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RICHARD W. WHELANING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

6 Attorneys for Plaintiffs CARINA DACER, SABINA DACER-REYES,  
7 AMPARO DACER-HENSON and EMILY DACER-HUNGERFORD

JCS

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 CARINA DACER, SABINA DACER-  
11 REYES, AMPARO DACER-HENSON,  
12 EMILY DACER-HUNGERFORD,

13 Plaintiffs,

14 vs.

15 JOSEPH EJERCITO ESTRADA,  
16 individually and in his official capacity,  
17 PANFILO M. LACSON, individually and in  
18 his official capacity, REYNALDO "BUTCH"  
19 TENORIO, individually and in his official  
20 capacity, DANTE TAN, individually and in  
21 his official capacity, MICHAEL RAY  
22 AQUINO, individually and in his official  
23 capacity, VICENTE ARNADO, individually  
24 and in his official capacity, GLENN  
25 DUMLAO, individually and in his official  
26 capacity and DOES 1 -100, inclusive,

27 Defendants.

CASE NO. **EV 10 4165**

ACTION FOR COMPENSATORY AND  
PUNITIVE DAMAGES FOR CRUEL,  
INHUMAN AND DEGRADING  
TREATMENT, TORTURE AND EXTRA-  
JUDICIAL KILLING OF PLAINTIFFS'  
FATHER, DECEDENT SALVADOR  
"BUBBY" DACER  
[28 U.S.C. § 1350]

JURY TRIAL DEMANDED.

28 COME NOW THE PLAINTIFFS, Carina Dacer, Sabina Dacer-Reyes, Amparo Dacer-Henson  
and Emily Dacer-Hungerford, daughters of the decedent Salvador "Bubby" Dacer ("DACER"), by  
and through their counsel, and for their Complaint against the Defendants above-named, state as  
follows:





1 course and scope of his employment and under color of state law. He is being sued in both his  
2 individual and official capacities.

3 13. Defendant Reynaldo "Butch" Tenorio ("TENORIO") is a citizen and former President  
4 and CEO of the Philippine Games and Amusement Corp. (PAGCOR), a government-owned  
5 corporation engaged in casino operations. At all relevant times mentioned herein, he was serving as  
6 a government official and acting within the course and scope of his employment and under color of  
7 state law. He is being sued in both his individual and official capacities. He reportedly fled the  
8 Philippines and is residing somewhere in the United States.

10 14. Defendant Dante Tan ("TAN") is a citizen and former President and CEO of the Best  
11 World Gaming and Entertainment Corp. (BWGE), a Philippine corporation which was given the sole  
12 authority by PAGCOR to conduct nationwide computerized online bingo gaming. At all relevant  
13 times mentioned herein, he was constructively serving as a Philippine government official and acting  
14 within the course and scope of his employment and under color of state law. He is being sued in both  
15 his individual and official capacities. He reportedly fled the Philippines and is residing somewhere in  
16 the United States.

18 15. Defendant Col. Michael Ray Aquino ("AQUINO") is a citizen of the Republic of the  
19 Philippines who is presently under detention at Hudson County Correctional Center, Hackensack  
20 Avenue, New Jersey, USA, pending his appeal of the court order granting the request of the  
21 Philippine government for his extradition. He was previously sentenced to a jail term in New Jersey  
22 for unlawfully possessing secret US government documents containing information relating to  
23 national defense. As police colonel and PAOCTF's former Chief of the Operations Division, he was  
24 the fourth highest ranking officer in PAOCTF. At all relevant times mentioned herein, he was  
25 serving as a Philippine government official and acting within the course and scope of his employment  
26 and under color of state law. He is being sued in both his individual and official capacities.

1           16. Defendant Vicente Arnado (“ARNADO”) is a citizen of the Republic of the  
2 Philippines but has reportedly been residing in the U.S. since 2002. As the former Chief Inspector of  
3 PAOCTF, he was among the ranking officers of the PAOCTF. At all relevant times mentioned  
4 herein, he was serving as a Philippine government official and acting within the course and scope of  
5 his employment and under color of state law. He is being sued in both his individual and official  
6 capacities.  
7

8           17. Defendant Glenn Dumlao (“DUMLAO”) is a citizen of the Republic of the Philippines  
9 who was residing in the U.S. until he was extradited to the Philippines in 2009. As police colonel  
10 and a ranking officer of the PAOCTF, he was tasked with surveillance and tactical interrogation of  
11 DACER. At all relevant times mentioned herein, he was serving as a Philippine government official  
12 and acting within the course and scope of his employment and under color of state law. He is being  
13 sued in both his individual and official capacities.  
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15           18. Plaintiffs are ignorant of the true names and capacities of Defendants DOES 1-100,  
16 inclusive, and therefore sue these defendants by such fictitious names. At all relevant times  
17 mentioned herein, these Defendants were serving as government officials, employees, or agents under  
18 the administration of ESTRADA, and acting within the course and scope of their employment and/or  
19 agency and under color of state law. They are being sued in their individual and official capacities.  
20

21           19. Plaintiffs are informed and believe and thereon allege that at all times mentioned  
22 herein, each of the Defendants sued herein was the agent and employee of each of the remaining  
23 Defendants and was at all times acting within the purpose and scope of such agency and employment.

24           20. In engaging in the conduct described herein, Defendants exceeded the authority vested  
25 in them as government officials under customary international law of human rights and the law of  
26 nations.  
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**STATEMENT OF FACTS**

21. DACER was a prominent and influential publicist in the Philippines. He operated and managed a public relations and management company, Bubby Dacer & Associates, and had various local and multinational companies, publicly elected officials, local personalities and foreign governments as his firm's clients. With a successful career that spanned decades and many administrations, he was also a prolific media practitioner, having been a former radio broadcaster in the Bicol Region of the Philippines, a newspaper publisher, and a columnist in the country's leading daily, the Philippine Daily Inquirer.

22. In the course of his professional career, DACER developed close personal and working relationships with prominent politicians, including former Philippine President Fidel V. Ramos and the latter's former National Security Adviser, Jose T. Almonte. Another one of these politicians was ESTRADA, a popular movie star-turned-politician, who became a close personal friend and who even served as Baptism and Wedding Godfather to DACER's daughter, Amparo Dacer.

23. In 1997, DACER, as a media practitioner, openly supported the candidacy of ESTRADA for the May 1998 presidential elections. Likewise, TAN supported ESTRADA and was one of the first to bankroll the latter's candidacy.

24. In early 1998, without actually investing any funds, ESTRADA's son, Jose Victor 'JV' Ejercito, then 29 years old, received the largest share of stocks of the newly-formed Best World Construction Corp. (BWCC), an affiliate of BW Resources Corp. (BWRC), a publicly listed company controlled by TAN. Apart from Ejercito, the other incorporators of the construction firm were TAN himself; TAN's lawyer, Jose Salvador M. Rivera Jr.; TAN's ally Francis Ablan; and TAN's Malaysian business associate Kenneth Eswaran, who was also a major shareholder of another BW affiliate, Best World Gaming & Entertainment Corp. (BWGE).

1           25.     Following the May 1998 presidential elections, ESTRADA was elected President of  
2 the Republic of the Philippines (“ROP”) and took over the reins of government from outgoing  
3 President Ramos.

4           26.     Shortly after his election, on or about July 30, 1998, ESTRADA created a special  
5 police unit comprised of elite members of the Philippine National Police (“PNP”) called the  
6 Presidential Anti-Organized Crime Task Force (“PAOCTF”), whose stated purpose was to, among  
7 other things, “conduct intelligence and counter-intelligence operations to identify government  
8 officials, crime syndicates and their cohorts who are involved in criminal activities.”

9           27.     ESTRADA appointed PNP Gen. LACSON as “Chief, PAOCTF.” LACSON, in turn,  
10 appointed PNP Col. AQUINO as Chief of the Operations Division, the fourth highest ranking  
11 position in the PAOCTF. Then-PNP Col. Cezar O. Mancao II (“Mancao”) was appointed Chief of  
12 “Task Group-Luzon” with DUMLAO as his Deputy Chief for Operations; Chief Inspector ARNADO  
13 was made one of Mancao’s team leaders in Task Group-Luzon. This group of newly appointed  
14 police officials was notable for one commonality: all were accused in the 1995 rub-out execution of  
15 eleven individuals who were reportedly members of a group called “Kuratong Baleleng.”

16           28.     Likewise, as soon as ESTRADA took his oath of office, PAGCOR signed an  
17 agreement with the newly formed BWCC, promising to transfer PAGCOR’s corporate offices and  
18 three casinos to Sheraton Manila, BWCC’s planned entertainment and gaming complex in Manila.

19           29.     In December 1998, despite being registered with the Philippine Securities and  
20 Exchange Commission (SEC) just a few months earlier in August 1998, BWGE was awarded by  
21 PAGCOR the exclusive contract to operate on-line bingo in the country, as well as the franchise to  
22 introduce Quick Pick-2, a lottery type-game which is very similar to *jueteng*, an illegal numbers game  
23 which is very popular in the country, despite the fact that PAGCOR had no power under its charter to  
24 grant the franchise to a private entity because PAGCOR had no Congressional authority. (While  
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1 PAGCOR had formally sought an official opinion from the Office of the Government Corporate  
2 Counsel who inexplicably opined that PAGCOR had the power to grant the franchise to BWGE, the  
3 chairperson of PAGCOR would later admit during a congressional hearing that BWGE received the  
4 contracts because "it had the endorsement of the Office of the President." The lawyer who gave the  
5 official opinion was later killed for unknown reasons.)  
6

7 30. In January 1999, LACSON, through AQUINO, ordered DUMLAO to "conduct  
8 discrete Background Investigation on a certain personality," which turned out to be DACER.  
9 DUMLAO was also instructed to monitor the visitors of DACER, surreptitiously enter DACER's  
10 office and steal or destroy whatever documents that could be taken.  
11

12 31. AQUINO gave DUMLAO PHP20,000 to rent a room at the Manila Hotel where  
13 DACER was holding office. Following his orders, DUMLAO proceeded to the Manila Hotel, posed  
14 as a hotel guest, and checked in using the alias "Irwin Chavez."  
15

16 32. On March 29, 1999, a newspaper columnist of the Manila Standard daily, Emil P.  
17 Jurado ("Jurado"), wrote in his column that a "demolition team" composed of "two former members  
18 of the Ramos Cabinet; a former Lakas spokesman and propaganda chief; a head of the Ramos media  
19 bureau; and another – a well-known PR practitioner" was formed "for the sole purpose of  
20 embarrassing President Estrada by attributing to his administration all sorts of perceived faults and  
21 scams with the end in view of covering up anomalies and scams also committed during the Ramos  
22 administration."  
23

24 33. On April 5, 1999, DACER wrote ESTRADA to deny the charge of Jurado who  
25 "virtually identified [him] as the one behind the so-called demolition team." In his letter, DACER  
26 assured ESTRADA of his clear conscience, support and "abiding loyalty."  
27

28 34. On June 7, 1999, Jurado again wrote in his column that "[o]n the flight to Tokyo, the  
President expressed his great disappointment in a PR man whom he had considered a friend, and in



1 fact is a *compadre* twice over, who has been identified with a demolition team out to embarrass not  
2 only his administration but his presidency as well." *Compadre* (literally, "co-father" or "co-parent")  
3 refers to the relationship between the parents and godparents of a child which originates when a child  
4 is baptized in Filipino Catholic families.

5  
6 35. On June 9, 1999, DACER again wrote ESTRADA to explain his side and counter the  
7 "lies" which he believed "were caused by envy" of people "attempt[ing] to drive a wedge" between  
8 them. DACER also wrote Jurado directly to express his "deep sorrow" about the latter's columns and  
9 voiced his suspicion that "Gen. Ping Lacson has been rekindling all the inimical gossip against  
10 [him]...in revenge of [his] support for Gen. Bobby Lastimoso," the PNP Director-General at the time  
11 and Lacson's nemesis in the so-called "Generals' War," the long-running feud between the two  
12 generals.

13  
14 36. Meanwhile, due in part to the contracts TAN's company secured from PAGCOR and  
15 TAN's conscious efforts to deceive investors, BWRC's stock became the hottest security being  
16 traded at the Philippine Stock Exchange (PSE). During the period October 2008 to October 2009, the  
17 stock price had skyrocketed from PHP 0.80 to PHP 145, an 18,025% increase!

18  
19 37. Following the stocks' dramatic rise, ESTRADA's own lawyer wrote on presidential  
20 letterhead a letter addressed to TAN, demanding the turnover to ESTRADA of BWRC stocks worth  
21 over PHP 500 million.

22  
23 38. Trading of BWRC especially reached fever-pitch around October 11, 1999, when  
24 news broke that Asian casino mogul Stanley Ho was visiting Manila and was now going to be the  
25 new chairman of the company. Shortly after Ho left the country, however, the stock crashed  
26 spectacularly.

27  
28 39. Because of the unnatural movement of the BWRC stock which severely impacted the  
country's stock market, the PSE, the SEC, and the Senate Committee on Banks and Financial

1 Institutions started conducting investigations into possible insider trading and stock manipulation.  
2 Needing professional help with managing his and his company's public image, TAN engaged the  
3 services of DACER.

4           40.     When ESTRADA started looking for a replacement for Gen. Lastimoso, DACER  
5 openly lobbied ESTRADA against the appointment of LACSON. In an October 8, 1999 letter to  
6 ESTRADA, DACER noted LACSON's "ruthless abuse of power in pursuit of his goals." DACER  
7 further wrote: "I vehemently oppose Gen. Lacson for the chief PNP post....because many foresee a  
8 POLICE STATE."

9           41.     Despite the vehement opposition of DACER, ESTRADA promoted LACSON as  
10 Director-General of the PNP on or about November 16, 1999. LACSON, in turn, appointed  
11 AQUINO as the Deputy Director of the PNP-Intelligence Group ("PNP-IG"), the country's  
12 counterintelligence agency. Later, AQUINO would serve as the Acting Officer-in-Charge of the  
13 PNP-IG.  
14

15           42.     Already problematic to begin with, the political situation in the Philippines further  
16 deteriorated amid various controversies and corruption scandals linking Estrada to a "midnight  
17 cabinet" of racketeers, masterminds of illegal gambling and other shady business characters. At a  
18 Senate investigation of the alleged insider trading scandal in BW Resources stocks, then-SEC  
19 chairman Perfecto Yasay revealed that ESTRADA called him several times asking him to clear TAN  
20 of any wrongdoing.  
21

22           43.     Notwithstanding sustained private efforts by DACER professing his non-involvement  
23 in these scandals, DACER incurred ESTRADA's "severe displeasure" with repeated stories linking  
24 the former to destabilization attempts against the latter's administration. DACER was believed by  
25 the Administration to have gotten hold of sensitive documents when TAN engaged his services at the  
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1 height of the probes being conducted by PSE and SEC, and many in the Administration were worried  
2 that these documents would further incriminate key individuals linked to ESTRADA.

3 44. Indeed, the Administration was right to be worried because DACER had incriminating  
4 documents and information implicating TAN, who actively manipulated the stock with the use of  
5 dummy buyers and sellers and "wash sales"; other individuals closely linked to the ESTRADA  
6 Administration; as well as ESTRADA himself, who not only personally profited handsomely by  
7 trading the BWRC stock but also used his office to order government-owned agencies to "invest"  
8 substantially in the BWRC stock.  
9

10 45. On February 16, 2000, DACER wrote another letter to ESTRADA informing the latter  
11 that in order to "permanently take [himself] out of the line of fire," he was "now planning to close  
12 [his] PR business and finally retire...despite the tears of [his] children...who feel that [he] was  
13 unjustly taking the fall for other people's sins."  
14

15 46. On or about March 15, 2000, DACER severed his professional relationship with TAN.

16 47. Amidst the country's political situation deteriorating even further, in or about  
17 September 2000, DACER met with TENORIO, then head of PAGCOR as well as a PAOCTF  
18 consultant, and TAN. DACER vehemently denied that he was involved in any effort to destabilize  
19 the ESTRADA government.  
20

21 48. After TENORIO and TAN reported their conversation with DACER in or about the  
22 first week of October 2000, LACSON ordered AQUINO to convene a group of PAOCTF operatives  
23 "to silence Dacer" after a "clearance from Malacanang was given." TENORIO and TAN were tasked  
24 to handle the expenses of the "operation"; DUMLAO and his assistants were ordered to handle the  
25 monitoring, surveillance and abduction of the "target individual"; and AQUINO, Mancao, and Task  
26 Group-Visayas Chief P/Supt. Col. Teofilo Vina were directed to take care of the "final phase."  
27 (Mancao would later testify that while on board LACSON's car on the way to a Japanese restaurant,  
28

1 he overheard LACSON insisting on AQUINO to “operate simultaneously” on DACER and another  
2 general, Reynaldo Berroya, a known LACSON nemesis, after AQUINO had said that he intended to  
3 “liquidate Delta” first because “Bigote” – which translates to “mustache” and refers to ESTRADA  
4 who famously sported one – was already “annoyed” with DACER.)

5  
6 49. Consequently, AQUINO directed DUMLAO to “revive his efforts regarding Dacer.”

7 50. On or about October 9, 2000, an acknowledged gambling lord and governor of the  
8 province of Ilocos Sur, Luis “Chavit” Singson (“Singson”), alleged that he had personally given  
9 ESTRADA the sum of PHP 400 million as payoff from illegal gambling profits, as well as PHP 180  
10 million pesos from the government price subsidy for the tobacco farmers' marketing cooperative.

11 51. The public allegations of Singson caused uproar across the nation which was by then  
12 already wary of a constant barrage of media reports concerning allegations of various scams and  
13 corruption of ESTRADA’s political allies, friends, family members and even mistresses. As a result,  
14 the Philippine House of Representatives instituted impeachment proceedings against ESTRADA for  
15 plunder, corruption and other charges.

16  
17 52. On or about November 14, 2000, the House of Representatives voted to pass the  
18 Articles of Impeachment against ESTRADA, which were then transmitted to the Senate. An  
19 impeachment court was subsequently formed with the then-Philippine Supreme Court Chief Justice  
20 Hilario Davide, Jr. acting as presiding officer.

21  
22 53. On or about November 21, 2000, DACER was summoned to Malacanang Palace (the  
23 Presidential residence) to meet with ESTRADA. At the meeting, ESTRADA told DACER that  
24 government intelligence operatives had informed him that DACER had been actively working with  
25 former President Ramos and other opposition figures to have ESTRADA impeached. DACER  
26 vehemently denied the charges but ESTRADA could not be placated. ESTRADA severely berated  
27 DACER during their meeting, and the latter left the Palace in fear of his life.  
28

1           54.     On November 24, 2000, while DACER was en route to his office at the Manila Hotel  
2 to meet up with former President Ramos, elements of the PAOCTF led by ARNADO abducted  
3 DACER and his driver, Emmanuel Corbito, along Zobel Roxas St. in the City of Manila. From  
4 Manila, DACER and Corbito were transported to Dasmariñas, Cavite.

5  
6           55.     At about 11 a.m. that day, AQUINO sent DUMLAO a text message saying: "*Nakuha*  
7 *na si Dacer, paki T.I. mo na.*" ("Dacer has been taken, please do the T.I." – or tactical interrogation.

8           56.     DUMLAO went to personally see AQUINO for additional instructions and the latter  
9 told him: "*Itanong mo kung ano ang pinagusapan nila ni Presidente, tapos ano ang balak ng*  
10 *opposition lalo na si FVR at si Almonte.*" ("Find out what he talked about with the President, then  
11 what the plans of the opposition are, especially Ramos and Almonte.")

12           57.     From Manila, DACER and Corbito were brought to Dasmariñas, Cavite where  
13 DACER was, as instructed by AQUINO, interrogated by DUMLAO, among others. While in Cavite,  
14 DACER and Corbito were blindfolded, hogtied and gagged.

15  
16           58.     From Dasmariñas, province of Cavite, the PAOCTF men brought them to Indang,  
17 Cavite, where they were soon strangled with a wire and their corpses burned in a dry creek.

18           59.     When the "neutralization" of DACER was relayed by AQUINO to TENORIO, the  
19 latter immediately relayed the information to ESTRADA, thinking that the information would please  
20 him.

21  
22           60.     In or about December 2000, the Philippine Senate began the impeachment trial of  
23 ESTRADA. The televised proceedings of the trial gripped the nation.

24           61.     On or about January 16, 2001, ESTRADA's impeachment trial was suspended in the  
25 Senate after the impeachment managers walked out of the proceedings. The next day, massive street  
26 protests ensued along the EDSA highway in Manila and around the Malacanang Palace.  
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1           62.     On January 18, 2001, the Armed Forces of the Philippines withdrew its support from  
2     ESTRADA. LACSON thereafter informed ESTRADA that he no longer had the support of the PNP,  
3     and LACSON resigned his position. Two days later, ESTRADA resigned the presidency in favor of  
4     then Vice- President Gloria Macapagal Arroyo, who was then sworn in as the country's President the  
5     following day.  
6

7           63.     In or about February 2001, LACSON began a campaign for a seat in the Philippine  
8     Senate. LACSON enlisted AQUINO to serve as his "behind-the-scenes" campaign manager and  
9     other members of the PNP and PAOCTF to assist in the campaign, including Mancao and  
10    DUMLAO. AQUINO was made in charge of soliciting campaign contributions, planning campaign  
11    events and otherwise managing the operations of the campaign.  
12

13           64.     Sometime March 2001, several PAOCTF operatives gave written statements about  
14    their knowledge and participation in the abduction and killing of DACER and Corbito in Indang,  
15    Cavite. They separately admitted having abducted the victims in Manila, brought them to  
16    Dasmaringas, Cavite, then to Indang, Cavite, where the victims were killed and their bodies  
17    subsequently burned.  
18

19           65.     In the early part of April 2001, the charred remains and other belongings of the  
20    victims were recovered from a creek in Indang, Cavite. The two pieces of dental plates recovered  
21    from the site were positively identified by DACER and Corbito's common dentist as those belonging  
22    to his patients. Forensic deontological examination conducted by the National Bureau of  
23    Investigation (NBI) confirmed the match. Forensic pathologists from the University of the  
24    Philippines also reported that both victims were killed by strangulation and their corpses  
25    subsequently incinerated.  
26

27           66.     Thereafter, the PAOCTF operatives involved were charged with double murder before  
28    the Philippine Department of Justice. They include: SPO1 Ruperto A. Nemenon, PO2 Thomas J.

1 Sarmiento, SPO1 William Reed, SPO1 Mario Sarmiento, SPO1 Rolando Lacasandile, SPO4  
2 Benjamin Taladua, P/Insp. Roberto Langcaun, P/C Insp. Vicente Arnado, P/Supt. Glen Dumlao,  
3 Rommel Rollan, Margarito Cueno, Renato Malabanan, Digo de Pedro, Crisostomo M. Purificacion,  
4 SPO3 Jose Escalante, SPO3 Mauro Torres, SPO4 Marino Soberano, William Lopez, Alex Diloy and  
5 Jimmy Lopez.  
6

7 67. Shortly before the elections, on or about May 1, 2001, armed supporters of ESTRADA  
8 attempted to storm the Malacanang Palace to overthrow President Arroyo but failed. After  
9 suppressing the revolt, the Arroyo government accused LACSON, AQUINO and Mancao of  
10 fomenting and organizing the revolt.

11 68. LACSON won a seat in the Philippine Senate in the May 2001 senatorial elections.  
12 Shortly after winning a Senate seat, LACSON learned that AQUINO and Mancao were slated to be  
13 charged and arrested for their roles in the murders of DACER and Corbitto, which had become  
14 commonly referred to in the Philippines as the "Dacer-Corbito double-murder case." LACSON  
15 therefore instructed his subordinates to flee the country and even facilitated their flight from the  
16 Philippines to Hongkong where they then proceeded to the US. AQUINO and Mancao followed  
17 LACSON's direction, entered the United States together on tourist visas on July 5, 2001, and  
18 thereafter traveled and lived together for the next three months.  
19

20 69. On May 11, 2001, following multiple complaints initiated by the National Bureau of  
21 Investigation ("NBI"), the Philippine Department of Justice recommended in a 22-page Resolution  
22 filled with eyewitness accounts that an information for double murder be filed against DUMLAO and  
23 other identified respondents who were believed to be members of the conspiracy in the kidnapping  
24 and double murder of DACER and his driver. They include: SPO1 Ruperto A. Nemeno, PO2  
25 Thomas J. Sarmiento, SPO1 William Reed, SPO1 Mario Sarmiento, SPO1 Rolando Lacasandile,  
26 SPO4 Benjamin Taladua, P/Insp. Roberto Langcaun, P/C Insp. Vicente Arnado, Rommel Rollan,  
27  
28

1 Margarito Cueno, Renato Malabanan, Digo de Pedro, Crisostomo M. Purificacion, SPO3 Jose  
2 Escalante, SPO3 Mauro Torres, SPO4 Marino Soberano, William Lopez, Alex Diloy and Jimmy  
3 Lopez.

4 70. On June 14, 2001, DUMLAO surrendered to NBI Chief Reynaldo Wycoco and  
5 admitted in a signed, handwritten affidavit before the Assistant Prosecution Attorney of Quezon City,  
6 Philippines that he personally interrogated a blindfolded DACER after the latter's abduction on  
7 November 24, 2000 inside a white Lite-Ace van but, he wrote, he failed to "elicitate [sic] anything"  
8 from DACER regarding the plans of the opposition. DUMLAO also admitted that after he called  
9 AQUINO regarding this failure, AQUINO instructed him to "go back to base but secure any  
10 documents and give it [sic] to him". Further, DUMLAO admitted that he was later asked by  
11 AQUINO and Mancao to dispose of the documents, which he did by burning the same at La Mesa  
12 Dam.  
13  
14

15 71. On September 14, 2001, the Philippine Department of Justice issued another  
16 Resolution regarding its re-investigation of the double-murder case, this time recommending the  
17 indictment of AQUINO, Mancao and Viña. Characterizing AQUINO as the "coordinator," the  
18 Resolution noted that AQUINO "was obviously stage managing the entire operation via cellular  
19 telephone."  
20

21 72. DUMLAO escaped the detention of the Philippine National Police in May of 2003 and  
22 entered the United States on May 22, 2003 on a tourist visa. After his visa expired, DUMLAO  
23 refused to leave the US claiming that he "feared" for his life after he agreed to testify as witness for  
24 the prosecution of AQUINO, Mancao and Viña, because earlier that year, on January 7, 2003, even  
25 Viña was found shot dead in Tanza, Cavite.

26 73. While in the U.S., AQUINO continued to work for LACSON – his "patron, godfather,  
27 mentor and friend" – especially in the latter's attempts to unseat current Philippine President Gloria  
28



1 Macapagal Arroyo from her post. However, in September 2005, AQUINO was arrested by US  
2 authorities for illegal possession of classified documents, acting as an agent of a foreign official in  
3 violation of Title 18 of the US Code § 951 (i.e., spying against the United States of America for  
4 LACSON), and conspiracy to commit said offenses. LACSON and ESTRADA were also named as  
5 members of the conspiracy.  
6

7 74. After nearly five years of appeals before the Philippine Court of Appeals and Supreme  
8 Court, on or about May 12, 2006, a trial court in Manila issued warrants for the arrest of AQUINO,  
9 ARNADO and Mancao on charges of double murder, and ordered them held without bail upon arrest.

10 75. On July 24, 2006, AQUINO entered a guilty plea to illegal possession of classified  
11 documents in the United States District Court, District of New Jersey, before Federal Judge William  
12 H. Walls.  
13

14 76. On February 21, 2007, the US Probation Department issued its final Pre-Sentence  
15 Report (PSR) recommending a sentence of up to 120 months of federal incarceration for AQUINO.

16 77. In support of its motion for an upward departure of the plea bargain, the US  
17 Attorney's Office contacted Mancao and DUMLAO to execute sworn affidavits about their  
18 knowledge of AQUINO's involvement in the Dacer-Corbito murders.  
19

20 78. On March 1, 2007, Mancao executed a sworn affidavit before Notary Public Isabel  
21 Moreno in Broward County, Florida, attesting to his meeting in a Las Vegas hotel with AQUINO in  
22 August of 2001 where AQUINO blamed Vina for "sloppily dumping Bubby Dacer's car into a ravine  
23 in Cavite where it was easily discovered" and complained that "the task had not been carried out  
24 correctly." In the same affidavit, Mancao stated that he recalled that sometime after the  
25 disappearance of DACER, Vina informed him that "he had been tasked by Michael Aquino to get  
26 Bubby Dacer" – a statement which he understood "to mean that Aquino had tasked Vina to neutralize  
27 Dacer."  
28

1           79.     On March 2, 2007, DUMLAO executed a sworn affidavit in Savannah, Georgia before  
2 Notary Public Emily Clark attesting that his best recollections of the facts and circumstances of his  
3 involvement in the murders were stated in the original handwritten affidavit which he executed on  
4 June 12, 2001 before Assistant Quezon City Prosecutor Nilo Penaflor. In this earlier affidavit,  
5 DUMLAO had stated, among others:  
6

- 7           • that on November 24, 2000, he received a text message from AQUINO informing him  
8           that "DELTA," which was their codename for DACER, had been captured and  
9           instructing him to conduct tactical interrogation ("T.I.") of DACER;
- 10          • that he then contacted Mancao and told him of AQUINO's orders;
- 11          • that Mancao told him to go and interrogate DACER and to "update" him on the results  
12          of his "T.I";
- 13          • that he then went to Cavite where DACER and Corbito were being held by the  
14          PAOTCF soldiers;
- 15          • that after eating lunch, he then went to the "blindfolded malefactors" to interrogate  
16          DACER;
- 17          • that after interrogating DACER, he then went back to Camp Crame and informed  
18          Mancao of the results of his "T.I." and also informed the latter that he took the papers  
19          that DACER had on him when he was abducted; and,
- 20          • that Mancao told him to dispose of the documents and that he followed Mancao's  
21          instructions and proceeded to the La Mesa Dam where he burned DACER's  
22          documents.  
23  
24

25           80.     On November 20, 2008, DUMLAO and Mancao were arrested by US authorities  
26 following an extradition request by the Philippine government to the US Department of Justice.  
27  
28



1 to extra-judicial killing” shall be liable for damages. 28 U.S.C. § 1350 Note, at §2(a). Torture is  
2 defined in relevant part as any act, directed against an individual in the offender’s custody or physical  
3 control, by which severe pain or suffering, whether physical or mental, is intentionally inflicted on  
4 that individual for such purposes as obtaining information or a confession, punishing, intimidating or  
5 coercing that individual. *Id.* at § 3(b). Extrajudicial killing is defined as “a deliberated killing not  
6 authorized by a previous judgment pronounced by a regularly constituted court affording all the  
7 judicial guarantees which are recognized as indispensable by civilized peoples. Such term, however,  
8 does not include such killing that, under international law, is lawfully carried out under the authority  
9 of a foreign nation.” *Id.* at § 3(a).

11 89. By reason of the aforementioned conduct, Defendants, and each of them, violated  
12 TVPA by subjecting Plaintiffs’ father to cruel, inhuman or degrading treatment, torture and extra-  
13 judicial killing. Said cruel, inhuman or degrading treatment, torture and extra-judicial killing of  
14 Plaintiffs’ father were carried out by Defendants under actual or apparent authority, or color of law,  
15 of the Philippines under the administration of then-President Estrada.

17 90. By reason of Defendants’ violation of TVPA, Plaintiffs have the private right of action  
18 against Defendants pursuant to 28 U.S.C. § 1350.

19 91. As a result of Defendants’ violation of TVPA, Defendants are jointly and severally  
20 liable to Plaintiffs for the following:

- 22 (a) Compensatory damages amounting to at least \$10,000,000; and
- 23 (b) Punitive damages amounting to at least \$50,000,000.

24 **COUNT 2**  
25 **(Violation of ATCA)**

26 92. Plaintiffs hereby incorporate by reference all of the allegations contained in  
27 paragraphs 1-91, inclusive, as though set forth herein at length.

1 93. The ATCA provides district courts original jurisdiction of any civil action by an alien  
2 for a tort "committed in violation of the law of nations or a treaty of the United States." 28 U.S.C. §  
3 1350. "Courts analyzing ATCA torture claims generally rely on the definition set forth in the  
4 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
5 ("CAT"), which is substantially the same as the TVPA definition." *Chavez*, supra, 413 F.Supp.2d at  
6 899-900.

8 94. By reason of the aforementioned conduct, Defendants, and each of them, violated  
9 ATCA by subjecting Plaintiffs' father to cruel, inhuman or degrading treatment, torture and extra-  
10 judicial killing. Said cruel, inhuman or degrading treatment, torture and extra-judicial killing of  
11 Plaintiffs' father were carried out by Defendants under actual or apparent authority, or color of law,  
12 of the Philippines under the administration of ESTRADA.

14 95. By reason of Defendants' violation of ATCA, Plaintiffs have the private right of  
15 action against Defendants pursuant to 28 U.S.C. § 1350.

16 96. As a result of Defendants' violation of ATCA, Defendants are jointly and severally  
17 liable to Plaintiffs for the following:

- 18 (a) Compensatory damages amounting to at least \$10,000,000; and  
19 (b) Punitive damages amounting to at least \$50,000,000.

20  
21 **RESERVATION OF RIGHTS**

22 97. Plaintiffs reserve the right to seek statutory damages and other relief.

23 **JURY TRIAL DEMAND**

24 98. Plaintiffs hereby demand a jury trial in this matter.

25 **PRAYER FOR RELIEF**

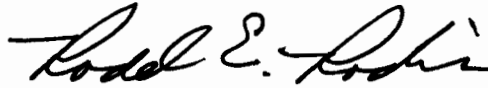
26 99. WHEREFORE, Plaintiffs pray for judgment against the Defendants as follows:

- 27 (a) Compensatory damages amounting to at least \$20,000,000;  
28

- 1 (b) Punitive damages amounting to at least \$100,000,000;  
2 (c) Attorney's fees and costs;  
3 (d) Such other and further relief as the Court may deem just and proper.  
4

5 Dated: September 14, 2010.

6 Respectfully submitted,

7  
8 

9 **RODEL E. RODIS**

10 Attorney for Plaintiffs CARINA DACER, SABINA DACER-REYES,  
11 AMPARO DACER-HENSON and EMILY DACER-HUNGERFORD  
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