*Annex* ***“D”****:*

*Sample EXTRA JUDICIAL CONFESSION in ENGLISH*

**NOTE:**  *This only serves as a guide and questioning may not be limited only to elicit voluntary information found herein.*

SWORN STATEMENT OF ***\_\_\_\_\_\_\_\_\_\_(NAME OF AFFIANT)\_\_\_\_\_\_\_\_\_\_*** THAT WAS FREELY AND VOLUNTARILY GIVEN TO \_\_\_(RANK AND NAME OF POLICE OFFICER)\_\_\_ , MEMBER OF THE ­\_\_ \_\_\_\_\_\_\_(OFFICE NAME)\_\_\_\_\_\_\_\_, LOCATED AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, THIS \_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_, 2016 AT ABOUT \_\_\_\_\_\_ IN THE (MORNING/AFTERNOON) IN THE PRESENCE OF \_\_\_\_\_\_(NAME OF COUNSEL)\_\_\_\_\_\_\_ HIS/HER CHOSEN COUNSEL OR COUNSEL GIVEN BY THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, TO ASSIST HIM/HER IN THE GIVING OF STATEMENTS AND \_\_\_\_\_\_\_(OTHER WITNESS/ES)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

**COVENANT:** Mr. / Ms. / Mrs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby volunteer yourself to give sworn statement about your personal knowledge about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that transpired on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Before you will give your sworn statements, I would like to inform you of your rights enshrined under the 1987 Philippine Constitution, as follows:

1. That you have the right to remain silent and any information that you will give can be used as evidence against you in any court of the Philippines;
2. That you have a right to have a counsel preferable of your own choice, if you cannot afford the services of the counsel, the Government of the Philippines will give you one to assist you;
3. That you have the right to know why you are here in our Office; and
4. That you have the right to be informed of all your Constitutional rights enumerated above.

QUESTION : After you were informed of all your Constitutional rights,

are you willing and voluntarily sign your signature to attest that you were informed and fully understand your rights under the 1987 Philippine Constitution?

ANSWER : Yes, Sir/Mam \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**AFFIRMATION**

 I **HEREBY AFFIRMED** that I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was informed and fully explained of all my rights enshrined under the 1987 Philippine Constitution, which I understand as follows:

1. That I have the right to remain silent and any information that I will give can be used as evidence against me in any court of the Philippines;
2. That I have a right to have a counsel preferable of my own choice, if I cannot afford the services of the counsel, the Government of the Philippines will give one to assist me;
3. That I have the right to know why I am at the \_\_\_\_(name of Office)\_\_\_\_\_\_\_; and
4. That I have the right to be informed of all my Constitutional rights enumerated above.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Affiant

 **SIGNED IN THE PRESENCE OF:**

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Assisting Counsel of the Affiant

 Attorney Roll No. \_\_\_\_\_\_\_\_\_\_\_\_

SWORN STATEMENT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, THAT WAS GIVEN FREELY AND VOLUNTARILY TO\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, A MEMBER OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

QUESTION : Do you have a counsel to assist you?

ANSWER : (Yes/No)

QUESTION : If you are given a counsel by this Office to assist you, are you

 willing to accept his/her services in assisting you?

ANSWER : Yes. I will accept his/her services in assisting me as my counsel.

HERE, \_\_\_\_\_\_\_\_(name of counsel)\_\_\_\_\_\_\_\_, a lawyer from \_\_\_\_\_\_(place of lawyer)\_\_\_\_\_\_, member of the Integrated Bar of the Philippines (IBP), is given to you by this Office and will provide his services to assist you in your confession.

(\_\_\_\_\_\_name of assisting lawyer\_\_\_\_\_\_\_), HERE is (\_\_\_\_\_\_name of affiant\_\_\_\_\_\_) that you will be assisting and provide your services as his/her counsel in his/her free and voluntary confession to this Office.

*At this juncture (Name of Affiant) and said counsels conferred with each other and after a short while, affiant agreed to accept the services of said counsel. (Name of Assisting Counsel). Likewise expressed their conformity and agreed to serve as the affiant’s counsels to advise and assist him in the execution of his affidavit. (Name of Assisting Counsel)**informed affiant about the possible consequences upon him of said affidavit and affiant still expressed his desire to execute the same. Hence, the following:*

1. Q : After you are fully informed and explained of all your rights under the

 1987 Philippine Constitution in relation to your voluntary confession,

 are you willing to freely and voluntarily give your statements truthfully

 and that all your statements are true and nothing but the truth only?

A : Yes. All will be true statements.

1. Q : What is your name, age, address and other personal circumstances?

A : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : What is your highest educational attainment?

A : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : Do you know how to talk, read and understand English?

A : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : What is your present work/profession?

A : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

SWORN STATEMENT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, THAT WAS GIVEN FREELY AND VOLUNTARILY TO\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, A MEMBER OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : What are the reasons why you are voluntarily came to this Office?

A : Because I want to change my life and I want to freely and voluntarily

 give information relative to the illegal activities of my previous drug

 syndicate.

**[ KNOWLEDGE/INFORMATION**

**ABOUT ILLEGAL DRUG NETWORK ]**

1. Q : If that is the case, can you tell us all your knowledge/information about

 the illegal drugs activities of your gang?

A : Yes sir. I am previously a member of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. We are

 \_\_\_\_\_\_\_\_\_ members in the gang. Our leader is \_\_\_\_\_\_\_\_\_\_\_, an

 AWOL PNP Officer. The other gang members are \_\_\_\_\_\_\_\_,

 \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_. Every

 one of us carry caliber .45 pistols for our protection. We have also two

 long firearms (armalite rifles) inside our service \_\_\_\_\_\_\_\_\_\_\_ with

 plate number \_\_\_\_\_\_\_\_\_\_\_\_. Our gang controlled the marketing of

 illegal drugs known as “SHABU” all over \_\_\_\_\_\_\_\_\_\_\_\_\_. We usually

 peddled 5-10 kilograms of “SHABU” in a week.

1. Q : What is your function in the gang?

A : I’m the one looking for pushers in the street level.

1. Q : If you look for pushers, what did you do?

A : I will set a meeting and talk with them on the drug deal.

1. Q : What happened if they agreed with the drug deal with your gang?

A : They will become our pusher member and they have the privilege to

 use “SHABU” in our den for free, provided they will sell our item

 “SHABU” and remit the proceeds to the gang every day.

1. Q : How many grams do you give to your pushers every day?

A : I give each of them 50 grams.

1. Q : How much per gram of your “SHABU”?

A : We give only 200.00 per gram to our pushers.

1. Q : You said that your gang has a drug den, where it is located and who

 manage it?

A : It is located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Our leader

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ manage our drug den.

SWORN STATEMENT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, THAT WAS GIVEN FREELY AND VOLUNTARILY TO\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, A MEMBER OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : Who are your street pushers/peddlers?

A : As far as I remember, they are \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_,

 \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : Where did they live?

A : \_\_\_\_\_\_\_\_\_\_\_\_ live in \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at

 \_\_\_\_\_\_\_\_\_\_\_\_, while\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I did

 not know where the two pushers live.

1. Q : You have elaborated your pushing activities, may I know where do you

 get your supply of “SHABU”?

A : Most of our “SHABU” came from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : Can you specify on whom do you get your “SHABU”?

A : Being in the underground world, I have heard many big names but

 there is always a common name I know as the main supplier, his name

 is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Filipino-Chinese national.

1. Q : Now, that you mentioned \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as the main

 supplier, how big his illegal drug activities and how powerful or

 influential he is?

A : His illegal drugs trade is a multi-billion underworld business. He has

 connections in China and here in the Philippines, both political and law

 enforcement.

1. Q : Do you know who are his connections here in the Philippines?

A : As far as I know, he is very close to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a

 three star general in Camp Crame. Also with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 a Congressman in Cebu.

1. Q : How do you know him?

A : Sometimes in 2015 I and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ were introduced during a

 special gathering of a local politician friend.

1. Q : On your first meeting, what were your agenda?

A : He talks about illegal drugs business in the Philippines. He looked for

 some trusted persons to deal with the illegal drugs. He asked me if I

 can be his partner here in the Philippines, but I refused his offer.

 However, I assured him that I can be one of his primary pushers.

1. Q : Now that you’re on the deal of pushing his “SHABU”, how it is done to

 have you the illegal drugs?

A : I pick up the “SHABU” in the port. He calls me that his “SHABU” arrives

 and available for pick up in the port, there we met in the port and gives

 me the volume I needed.

SWORN STATEMENT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, THAT WAS GIVEN FREELY AND VOLUNTARILY TO\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, A MEMBER OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : You said that the “SHABU” arrives in the port, where does it came

 from?

A : The “SHABU” came from main land China.

1. Q : How and where it is transported?

A : Mr. *(name of the main supplier)* has a legitimate cargo business from

 China to Manila and vice versa. He owned 3 vessels. Every time each

 vessel arrived in the Manila port it carries large volumes of “SHABU”,

 alongside with his legal cargo business.

1. Q : What are the vessels names?

A : It is MV\_\_\_\_\_\_\_\_\_, MV\_\_\_\_\_\_\_\_\_ and MV \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Q : Where and when these vessels ducked here in the Philippines?

 A : Usually the vessels arrived on Sunday, Wednesday and Friday at pier

 25, Port of Manila.

1. Q : *\_\_\_\_\_\_\_xxxxx OTHER CONNECTING QUESTIONS xxxxx\_\_\_\_\_\_\_*

A : *\_\_\_\_\_\_\_\_\_xxxxx ANSWERS xxxxx\_\_\_\_\_\_\_\_\_\_*

1. Q : Are you willing to help us find and bring the other members of your

 gang to justice?

A : Yes. I am willing to help in order to stop their illegal drug activities.

1. Q : For the meantime, I don’t have further questions, do you have any

 statements to add or take away on this affidavit?

A : I don’t have sir for the meantime.

1. Q : Were you threatened, promised or bribed to do this confession?

A : No sir. I made it voluntarily with my own free will.

1. T : Are you willing to sign this affidavit consisting of six (6) pages, to

 certify that all the statements you made are true.

S : Yes sir.

**---------END OF STATEMENT----------**

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2016 at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Further, I certify that I personally examined the herein affiant that he voluntarily executed and fully understood his statements.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Administering Officer**