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Palawan court junks poaching case vs 22 Chinese fishermen

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PUERTO PRINCESA CITY, Philippines -- The special court handling environmental cases in Palawan Friday dismissed the cases against suspected Chinese poachers arrested in 2006 near Balabac Islands some 270 kilometers south of Puerto Princesa City.

Regional Trial Court Branch 52 Judge Toribio Ilao ruled in favor of the 22 Chinese fishermen who claimed they were already outside the country's boundaries and inside Malaysia off Mangsee Island when arrested in October 2006 by Philippine law enforcers.

Provincial prosecutors pursued the case against the Chinese for violating Sections 87 and 88 of the Fisheries Code which prohibit poaching and the use of explosives and noxious substances, respectively.

The case is one of two similar poaching cases involving Chinese fishermen being heard in Palawan courts.

Another group of Chinese fishermen were arrested two months earlier while fishing inside the Tubbataha Reefs, a protected marine sanctuary at Palawan's Sulu Sea flank.

In his ruling, Ilao ruled that the prosecution witnesses had provided inconsistent testimonies to establish that the Chinese were actually fishing near Mangsee Island, Palawan's southernmost tip.

The Chinese fishers, who were chased by Coast Guard and Navy personnel for about two hours before they were nabbed inside Malaysian territory, asserted that the arrest was illegal since it was done in foreign waters.

Ilao rejected the prosecution's position that the arrest was valid since it was done during a hot pursuit operation.

Prosecutors expressed apprehension that since the court's order was issued on a Friday and was immediately effective to enforce the release of the Chinese nationals detained at the provincial jail, they had not been given an opportunity to file an appeal to contest the decision.

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