



HERSON HINOLAN, 37

Place of Death: Kalibo, Aklan

Date of Death: 15 November 2004

Family Background / Civil Status: married to Aphrodite with whom he has a son.

News Organization/s (position/s): Hinolan was the station manager of dyIN Bombo Radyo in Kalibo. He also hosted the program “Bombohanay bigtime” at the said station.

Job/Employment Classification: regular

Affiliated Organizations: Kapisanan ng mga Brodkaster ng Pilipinas (KBP accredited)

Academic / Professional Background:

Hinolan has a degree in criminology from a Bacolod university. Immediately after he graduated, he joined Bombo Radyo Bacolod as a field reporter. In 1999, he became the station manager of dyIN Bombo Radyo in Kalibo.

Circumstances:

On 13 November 2004, Hinolan was urinating beside a storage house at a local carnival when a masked man approached and open fired at him. He ran away but the attacker immediately followed him and shot him again.

According to the police report, Hinolan, who was still running despite several gunshot wounds, fell to the ground at the corner of Mabini St. and Quimpo St. His attacker who was following him accidentally tripped at a road gutter, and was prompted to go back to his getaway vehicle manned by another man.

Witnesses brought him to the St. Gabriel Hospital where he was put under intensive care. Hinolan died after two days due to complications.

Case Status/Updates:

The PNP Regional Office 6 formed Task Force Hinolan on 14 November 2004 to investigate the murder.

On 18 November 2004, Peter Melgar came to the police and identified the gunman as then Lezo mayor Alfredo Arcenio. A day after, murder charges were filed against Arcenio before the Provincial Prosecutor's Office. But the prosecutor's office downgraded on 3 March 2005 the charges to homicide. The Information for Homicide was filed on 31 March 2005.

Hon. Judge Virgilio C. Paman, presiding Judge of Regional Trial Court 6, Br. 7 issued a warrant of arrest docketed under CC Nr. 7457. But according to police records, Arcenio was able to post a bail of Php 40,000 for his temporary liberty on 19 April 2005 even before the court issued the warrant of arrest.

On 3 May 2005, Kalibo RTC Branch 2 ordered a reinvestigation of the case. Assistant Regional State Prosecutor Virgilio Garcia conducted the reinvestigation and found probable cause for murder. The Information for Murder was filed on 19 December 2005 and a motion to admit the amended information was filed on 5 January 2006. By 3 August 2006, the RTC started to hear the said motion to admit amended information.

On 7 September 2006, the court found probable cause to issue a warrant of arrest against Arcenio based on the evidence presented during the preliminary investigation and re-investigation.

On 5 March 2008, Arcenio surrendered to Kalibo RTC Branch 7 after years of eluding police arrest. Right after his surrender, Arcenio filed a petition for bail. His surrender came after witness Melgar retracted last February 2008 his previous statement implicating Arcenio as the gunman. Almost four years after his first sworn statement, Melgar said it was a case of mistaken identity.

On 18 March 2008, the Philippine Supreme Court granted a petition by the Freedom Fund for Filipino Journalists (FFFJ) and the National Union of Journalists of the Philippines (NUJP) to transfer the venue of the Hinolan, along with Rolando Ureta case also from Aklan, to Cebu.

In its letter dated 5 February 2008, the FFFJ, a coalition of six media organizations formed in response to the tide of journalist killings, and the NUJP asked the High Court to transfer the venue of the trials of the suspects in the Ureta and Hinolan killings from the RTC of Kalibo, Aklan to any branch of the Cebu City or Makati City RTC "to avoid a miscarriage of justice and to dispel the impression that a culture of impunity encouraged by government inaction makes the Philippines 'the most murderous place for journalists.'"

FFFJ said that "(b)ecause of the clout and influence of the accused in the area as shown by their ability to unduly influence the investigation of the case, witnesses have been reluctant to break their silence and testify for fear of retaliation. To date, the masterminds of the crime remain free, as none of the law enforcement agencies dare to enforce the warrant of arrest against them and/or conduct further investigations to shore up the prosecution's evidence."

On 26 May 2008, Arcenio was arraigned at the sala of Cebu Regional Trial Court Branch 16 Judge Sylva Aguirre-Paderanga. Arcenio pleaded "not guilty."

The prosecution managed to compensate for the retraction of Melgar after it presented a surprise eyewitness on 26 May 2008 who positively identified Arcenio as the gunman. Niño Suñer, 19, identified Arcenio as the man whom he saw gunned down Hinolan. Suñer said he was just a few meters away from the scene of the crime. When asked to point who Arcenio was, Suñer left the witness stand and walked a few steps near the back row to point Arcenio, who was clad in an orange detainee shirt.

Arcenio said he does not know Suñer and said that the latter is a “trained witness.”]

Paderanga then dismissed the motion of Arcenio to post bail saying that the evidence against the suspect is strong.

The case is still being heard by Paderanga.

Background:

Annteslene Salazar, a news writer for DYIN Bombo Radyo in Kalibo said Hinolan’s colleagues believe he was killed because of his work.

Hinolan has aired “hard-hitting commentaries” on his program “Bombohanay Bigtime” which aired from Monday to Saturday, 6:30 – 9 a.m. Hinolan was known for criticizing public officials involved in anomalies and graft and corruption acts. Hinolan had been very vocal against illegal gambling in the area, Salazar added. Hinolan criticized the gambling practices of Arcenio in his radio show.