

Renato Peñas Fact-Finding Mission Report

Police investigation on Rene Peñas killing inconclusive, says Fact Finding Mission

Calls for immediate re-investigation by a national multi-agency body

A 22-member Fact Finding Mission (FFM) on the murder of Sumilao leader Renato Peñas concludes that the findings of the Sumilao police investigators are full of loopholes and hastily arrived at without exploring other motives for the killing.

Conducted from 22 to 26 June, the Multisectoral Fact Finding Mission was organized to investigate the ambush-slaying of Rene Peñas, leader of the Sumilao farmers in Bukidnon and vice-chair of Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA). The FFM, composed of representatives from 13 NGOs, Academe, Church-based and Human Rights groups went to Cagayan de Oro City and Bukidnon for data gathering through key informant interviews and collection of pertinent documents. Participatory analysis was done for a month and is presented on the 40th day of Ka Rene's death.

Background

Peñas, together with nephew Elizer Peñas and Samson Dollete, were ambushed at around 11:00 p.m. on 5 June 2009, in Barangay San Vicente, Sumilao, Bukidnon as he was riding his motorcycle going home. Peñas was killed while his two companions were both wounded from the attack.

According to the initial investigation report of the Sumilao police, Rene Peñas was allegedly killed by Alipio Tumangday, a tiller from the 19-hectare portion of the Carlos Estate, which is beside the 65 hectares (formerly owned by Carlos family) distributed to Sumilao Farmers. Tumangday's group is known in the community to have a dispute with the group of Samson Dollete over ownership of the land. Rene Peñas became involved in this dispute, acting in his capacity as a barangay kagawad and as paralegal of the Sumilao farmers. He was instrumental in helping Dollete secure a Certificate of Land Ownership award (CLOA) for 2.5 hectares. However, he was not a direct party in the dispute between Tumangday and Dollete.

The Mission is thus considering the possibility that the slaying of Rene Peñas may be related to his various advocacy works at both the local and national levels. These include: (1) his relentless pursuit of the complete distribution to the Sumilao farmers of the remaining 94 hectares of land under the settlement agreement with San Miguel Farms, Inc. (SMFI); (2) his active involvement in the campaign for CARPER; and (3) his leadership of PAKISAMA, which, in the last eight months, have had two other Mindanao-based national leaders killed, namely Vicente Paglinawan of Davao City and Boy Billames of South Cotabato.

Key observations and conclusions

The FFM report bears the following major observations and conclusions:

1. **The official investigation by the local police was insufficient, hasty, and dubious.** Tumangday was hastily apprehended less than 12 hours after the incident based on the testimony of victim-witness Samson Dollete, who was attacked with Ka Rene. However, Dollete admitted to the FFM that he did not really see Alipio Tumangday at the scene of the crime and that he was merely urged to do so by a certain Jhon Calopes and "Bong", who picked him up after the incident, to identify the

suspect. No other leads were explored by the police except for the Tumangday lead. Dollete already told the Sumilao police about “Bong” and a certain “Madam” but these were not explored.

2. **The ambush-slaying of Renato Penas was pre-meditated, well-planned, and well-orchestrated.** Around midnight of June 5, while on a motorbike with two companions, he was ambushed in a spot along a dark path that forced him to slow down. His two companions were not shot to death, only Ka Rene, who sustained gunshot wounds at the front and back of his body. These wounds suggested that Ka Rene was shot directly in front and while he was crawling away from his murderers. Cigarette butts were found around the crime scene, indicating that the killers were waiting for Ka Rene and knew where he usually passes. The suspect Tumangday did not smoke and claims he does not know how to fire a gun.
3. **A certain Jhon Calopes surfaced as a central figure who unduly influenced the official investigation.** On June 6, Jhon Calopes and two alleged agents of the National Bureau of Investigation fetched the injured Dollete from his cousin’s house where he sought refuge. Calopes is a CLOA-holder in the 19-hectare portion of the Carlos estate and claims to have a Special Power of Attorney over the entire 19-hectares. According to Dollete, Calopes and company brought him to an unfinished white house in Cagayan de Oro City, where he met “Bong” and “Madam”. He said Calopes then coached him on whom to blame for Ka Rene’s murder. Calopes also facilitated the swift filing of Dollete’s affidavit against Tumangday. When Dollete was put in the safekeeping of Archbishop Ledesma, Calopes with the Kisolon police tried to bring him to Camp Alagar for an interview with the Regional Director but Dollete refused to leave the Cathedral. He is known to have close relations with the lead police investigator on the case, PO3 Lorecito Pitogo.
4. **Rene Peñas could have been killed because of his active involvement in agrarian issues.** Ka Rene was an instrumental figure in two prominent agrarian disputes in Sumilao: the Carlos Estate and the Quisumbing/SMFI property. The FFM learned that Jhon Calopes has a Special Power of Attorney over the 19-hectare property in the Carlos estate and has plans to lease it to outsiders. Since their 1,700 kilometer march in 2007, the Sumilao farmers have yet to receive the 63 hectares bought by SMFI from the Baulas of Bukidnon as part of their 94-hectare commitment. Currently, Del Monte is leasing a substantial portion of the 63-hectare property from the Baulas. Ka Rene was also a national leader in campaigning for CARP extension with reforms (CARPER). His efforts on behalf of fellow-farmers adversely affected landed interests.
5. **The slaying, coupled with the dubious police investigation, left a continuing sense of fear in the community.** The Sumilao farmers experienced previous incidents of harassment from the local police. The hasty police work and one-sided investigation in the murder of Rene Peñas further added to the sense of insecurity in the community. The other farmer leaders have received death threats from unidentified persons or groups via text messages. Also, within the past year, Rene Peñas was the third PAKISAMA leader who was violently killed. The other two were Vicente Paglinawan of Davao City (killed in October 2008) and Boy Billones of South Cotabato (killed in February 2009).

Recommendations

Given the facts and observations stated above, the Fact Finding Mission recommends the following:

1. For a full blown multi-agency investigation to be conducted on the killing of Rene Peñas in order to explore other possible angles and motives for the killing, especially the following:
 - The identity and involvement of “Bong” and “Madam;”
 - The involvement of Jhon Calopes in influencing the testimony of witness Samon Dollete, and possibly, the orchestration of the killing of Rene Peñas;
 - The influence that Jhon Calopes exerted over PO3 Lorecito Pitogo over the course of the investigation;
 - The presence and identities of the three individuals whom Rene Peñas described as intelligence agents observing them on the night he was ambushed;
 - The angle of the 94-hectare SMFI commitment to the Sumilao farmers, and the possible involvement of the Baula family and SMFI;
 - The angle of the involvement of Rene Peñas in the CARPER campaign; and
 - The angle of the leadership of Rene Peñas in PAKISAMA, in relation to the killing of two other PAKISAMA leaders.
2. For the PNP Director General Jesus Versoza to investigate the Sumilao and Bukidnon police, particularly those involved in the Rene Peñas case, and order their immediate relief and replacement, as necessary, to ensure impartiality and the adequate protection of the community.
3. For the NBI to effectively protect all vital informants and witnesses, particularly Samson Dollente and Elizer Peñas.
4. For Land Bank and DAR to expedite the transfer and distribution of the remaining 94 hectares of the SMFI commitment to the Sumilao farmers. #