggested to conduct said rites in Bulacan to be hosted by **Galicia**. After realizing that the venue in Bulacan is not secluded as to prevent outsiders from witnessing the activity, the members decided to proceed with the rites at their fraternity library instead. The last message posted that day was at 6:39 p.m.<sup>30</sup>

At 9:11 a.m. the following day, **Hipe** called in an emergency and asked for **Solano's** contact number. The messages further proceeded with **Balag's** instruction to deactivate all Facebook accounts and to observe the **code of silence**. The thread ended with **Solano's** message which stated that he could not delete his account as he was still in the hospital.

The abovementioned exchange of messages was even confirmed by **Solano** during the executive session. Pertinent portions of his statement released during the October 16, 2017 public hearing reads:

**“Question:** So ikaw ba iyong sa Facebook – ikaw iyon?

**MR. SOLANO:** Iyong sa Popoy po? Iyong hinahanap po ako?

**Question:** Ano ba iyong three hours detention, ano ang ibig sabihin noon?

**MR. SOLANO:** Actually, ano lang iyon parang out of taranta tinanong ko kung three hours ba iyong detention.

**Question:** Clarification about reglementary period?

**MR. SOLANO:** Opo.

**Question:** Clarification kung si Arvin din ang nag-uutos na deactivate niya yung account, iyong chat group nila.

**MR. SOLANO:** Opo.

**Question:** Siya ang president?

**MR. SOLANO:** Si ARVIN po.”<sup>31</sup>

The second chat thread comprised of messages from resident, non-resident and alumni members of the AJF. What is appalling is the fact that most of the participants are lawyers, some even employees of the government. The names are as follows:

1. **Atty. Marvi Abo**
2. **Atty. Alston Kevin Anarna**
3. **Atty. Edzel Bert Canlas (“Pareng Edong”)**

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<sup>30</sup> TSN, September 25, 2017, p.55-57.

<sup>31</sup> TSN, October 18, 2017, p.43-44.



4. **Atty. Cecilio Jimeno**
5. **Atty. Ferdinand Rogelio** (“Bongget Rogelio”)
6. **Atty. Eric Fuentes**
7. **Atty. Cesar Ocampo Ona**
8. **Atty. Gaile Dante Acuzar Caraan**
9. **Atty. Henry Pablo, Jr.**
10. **Atty. Jet Dela Pena Villaroman**
11. **Atty. Cesar Dela Fuente** (“Mong Dela Fuente”)
12. **Atty. Nino Kjell Servanez**
13. **Atty. Manuel Angelo Ventura III** (“Ynigo Migg”)
14. **Atty. Michael Vito**
15. **Brian Bangui** (“Car Mhel”)
16. **Milfen Alvarado**
17. **Ronald Cheng**
18. **Arvin Balag**
19. **Jose Miguel Salamat**

On the other hand, there were also several individuals whose names were added to the group chat but had no participation in the discussion. Their names are as follows:

1. **Atty. Alfonso Verzosa**
2. **Atty. Chester Diego**
3. **Atty. Carlos Juan Levosada**
4. **Atty. Erol Ecalnir**
5. **Atty. Jesus Roberto Bernabe, Jr.**
6. **Atty. Lloyd Lequin**
7. **Atty. Nikolai Duque**
8. **Atty. Donato Suyat IV**

The second chat which was created by **Atty. Abo** contained messages sent from September 17 to 18. A perusal of the messages showed that members of the AJF already knew of the incident as early as the time when **Castillo** was brought to CGH. The highlights of these messages are as follows:

1. In one of the messages of **Atty. Rogelio**, it appears that what happened to Castillo was posted on another page which he called “*frat page*”;<sup>32</sup>
2. It was **Solano** and the driver of **Balag** who brought **Castillo** to CGH but only the former was left behind in the hospital;<sup>32</sup>
3. **Atty. Abo** said he already told **Balag** to go home to Subic;<sup>33</sup>
4. The members agreed to meet later that day at Novotel Hotel in Cubao, Quezon City;<sup>34</sup>

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<sup>32</sup> TSN, October 16, 2017, p. 145.

<sup>33</sup> TSN, October 16, 2017, p. 63, 145.

<sup>34</sup> TSN, October 16, 2017, p. 149.

5. Confirmation regarding the death of **Castillo**;<sup>35</sup>
6. They initially considered informing **Castillo**'s parents but only after removing incriminating evidence that can be found inside the library. They no longer pursued it when they were informed that **Solano** told the authorities that he found the body in Tondo.<sup>36</sup>
7. **Atty. Abo** inquired as to whether or not they should delete the "frat page";<sup>37</sup>
8. **Atty. Anarna** mentioned that a certain "big bro" must be informed that the Barangay Hall along Juaning St. has a CCTV camera pointed towards the direction of the fraternity library. He added that according to the guard stationed nearby, a concerned citizen approached him and said that a body, which appeared to be dead, was lifted on board the vehicle;<sup>38</sup>
9. **Cheng** went around the vicinity of the fraternity library and searched for CCTV cameras that might have caught the members when they lifted **Castillo**'s body into the vehicle.<sup>39</sup> According to him, he approached the barangay and found out that the cameras were not pointed towards the library;<sup>39</sup>
10. **Atty. Caraan** forwarded a message from Former Congressman **Edwin Uy**, a Senior Partner at Divina Law and member of AJF, which the latter sent to another member. The message showed that **Uy** had knowledge of the incident as he suggested the creation of a crisis committee with the primary task of reaching out to the family so as not to draw public attention.
11. They were told to consider the fact that **Castillo**'s classmates knew that he was about to undergo initiation rites with the fraternity;
12. After meeting at Novotel hotel, several members agreed to meet later that day at **Bangui**'s house also located in Cubao, Quezon City;<sup>29</sup>
13. **Atty. Anarna** advised that the paddles should be removed from the fraternity library since the **Castillo** family has means and could possibly secure a search warrant soon;<sup>40</sup>
14. **Salamat** was in possession of **Castillo**'s cellular phone at that time since he was able to update the other members on the

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<sup>35</sup> TSN, November 6, 2017, p. 190.

<sup>36</sup> TSN, November 6, 2017, p. 191.

<sup>37</sup> TSN, November 6, 2017, p. 194.

<sup>38</sup> TSN, October 16, 2017, p. 148.

<sup>39</sup> TSN, October 16, 2017, p. 156.

<sup>40</sup> TSN, October 16, 2017, p. 151.



- number of calls made and messages sent by the parents. At one point, he also opined that they should tell the parents since they already knew that their son joined the fraternity;<sup>29</sup>
15. The members were both hesitant to decide and were distressed due to the fact that advice was not yet given by their “elders”;<sup>36</sup>
  16. On the subject of dealing with the situation at hand, **Atty. Ventura** suggested to inform the parents, beg for forgiveness and perhaps open the possibility of settling the issue. On the other hand, **Atty. Canlas** was forceful in his resolve that it was best to deny everything;
  17. It was **Alvarado** who sent the anonymous text message to Mrs. Castillo informing her that their son was at CGH;<sup>39</sup>
  18. Being the last recognized president of the “*concilium*”, **Salamat** was agitated and confused as to what he would say should he be asked as to the identity of their current president;<sup>27</sup>
  19. **Atty. Vito** reminded them that the fraternity stands by the principle of “*Do no injustice, suffer no injustice.*”<sup>27</sup> As response thereto, **Bangui** said that what happened was an accident. He further added that the fraternity needed help and not pieces of advice;<sup>41</sup>
  20. A screenshot was posted on the thread showing a news feature on Twitter regarding the death of a 1<sup>st</sup> year law student of UST. The feature contained a photo of **spouses Castillo** presenting a piece of paper which **Salamat** confirmed as one of their fraternity flyers;<sup>24</sup>
  21. There was another simultaneous group chat ongoing among past and present *Grand Praefectus* of the fraternity wherein they were in constant communication with **Balag**;
  22. **Atty. Abo** expressed the need to call for another meeting, this time, to include the founders and senior “*brods*”. He added that they were moving too slow without answering the demands of the situation;<sup>42</sup> and,
  23. **Atty. Anarna** suggested everyone to leave the group chat and open new ones from time to time in order for the messages to be deleted.<sup>41</sup>

The Committee gives credence to the screenshots presented as their actual existence were confirmed by no less than Facebook Philippines. In fact, it even

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<sup>41</sup> TSN, October 16, 2017, p. 159.

<sup>42</sup> TSN, October 16, 2017, p. 158.

agreed to preserve not only all related messages or chat threads but also the profiles of those who actively participated thereon.<sup>43</sup>

In the course of the public hearings, instead of disputing the existence of the group chat messages, several members even authenticated the same by responding to the inquiries of the members of the Committee.

Apart from **Solano, Atty. Rogelio** impliedly authenticated the chat thread in this wise:

“THE CHAIRMAN (SEN. LACSON). Attorney, **andito ka din sa thread, ikaw ang nagtanong kung buhay pa.**

MR. ROGELIO. **Yes, Your Honor.**

THE CHAIRMAN (SEN. LACSON). Sino si “*big bro*” dito?

MR. ROGELIO. Your Honor, I was part of the conversation during the first part only, and—

THE CHAIRMAN (SEN. LACSON). Hindi. Magkasunod lang.

MR. ROGELIO. **After my last post**, Your Honor—To be honest, Your Honor, I was not—Although my name appears in that conversation, **I was not particularly giving attention to it, Your Honor, towards the latter part.**<sup>44</sup> (*Emphasis supplied*)

Apart from the admissions of **Solano** and **Rogelio**, the Committee also took into consideration the following circumstantial evidence to confirm the contents of the second chat messages:

1. In a news report dated September 22, 2017, CCTV cameras located in the vicinity of the fraternity library were able to record movements of suspicious individuals. Around 8:25 a.m. of September 17, 2017, a van stopped by Rosarito St. cor. Laon Laan St. and an unidentified male and female alighted and took pictures of the vicinity and the CCTVs in the area. Later at around 9:00 a.m., another man riding a motorcycle stopped by the area also to look around.<sup>45</sup>

Relating the said report to the group chat, it is possible that one of the men who looked around for CCTVs was **Cheng**.

2. The PNP confirmed that the meeting at Novotel actually took place. During the hearing, CCTV footages from the hotel were presented and showed that members of the fraternity who participated in the group chat indeed went there on September

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<sup>43</sup> TSN, November 6, 2017, p. 200.

<sup>44</sup> TSN, October 16, 2017, p. 147.

<sup>45</sup> <http://news.abs-cbn.com/news/09/22/17/frat-library-ng-aegis-jvris-iimbestigahan>



17, 2017. They started to arrive at around 12:30 p.m. and adjourned around 5:30 p.m. Among the identified members present were **Atty. Marvi Abo**, **Atty. Edzel Canlas**, **Atty. Eric Fuentes**, **Atty. Henry Pablo, Jr.**, **Atty. Gem Dimaculangan**, **Atty. Cecilio Jimeno**, **Atty. Robin Ramos**, **Milfen Alvarado**, **Brian Bangui**, and **Jose Miguel Salamat**. Others are yet to be identified by the PNP.<sup>46</sup>

3. On October 25, 2017, during DOJ Sec. Aguirre's media briefing regarding Ventura's application to the Witness Protection Program, he mentioned that some of the members present during the initiation were gathered at an apartment for rent somewhere in Cubao.<sup>47</sup>

Referring back to the chat messages, we note that after the meeting at Novotel, a few members decided to proceed to **Bangui's** house in Cubao.<sup>48</sup> In fact, **Bangui** even said he would ask the barangay to provide chairs for the subsequent meeting. Coincidentally, our research showed that on Facebook, there are advertisements posted by **Bangui** regarding an empty apartment unit for rent in Cubao.<sup>49</sup>

4. Finally, in the testimony of **Atty. Agati**, he also confirmed that he knew that a neophyte collapsed and subsequently died through Facebook Messenger.

The Committee joins the public outrage towards the scheming collusion of other members of the AJF especially those admitted to the Philippine Bar who are obliged to conduct themselves with honesty and integrity in a manner beyond reproach. Their intention and design to obstruct the administration of justice was indubitable given that they did nothing to report the incident to the authorities. In fact, they even concealed the incident and coddled the suspects to prevent their arrest, prosecution, and conviction for violation of the Anti-Hazing Law.<sup>50</sup>

Remarkably, these members took it upon themselves to be the vanguards of the fraternity. By actively participating not only in ensuring the welfare of members present during **Castillo's** final initiation rites, but also in coming up with plans to cover up the actual cause of death, these lawyers violated multiple provisions in their Code of Professional Responsibility, to wit:

"CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

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<sup>46</sup> Complied CCTV footages at Novotel Hotel on September 17, 2017.

<sup>47</sup> <https://web.facebook.com/rapperdotcom/videos/1821227847897990/>

<sup>48</sup> TSN, October 18, 2017, p.150.

<sup>49</sup> <https://web.facebook.com/photo.php?fbid=480630802330244&set=pcb.480630938996897&type=3&theater>

<sup>50</sup> Presidential Decree No. 1829.

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Rule 1.02 - A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

xxx      xxx      xxx

CANON 7 - A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION AND SUPPORT THE ACTIVITIES OF THE INTEGRATED BAR.

xxx      xxx      xxx

Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession."<sup>51</sup>

In addition, no less than their Lawyer's Oath was violated when they failed to obey the laws as well as the legal orders of the duly constituted authorities, consented to and even participated in perpetrating such falsehood in order to conceal the crime committed by their fraternity brothers.<sup>52</sup>

This Committee acknowledges the fact that **these lawyers lack the good moral character required for the retention of their membership to the legal profession.** It is undeniable that their individual acts of tolerating the practice of hazing and even actively participating in the concealment of murder define their conduct as **grossly immoral.**

In *Saint Louis University Laboratory High School Faculty and Staff vs Atty. dela Cruz*,<sup>53</sup> "The Court has laid down with a common definition of what constitutes immoral conduct, *vis-a-vis*, grossly immoral conduct. Immoral conduct is *that conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinion of the good and respectable members of the community and what is grossly immoral, that is, it must be so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree.*"

We also condemn the conduct shown by members who are presently employed in government, namely (1) **Atty. Gaile Dante Caraan** - Development Bank of the Philippines; (2) **Atty. Henry Pablo, Jr.** - Civil Service Commission; and (3)

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<sup>51</sup> Code of Professional Responsibility

<sup>52</sup> I, do solemnly swear that I will maintain allegiance to the Republic of the Philippines, I will support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients; and I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God. (Emphasis supplied)

<sup>53</sup> A.C. No. 6010 August 28, 2006



**Ronald Cheng** – Supreme Court. For the sake of their so-called brotherhood, they have wantonly disregarded their duty to **at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.**<sup>54</sup>

Ultimately, this Committee will not allow this opportunity to pass without calling out and make publicly known the **pretentiousness** and **hypocrisy** of the AJF. Given their evident intention to conceal the result of their barbaric practice of hazing neophytes, it was utterly impertinent of them to issue a statement to the media expressing their condolences to the Castillo family and that they are willing to extend utmost cooperation in the investigation of the case.<sup>55</sup> Moreover, the alumni of the fraternity even published a *Manifesto* decrying the alleged hazing incident and called on those who have personal knowledge to come forward and shed light on the incident.<sup>56</sup> We are disgusted to see that among the signatories were **Atty. Alston Kevin Anarna, Atty. Henry Pablo, Jr., Atty. Gaile Dante Caraan, Atty. Gem Dimaculangan, Atty. Edwin Uy and Atty. Alfonso Verzosa**. The mere appearance of their names on said manifesto calls for public outrage for such indignation and disrespect towards the Castillo family.

#### *Dean Nilo T. Divina - "The Chameleon"*

##### *a. Actual Membership Status*

From his initial media interviews up to his appearance before the Committee, **Dean Divina** stood firm on his claim that he took a leave of absence from the fraternity upon his assumption as Dean of the UST Faculty of Civil Law. In fact, his exact words were:

“Eight years ago, one of the first things I did when I assumed the deanship, was to take a leave of absence from the fraternity. xxx xxx As dean, I had grand plans of improving further the quality of education, part of which is student discipline. I knew that if I were to lead, I could not do so under the cloud of bias in favor of a particular group or organization. I had to **unmistakably signify our severing ties** albeit temporarily with the fraternity so I could discharge my functions impartially. My take on leave was not just symbolic.

From that day on, **I purposely refrained from participating in any frat-related activity**. There was just an instance years ago when our law firm’s basketball team had a friendly match against the fraternity. But I played as part of the Divina Law team, not of Aegis. “<sup>57</sup> (Emphasis supplied)

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<sup>54</sup> Republic Act No. 6713, Section 4 (3), Code of Conduct and Ethical Standards for Public Officials and Employees.

<sup>55</sup> <https://www.youtube.com/watch?v=la8Ozr17Jy4>

<sup>56</sup> Manifesto, Philippine Star dated October 10, 2017.

<sup>57</sup> TSN, September 25, 2017, p.22.

When the Committee went over **Balag's** Petition<sup>58</sup> filed with the Supreme Court, our attention was called by the contents of one of his attachments. It contains **photos showing that Dean Divina attended the AJF Anniversary Celebration on December 16, 2009 at Mandarin Hotel Makati and on December 16, 2010 at Quezon City Sports Club.**<sup>59</sup> **Divina** assumed deanship in August 2009 when former Justice Roberto Abad was appointed Associate Justice to the Supreme Court.

Not only did **Dean Divina** constantly lie to the media, he also **perjured** himself as he took an oath during the commencement of the September 25, 2017 hearing. Irrespective of whether he attended those celebrations in his capacity as member or as Dean of the Faculty of Civil Law, there is no denying how he emphatically declared that he purposely refrained from participating in **ANY** fraternity related activity.

We are likewise reminded of the fraternity's profile appearing on the website of the UST Faculty of Civil Law, powered by no less than **Divina Law**, notwithstanding its non-recognition for A.Y. 2017-2018. To address the issue, **Dean Divina** conveniently replied that the same was not updated.<sup>60</sup> However, the same was disproved by the Committee Chairman when he mentioned that the website was recently updated to upload a memorandum dated September 20, 2017. From a clear-cut and outright denial, **Dean Divina** was quick to qualify his answer that the page was updated with respect to announcements but outdated as to the contents.<sup>61</sup>

The declarations of the Dean contradictory to the facts shown by the records and proven during hearings show his propensity to lie.

*b. Appearance of bias in favor of his fraternity*

In the course of the hearings, several instances of non-compliance with the academic and disciplinary policies were pointed out. Had these policies been followed, it would have been impossible for Castillo to join the AJF.

**First, six out of ten (6/10) AJF members should not have been enrolled in UST for A.Y. 2017-2018.**

Based on the grades forwarded by UST, the Committee presented a table summarizing each resident member's average or *Quotient Point Index* (QPI) per semester cross-referenced with their respective enrollment status. A perusal of the table would show that six (6) members were allowed to enroll notwithstanding the fact that they failed to meet the academic standards of the UST Faculty of Civil Law. Such enrollment was said to be conditional and limited only for the current semester.<sup>62</sup>

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<sup>58</sup> Most Urgent Petition (For Certiorari and Prohibition with prayer for issuance of TRO and / Writ of Preliminary Injunction) dated October 25, 2017.

<sup>59</sup> Most Urgent Petition (For Certiorari and Prohibition with prayer for issuance of TRO and / Writ of Preliminary Injunction) dated October 25, 2017, Annex "D".

<sup>60</sup> TSN, September 25, 2017, p.31, 34.

<sup>61</sup> TSN, September 25, 2017, p.35.

<sup>62</sup> TSN, October 18, 2017, p.84.



**Dean Divina** defended himself by saying that out of sixty-eight (68) students who benefitted from the conditional enrollment, only six (6) are members of AJF. He further used as defense the fact that the current *Grand Praefectus* (**Balag**) and the previous one (**Salamat**) were debarred for failure to meet the required QPI.<sup>63</sup> However, these defenses did not justify the fact that the standards were not strictly complied with and equally applied to all.

He blamed his professors who failed to submit the grades on time. Assuming there is truth to his statement, this Committee questions his leadership and efficiency as the current semester was preceded by a two-month break.<sup>63</sup> Is the Dean capable of forcing the rules upon every professor under his supervision, including those who are lawyers, judges, and justices who may in time cross paths with his law firm? Or will students continuously be the ones to suffer from this so-called perennial problem?

If **Dean Divina** did his job and strictly complied with the university's academic guidelines<sup>64</sup>, only the following members would have been enrolled for the current semester: (1) Jason Adolfo Robiños; (2) Marcelino Bagtang, Jr.; (3) John Paulo Garcia; and (4) Joshua Joriel Macabali. Granting that most of these members are in their senior years, chances are they would not have enough time to focus on recruitment. **If they were the only ones left, it is possible that Castillo might not have been recruited.** Further, the high debarment rate of resident members of AJF could have potential neophytes think twice before joining as proof of its claims of academic excellence among members are obviously **lacking**.

**Second, several members should have been expelled prior to the current semester.**

**Dean Divina** reiterated that he was not biased in favor of members of AJF. In fact, he said he suspended members involved in fraternity brawls. However, it appears that he merely issued **preventive suspensions** pending investigation.

On **October 13, 2014**, the AJF and the Gamma Delta Epsilon Fraternity (GDEF) were preventively suspended following a complaint from the Office of the Bar Confidant regarding an alleged confrontation between the two groups during the second week of the bar examinations. The suspension was lifted on October 27, 2014. In an article by *The Varsitarian*, **Dean Divina** was quoted to have said:

“Without prejudice to the ongoing investigation, even if I lift the suspension [but] it turns out based on the investigation that we have to expel [the students], then we will expel [them]. We will impose the appropriate sanctions that will be recommended by the committee.”

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<sup>63</sup> TSN, October 18, 2017, p.6.

<sup>64</sup> Unless the 9-unit Rule and/or Half-of-the-Load Rule is applicable, any student who fails to meet the QPI for any particular semester shall be admitted on probation in the following semester (the “Probationary Semester”). However, **if he still fails to obtain the required QPI in his Probationary Semester, he shall be debarred from the Faculty.** ([http://www.ustcivillaw.com/?page\\_id=369](http://www.ustcivillaw.com/?page_id=369)).



There were no reports as to whether or not a resolution was issued on the matter. In fact, the 2014 incident was not even addressed by the Dean before this Committee notwithstanding the fact that one member raised said issue.

In relation to a fistfight incident reported to have occurred on November 9, 2016 also between AGF and GDEF, **Dean Divina** issued a memorandum ordering the preventive suspension of all members.

Notwithstanding the suspension order, the same fraternity engaged in another brawl four (4) days later in front of Manila Hotel. As a result, four (4) members of GDEF were injured. Members of AJF involved were Von Paulo Anonuevo, **Arvin Balag**, **Ralph Trangia**, **Marcelino Bagtang**, **Joshua Joriel Macabali**, **Mhin Wei Chan**, and **Justin Carlos Garcia**. Both fraternities filed criminal charges for frustrated homicide and serious physical injuries.

A speedy resolution of the case could have perhaps resulted in the expulsion of members and the suspension of the fraternity's recognition that could have ultimately prevented the recruitment of Castillo. Then again, the blame was passed on to the local Student Welfare Development Board (SWDB). According to the Dean, the resolution was only issued last July 18, 2017 and was concurred by members of the board sometime in August.<sup>65</sup> Moreover, the resolution was allegedly served upon fraternity members involved last October, a few weeks after the death of Castillo.

As Dean, he must have the highest interest in expediting the resolution of disciplinary cases relating to violence as students involved are considered threats to the safety of other students in the Faculty of Civil Law. He cannot feign ignorance as to the status of the investigation. According to the UST student handbook, **the resolution of the local SWDB unit shall be subject to the approval of the dean and regent of the faculty.**<sup>66</sup> Having said so, Dean Divina should have noticed that a resolution was not forthcoming notwithstanding the months that have lapsed. As dean, he should have asserted their responsibility towards the enforcement of student discipline. Instead, he allowed the SWDB to sleep on the issue.

Furthermore, this Committee underscores the fact that the Manila Prosecutor's Office, considering its voluminous caseload, was even first to resolve the Manila Hotel incident. We find it amusing yet at the same time frustrating that the imposition of sanctions was slower in UST.

*c. Consent to AJF's Participation in the Freshmen Orientation*

Another issue raised during the hearing was the AJF's presence and participation during the August 2017 Freshmen Student Orientation sponsored by the UST Faculty of Civil Law Student Council notwithstanding its non-recognition.

Once again, **Dean Divina** easily passed the responsibility to the UST-OSA. It might be true that the determination of recognized organizations is a function of

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<sup>65</sup> TSN, October 18, 2017, p. 120.

<sup>66</sup> [http://osa.ust.edu.ph/?page\\_id=404](http://osa.ust.edu.ph/?page_id=404)



the UST-OSA,<sup>67</sup> but it was his responsibility to check or inquire about it before approving the proposal of the student council.

We noticed that **Dean Divina** avoided mentioning that a proposal of said orientation was submitted to his office for approval before it was even forwarded to the UST-OSA. The proposal indicated not only the details of the orientation but also the fraternities and sororities invited to participate. It was only upon inquiry to the **Student Council President Mr. Jonathan Santos** and **UST-OSA Director Guan Hing** that the role of the office of the Dean in activities similar to the freshmen orientation was made known. Our transcript reads:

“MS. GUAN HING. Now in relation to what Jonathan was saying, it is true that activities are supposed to be approved by the OSA but it is an organization that is existing in the college. So before any activity is approved by the OSA, **they should have passed through the approval of the local administration.** Like, for example, the Student Welfare and Development and then also the Father Regent and the **Dean** before it comes to us.”<sup>68</sup> (Emphasis supplied.)

xxx      xxx      xxx

“SEN. GATCHALIAN: Kanino ka humingi ng permiso o kanino ka nagbigay ng notice na mayroong ganitong orientation?”

MR. SANTOS: The project proposal, sir, being **submitted first to the dean for approval** and to the Father Regent for the budget po.

SEN. GATCHALIAN: So humingi ka ng permission? Is this a permission?

MR. SANTOS: Approval po.

xxx      xxx      xxx

SEN. GATCHALIAN: So you gave a letter requesting for approval sa **Office ng Dean...**

MR. SANTOS: **Yes po.**<sup>69</sup> (Emphasis supplied)

It seems that **Dean Divina** has a habit of passing the buck to other officials or offices in the university. Not once did we hear him take responsibility for any lapses that may have contributed to Castillo’s death. Considering that **Divina Law** is the counsel of UST, **we question the firm’s zealously and candor in serving the best interest of the university when its very own managing partner passes blame to it to save face.** Clearly, there is conflict of interest.

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<sup>67</sup> TSN, October 18, 2017, p. 59.

<sup>68</sup> TSN, November 6, 2017, p. 75.

<sup>69</sup> TSN, November 6, 2017, p. 84.

Apart from his attempt to conceal the role of his office, **Dean Divina** even feigned ignorance with respect to the outcome of the AJF's petition for recognition. In fact, he was bold enough to state that since the AJF was recognized last year, they were **presumed to have the grounds or reasons for recognition** this year. He further added that it was only last September, after the freshmen orientation, when it was determined that they were not recognized.<sup>67</sup>

According to **UST-OSA Dir. Guan Hing**, for every application for recognition, forms provided are required to be signed and endorsed by the SWDB Coordinator, Regent, and **Dean** of the Faculty of Civil Law.<sup>70</sup> Upon perusal of the Petitions for Recognition submitted by AJF during previous years, it appeared that **Dean Divina** signed all petitions **except the petition for AY 2017-2018**.<sup>71</sup>

**Knowing at first instance that he did not sign any petition for recognition of the AJF for the current academic year, Dean Divina could not avail for himself the defense of presumed regularity because his very own signature was one of the requirements therein.** Instead, **Dean Divina** allowed the AJF to participate in the freshmen orientation notwithstanding his knowledge that said petition would not be approved.

#### *d. Preventive Suspension Order as Response to Reports of Hazing*

**Dean Divina** insisted that he immediately issued a memorandum and ordered the preventive suspension of all officers and members of the AJF in keeping with the Commission on Higher Education's Manual of Regulations for Private Higher Education (MORPHE). Section 106 of the MORPHE reads -

"Sec. 106. Preventive Suspension and Categories of Administrative Penalties. A student under investigation **may** be preventively suspended from entering the school premises and from attending classes, **when the evidence of guilt is strong**, and the responsible school official is morally convinced that the continued stay of the student pending investigation would cause sufficient distraction to the normal operations of the institution, or would pose real or imminent threat or danger to persons and property inside the institution's premises."

It is significant to note that the issue at hand was the death of a student allegedly caused by hazing. The situation must not be dealt with in a manner similar to petty fraternity wars and encounters. To prevent members from entering the university was absurd and inconsistent with the demands of the situation. Based on the premise that **secrecy and silence are common characterizations of the dynamics of hazing**,<sup>72</sup> logic dictates that members should be the first ones to have been called not only by the investigating committee formed by UST but also by the police.

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<sup>70</sup> TSN, November 6, 2017, p. 62.

<sup>71</sup> AJF Petition for Recognition for A.Y. 2017-2018.

<sup>72</sup> Elizabeth J. Allan & Mary Madden, Hazing in View: College Students at Risk, NATIONAL STUDY OF STUDENT HAZING, p. 24 (2008).



A reading of Section 104 of the MORPHE shows that the issuance of a preventive suspension order is **permissive**. The order should be issued only when the situation calls for its necessity. In this case, a preventive suspension order was not needed. To prevent the members from entering the institution obviously made it more difficult for the police to look for them.<sup>73</sup> It is both surprising and at the same time suspicious for an esteemed lawyer like **Dean Divina** to have issued such an absurd and obstructive memorandum. In fact, it was even the independent investigation committee formed by the university that revoked the suspension order.<sup>74</sup> It is undeniable that the preventive suspension order **benefitted the fraternity**, to say the least.

*e. Actual Knowledge on the Death of Castillo*

When asked as to when he knew of **Castillo's** death, **Dean Divina** said he knew about it as early as September 17, 2017. However, according to him, he failed to reach out to **spouses Castillo** because all he knew was that a neophyte with the surname **Castillo** died.<sup>75</sup> He even made it appear that he was helpless at that moment since he did not have the contact numbers of the members of the fraternity.<sup>76</sup>

The Committee finds the **Dean Divina's** narrative to be far-fetched and unbelievable. Granting the Dean's connections, **it is unlikely that he did not have means to identify the neophyte**. Further, it is unacceptable to say that he did not have the contact numbers of members of AJF.

Allow us to emphasize the fact that his fraternity brother **Atty. Uy** is a senior partner at Divina Law. In fact, they were former managing partners of Divina & Uy Law Offices. It was already established that **Atty. Uy** knew about the death as early as noon of September 17, 2017. Knowing that Castillo's death would ultimately be a problem for both the fraternity and the Faculty of Civil Law, it is impossible for **Atty. Uy** not to reach out to **Dean Divina** to inform him of the details of the incident.

We also stress the role of **Atty. Irvin Fabella** as both faculty member and adviser of AJF. If the Dean wanted to be in touch with resident members of the fraternity, he could have easily called **Atty. Fabella** to ask for the necessary details. **Dean Divina** cannot feign ignorance as to the role of **Atty. Fabella** because over the years, the Dean, together with **Atty. Fabella** in his capacity as fraternity adviser, endorsed Petitions for Recognition of the fraternity.

Based on **Divina's** proximity with both **Attys. Uy** and **Fabella**, it seems absurd and ludicrous for him not to have known who died. Based on the foregoing, it seemed there are two possible conclusions. First is that he knew but was afraid to outrightly confront the family and was buying time for his fraternity brothers in their attempt to remedy the situation thinking that he will definitely be dragged

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<sup>73</sup> TSN, September 25, 2017, p. 49.

<sup>74</sup> TSN, September 25, 2017, p. 25.

<sup>75</sup> TSN, October 18, 2017, p.91.

<sup>76</sup> TSN, October 18, 2017, p.94.

to the issue; or second, he did not have enough empathy to react responsively to the demands of the situation.

Finally, we take exception to **Dean Divina's** assertion that there was no oversight on his part. He even dared mention that he did what was expected.<sup>77</sup> If asked if the Committee agrees to his claim, we qualify our answer. If based on his capacity as Dean, the answer is a resounding no. As member of AJF, it's an overwhelming yes.

### *The University of Santo Tomas*

In relation to the matters previously discussed, we call out the attention of UST for its absence of supervision or otherwise leniency on the policy adopted by the Dean of the Faculty of Civil Law in allowing the enrollment of students who have not met the academic standards imposed by the university. A little diligence could have possibly reduced the probability of recruitment of freshmen students that led to the issue at hand.

Similar to **Dean Divina**, the UST-OSA cannot claim good faith when it presumed that AJF's Petition for Recognition was in order thereby justifying their presence and participation in the freshmen orientation. On its face, the petition itself called for its outright denial. In fact, the petition should have not been accepted by UST-OSA as the same was filed beyond the June 30, 2017 imposed by UST. As a consequence thereof, the rights and privileges granted in their 2016 recognition had already expired last July 31, 2017, a few days before the freshmen orientation.<sup>78</sup>

When asked if they have policies in place to avoid incidents of hazing, UST said they were not aware of the ongoing hazing practices in the university relying mainly on the annual submissions of fraternities and sororities of a document entitled "*Commitment to Anti-Hazing Law*".<sup>79</sup>

A perusal of the Articles of Association attached to AJF's annual Petition for Recognition shows that there is a provision on "*Admission to Membership*" which reads:

"Sec. 2 - No applicant shall be admitted to the Roll of membership of this FRATERNITY without undergoing **mental** and **psychological initiations** in accordance with the Rules to be prescribed." (*Emphasis supplied*)

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<sup>77</sup> TSN, September 25, 2017, p. 155.

<sup>78</sup> Sec. 2. The Petition for recognition of a student organization must be filed with the Office for Student Affairs on June 16, 2016, unless otherwise re-recognized, the rights and privileges granted under such recognition expire on July 31, 2017.

<sup>79</sup> The Aegis Juris Fraternity hereby declares its commitment to the Anti-Hazing Law and swears not to violate its provisions. The fraternity declares that it will live up to the objective that it has personally set, to ensure that violence shall not be used, not just in the recruitment of its members but in all aspects of its conduct as an organization established in the University of Santo Tomas.



We now question whether or not the UST-OSA thoroughly went through all applications submitted. If all attachments were reviewed, UST-OSA must have known, based on the Articles of Association of the AJF, that a neophyte must undergo initiations before becoming a member. Considering that there were new names appearing in their annual petitions, **shouldn't such fact prompt an inquiry as to why membership increased yet not once were they notified to witness any initiation?**

On a final note, this Committee admonishes the University for its failure to take proactive measures in response to the information readily available to them. It may be acceptable to give the university leeway to conduct its investigation on the Castillo case, but they are not excused from their laxity or failure to make an outright decision as to perpetually ban AJF considering that **Solano, Robiños, and Ventura** admitted on-record that the fraternity subscribes to hazing as part of their initiation rites.

May the university be reminded that the responsibility given to an academic institution for the welfare of its students has been characterized by law and judicial doctrine as a form of special parental authority and responsibility. This responsibility has been amplified by the enactment of the Anti-Hazing Law, in that the failure by school authorities to take any action to prevent the offenses as provided by the law exposes them to criminal liability as accomplices in the criminal acts. Thus, the institution and its officers cannot stand idly by in the face of patently criminal acts committed within their sphere of responsibility. They bear the commensurate duty to ensure that the crimes covered by the Anti-Hazing Law are not committed.<sup>80</sup>

## CONCLUSION

Either by reason of loyalty to the brotherhood or laxity and inefficiency in enforcing both academic and disciplinary policies of the University of Santo Tomas, ten (10), instead of four (4) members of the fraternity were allowed enrollment for AY 2017-2018. By reason of lack of due diligence in reviewing the documents submitted for obtaining recognition, the fraternity participated and made themselves known to new students during the freshmen orientation sponsored by the Student Council of the UST Faculty of Civil Law. By joining the said event, students were misled to believe that the fraternity is a legitimate organization recognized and sanctioned by the university.

The fraternity system has become a big black hole that sucks these young promising men to their graves. The fraternity as an institution, despite its noble and lofty ideals, has degenerated into becoming a barbaric and murderous gang.<sup>81</sup> Such fact was witnessed once again by our nation in the untimely demise of Horacio Tomas Castillo III.

The seeds of violence are sown into the heart of a frat man the moment he enters the fraternity. The rites of passage required before an applicant can be considered a "*brother*" is a ritual replete with physical and psychological violence. By testing

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<sup>80</sup> People vs. Bayabos, G.R. No. 171222, February 18, 2015.

<sup>81</sup><https://raymundnarag.wordpress.com/2009/12/10/inside-the-brotherhood-thoughts-on-fraternity-violence/>



the mettle through pain and humiliation, the new members are inducted to become blood brothers.<sup>81</sup> Based on the facts established by this Committee, it is glaring that the *Aegis Juris Fraternity* has the notoriety for senseless abuse, harassment and pretentious call of courage. What they lacked in fundamental principles and noble cause, they made up for nauseating and vicious membership rites.

Castillo died as a result of hazing inflicted upon him by **Arvin Balag, Oliver John Onofre, Axel Hipe, Marc Anthony Ventura, Zachary Abulencia, Daniel Ragos** and all other members and non-members of the fraternity yet to be identified who were present inside the dark and chaotic so-called library in the early morning of September 17, 2017. Their presence therein automatically gives rise to the presumption that they inflicted pain and violence upon the victim and should be held liable for violation of the Anti-Hazing Law.

From the time **Mr. Horacio Castillo, Jr.** and **Mrs. Carmina Castillo** waited for their son to reply to their countless text messages or answer to their seemingly endless calls up to the time they wandered around the empty streets surrounding UST, most members, resident or alumni, were already aware of Castillo's death. In the midst of the parents' misery, scheming fraternity members even had the temerity of convening and conniving with each other in various areas in Cubao, Quezon City to discuss the steps necessary to spare their brothers from harm's way as a result of the life they recklessly took away.

While the fraternity members are obliged to surrender some of their individual rights, the promise of reward for the members come in the full enjoyment from the benefit the frat receives as a whole. **In the process, the individuality of the members is subsumed by the greater "interest of the fraternity".**<sup>81</sup> Truly, that seems to be apparent in the words and actions of **Atty. Alston Kevin Anarna, Atty. Marvi Abo, Atty. Henry Pablo, Jr., Ronald Cheng** and all other members who participated in that shameful group chat, **John Paul Solano** who in many instances blindly allowed himself to be used, and even **Dean Nilo Divina** himself.

It is undeniable that the fraternity took pride in its affiliation with no less than the Dean of the Faculty of Civil Law. In fact, the fraternity used said affiliation as means to entice students during recruitment as clearly shown in the recruitment brochure given to **Castillo** that contained the Dean's name and photo on top of the list of notable members in the faculty.

With respect to **Dean Divina**, photos showing his active participation during fraternity anniversaries and his discretionary acts before and even after Castillo's death negate his never-ending claims of temporarily severing ties with the fraternity. His position as Dean of the UST Faculty of The Civil Law clearly posed a threat towards having a thorough investigation of the matter. So long as he remains in office, possible student witnesses may opt to remain silent out of fear of jeopardizing their grades and ultimately their chances of graduating. If the Dean had the courtesy to take a leave of absence from the fraternity so as not to lead under a cloud of bias in favor of his fraternity brothers as he claims to be, with more reason for him to humbly step down as Dean and let the investigation takes its own course. That is the least he can do to make up for the injustice done to the Castillo family. After all, his fraternity claims to subscribe to the principle, "*Do no injustice, suffer no injustice.*"



Though the Committee is uncertain whether it is in the interest of the fraternity or his own self-preservation, **Dean Divina** clearly portrayed a pattern of that passing the blame onto others. In fact, we find it strange that UST continues to stand by him despite his inefficiency and his tendency to attribute faults to the institution that his very own law firm represents. Using the words of **Dean Divina** himself, there is nothing shameful in owning up to one's mistake.

Finally, with respect to the University of Santo Tomas, the maintenance of a morally encouraging educational environment will be endangered should they continuously fail to meet the demands of the issue. Notwithstanding established proof as to the actual practice of hazing by a fraternity that has existed in the university for thirty-six years, we have yet to hear any pronouncement or decision perpetually banning the *Aegis Juris Fraternity*. So long as the university remains silent in hope that all these shall pass, members of the *Aegis Juris Fraternity* will continue to huddle somewhere and arrogantly blurt out their senseless pretentious chant, "*Lumalakas, Lumalawak, Lumalaban...*"

Perhaps this will not be the first fraternity-related case to come to the court; neither will it be the last. Perhaps this case and many cases like it can empower those who have a better view of masculinity: one which valorizes courage, sacrifice and honor in more life-saving pursuits.<sup>82</sup>

The culture of violence must be eradicated in every educational institution. With that, UST owes it to the late **Horacio Tomas Castillo III** and his grieving family to be the first to initiate. There is no statement more forceful and convincing than permanently banning the *Aegis Juris Fraternity* from the university.

## RECOMMENDATIONS

1. After a thorough consideration of the facts gathered during the public hearings, the following amendments are proposed in order to strengthen Republic Act No. 8049 otherwise known as the "*Anti-Hazing Law*":
  - a. Redefining hazing to include specific acts such as paddling, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of food, liquor, beverage or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical and psychological health of a recruit, neophyte, applicant or member.
  - b. Broadening the scope of the prohibition on hazing to apply to organizations other than those that are school-based organizations. Examples of which are community-based fraternities, sororities and organizations.
  - c. In regulating school based initiation rites, the written application mandated by law should also include the exact manner by which initiation rites are to be conducted by the applicant fraternity, sorority or organization.

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<sup>82</sup> People of the Philippines vs. Danilo Feliciano Jr., et al, G.R. No. 196735, May 5, 2014.

- d. With respect to the school's obligation to assign representatives to witness the initiation rites, an additional duty to have a record of the same to be submitted to the school officials concerned.
  - e. Mandating fraternities, sororities and other organizations, as a condition for the grant of accreditation, recognition or registration, to submit the name of their respective faculty advisers who consents his or her appointment.
  - f. Creation of a presumption of knowledge and consent on the part of the faculty adviser with respect to the commission of any of the unlawful acts stated in the law.
  - g. The broadening of the prima facie evidence of participation in hazing activities by non-members of the fraternity, sorority or organization so long as he/she is present except when there was an attempt to prevent hazing or reported the same to law enforcement authorities.
  - h. Simplifying the penalties for violation of the law with the inclusion of imposable fines on members of the fraternity, sorority or organization found to be guilty of hazing.
  - i. Imposition of fines against the school should they fail to send representatives during the initiation rites.
  - j. Imposition of penalty upon any person, who shall intimidate, threaten, force, or to employ or administer any form of vexation against another person for purposes of recruitment.
  - k. The imposition of the penalty of imprisonment and fine against former officers, non-resident members or alumni of the fraternity, sorority or organization who after the commission of the prohibited acts stated in the law, performed any act to hide, conceal or otherwise obstruct the investigation conducted by the authorities.
  - l. In relation to the previously mentioned amendment, the immediate conduct of disciplinary proceedings by the Supreme Court should they be members of the Philippine Bar. In case of other profession-based fraternities, sororities and organizations, they shall be subjected to disciplinary proceedings by their respective professional boards.
2. The amendment of Presidential Decree No. 1829 to increase the imprisonment penalty and also the imposable fine in case of obstruction of justice.
  3. The amendment of Republic Act No. 6981 otherwise known as the "*Witness Protection, Security and Benefit Act*" to increase the penalty of a witness admitted to the program who fails or refuse to testify without cause or testifies. At present, the penalties imposed by the law are limited to contempt or criminal prosecution. In fact, the tenor of the law is vague with respect to criminal prosecution.



Considering that non-cooperation of the witness admitted to the Witness Protection Program could result in the dismissal of the case especially when the entire case of the prosecution depends on the witness' proposed testimony, the penalty should be equivalent to the penalty imposable upon the principals of the crime charged to avoid instances of colluding with the other accused.

4. For the Department of Justice, to conduct a thorough verification of the facts stated in the affidavit of Marc Anthony Ventura before ultimately discharging him from the complaint. Before admitting him to the Witness Protection Program, it is paramount to establish his credibility.

Should the DOJ utilize Ventura's affidavit, the complaint must be immediately modified to include the additional names of respondents allegedly present in the initiation rites. The proceedings must be expedited considering the public interest imbued in this case.

Moreover, the DOJ should further investigate the attempted cover-up by the resident and alumni members of the fraternity and the subsequent filing of criminal charges for obstruction of charges. The department should take the initiative to request Facebook Philippines to provide an authenticated copy of the profiles and the group chat of the members presented during our public hearings.

5. With respect to the Commission on Higher Education, the antiquated CHED Memorandum Order No. 4 series of 1995 should be modified and amended to impose stricter penalties such as expulsion among fraternity officers and members engaged in the practice of hazing neophytes or members and permanent ban on the fraternity itself. Moreover, CHED should also come up with guidelines and penalties to ensure participation of public and private higher education institutions in furtherance of the mandate of the strengthened Anti-Hazing Law.
6. The UST should look into possible violations of its rules, academic or otherwise, committed by its officials, administrators, faculty and employees, and impose corresponding sanctions. Those who performed acts, whether deliberate or through negligence, that enabled the AJF to conduct its initiation contrary to the rules of the University must be administratively dealt with. Actions of these officials, administrators, faculty and employees subsequent to the death of Castillo that tend to exempt or protect those who are liable must likewise be penalized.
7. The Philippine National Police should pursue an investigation to identify and to inquire as to the authority by which they allowed the immediate embalmment of Castillo's body without prior identification by the family. Further, it should initiate the creation of procedures with respect to handling of unidentified bodies that are possibly victims of crimes or foul play and the corresponding penalties for violations thereof.
8. With all due respect to the power of the Supreme Court to discipline members of the Philippine Bar, this Committee recommends the immediate institution of proper disciplinary or disbarment proceedings against Atty. Marvi Abo, Atty. Alston Kevin Anarna, Atty. Edzel Bert Canlas, Atty. Cecilio Jimeno,



Atty. Ferdinand Rogelio, Atty. Eric Fuentes, Atty. Cesar Ocampo Ona, Atty. Gaile Dante Acuzar Caraan, Atty. Henry Pablo, Jr., Atty. Jet Dela Pena Villaroman, Atty. Cesar Dela Fuente, Atty. Niño Kjell Servañez, Atty. Manuel Angelo Ventura III, Atty. Michael Vito, Atty. Nilo Divina, Atty. Arthur Capili, Atty. Irvin Joseph Fabella, Atty. Edwin Uy, Atty. Allan Christopher Agati and all other members of *Aegis Juris Fraternity* to be determined to have had knowledge of the death of Castillo and failed to report the same to the authorities.

This Committee takes this opportunity to manifest its observation with respect to the statements of no less than Atty. Ma. Cristina Layusa of the Office of the Bar Confidant of the Supreme Court. Notwithstanding the public interest invested in ensuring that justice is served for the death of Horacio Tomas Castillo III, there appears to be no initiative on the part of the Court to proceed against the lawyers involved in their attempt to cover up the crime committed by their fraternity brothers. Although the Court has the power to *motu proprio* institute proceedings for disbarment, suspension or discipline of attorneys, Atty. Layusa insisted that the issue be referred first to the Integrated Bar of the Philippines.

Although we recognize the number of disbarment cases pending before the Supreme Court, it is humbly requested that the issue at hand be given preference and be dealt with as soon as possible considering that another life was lost because of the barbaric practices of the fraternity.

The actions taken by these members constitute grossly immoral conduct that is shocking, against the decency expected from lawyers and a mockery of the legal profession. In order to set an example, so as to deter further incidents of hazing, it is paramount that these individuals be dealt with, and possibly deprived of the privilege to practice law, urgently.

9. Finally, the following members employed in government, namely (1) Atty. Gaile Dante Caraan - Development Bank of the Philippines; (2) Atty. Henry Pablo, Jr. - Civil Service Commission; and (3) Ronald Cheng - Supreme Court, must be dealt with administratively by their respective offices/agencies for violating their duty to at all times respect the rights of others, and refrain from doing acts contrary to law, good morals, good customs, public policy, public order, and public interest.

## EPILOGUE

Non-fraternity members simply dissociate themselves from the problems that plague the fraternity system. They do not care if the frat members become maimed or killed. While they feel the loss and the pain of the families who have been victims of frat violence, their sympathy is extended only to sighs of utter hopelessness. They blame the depraved sense of values of the fraternities yet mock the frat member of becoming too stupid to join a frat. But when the issue dies down, the public loses all its bitterness. This happens till another person becomes a victim again.<sup>81</sup>



Horacio Tomas Castillo III, sought to join a brotherhood in search for his purpose in life. Since there's no more life to speak of, let his death serve the purpose of ensuring that the misery of hazing and the employment of appalling rituals will no longer be imposed in the name of brotherhood.

*Please check against delivery.*

**Privilege Speech of Sen. Juan Miguel F. Zubiri  
On the Death of Horacio "Atio" Castillo III due to Hazing**  
September 20, 2017

Mr. President, I rise on a matter of personal and collective privilege. I filed Proposed Senate Resolution No. 504, which condemns in the strongest sense the death of UST freshman law student Horacio "Atio" Castillo III due to hazing and calls for a Senate investigation in aid of legislation. I thought that the resolution I filed will be enough to assuage my sense of duty as a legislator to investigate this gruesome death. But when I visited the wake of Atio last night and talked to his bereaved family, particularly to his father, Horacio Jr. or Toti as we call him, who was my grade school and high school classmate in Colegio San Agustin, it behooves me as a father, as a parent to make a privilege speech on the matter by condemning this brutal act and bring to the public consciousness the gravity of this evil called "hazing." I cannot turn my back to the plea of a grieving parent, as I believe no parent deserves to lose a child, much more due to hazing.

Most of us here are parents with loving children and I could not imagine the pain of losing a son or a daughter because of violence, because of hazing. I would feel that that would be the most tragic event to happen to me or to any



family, God forbid. And I, we, do not wish that to happen to any parent, to any family.

Mr. President, dear colleagues, with us today, and probably you might have seen her during the committee hearings the past weeks as she has been an intern in my office for several weeks now, is Nicole Castillo, the only sister of Atio. She came here and left her brother's side when she learned that I will deliver a privilege speech on the death of her beloved Atio. And we would like to extend our deepest condolences to Nicole and her family.

Atio, only son of Toti and Camille, was a loving and dutiful son and brother to Nicole. He was a student leader in UST during his undergraduate studies. He was a fan of the Senate and repeatedly told his father that he wanted to be a senator one day. Now, that would never come. We join the family in their cry for justice for Atio! Let justice be served in this case.

I will briefly cite the circumstances leading to the death of Atio. On Saturday, Sept. 16, Atio informed his parents that he will attend the welcoming ceremony of the Aegis Juris fraternity in UST and will be home by Sunday morning. Come Sunday morning, initial reports stated that Atio's body was discovered by a "good Samaritan," John Paul Solano on September 17 at about 7:30 am in the sidewalk at the corner of Honorio Lopez Boulevard and Infanta St. in Balut, Tondo, Manila. As claimed by John Paul Solano, after buying a cigarette from a nearby store, he found the body of Atio in the sidewalk, flagged down a passing pick-up and together with some bystanders, took Atio to the Chinese General Hospital. The doctors at the hospital declared Atio dead on arrival.

The officials of Barangay 133 in Manila, however, dispute the accounts of John Paul Solano. They said that there was no such incident that happened in the area after reviewing the CCTV footage at the time the body was supposedly found. Thus, Mr. Solano became a "person of interest" and police later learned

that Mr. Solano is also a freshman law student at the UST and some reports claim that he is also a member of Aegis Juris fraternity. That is so much for coincidences, Mr. President. It will be a breakthrough in the investigation if Mr. Solano will tell all he knows about the incident.

Mr. President, the action of Dean Nilo Divina of the UST Faculty of Civil Law in suspending the members of the Aegis Juris members and preventing them from attending classes or entering the school premises is highly suspicious. It will give the investigators a hard time in locating and finding the Aegis Juris members and ask them about the case. This was echoed by the Manila Police District officers in their press briefing this morning. Thus, I challenge Dean Divina and other faculty members of the UST Faculty of Civil Law who are also members of the Aegis Juris to cooperate in the investigation and to tell all that they know about the incident.

I have also received reports that the members of the Aegis Juris fraternity were told to leave the country or probably some may have already left the country, thus I call on our authorities to place them under watch list or on hold departure order by the Bureau of Immigration.

Mr. President, no one, I repeat no one, deserves to die from hazing, from a brutal and senseless death. We have a law, Republic Act No. 8049 or An Act Regulating Hazing and Other Forms of Initiation Rites in Fraternities, Sororities, and Other Organizations and Providing Penalties Therefor. Unfortunately, since its enactment into law in 1995, with dozens of reported deaths due to hazing, only one conviction was decided by the court. Only one!! Other accounts place that there could be more than a hundred deaths due to hazing but the rest are not reported or did not reach the courts. So much senseless deaths, my dearest colleagues, so much wasted youth, the bright future of these students suddenly gone, as was the case of Atio Castillo.



We nurture our children from the cradle, teach them how to take their first steps as a child, tutor them with their difficult subjects. We teach them even with the difficult topics such as the birds and the bees or how to treat their dates with respect. In other words, we do everything for them to become a perfect human being. Then in one instance all that we have done.....our bundle of joy, is taken away from us. Tortured and killed by the same people who your child considers as his brothers and protectors.

Mr. President, I cringe at the thought that the current law, RA 8049 has become just a law in paper, ineffective if not inutile in regulating and preventing deaths from hazing. I feel ashamed that all these years, while our youth are dying, we have not done enough.

Clearly, regulating hazing as specified in the current law, is a failure. What could be the reasons Mr. President? One, regulating it, as specified in Sections 2 and 3 of RA 8049 to report to school authorities the initiation rites and that the school will assign at least two representatives during the initiation or hazing is not being followed. No fraternity will allow an intruder or non-member to witness their initiation rites and learn of their initiation. Thus, most of these initiation rites are not reported to the school authorities.

Second, when a crime such as this happens, the problem is exacerbated by the protection of the killers by the fellow fraternity members or "brods" in the police, in the prosecutors office or in the courts or their sympathizers as a result of fraternity culture.

That is why we filed a bill repealing the Anti-Hazing law, under Senate Bill No. 1591. Also Sen. Sherwin Gatchalian filed a bill. What differentiates the bill from the current law is that hazing is banned or prohibited under the bill while the current law merely regulates it. As a result of the banning of hazing, the bill now penalizes mere participation in hazing while the current law only penalizes the participants if the hazing results to injury or death. Also, under

the bill if hazing leads to death, sodomy, rape or mutilation the penalty of *reclusion perpetua* and a fine of P3 million are imposed. Hence, we should pass a new and real Anti-hazing law.

When will these barbaric acts of so called brotherhoods stop? You are supposed to welcome them and protect them as family and not hurt them and kill them. No wonder the culture of violence never ends in our country as those who swear an oath to defend our laws are the same ones who commit the violence. This must stop now!! No parent should bury their children from such senseless deaths.....deaths from violence and crime.

It is about time that we prohibit hazing. We need to pass a new law that will not only regulate hazing but prevent it outright. Brotherhood or sisterhood should not be realized at the expense of the lives and future of our youth. We should stop these senseless deaths of our youth.

Thank you Mr. President.



Introduced by Senator Juan Miguel F. Zubiri

**RESOLUTION**

**CONDEMNING IN THE STRONGEST SENSE THE DEATH OF FRESHMAN LAW STUDENT HORACIO TOMAS CASTILLO III AND DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, TO HOLD ACCOUNTABLE THOSE RESPONSIBLE FOR THIS SENSELESS ACT**

**WHEREAS**, Section 13, Article 2 of the 1987 Constitution affirms that "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs";

**WHEREAS**, news reports on September 18, 2017 exposed the death of 22-year-old Horacio Tomas Castillo III, a freshman law student of the University of Santo Tomas (UST), who allegedly died of hazing;

**WHEREAS**, on September 17, 2017, Horacio Tomas Castillo III's body was found, wrapped in a thick blanket, lying on a pavement by a bystander in Balut, Tondo and was rushed to the hospital where he was declared dead on arrival;

**WHEREAS**, the Manila Police District through its spokesperson, Erwin Margarejo, said that Castillo's death was caused by a cardiac or respiratory arrest, triggered by traumatic injuries, while the Castillo family found bruises in both arms, cigarette burns and candle wax drippings all over the body of the deceased when they found him at the Archangel Funeral Home in Sampaloc, Manila;

**WHEREAS**, the Castillo family disclosed that Horacio III was recruited to join the Aegis Juris Fraternity and they believe that he died during an initiation rite as he asked permission from his parents on September 16, 2017 to attend the organization's welcoming rites at the UST campus but he never returned home;

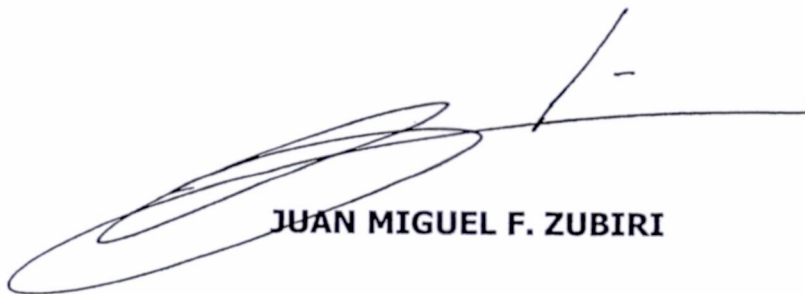
**WHEREAS**, Republic Act No. 8049, also known as the Anti-hazing Law, prohibits the infliction of physical harm or injury upon a recruit, neophyte or applicant of any fraternities, sororities, and other organizations and holds the officers and members of the fraternity, sorority or organization who actually participated in the hazing liable as principals in case of death and imposes the penalty of reclusion perpetua;

**WHEREAS**, there has been too many deaths from hazing and it is disappointing to note that these cases remain unresolved and they just become part of statistics;

**WHEREAS**, there is a need to investigate this matter to bring justice to the senseless death of Horacio Tomas Castillo III, to hold accountable those responsible for this brutal act, and to put an end to this barbaric tradition and ritual;

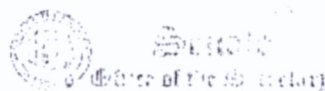
**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved by the Senate to condemn in the strongest sense the death of freshman law student Horacio Tomas Castillo III and direct the appropriate Senate committees to conduct an investigation, in aid of legislation, to hold accountable those responsible for this senseless act.

**Adopted,**

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**JUAN MIGUEL F. ZUBIRI**





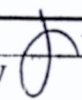
SENATE  
P.S. Resolution No. 510

'17 SEP 20 P2:14

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Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

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RECEIVED BY: 

**A RESOLUTION  
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, INTO THE RECENT DEATH OF HORACIO  
TOMAS CASTILLO III ALLEGEDLY DUE TO HAZING-RELATED ACTIVITIES**

**WHEREAS**, Republic Act No. 8049, otherwise known as the "Anti-Hazing Law," prohibits physical violence during initiation rites and metes penalties to the officers and members of the organization who actually participated in the infliction of physical harm ranging from prison correccional to life imprisonment should the person subjected to hazing or other forms of initiation rites suffer any physical injury, dies or is raped<sup>1</sup>;

**WHEREAS**, Horacio Tomas Castillo III, a 22 years old law student at the University of Santo Tomas, was found on a sidewalk in Balut, Tondo on the morning of September 17, 2017. He was brought to the Chinese General Hospital where he was declared dead on arrival. Horacio's body was bloated, bruised and had candle and cigarette marks all over the body;<sup>2</sup>

**WHEREAS**, it was reported that Horacio had asked for permission from his parents to attend the "welcoming ceremony" of the fraternity Aegis Juris where he is a new member. Thinking it was just a harmless social activity, the parents gave their consent to their child;

**WHEREAS**, the dean of the University of Santo Tomas (UST) Faculty of Civil Law has suspended all officers and members of the fraternity following the death of its neophyte in alleged hazing rites. In his memo, UST Civil Law Dean Nilo Divina said that member of the Aegis Juris fraternity "would not be allowed to enter the campus of the Faculty of Civil Law, or attend classes until further notice;"<sup>3</sup>

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<sup>1</sup> <http://newsinfo.inquirer.net/423789/r-a-8049-or-the-anti-hazing-law>

<sup>2</sup> Cabico, Gaea Katreena, "We'll leave no stones unturned": UST condemns student death in alleged hazing" Philstar. <http://www.philstar.com/headlines/2017/09/18/1740318/well-leave-no-stones-unturned-ust-condemns-student-death-alleged-hazing>

<sup>3</sup> Cabalza, Cruz, Roxas. "UST suspends Aegis Juris fratmen pending probe into fatal hazing". Inquirer.net. <http://newsinfo.inquirer.net/931504/breaking-philippine-news-updates->

**WHEREAS**, since the passage of the law in 1995, there are about 26 cases of hazing-related violence reported. Some of which are Mervin Sarmiento and Oliver Estrella (Holy Angel Academy, 1995), Alexander Icasiano (UP, 1998), Ace Bernabe Ekid (PMA, 2000), Dominante Tunac (PNPA, 2000), Rafael Albano (FEU, 2001), Marlon Villanueva (UPLB, 2006), Mark Rodriguez (CLSU, 2007), Chris Mendez (UP, 2007), Elvis Sinaluan (2009), EJ Intia (UMak, 2010), and Anthony Javier (WMSU, 2015);<sup>4</sup>

**WHEREAS**, Republic Act No. 8049, needs to be updated to keep abreast with the changing times and thus, there is a need to improve the existing mechanisms for the deterrence of hazing-related crimes. The community and the schools and universities are integral in ensuring that the crimes of the past will not happen again to pre-empt deaths of new members;

**RESOLVED, AS IT IS HEREBY RESOLVED**, by the Senate of the Philippines to direct the appropriate Senate Committees to inquire, in aid of legislation, into the recent death of Horacio Tomas Castillo III allegedly due to hazing-related activities.

Adopted,



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university-of-sto-tomas-hazing-aegis-juris-fraternity-horacio-tomas-castillo-iii-fratmen#ixzz4t7Z1Sf9P

<sup>4</sup> <http://www.gmanetwork.com/news/news/specialreports/626256/hazing-deaths-in-phl-1954-present/story/>