

A Court in Manila Acquits All 26 Accused in the Slaying of Aquino



Sygnma/Owen Franken

Gen. Fabian C. Ver

3 Judges Blame a Lone Gunman Rather Than a Military Conspiracy

By SETH MYDANS

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MANILA, Monday, Dec. 2— A three-judge court today acquitted the armed forces Chief of Staff, Gen. Fabian C. Ver, and all 25 other defendants of involvement in the August 1983 assassination of the opposition leader Benigno S. Aquino Jr.

"Thank God it's all over," said General Ver as security guards hurried him from the hot and crowded courtroom. He said he would await further orders from President Ferdinand E. Marcos, who has stated that the general, who is on a leave of absence, would automatically be reinstated if he was acquitted.

In a 90-page decision, the court supported the military's contention that Mr. Aquino was killed by a lone gunman, possibly working for the Communists, and not by a military conspiracy.

Widow Watches on TV

The defendants, all but one of them soldiers, were also cleared of involvement in the murder of Rolando C. Galman, the man the military says killed Mr. Aquino as he arrived at Manila International Airport after three years of self-imposed exile in the United States.

Mr. Aquino's widow, Corazon, and their two daughters watched the proceedings on live television in their home. Mrs. Aquino was expected to announce this week her candidacy to lead the political opposition against Mr. Marcos in presidential elections scheduled for Feb. 7. She has said she believes Mr. Marcos is the "No. 1 suspect" in the murder.

Demonstrators outside the courtroom banged on metal lampposts and urged passing motorists to "honk if you think he's guilty." They held banners denouncing the "U.S.-Marcos dictatorship."

"Now that the verdict is out, the Filipino people can fully understand why I said from the very beginning that justice is not possible so long as Mr. Marcos continues to be head of our Government," Mrs. Aquino said today.

'Insidious Forces' Denounced

In its verdict, the court denounced "insidious forces," "rabble rousers"

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and "myopic incitations" that it said had pronounced the defendants guilty before the trial began "in politically inspired rallies, in coffee shops and in beer houses."

The verdict supported the version of the assassination that has been put forward by Mr. Marcos and his supporters since the earliest days.

After the verdict was read, the defendants were escorted through crowds

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of reporters and driven away.

Earlier the Supreme Court ruled out the use of the bulk of evidence against General Ver. The trial was marked by accusations that the Supreme Court and the three-judge panel, both dominated by Marcos appointees, were not acting independently.

All 26 defendants pleaded not guilty when the trial began in February. General Ver and seven other military men faced possible 40-year sentences on charges of being accessories to the murder. Seventeen other soldiers, charged as principals faced the death penalty, and one civilian charged as an accomplice faced life imprisonment.

They were charged in the death of Mr. Aquino and Mr. Galman, who was gunned down beside him on Aug. 21, 1983. According to the military, Mr. Galman was the assassin and was in the pay of Communists.

General on Leave

While Mr. Marcos has said that General Ver, who took a leave of absence before his indictment on Feb. 1, would automatically be reinstated as Chief of Staff if acquitted, he has also hinted that the general would soon be moved elsewhere as part of a broad reorganization of the military.

The United States has lobbied hard against the general's reinstatement, arguing that it would set back military reforms that are vital to combating a growing insurgency. Senator Paul Laxalt, a Nevada Republican who brought Mr. Marcos a message of concern from President Reagan in October, said reinstatement would cause "a firestorm of reaction" in Congress.

Many Questions Unanswered

Testimony in the seven-month trial,

which followed 11 months of hearings by a fact-finding board, did not settle the many questions surrounding the assassination, and led to a widespread sense of cynicism about the proceedings.

"I shall just wait for justice after Mr. Marcos is no longer head of our Government," Mrs. Aquino said recently.

The assassination was a turning point in Philippine affairs, setting off huge public demonstrations that fueled a political shift in the nation toward radicalism and gave impetus to a

steady weakening of the economic situation.

Although Mr. Marcos rode out the immediate storm of protest, his position was weakened, and continued pressure from his opponents and from Washington led to his call for early elections.

Halted 37 times by postponements, the trial heard testimony from 108 witnesses on just 51 days. From the start there were accusations that the prosecution, under pressure from above, was not pursuing its case vigorously.

Key Witnesses Disappear

Several key witnesses, including friends of Mr. Galman and members of his family, and airline employees who had said they witnessed the shooting, disappeared before or after giving testimony.

A mistrial motion remained pending even as the verdict was due to be announced, with a group of prominent citizens charging that the court had not acted impartially and had been subject to pressure from the President.

This pressure was said to include the presence throughout the trial, on a platform beside the judges, of a special television camera that was believed to beam the proceedings directly into the presidential palace.

At an early stage in the trial, Mr. Marcos announced that General Ver, who heads the country's internal security forces, would be reinstated if acquitted. He also branded prosecution witnesses perjurers.

A Rebuke From the U.S.

The prosecution drew a rebuke as well from the American Embassy when it summarily rejected evidence by six United States Air Force officers who said the Philippines Air Force had scrambled two jets on the morning of Mr. Aquino's flight from Taiwan.

Throughout the case, the military

stood by its assertion that Mr. Galman was the assassin. The military guards who led Mr. Aquino from the aircraft and three civilian witnesses testified in support of this version.

For the prosecution, only one witness, Rebecca Quijano, known as the "crying lady" because of her tears at the time of the killing, testified that she had seen a soldier shoot the former Senator.

The prosecution relied on her testimony in asserting in its concluding statement that one of the soldiers directly behind Mr. Aquino as he left the aircraft had killed him with a pistol shot to the head.

Some of the strongest prosecution evidence came from television and audio tapes and from a chronological assemblage of photographs taken at the time of the killing. None showed the shooting itself.

One of the most telling pieces of evidence was the audio tape of a Western reporter that contained excited shouting and the sounds of a series of shots that could not be squared with the military version of events.

According to the timing demonstrated by the tape, Mr. Aquino would have been killed while still on the aircraft's service stairway, at a point when only his military escorts could have shot him.