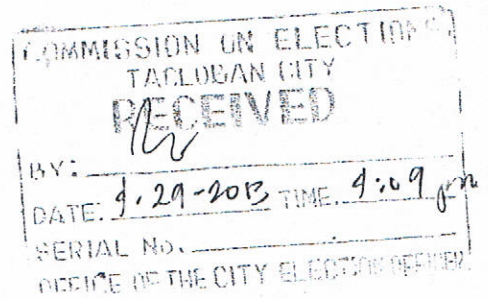


Republic of the Philippines}
City of Tacloban }s.s.



COMPLAINT-AFFIDAVIT

I, **MANUEL "MANIX" B. MARTA** of legal age, married, resident of Barangay 87, Manlurip, Tacloban City, Philippines after having been duly sworn in accordance with the law do hereby depose and say:

- 1- That, I am a member of the local media journalist with radio/television broadcaster and commentator with regular columns on local newspapers and regular appearances in programs airing on the radio and television, one of which is a radio program airing on local radio station DYBR entitled "Punto de Vista" airing during the timeslot of 7am and 8am Mondays to Saturdays;
- 2- That, on or about a few minutes before 8 'o clock in the morning of April 26, 2013, Friday, as I was wrapping up my program Punta de Vista in the announcer's booth within the premises of radio station DYBR, **An Waray Congressman and Tacloban City mayoralty candidate, FLORENCIO "BEM" NOEL** accompanied by unnamed threatening armed bodyguards and some Sangguniang Panlungsod candidates Jing Sumayod and Raissa Villasin, and another unidentified female angrily and purposely stormed and forced his way into the station;
- 3- That, **An Waray Congressman FLORENCIO "BEM" NOEL** successfully forced his way through the station personnel and through closed doors and into a restricted area reserved only for scheduled announcers and his/her invited welcome guests and angrily proceeded towards me as I sat surprised and taken aback by his audacity, arrogance and threatening manner and sudden unwelcome appearance in the booth towards the end of my timeslot;
- 4- That, **An Waray Congressman FLORENCIO "BEM" NOEL** then sat on the seat reserved for invited guests only then frantically and angrily pushed buttons while angrily saying "Naikabaronako! Naikabaronako!" (I want to reply! I want to reply!) over and over;
- 5- That, upon **An Waray Congressman FLORENCIO "BEM" NOEL's** uncalled for, unwelcome and improper intrusion into the announcers booth, and even in my surprise I was able to publicly acknowledged his presence and sudden appearance in the station,

albeit unwelcome and improper, on air;

- 6- **That**, even upon realizing that the guests' microphones were already turned off and despite having been told that the program was already over (I could see my production assistant, Anna Lissa M. Anduyan, gesturing that we had no more time left because it was already 8 am and knowing strict station policy of adhering to allotted timeslots and also right after each program and before the next one there is always an hourly time check announcement "impunto" [it is exactly] then the hour) **An Waray Congressman FLORENCIO "BEM" NOEL** was still adamant and stubborn in his arrogant insistence that he had a right to talk on air just because he wanted to be heard at whatever time he wished without having to go through the process of requesting for a scheduled opportunity even going as far as coming at me threateningly and grabbing my announcer's microphone;
- 7- **That**, **An Waray Congressman FLORENCIO "BEM" NOEL**, in his angry, threatening and frantic state, succeeded in forcibly wrestling the microphone from my hands and without any prior consent and authorization from myself as the announcer and moderator of the particular program Punta de Vista or the Radio Station DYBR (Apple Radio), even managing to say on air "Na-ikabaronako!";
- 8- **That**, I then took back my microphone and proceeded to close my program "Kay waraynamanakooras, dinhiko gin tatapos an programa." [Because I am out of time, I have to end my program here.] Then acknowledged my staff for closing credits;
- 9- **That**, upon realizing the futility of his arrogant and stubborn insistence in storming the station and barging unwelcome during my program, **An Waray Congressman FLORENCIO "BEM" NOEL** immediately left the station with his bodyguards and the rest of his party. I found out later on that he proceeded to another radio station where he continued his attack on my person and Program on air, even boasting of his earlier deliberate illegal, improper and unbecoming acts consisting of intimidation, threats and malicious acts in the radio station DYBR and calling me a coward on air;
- 10- **That**, as if that blatant, disrespectful, arrogant and malicious display of disregard for the law and abuse of power of just storming in to a paid radio program was not enough, the very next day while I was in the middle of hosting the same program Punta de Vista at on or about 7:30 in the morning, a male caller pretending to be a react-or to the issue then being discussed in order to be allowed on air suddenly uttered and threatened "Di ka nganimumdangpagyinkan, babatakonkohingranadaitongaiyoistasyon!" [If you don't stop talking, I will throw a grenade at your station!];
- 11- **That**, the said grenade/bomb threat instantaneously struck fear in myself, my staff and the station and its staff with some employees including my production assistant Anna Lissa M. Anduyan who

burst into tears upon hearing the forceful, threatening and intimidating words of the caller;

- 12- **That**, these incidents are clear forms of harassment and intimidation to discourage free political commentary and these calculated illegal, abusive and arrogant acts of **An Waray Congressman FLORENCIO "BEM" NOEL** are clear indications of his lack of qualification, moral and legal fitness to occupy a position of authority and power in government, him being a lawmaker who shows no qualms about breaking the same laws he has sworn to uphold as a public officer;
- 13- **That**, as a resident and *bona fide* registered voter in the City of Tacloban where the subject violation/s of Section 261 (e)¹ of the Omnibus Election Code in addition to any other administrative and criminal liabilities of assault, theft of airtime, trespassing on private restricted property, libel and threats under the Revised Penal Code, as applicable contained in this Complaint-Affidavit were committed;
- 14- **That**, Tacloban City mayoralty candidate and incumbent Party-list Congressman (An Waray) **FLORENCIO "BEM" NOEL**, a resident of Fatima Village, Tacloban City, acted in a deliberate, malicious and purposeful manner and knowingly committed the illegal acts unbecoming of a public official who has sworn to uphold the law but has repeatedly, deliberately and arrogantly disregarded the same to suit his own interests as herein narrated as reported in the **Official Police Blotter evidenced by a Certification** (herein attached, marked **Annex A** and made an integral part of this Complaint-Affidavit) and witnessed by my Production Assistant Anna Lissa M. Anduyan and other staff/employees (their statements are herein attached, marked **Annexes B and C** respectively and made an integral part of this Complaint-Affidavit);
- 15- **That I am executing this Complaint-Affidavit to attest to the truthfulness of the foregoing facts and that in the instant COMPLAINT be acted upon as soon as possible;**

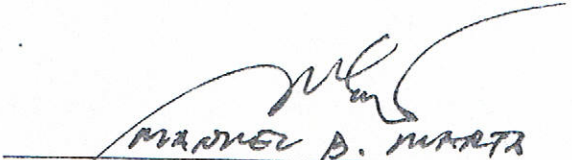
¹ Section 261. Prohibited Acts. – The following shall be guilty of an election offense:

xxx	xxx	xxx
e. Threats, intimidation, terrorism, use of fraudulent device or other forms of coercion. – Any person who, directly or indirectly, threatens, intimidates or actually causes, inflicts or produces any violence, injury, punishment, damage, loss or disadvantage upon any person or persons or that of the immediate members of his family, his honor or property, or uses any fraudulent device or scheme to compel or induce the registration or refraining from registration of any voter, or the participation in the campaign or refraining or desistance from any campaign, or the casting of any vote or omission to vote, or any promise of such registration, campaign, vote, or omission therefrom.		
xxx	xxx	xxx

16- That the incidents and acts of incumbent An Waray Congressman FLORENCIO "BEM" NOEL be investigated and upon finding of probable cause that the corresponding information for cases for appropriate administrative and/or criminal cases including election offenses be filed in the appropriate court or tribunal PROMPTLY in the interest of fair and honest elections and to ensure speedy administration of justice;

Affiants further sayeth naught.

IN WITNESS WHEREOF, we hereunto affixed our signatures below
this 29th day of April 2013 in the City of Tacloban, Philippines.


MARNEZ D. MARTA
Affiant
Govt Issued ID LTO ID No. H02-79-024104
Valid Until Nov. 11, 2015
Date of Issue _____
Place of Issue LTO Tacloban City

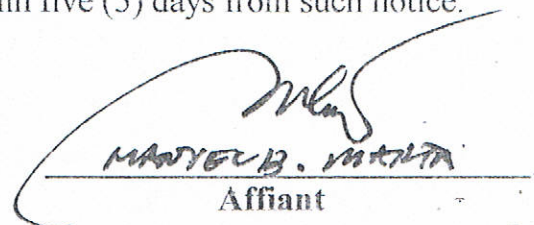
SUBSCRIBED AND SWORN to BEFORE ME this 29th day of April 2013 in the City of Tacloban, Philippines. FURTHER CERTIFIES that I have personally examined the herein affiant and was fully convinced that he freely executed and understood the contents of this Complaint-Affidavit.

Republic of the Philippines }
City of Tacloban } s.s

VERIFICATION AND CERTIFICATION
OF NON-FORUM SHOPPING

I, **MANUEL "MANIX" B. MARTA**, of legal age, married, Filipino, with residence at Barangay 87, Manlurip, Tacloban City, after having been sworn in accordance with law, hereby state:

1. I am the affiant in the attached Complaint-Affidavit with residence at the above-mentioned address and I have caused, the preparation and filing of the foregoing Complaint-Affidavit.
2. I have read the contents of the foregoing Complaint-Affidavit and I attest that the contents of the same are true and correct to the best of my personal knowledge and based on authentic documents/evidence in my possession.
3. I attest that I have not commenced any other action or proceeding, involving the same facts and issues subject of this present Complaint-Affidavit, in the regular courts, the Supreme Court, the Court of Appeals, or the different divisions thereof, or any other tribunal or agency.
4. To the best of my knowledge, no such action or proceeding over the same facts and issues is, or remains, pending in the regular courts, Supreme Court, the Court of Appeals, or the different divisions thereof, or any other tribunal or agency.
5. If I should hereafter learn that a similar action or proceeding has been filed or is pending before the regular courts, Supreme Court, the Court of Appeals, or the different divisions thereof, or any other tribunal or agency, I undertake to promptly inform this Honorable Court of that fact within five (5) days from such notice.


MANUEL B. MARTA
Affiant

SUBSCRIBED AND SWORN TO before me this 29th day of April, 2013 in Tacloban City, with the affiant exhibiting to me his competent evidence of his identity, a Government Issued ID No. LT0-1D 402-79-021104 Issued by LT0-TACLOBAN on _____ and valid until NOV. 11, 2015 in Tacloban City.

Doc. No. 187 ;
Page No. 79 ;
Book No. VIII ;
Series of 2013.

ATTY. HANNAH B. REYES DELGADO, CPA
NOTARY PUBLIC
Until December 31, 2013
Notarial Commission No. NC-2012-01-14, November 22, 2011
IBP No. 876898, January 2, 2012, Leyte Chapter
PTR No. 7167717, January 2, 2013, Tacloban
Roll No. 53390, Page No. 178, Book No. XXII
Tacloban City
Office Address: # 183.D P. Paterno Street
Tacloban City, Leyte 6500
Tel. No. (053) 341-8977
TIN 921-550-065
(MCLE Compliance # III-0006310, 23 November 2009)
(MCLE Compliance # IV-0001066, 22 December 2010)



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
TACLOBAN CITY POLICE OFFICE
Police Station 1
Marasbars, Tacloban City



CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that as per record available from this office hereunder is a true and correct copy from the Sagkahan PCP Police blotter under Volume I Series of 2013 which is under the legal custody of the Chief of Police.

ENTRY NO.	DATE	TIME	INCIDENT/EVENT
455	26 April 2013	7:55 PM	For Record

Complainant : **MANUEL MARTA y BORREL**, of legal age, married, broadcaster of DYBR radio station, and a resident of Brgy. 84 Manlurip, San Jose, Tacloban City

Suspects : **An Waray Cong. BEM NOEL, JING SUMAYOD, RYZZA VILLASIN** and two (2) unidentified male bodyguards.

Witness : 1. **ANNALISA MACAPANAS y MERCADO**, of legal age, separated, production assistant of the complainant, and a resident of Brgy. 48 Magallanes, Tacloban City.

2. **ERWIN AYOSUN y BADUYA**, of legal age, married, driver of the complainant, a resident of Brgy. 48 Magallanes, Tacloban City.

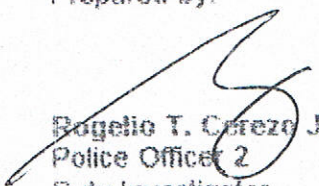
TDPO : At about 7:58 AM April 26, 2013 at the announcer's booth of DYBR radio station, located at Brgy. 56-A Lirang, Tacloban City.

Remarks : Complainant and his witness together with DYBR radio station manager personally came to this office reported and requested to put into record alleged that on the above-mentioned TDPO named suspects arrived and headed straight to the announcer's booth, and upon inside suspect An Waray Cong. Bem Noel arrogantly insisted that he wanted to have an airtime for a reaction about the complainant's live topic program. However he (Marta) refuses for it has only two (2) minutes left to the program. Furthermore complainant averred that said Cong. Noel forcibly grab the microphone and even try to high the volume but no to avail for it was already switches off, afterwhich the group left the radio station on board with their vehicles. For reference.

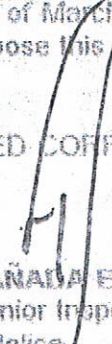
(SGD) PO2 Jabagal, DA

Issued upon the request of the interested party this 29th day of March 2013, at Police Station 01, Sagkahan PCP, Tacloban City, Philippines for whatever legal purpose this may serve.

Prepared by:


Rogelio T. Cerezo Jr.
Police Officer 2
Duty Investigator

CERTIFIED-CORRECT


ALEX CANADA ECHON
Police Senior Inspector
Chief of Police

O.R# : 7241874
Issued on : April 29, 2013
Issued at : Tacloban City

REPUBLIKA NG PILIPINAS)
LUNGSOD NG TACLOBAN) S.S.

SINUMPAANG SALAYSAY

Ako si ANNALISA M. ANDUYAN, Pilipino, nasa hustong taong gulang, may asawa at nakatira sa Barangay 48 Esperas Avenue, Tacloban City, pagkatapos manumpa ng naaayon sa batas ay nagsasalaysay ng mga sumusunod:

1) Ako ay namamasukan bilang *Production Assistant* sa DYBR, isang Radio Station na napapakinggan sa Lungsod ng Tacloban.

2) Noong ika-26 ng Abril 2013, ako ay nasa Radio Station habang ang aming Radio Announcer na si Manuel "Manix" Marta ay on-board sa kanyang programang "*Punto De Vista*".

3) Mga ilang minuto bago mag-alas-otso ng umaga, nagulat na lamang ako ng sumugod sa aming istasyon si Cong. Florencio "Bem" Noel, kasama ng kanyang napakaraming body guards na pawang may mga armas. Galit na galit na nagpupumilit si Cong. Bem Noel na gusto daw niyang magsalita at pilit na inagaw niya kay Manix ang mikropono. Nakita kong pinapakailaman niya ang mga controls sa loob ng booth habang sinasabi niyang gusto daw niyang sumagot.

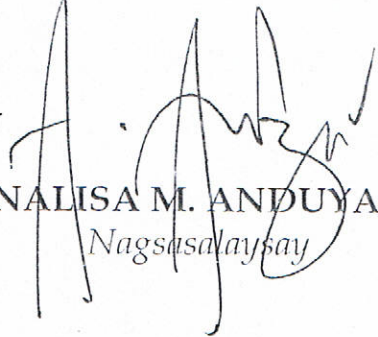
4) Ilang saglit lamang ay umalis na rin sila, ngunit naiwan kami ni Manix na takot na takot at nabigla sa mga pangyayari. Sa katunayan, hindi ko napigilang umiyak sa sobrang takot. Hindi ko

akalain na ang isang Congressman na tulad niya ay magagawang manakot at magwala sa aming istasyon.

5) Kinabukasan, nakatanggap kami ng tawag mula sa isang tagapakinig ng istasyon. Sa aming matinding gulat, tinakot niya kami *on-air* at sinabing babatuhin niya kami ng granada sa istasyon kung hindi kami titigil sa pagsasalita. Sinabi niya na *"Di ka ngani umundang pagniyakan, babatakon ko nin granada, ito nga iyo istasyon"*

6) Ang Salaysay na ito ay aking kusang-loob na isinagawa at sinumpaan upang patotohanan ang mga nakasaad dito.

SA KATUNAYAN NG LAHAT, ito ay aking nilagdaan at sinumpaan ngayong ika-29 ng Abril 2013 dito sa Tacloban, Leyte.



ANNALISA M. ANDUYAN
Nagsasalaysay

Nilagdaan at sinumpaan sa harap ko ngayong ika-29 ng Abril 2013 sa Lungsod ng Tacloban at ipinakita ng nagsalaysay ang kaniyang katibayan ng pagkatao.

CERTIFICATION

I hereby certify that I have personally examined the affiant/s and that I am satisfied he/they voluntarily executed and understood the contents of his/their Affidavit/s.

SINUMPAANG SALAYSAY

Ako, si ERWIN B. AYUSON, Pilipino, nasa hustong taong gulang at nakatira sa 62 Esperas Avenue, Lungsod ng Tacloban, matapos manumpa ng naayon sa batas, ay nagsasalaysay ng mga sumusunod:

- 1) Ako ay namamasukan bilang drayber ni Manuel "Manix" Marta.
- 2) Noong ika-26 ng Abril 2013, inihatid ko ang aking boss na si Manix sa radio station kung saan siya ay nagtatrabaho. Bandang alas-8:00 ng umaga, habang ako ay naghihintay sa labas ng radio station ay dumating si Cong. Florencio "Bem" Noel na tila pulang-pula at nanggagalaiti sa galit. Kasama niya ang kanyang napakaraming bodyguards na pawang may mga armas.
- 3) Habang papasok sila ay narinig kong galit na galit na nagtanong si Cong. Bem Noel kung nandoon ba sa istasyon si Manix.
- 4) Dahil sa pangamba ko na may masamang mangyayari, dali-dali akong tumakbo papasok upang bigyan ng babala si Manix. Humarang ako sa pintuan ngunit hindi ko na nagawang pigilan sila sa dami ng kanyang mga armadong bodyguards.
- 5) Ang salaysay na ito ay aking isinasagawa upang patotohanan ang mga nakasaad dito.

Sa katunayan ng lahat, ito ay aking isinalaysay at nilagdaan ngayong ika-29 ng Abril 2013 sa Lungsod ng Tacloban.


ERWIN B. AYUSON
Nagsasalaysay

Nilagdaan at sinumpaang sa harap ko ngayong ika-29 ng Abril 2013 sa Lungsod ng Tacloban at ipinakita ng nagsasalaysay ang kanilang mga katibayan ng pagkatao.

CERTIFICATION

I hereby certify that I have personally examined the affiant/s and that I am satisfied he/they voluntarily executed and understood the contents of his/their Affidavit/s.