

OPEN LETTER TO ALL MOTHERS: VIOLATION OF HUMAN RIGHTS

Our son, Jason Ivler, an American citizen on vacation here in the Philippines was involved in a multiple-car accident in the early hours of Sunday 8th August. Jason was driving our car, a Toyota Prado, with license plate 23370. He was driving from south to north on C5 when another car veered in front of him, forcing him to lose control of the Toyota and for the Toyota to crash.

Injured in the accident, Jason was placed on a stretcher and taken by MMDA ambulance to the nearest hospital Quirino Hospital along Katipunan Ave. Quezon City. He was refused emergency treatment at the hospital as it was reported to be full. He was eventually taken to the Asian Hospital in Alabang by Lifeline ambulance.

Unfortunately the driver of another vehicle involved in the accident, a Mr. Ponce, a government official was killed and his wife slightly injured. Mr. Ponce was driving an Isuzu Trooper from north to south on the same highway.

By 4:00 in the morning of the next day, Monday, Capt. Lumbania posted PO3 Rivera to begin a 24-hour "watch" on Jason, who was at that time was still in great pain and under observation, awaiting medical results. The doctor in attendance issued a statement to the staff of Asian Hospital that his main concern and responsibility was the health of his patient and that he forbade any police interview with Jason as he was in no physical condition to give an interview.

At 7:00 in the evening, Monday, August 9th I questioned PO3 Rivera and asked him what he was doing at Asian Hospital. He said he didn't really understand why he was there, but he was told by Capt. Lumbania of the Traffic Enforcement Group to be there and he gave the Captain's cellphone number. When questioned why the authorities had posted a 24 hours watch on our son, Captain Lumbania said it was "routine". When questioned if the police do this to every person involved in a car accident, he refused to answer the question. When questioned who gave him the order to put a 24 hour watch on Jason, Capt. Lumbania refused to answer the question. I called him twice more and eventually, he gave the name of the Chief of Police of Pasig, Senior Superintendent Katugal. However, when pressured PO3 Rivera gave a different answer. He said the order came "from the top". That it was General Valenzuela who gave the order.

I called ADB Security that evening and asked them to contact Gen. Valenzuela to confirm the presence of PO3 Rivera. They started calling his office from 7:30 pm but he couldn't be reached. I left the hospital at 10 pm that evening and according to ADB Security Gen. Valenzuela's office could not locate him.

Afraid and confused, I called a friend who is a high-ranking government official and told him what was happening. He said, "Marlene, call ADB Security. Get close protection for your son. I feel your son's life is in danger." I followed his instructions.

My husband and I are very upset that the Eastern Police District posted a 24-hour watch on Jason. At the time no police charges had been levied against him. The actions of the police, we believe, are in strong violation of human rights.

General Valenzuela of the Eastern Police District stated to ADB Security the same evening, Monday 9th, that Jason's life was threatened. ADB security stated the following morning that: "we are in close contact with the police and they privately have expressed their concern for Jason's safety. They sense that there might be an attempt to seek retribution for the accident." In another email from ADB Security they state that General Valenzuela referred to a "possible threat to Jason".

I called ADB Security the next morning and was advised that General Valenzuela denied giving the order for the 24-hour watch on Jason.

Privately police officers from Pasig through the kindness of their hearts state that it is the Chief of Police of Pasig, Senior Superintendent Katugal and Capt. Lumbania who are behind the 24-hour security watch. That Katugal and Capt. Lumbania are threatening their own police officers to harass Ivler and his family.

I asked one of the police officers from Eastern Police District who spoke to me in confidence, "What would have happened if my son came from a poor family?" He replied, "You would have found your son's body floating in Pasig River already." *"Kung pangkaraniwang tao lang ho ang anak ninyo lumulutang na ho sa Pasig River ang katawan niyan."*

The very real danger of being a foreigner in this country is not known until you are involved in an accident, or an incident; most especially if this involves a government official, and the country's law may not apply.

Assumed guilty before trial. Assumed drunk, on drugs, with no due process of law. Is there no need for due process because you are a foreigner and as a foreigner you are assumed to be guilty? Not only immediately guilty but subject to police harassment, subject to threat of retribution, subject to threat of death.

What risk working as a foreigner, working for ADB, IRRI, the UN, or WHO, or working for a foreign country, or to even visit as a tourist? The real risk is, as a foreigner in the Philippines, for you and for your family, due process of law may not apply to you.

As of Wednesday, August 11th, Jason's name has been placed Number 2 in the Philippine National Police WATCH LIST. Today, Saturday 14th, we have been issued with a warrant of arrest, a warrant that both police and our lawyers say the likes of which is very unusual in this country, but "in the Philippines, anything can happen".

The police are treating my son as a fugitive and a criminal before trial. My lawyers have advised me "until proven guilty, your son is free." But in this case which is not uncommon in the Philippines, since a government official is involved, the law may not apply.

I would like to remind the Philippine National Police that there is a diplomatic relationship between the Philippine Government and the Asian Development Bank where my husband works.

My son's life is clearly under threat. I fear for him. I pray no mother should ever face the tragedy I am facing now. I am a mother who is appealing to other mothers in the Philippines and mothers of expatriate children. Please pray for justice. This tragic incident could happen to any of us, to any one of our children.

I have written this open letter knowing that I am endangering the life of my entire family including myself. But deep in my heart I still believe in good and I still believe in justice.

I do not know what kind of political pressure have been placed upon Senior Superintendent Katugal and Capt. Lumbania to behave in this manner. I want them to know that I am the daughter of the former Chief of Police of Isabela and that I understand that officers are soldiers who obey what they are told. I can only hope and pray that the goodness in their hearts will prevail. I want them to know that Jason's father died of a car accident when he was three years old. I want them to

know I believe there is the Will of God that will decide when a person is taken from his life on earth.

I want everyone to know that I am a mother put in a very desperate position trying with all her strength to protect her son.

As God is my witness, I am begging the Philippine Government and the Police to be fair and apply the law with justice and equality.

Marlene Aguilar
Filipino Citizen, mother of Jason Ivler,
Wife of ADB Official under Diplomatic Status in the Philippines