

**For information on
13 May 2014**

Legislative Council Panel on Security

Manila Hostage-taking Incident

Introduction

This paper informs Members of the resolution of the Manila hostage-taking incident (the Incident).

Background

2. On 23 August 2010, a tour group of 21 Hong Kong residents, including a tour guide, was taken hostage in Manila, the Philippines. The Incident left eight Hong Kong residents deceased and seven injured. Since the Incident, the Hong Kong Special Administrative Region (HKSAR) Government has been providing necessary assistance to the victims and their families, including medical treatment for the injured through the Hospital Authority as well as psychological and living support to the concerned tour group members and their families through the Social Welfare Department. Besides, the HKSAR Government has been closely liaising through the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR (OCMFA) and the local Consulate General of the Philippines to urge the Philippine Government to seriously follow up and respond to the four demands of the victims and their families on apology, compensation, sanctions against responsible officials and individuals, and tourist safety measures.

3. At a meeting between the Chief Executive and the President of the Philippines in Bali, Indonesia in October 2013, both sides agreed to work towards a mutually satisfactory conclusion to the Incident. Senior officials designated by both sides, namely the Director of the Chief Executive's Office and the Cabinet Secretary of the Philippines, have since held discussions to address the four demands of the victims and

their families. Substantial progress was made in last November including the Philippine side turning over a token of solidarity to defray the cost of imminent surgeries of one of the victims. Despite rounds of discussion, the Philippine side was unable to fulfill the demand of the victims and their families for an apology. There remained a substantive difference between the two sides.

4. The HKSAR Government therefore implemented the first phase of sanctions with effect from 5 February 2014, suspending the 14-day visa-free arrangement applicable to holders of diplomatic or official passports of the Republic of the Philippines. Thereafter, the HKSAR and Philippine Governments continued to work tirelessly to resolve the matter.

The Resolution

5. On 23 April 2014, the Chief Executive announced that the HKSAR and Philippine Governments and the victims and their families have reached consensus on the resolution of the four demands made by the victims and their families on apology, compensation, sanctions against responsible officials and individuals, and tourist safety measures as follows –

- (1) The Philippine Government expresses its most sorrowful regret and profound sympathy, and extends its most sincere condolences for the pain and suffering of the victims and their families. The Police Director General of the Government of the Republic of the Philippines has written to all victims or their families.
- (2) In the spirit of solidarity and in acknowledgement of the loss of the victims and their families, an additional token of solidarity will be given to the victims or their families as a most sincere gesture of compassion of the people of the Philippines.
- (3) The Philippine Government has provided the HKSAR Government details on the administrative and criminal proceedings pursued, and given the assurance that measures are

being undertaken to hold to account those responsible and to conclude the outstanding proceedings as soon as possible. The Philippine Government undertakes to keep the HKSAR Government informed of progress made in resolving the outstanding proceedings.

- (4) The Philippine Government has assured the HKSAR Government that it is committed to ensuring that such an incident will not recur. The Philippine Government has also implemented a range of measures to guarantee the welfare and safety of those visiting the Philippines.

The joint statement issued by the HKSAR and Philippine Governments on the resolution of the Incident is at **Annex**.

6. The Cabinet Secretary of the Philippines representing the Philippine Government and the Mayor of the City of Manila met the victims and families to personally explain the resolution of the four demands. The Mayor also conveyed two resolutions passed by the City Council of Manila. Resolution No. 115 expresses the apology of the City Government of Manila for the Incident; and Resolution No. 147 declares July 14 of the lunar calendar and August 23 of the Gregorian calendar of every year as days of prayer for the souls of those who died in the Incident.

7. The resolution of the Incident enables the normalisation of the bilateral relations between Hong Kong and the Philippines. The Chief Executive announced on the same day that the sanction against the Philippines would be lifted. The 14-day visa-free arrangement applicable to holders of diplomatic or official passports of the Republic of the Philippines for visiting Hong Kong was reinstated. Furthermore, since the Philippine Government has implemented a range of measures to guarantee tourist safety, the Black Outbound Travel Alert was lifted and reverted to Amber, as was the case before the Incident.

Conclusion

8. Throughout the process, the primary focus of the HKSAR Government is to secure a satisfactory resolution of the four demands of the victims and families. The HKSAR Government is grateful to our state leaders and the Ministry of Foreign Affairs (including the OCMFA and the Chinese Embassy in the Philippines) for their concern and unfailing support. We are also grateful to the victims and their families for their trust and willingness to work with us.

9. With the final resolution of the Incident, we sincerely hope that the deceased may rest in peace, and the victims and their families can move on with courage and strength. We also believe that the bilateral relations between the peoples of Hong Kong and the Philippines will start a new chapter.

Security Bureau
May 2014

**Joint Statement between the HKSAR Government and the
Government of the Republic of the Philippines concerning the
Quirino Grandstand Incident**

Pursuant to the agreement of the Chief Executive of the Hong Kong Special Administrative Region (HKSAR), C Y Leung, and Philippine President Benigno S Aquino III to work towards a mutually satisfactory conclusion to the Quirino Grandstand Incident which took place on 23 August 2010, the HKSAR Government and the Government of the Republic of the Philippines have agreed that the four demands made by the victims and their families on apology, compensation, sanctions against responsible officials and individuals, and tourist safety measures will be resolved and settled as follows.

The Philippine Government expresses its most sorrowful regret and profound sympathy, and extends its most sincere condolences for the pain and suffering of the victims and their families. The Police Director General of the Government of the Republic of the Philippines has written to all victims or their families.

In the spirit of solidarity and in acknowledgement of the loss of the victims and their families, an additional token of solidarity will be given to the victims or their families as a most sincere gesture of compassion of the people of the Philippines.

The Philippine Government has assured the HKSAR Government that measures are being undertaken to hold to account those responsible and to see the outstanding proceedings conclude as soon as possible. Details on the administrative and criminal proceedings pursued are set out in Annex A. The Philippine Government undertakes to keep the HKSAR Government informed of progress made in resolving the outstanding proceedings.

The Philippine Government has assured the HKSAR Government that it is committed to ensuring that such an incident will not occur again. Details on the measures implemented to guarantee the welfare and safety of those visiting the Philippines are set out in Annex B.

Ends

Quirino Grandstand Incident
Actions taken against Responsible Individuals

S/N	Individual and post at time of incident	Actions taken pursuant to the decision of President Aquino upon review of the Independent Investigation and Review Committee Report
1	Rodolfo Y. Magtibay / Manila Police Chief Superintendant (On-scene commander)	<ul style="list-style-type: none"> • In view of the incident, Mr. Magtibay was compulsorily retired on 14 March 2011. Since his compulsory retirement, all retirement benefits have been withheld and would continue to be withheld until final resolution of the case. • The National Police Commission (NAPOLCOM) found him culpable for Gross Incompetence because he showed manifest lack of adequate ability and fitness to satisfactorily perform his police duties as the On-Scene Commander in the incident. The charge for Serious Neglect of Duty was dismissed. • Upon review by the Secretary of Interior and Local Government who is the Chairman of NAPOLCOM, a heavier penalty of one rank demotion (as opposed to three months' suspension) was meted out on 30 October 2013. • The NAPOLCOM decision is subject to review by the Office of the President. The NAPOLCOM decision was transmitted to the Office of the President on 11 November 2013. • The retirement benefits of Mr. Magtibay will be adjusted in accordance with the one rank demotion, upon final resolution of this case.
2	Orlando Yebra / Manila Police Superintendant (Chief Negotiator)	<ul style="list-style-type: none"> • The NAPOLCOM found him culpable for Gross Incompetence for his failure to alert his superiors when it became manifest that the hostage-taker had grown agitated and angry after reading the letter from the Office of the Ombudsman. He also failed to properly perform his duty as negotiator when he allowed his attention to be diverted to charging Mr. Gregorio Mendoza as an accomplice of the hostage-taker instead of keeping focused on how to convince the hostage-taker to yield. The charges of Serious Neglect of Duty and Serious Irregularity in the Performance of Duty were dismissed.

S/N	Individual and post at time of incident	Actions taken pursuant to the decision of President Aquino upon review of the Independent Investigation and Review Committee Report
		<ul style="list-style-type: none"> • Upon review by the Secretary of Interior and Local Government who is the Chairman of NAPOLCOM, a heavier penalty of one rank demotion (as opposed to three months' suspension) was meted out on 30 October 2013. • Mr. Yebra filed a Motion for Reconsideration on 7 November 2013. On 14 January 2014, the NAPOLCOM denied the Motion of Reconsideration and thereby affirmed their earlier decision finding him culpable of Gross Incompetence and meeting the penalty of one rank demotion, there being no aggravating nor mitigating circumstances. • Mr. Yebra filed an appeal with the Civil Service Commission (CSC) on 5 February 2014 praying that the decision of the NAPOLCOM be reversed and set aside and a new one issued exonerating him from any administrative liability. The CSC has not yet made a ruling on the appeal.
3	Santiago Pascual III / Manila Police Chief Inspector (Overall Assault Team Leader)	<ul style="list-style-type: none"> • The NAPOLCOM found him culpable for Gross Incompetence for his failure to satisfactorily perform his duty as the assault leader. He failed to inquire about the structure of the bus which might have aided Special Weapons and Tactics (SWAT) in their assault on the bus to successfully rescue the hostages. He also failed to coordinate with the On-Scene Commander or any responsible officer to direct the media to turn off their lights in order for the SWAT team to make the proper assault. • Upon review by the Secretary of Interior and Local Government who is the Chairman of NAPOLCOM, a heavier penalty of one rank demotion (as opposed to three months' suspension) was meted out on 30 October 2013. • Mr. Pascual filed a Motion for Reconsideration on 11 November 2013. On 9 January 2014, the NAPOLCOM denied the Motion of Reconsideration and thereby affirmed their earlier decision finding him culpable of Gross Incompetence and meeting the penalty of one rank demotion, there being no aggravating nor mitigating circumstances.

S/N	Individual and post at time of incident	Actions taken pursuant to the decision of President Aquino upon review of the Independent Investigation and Review Committee Report
4	Leocadio Santiago Jr. / Manila Police Director ¹	<ul style="list-style-type: none"> • The Philippine National Police International Affairs Service² found him liable for Simple Neglect of Duty and imposed a penalty of 11-day suspension from the Police Service (4 to 14 March 2011).
5	Alfredo S. Lim / Mayor of Manila	<ul style="list-style-type: none"> • The Department of Interior and Local Government recommended holding him administratively liable for Simple Neglect of Duty and Misconduct in Office for failure to convene the Local Crisis Management Committee and leaving the on-scene command post during the height of the incident. • Upon review, the Office of the President dismissed the recommended charges in July 2012 on the following grounds – <ul style="list-style-type: none"> (i) The Mayor’s directives to the different department heads and concerned official commanders constituted an implied convention of the Crisis Management Committee; (ii) There is no law requiring him to be physically present thereat for the entirety of the crisis. • Mr. Lim stepped down from office on 30 June 2013 upon his failure to seek re-election.
6	Merceditas Gutierrez / Ombudsman	<ul style="list-style-type: none"> • The Office of the President referred the case to the House of Representatives for appropriate action. • Ms. Gutierrez resigned in May 2011 after the House of Representatives voted to impeach her.
7	Emilio Gonzales III / Deputy Ombudsman	<ul style="list-style-type: none"> • Dismissed from the service by the Office of the President in April 2011. • Mr. Gonzales filed a Petition for Review with the Supreme Court and was reinstated by virtue of a Supreme Court decision promulgated on 4 September 2012. The incumbent Ombudsman has not reinstated him. • The Office of the Solicitor General filed Consolidated

¹ Santiago was moved to another office but not promoted prior to retirement on 16 March 2012.

² The Philippine National Police International Affairs Service has jurisdiction over less grave offences.

S/N	Individual and post at time of incident	Actions taken pursuant to the decision of President Aquino upon review of the Independent Investigation and Review Committee Report
		<p>Comment in January 2013, pleading disagreement with the Supreme Court decision.</p> <ul style="list-style-type: none"> • Mr. Gonzales filed a Motion for Reconsideration. • In 28 January 2014, Supreme Court affirmed its decision that the dismissal of Mr. Gonzales unnecessary, but is without prejudice to the power of the Ombudsman to conduct an administrative investigation, if warranted, into the possible administrative liability of Mr. Gonzales under pertinent Civil Service laws, rules and regulations • Mr. Gonzales retired as of February 2014 without having been reinstated to his former position as Deputy Ombudsman.
8	Michael Rogas / radio host	<ul style="list-style-type: none"> • Fined P15,000 by Kapisanan ng mga Brodkaster ng Pilipinas (Association of Broadcasters of the Philippines, KBP).
9	Erwin Tulfo / radio host	<ul style="list-style-type: none"> • Fined P10,000 by KBP.
10	Gregorio Mendoza / brother of hostage-taker, Rolando D. Mendoza	<ul style="list-style-type: none"> • The NAPOLCOM found Mr. Mendoza culpable for Grave Misconduct (Serious Neglect of Duty) and Illegal Possession of Firearms and imposed a penalty of dismissal from the Police Service on 30 October 2013. • Mr. Mendoza filed a Motion for Reconsideration on 20 November 2013. • Court proceedings are in progress for criminal charges for illegal possession of firearms and resistance and disobedience to a person in authority or the agents of such person. Criminal charge for serious illegal detention was dismissed by Regional Trial Court of Manila in April 2013.

Improvement Measures to Ensure Tourist Safety

A. Creation of New Units and Deployment of Police Resources

1. The Department of Tourism and the Philippine National Police (PNP) launched in December 2010 the “National Tourist-Oriented Police for Community Order and Protection” (“TOP COP”) Training Program. Special teams of tourist police are created to enhance security for tourists and tourist areas as well as to ensure the special and proper handling of tourist-related security and safety issues. As of March 2013, 53 seminars have been conducted and 2,817 police personnel have been trained under the TOP COP Training Program.
2. 558 Tourist Assistance Centres (TAC) and 1,838 Tourist Assistance Desks (TAD) have been established in areas of high tourism traffic. Since November 2010, the Department of Tourism and Philippine National Police have trained police personnel under the TOP COP Program. Once trained, they are deployed on a 24/7 basis to the TACs and TADs all over the Philippines with support from civilian personnel.
3. In October 2010, the PNP Highway Patrol Group has created and deployed a Special Task Force to intensify its operations to neutralise robberies whose modus operandi targets those arriving from the airport, including foreign tourists by pretending to accidentally bump the vehicles of their victims.
4. With a view to upgrading individual and team capabilities in crisis management, the PNP activated on 19 June 2011 the Crisis Action Force, an interim elite unit composed of personnel from the Special Action Force, Maritime Group and Aviation Security Group.

B. Promulgation of Guidelines, Handbooks and Manuals

5. Executive Order No. 82, signed on 4 September 2012, promulgates two documents, namely the Practical Guide for National Crisis Managers and the National Crisis Management Core Manual prepared by an inter-agency committee spearheaded by the Office of the National Security Adviser

following the President's instruction to review the 2000 Crisis Management Manual.

6. The PNP issued the Letter of Instructions No. 56/2010 "Bantay Turista" ("Safeguard the Tourist" in English) in October 2010 which sets police operational guidelines to protect and ensure safety of tourists and maintain peace and order in all tourist destinations.
7. Three Handbooks were published to guide the PNP in hostage situation management: Hostage Negotiation Handbook; PNP Critical Incident Management Action Flow Chart and Checklist Handbook; and PNP National Operations Centre Incident Management and Monitoring Handbook.
8. Field Manual in Investigation of Crimes was developed and published to improve investigation policies and procedures. The Field Manual will enhance and improve the investigative techniques employed by police personnel which in turn will impact on the overall security situation in the country, including tourism safety.
9. The Department of Interior and Local Government (DILG) has implemented Workshops on Crisis Management for Local Government Officials on their roles and functions in crisis incidents.
10. The DILG has implemented procurement reforms; the criteria for purchases should be the most reliable and cost efficient equipment based on the actual needs of the recipient police unit.
11. Coordination with KBP, the national organization of the Philippine broadcast industry, to formulate a protocol on media guidelines during crisis situation.

C. Briefings for Tourism Industry Stakeholders

12. Cross cultural learning and tourist safety seminars were organized for Hong Kong tourism industry stakeholders in October 2011, November 2011 and March 2012 respectively.

Ends