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Prosecutors contest court order releasing Malaysian vessel

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PUERTO PRINCESA CITY, Philippines -- Government prosecutors and law enforcement agencies here are contesting a court order releasing a Malaysian fishing vessel seized last May 31 for allegedly poaching in Philippine waters.

In a decision that caught government prosecutors by surprise, Judge Toribio Ilao, Jr. of Regional Trial Court Branch 52, on Monday cited as his basis the claim by the vessel's owners that it had deteriorated and was about to sink in the waters of Puerto Bay, where it had been docked pending completion of the trial.

The vessel was seized off the island town of Balabac Navy and Bureau of Fisheries personnel.

In an apparent bid to prevent its departure despite the P30,000 bail imposed by the judge, prosecutors and the agencies involved in the apprehension of the vessel filed a motion for reconsideration on Tuesday.

"We were surprised and extremely disappointed with the decision because the vessel is still under our custody. We have yet to offer it as evidence in the forthcoming trial and he [Ilao] has ordered it released," chief provincial prosecutor Allen Rodriguez told the Philippine Daily Inquirer (parent company of INQUIRER.net).

Ilao had noted that the 34-ton fishing vessel was already "half submerged in water" and that "it is more practical and beneficial to the government...that temporary custody be given to the owner."

However, an official of the Provincial Committee on Illegal Entrants refuted the condition of the vessel as described by Ilao, saying that, contrary to the claim of its Malaysian owners, the vessel was in good condition.

"I accompanied the representatives of the Malaysians in inspecting that boat just recently and it is in perfect condition. It is not submerged as stated by the court and it is far from sinking. That is absolutely not true," Navy Lieutenant Rolando Nastor, secretary of PCIE Palawan, told the Inquirer.

Prosecutor Regidor Tulali, who handles the case, worried that the vessel could be smuggled out of the country once it is released to its owners "considering the measly valuation imposed by the court."

"The judge relied on the statement of an engine mechanic working for the owner that it is now only worth P30,000. That is absurd. At the very least, the court should have had it valued by a qualified appraiser," Tulali said.

The trial for the five-man Malaysian crew is set for January next year.

The accused were identified as: boat captain Tunding Bin Ahad, 39; Rollie Samsi, 29; Ebsil Bin Palimbong, 26; Ottong Bin Karibul, 22; and Muslim Walin, 20.

The vessel, registered under the name of Malaysian national Chin Wi Wing, was caught by an inter-agency government enforcement team some 14 nautical miles southeast of Mangsee Island, Balabac.

Early this year, Judge Ilao also ordered the release of the Chinese vessel King King Hai, while the case was undergoing pre-trial hearings.

However, when the case was transferred to another court for trial, the presiding judge reversed his order.

The King King Hai case involves five Chinese nationals arrested for illegal fishing, also off Mangsee, June 17 last year.

In another case involving a separate group of Chinese fishers caught poaching near Cagayancillo, Palawan in 2002, Judge Ilao issued an order in July this year revoking the temporary custody of the vessel granted to a local state university and ordering its auction.

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