

Republic of the Philippines
REGIONAL TRIAL COURT
Third Judicial Region
Branch _____
Olongapo City

MARILOU S. LAUDE,
Petitioner,

- versus -

EDUARDO SL. OBAN JR.
& JOHN DOES,

Respondents.

X ----- X

**PETITION TO CITE
FOR INDIRECT CONTEMPT**

Petitioner **MARILOU S. LAUDE**, by counsel, respectfully states that:

1. Petitioner Marilou Laude is the Private Complainant in the case entitled *People of the Philippines vs. L/Cpl Joseph Scott Pemberton* docketed as Criminal Case No. 865-14 (For: Murder) before the Regional Trial Court Branch 74 of Olongapo City. She may be served with notices of this Honorable Court and other documents arising from this proceeding through undersigned counsel at Unit 1904 Antel Corporate Center, 121 Valero Street, Salcedo Village, Makati City 1227.

2. Respondent Undersecretary Eduardo Oban is the Executive Director of the Presidential Commission on Visiting Forces Agreement. He may be served with notices of this Honorable Court and other documents arising from this proceeding at the DFA Bldg., Roxas Boulevard, Pasay City.

3. Respondent John Does are the eleven (11) unidentified US Security Personnel accompanying and guarding the convicted US Marine Joseph Scott Pemberton on the day of the promulgation of the Decision in the above-mentioned criminal case.

4. The Regional Trial Court rendered a Decision dated 18 November 2015 finding the accused L/Cpl. Joseph Scott Pemberton GUILTY of the crime of HOMICIDE. A certified true copy of the Decision is attached hereto as ANNEX "A".

5. In the said Decision, the RTC ordered that Pemberton be temporarily committed to the **New Bilibid Prison, Bureau of Corrections, Muntinlupa City**. The pertinent portion of the Decision reads, to wit:

Pending clarification of the agreement [under the Philippines-US Visiting Forces Agreement on the detention facility for convicted US personnel], accused L/CPL JOSEPH SCOTT PEMBERTON is hereby temporarily committed to the New Bilibid Prison, Bureau of Corrections, Muntinlupa City.¹

6. On the same day as the promulgation of the above Decision, counsel for therein accused Pemberton filed an *Urgent Motion for Clarification* praying for the confinement of Pemberton at the Armed Forces of the Philippines Custodial Center (AFP Custodial Center) at Camp Aguinaldo, Quezon City.

7. The RTC ruled on the said Motion and issued an Order dated 01 December 2015 ordering the following:

Executive Director Eduardo Oban, Jr. of the Philippine Commission on Visiting Forces (PCVF) manifested in open court that Philippine government authorities composed of the Bureau of the Bureau of Corrections, Department of Justice, and the Philippine National Police, among others agreed that the accused, when necessary, shall be confined at the AFP Custodial Center, Camp Aguinaldo, Quezon City and under the supervision of the Bureau of Corrections. The prosecution, thru City Prosecutor, Emilie Delos Santos, manifested that the custody issue of accused Pemberton after conviction is beyond their authority to comment.

In view thereof, the Executive Director of PCVF is hereby ordered to submit to this Court within five (5) days from the order the Memorandum of Agreement (MOA) entered into by the and the written Agreement between the duly authorized representatives of the United States of America and the Republic of the Philippines on the

