

JOINT-AFFIDAVIT OF ARREST

we the undersigned Agents and Special Investigators of the National Bureau of Investigation (NBI) all assigned with the Anti-Human Trafficking Division (AHTRAD), all of legal age, with postal address at Room 507, NBI Main Building, 1201 Avenue, Manila, after having been sworn to in accordance with law, hereby declare and state that;

On January 3, 2014, our office received information from the Homeland Security Investigations, United States Embassy in Manila, regarding the orphanage Sankey Samaritan Missions located in Lucena City. The letter alleged that the operators of the orphanage are trafficking adults and minors and are also allegedly sexually abusing the orphans. Acting on the said information, the NBI Anti-Human Trafficking Division initiated an investigation in order to validate the information forwarded to our end.

██████████ a teacher at the Sankey Mission came to our office and provided information about the alleged sexual abuse and harassment perpetrated by Subject PERFECTO "TOTO" LUCHAVEZ JR. Subject LUCHAVEZ is the executive director of the Sankey Samaritan Missions. Per Shirley Formales' account, orphans ██████████ and ██████████ confided to her that they were sexually harassed by TOTO LUCHAVEZ. Toto allegedly forced the girls to kiss him on the lips on several occasions.

██████████ an american volunteer with another children's Shelter named Faith, Hope, and Love, Kid's ranch came to know ██████████, a former ward of Sankey Samaritan. According to ██████████, ██████████ confided to her that he was raped at the Sankey Mission when he was only 13 years old and as a result the latter had persistent thoughts of killing and harming himself. ██████████ appeared before the NBI and executed an affidavit.

Victim ██████████ appeared before the NBI-AHTRAD and corroborated the statements of ██████████. ██████████ stated that when he was 8 years old, her mother died, and his father suffered a stroke and can no longer work. As a result, a relative referred him to Sankey Samaritan for care and support. He stated that he along with another orphan (██████████) were raped by MARK JAYROLD A. LUCHAVEZ aka "JAKE", son of TOTO CHAVEZ, when he was still staying at the Sankey Samaritan. ██████████ also stated that her younger sister ██████████ is a ward at Sankey and that her sister told her that she was forcibly kissed and embraced by TOTO LUCHAVEZ last month, December 2013. This latest incident of abuse involving her sister prompted

him to come forward before the NBI. Victim [redacted] also stated that the wards of the mission are dependent on the officers of the mission for their day to day existence (free food and shelter), as well as tuition for their education,

and that this dependency is what makes the kids vulnerable to abuses, and when the abuses do happen, they are reluctant to talk about it for fear of being kicked out of the shelter.

The NBI AHTRAD, after taking into consideration the statements made by [redacted], [redacted], and victim [redacted], concluded that the wards of the orphanage are under constant and persistent threat of sexual and psychological abuse from their supposed guardians. And as a result, a rescue operation was planned with the goal of rescuing all the wards staying at the orphanage.

At around 12:00am of January 13, 2014, NBI AHTRAD and IACAT operatives along with the Social Welfare Officers from the DSWD assembled at the office of the NBI AHTRAD office for a briefing prior to the conduct of the rescue operation. After about an hour, the briefing was concluded and the group proceeded to Lucena City to conduct the operation.

On January 13, 2014, at around 6:00 am, NBI-AHTRAD operatives together with the Social Welfare Officers from the DSWD Region 4-A office, proceeded to the Sankey Samaritan Mission Compound located at Purok Lang-ilang 2, Silangang Mayao, Lucena City.

Rescued inside the Shelter were 31 orphans, consisting of 13 males and 18 females, 8 of whom were minors. The orphans were then taken into custody by the DSWD. Apprehended and taken into custody for investigation are the following officers of the Sankey Samaritan Mission Inc. namely: THOMAS A. RANDALL, owner; PERFECTO "TOTO" LUCHAVEZ, executive director; and MARK JAYROLD "JAKE" LUCHAVEZ, board member;

The rescue operation was conducted in a peaceful and orderly manner in the presence of lawful occupants of Sankey Samaritan Mission Inc., and the Social Welfare Officers from the DSWD.

Upon conclusion of the operation, subjects and victims were transported to the NBI-AHTRAD office to undergo post-operation processing. Arrested subjects were duly informed of their constitutional rights under the circumstances and were subsequently made to undergo the standard booking procedures.

During the investigation, statements of the victims were taken establishing the following:

That there were at least three orphans who were raped inside the orphanage by the maintainer or former maintainer of the orphanage. Victim [redacted] and [redacted] were made to perform fellatio by subject Mark Jayrold "Jake" Luchavez when the victims were 13 and 11 years old respectively. Victim [redacted] were made to perform fellatio with "mayonnaise" by dorm parent Melvin Garcia when she was 11 or 12 years old.

There exists a pattern of continuing sexual abuse and exploitation occurring inside the orphanage's premises with the maintainer, specifically Subject [redacted] "Toto" Luchavez as the sexual predator. (Statements of victims [redacted], [redacted], [redacted])

The reason for the sexual abuses not being reported to the authorities are that the surrogate parents (maintainers/dorm parents) exercise moral ascendancy over the orphans.

That the orphans fear that exposing what is happening inside the orphanage may lead to them being deprived of material and financial support and curtailment of their educational privileges.

That victims' right to communicate to persons outside of the orphanage were strictly monitored, specifically the use of cellphones and internet.

That there exist a continuing and pervasive threat of violence and intimidation (showing and displaying of firearms) coming from the executive director of the orphanage, Toto Luchavez. (See Statements of orphans/victims)

During the rescue operation Subject Thomas "Uncle Tom" Randall received the undersigned NBI Agents and in the process tried to conceal the complicity of Subject Toto Luchavez by stating that the latter is no longer connected with Sankey Samaritan Missions. However statements made by the victims clearly show that Luchavez still runs the day-to-day operations of the orphanage. Randall was also informed on several occasions by the victims and by concerned individuals that sexual abuses were occurring inside the orphanage, but for reasons known only to him, Subject Randall chose to ignore the complaints.

Based on the undersigned operatives' observation, offenses have just been committed and that these were facts corroborated by the statements of victims and witnesses. Having established probable cause that the above-mentioned Subjects were the persons responsible for the trafficking, abuse, harassment, and exploitation of the rescued victims, therefore, pursuant to

section 5(b) of Rule 113 of the Revised Rules on Criminal Procedure, Subjects were placed under arrest.

(40)

4 Undersigned Agents and Special Investigators are executing this statement to attest to the truth of the foregoing facts in support of our recommendation for the prosecution of the herein-named Subjects for Violation of Article 266-A in relation to Art. 266-B of R.A. 8353 (The Anti-Rape Law of 1997) against MARK JAYROLD "JAKE" LUCHAVEZ and former dorm parent/Sankey employee MELVIN GARCIA.

Violations of Section 4 (a) and Section 4-C, par. B of R.A. 10364 (Expanded Anti-Trafficking in Persons Act of 2012) against Subject PERFECTO A. LUCHAVEZ JR. alias "TOTO". Violation of Section 4-C par. B against Subject THOMAS A. RANDALL, and Violation of P.D. 1829 par. 1 (Obstruction of Justice) against Subject THOMAS A. RANDALL.

Affiants sayeth naught.

ABDUL JAMAL D. DIMAPORO

SRA BASSET M. SARIP

MARK DARYL D. ZACARIAS

AGT. VICTOR JOHN PAUL RONQUILLO

DAVID P. GOLLA IV

SI III ORLANDO V. ENRIQUEZ

DANILO N. GARAY


SI IV ROY RUFINO C. SUNEGA

ORIENTE R. DURIAN

SA CZAR ERIC M. NUQUI

4

SUBSCRIBED AND SWORN TO BEFORE ME, this 14th day of January 2014 at the City of Manila, Philippines. I FURTHER CERTIFY, that I personally examined the herein affiant and that I am fully convinced that they freely and voluntarily executed this statement and that they fully understood its contents.



ATTY. DANTE B. BONOAN, CPA
(By Authority of R.A. 157)



MARK ROLAND S. ESTEPA
Assistant State Prosecutor