



Room 407, Crown Building, Road 6 North Reclamation Area, Cebu City +639277681496; 0322317754; attybregette@gmail.com

April 11, 2022

HONORABLE CITY PROSECUTOR Lapu-lapu City Prosecutor's Office Hall of Justice Lapu-lapu City, Cebu

Sir/Mam:

Greetings!

MI-12-114- 22-15-00179

REGEIVED

City Presecution Office APR 1 1 2022

On behalf of my client, Lea Cyber Threat of Rape under Article 282 of the Revised Penal Code in relation to Republic Act No. 10175, I am filing a criminal complaint for violation of the crime of otherwise known as the Cybercrime Prevention Act, as amended, committed by Zamary Syed Shah, Pakistani, of legal age, with last known address at City. My client, Lea read the grave three City. My client, Lea read the grave threats of rape on her person while she was reading the threatening emails at her residence at Marigondon, Lapu-lapu City, Cebu. Attached herein is the Judicial Varification of Non-Forum Shonning. with Verification and Certification of Non-Forum Shopping.

Thank you for your kind and immediate action on this matter.

Sincerely

te U. Magdoza-Marcojos Legal Counsel

Conforme:

Republic of the Philippines Department of Justice

OFFICE OF THE CITY PROSECUTOR

Lapu-Lapu City, Cebu

LEA S. PATRICK,

Complainant,

-versus-

NPS Docket No. For: Cyber Threat of Rape

ZAMARY SYED SHAH,

Defendant.

JUDICIAL AFFIDAVIT-COMPLAINT OF COMPLAINANT LEA

Complainant, through counsel, unto this Honorable Office, most respectfully submits the Judicial Affidavit of Complainant LEA

INTRODUCTORY STATEMENT

On April 7, 2022, in the City of Mandaue City, Cebu, Philippines, the following questions were propounded in English by Atty. Bregette U. which both the witness and counsel fully understand. The witness is fully informed by Atty. Bregette U. Magdoza-Marcojos that she is under oath and that she may face criminal liability for perjury for any false testimony that

The testimony of the witness is offered to prove the material averments in the Complaint for the criminal case of cyberthreat against Zamary Syed Shah specifically to prove that the Defendant Zamary Syed Shah made threats of rape and physical injuries against witness Lea

Filipino, of legal age, Microsoft Tech, married to after having been duly sworn to under oath, hereby depose and say by way

- 1. Question: What is your name? Answer: My name is Lea
- 2. Question: Are you the witness in this case? Answer: Yes, I am the witness and the private complainant in this

- Question: What is your interest in this case?
 Answer: I am filing a criminal case against Zamary Syed Shah for cyber threats.
- 4. Question: What do you known about the Defendant Zamary Syed Shah?

 Answer: Defendant Zamary Syed Shah, a Pakistani National, was our former employee, and his last known address was at Talamban, Cebu City.
- 5. Question: When did you meet the Defendant?
 Answer: I met the Defendant sometime on August 2018 or more than three (3) years ago. At that time, he worked as an intern for my husband's business,
- 6. Question: Do you have any other information on the Defendant? Answer: Yes. I have a copy of the Defendant's Identification Details and Passport.
- 7. Question: If you would be shown the copies of Defendant's Identification Details and Passport, would you be able to identify Answer: Yes.
- 8. Question: Showing to you the copies of Defendant's Identification Details and Passport, are these the same documents you just Answer: Yes.

Your Honor, may we ask the Honorable Court that the copies of Defendant's Identification Details and Passport be marked as our Exhibit "A" to "A-1".

- Question: How can you describe the Defendant? Answer: I remembered the Defendant to be a quiet type of person.
- 10. Question: What is the name of your husband?
 Answer: My husband's name is Gregory
- 11. Question: Do you have proof of your marriage with Gregory

Answer: Yes. I have a marriage certificate.

12. Question: If you would be shown this marriage certificate, will you be able to identify it?

Answer: Yes.

13. Question: Showing you a copy of a marriage certificate dated November 28, 2021, is this the same marriage certificate you just mentioned?

Answer: Yes.

Your Honor, may we ask the Honorable Court that the copy of the marriage certificate be marked as our **Exhibit "B"**.

- 14. Question: What happened in this case?
 Answer: Around March 25, 2022, while I was at home reading my husband's emails, I chanced upon several emails sent by the Defendant.
- 15. Question: What email address did the Defendant use? Answer: zamary_shah@hotmail.com
- 16. Question: How many emails were sent?

 Answer: There were around dozens of emails sent by the Defendant to my husband.
- 17. Question: What did these emails contain?

 Answer: There were quite a few unsettling and scary remarks made by the Defendant. The Defendant said the following through email:

(March 15, 2022 5:14 PM)

" $x \times x$ so let me tell you something very straight, I WILL RAPE YOUR WIFE $x \times x$ "

(March 15, 2022 11:34 PM)

"x x x I WILL RAPE YOUR LEAH GREGORY < I WILL DUMP HER IN SEVERAGE"

"I WILL DUMP HER IN THE SEVERAGE WHEN YOU ARE DEAD!!! REMEMBER < IF I TAKE THIS LOSS < I WILL RAPE YOU YOUR FAMILY AND YOUR CAREER APART < I WILL RAPE YOUR CHILDREN x x x"

(March 16, 2022 12:35 AM)

" x x x I WILL MAKE SURE GREG, I WILL RAPE YOUR WIFE AND CHILDREN AND DUMP THEM IN SEVERAGE FOR WHAT YOU HAVE DONE TO ME, WHAT YOU HAVE DONE ON MY FACE, REPUTATION x x x"

And then the Defendant made another online threat on April 1, 2022, saying,

(April 1, 2022 2:39 AM)

"I will rape Leah and then put my shit in her mouth, and then throw her on same underwear one shirt where she came from"

- 18. Question: Do you have proof of these email, Ms. Witness? Answer: Yes. I have copies of the emails.
- 19. Question: If you would be shown the emails, will you be able to identify it?

 Answer: Yes.
- 20. Question: Showing to you the copies of emails dated March 15, 2022, March 15, 2022 and April 1, 2022, are these the same emails you just mentioned?

 Answer: Yes. They are the same ones.

Your Honor, may we ask the Honorable Court that the copies of the emails dated March 15, 2022, March 15, 2022 and April 1, 2022 be marked as our **Exhibits "C" to "C-2"**, respectively.

- 21. Question: And then what happened?

 Answer: I felt afraid and scared for my life. I was crying. I immediately called my husband.
- 22. Question: What happened next?
 Answer: I later found out that my husband knew about the threats for days. And he actually caused the filing of a Request Black List Order and Declaration as Undesirable Alien against the Defendant.
- 23. Question: Do you have proof of this Request of Black List Order and Declaration as Undesirable Alien against the Defendant? Answer: Yes. I have a copy of the request addressed to the Bureau of Immigration.
- 24. Question: If you would be shown a copy of this request, would you be able to identify it?

 Answer: Yes.
- 25. Question: Showing to you a copy of the Request of Black List Order and Declaration as Undesirable Alien dated March 17, 2022 addressed to the Bureau of Immigration, is this the same request you just mentioned?

 Answer: Yes.

Your Honor, may we ask the Honorable Court that the Request dated March 17, 2022 addressed to the Bureau of Immigration be marked as our **Exhibit "D"**.

- 26. Question: What happened next?

 Answer: I filed a police report at the PNP Cybercrime Unit at Lahug, Cebu City regarding the cyberthreats of rape and physical injuries made against me.
- 27. Question: Do you have proof of this Police Report? Answer: Yes. I have a copy of the Police Report.
- 28. Question: If you would be shown a copy of this Police Report, would you be able to identify it?

 Answer: Yes.
- 29. Question: Showing to you a copy of the Police Report dated April 7, 2022, is this the same report you just mentioned? Answer: Yes.

Your Honor, may we ask the Honorable Court that the Police Report dated April 7, 2022 be marked as our **Exhibit "E"**.

30. Question: Do you have anything else to say? Answer: Nothing more.

Your Honor, may I ask the Honorable Court that the Judicial Affidavit of Witness Lea be marked as our **Exhibit**

That would be all, Your Honor.

IN WITNESS WHEREOF, I have hereunto affixed my signature on this 11th day of April 2022, in Lapu-lapu City, Cebu, Philippines.

LEA VIN 2214 00 00A-L0690LCS20000

SUBSCRIBED AND SWORN to before me on this 11th day of April 2022, in Lapu-lapu City, Cebu, Philippines, affiant showing to me competent evidence of identity as indicated above.

Doc. No. __;
Page No. __;

Book No.__;

Series of 2022.

SHANE MAY B TAMPUS

ATTESTATION

I, ATTY. BREGETTE U. MAGDOZA-MARCOJOS, Filipino, of legal age, married, and with office address at Fatima Valley, Pagsabungan, Mandaue City, after having been duly sworn to an oath, hereby depose and say THAT:

- I faithfully recorded the questions I asked and the corresponding answers that the witness gave in reply thereto;
- Neither I nor any other person then present or assisting coached the witness regarding his answers to my questions.

IN WITNESS WHEREOF, I have hereunto affix my signature on this 11th day of April 2022, in Lapu-lapu City, Cebu.

ATTY. BREGETTE V. MAGDOZA-MARCOJOS

IBP ID and Roll No. 67294

SUBSCRIBED AND SWORN to before me on this 11th day of April 2022, in Lapu-lapu City, Cebu, Philippines, affiant showing to me competent evidence of identity as indicated above.

Doc. No. _;
Page No. _;
Book No. _;
Series of 2022.

SHANE MAY B. TAMPUS PROSECUTOR I

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

Marigondon, Lapu-lapu City, Cebu, after having been duly sworn to in Filipino, married, of legal age, with residence at accordance with law, hereby depose and say, THAT:

- 1. I am the complainant in this case and I have caused the preparation of the foregoing Judicial Affidavit - Complaint for Cyber Threat of Rape before the Office of the Lapu-lapu City Prosecutor and have
- 2. All the allegations therein are true and correct based on my personal knowledge and/or based on authentic records available to me.
- 3. This pleading is not filed to harass, cause unnecessary delay, or
- 4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after
- 5. I have not commenced any other action or proceedings involving the same issues before the Supreme Court, the Court of Appeals, or the different Divisions thereof, the Regional Trial Courts, Municipal or Metropolitan Trial Courts, or any other tribunal or agency. If I should learn thereafter that a similar action or proceeding has been filed or is pending before these courts or tribunal or agency, we hereby undertake to report the fact within five (5 days) therefrom;

IN WITNESS WHEREOF, I have hereunto set my signature this 11th day of April 2022 at Lapu-lapu City, Cebu, Philippines.

> VIN 2214 005 0A-L0690LCS20000

SUBSCRIBED AND SWORN TO BEFORE ME this 11th day of April 2022 at Lapu-lapu City, Cebu, Philippines. Affiant exhibited to me

Page No._____ Book No._ Series of 2022.



Syed Zamary Shah Identification details

Address mentioned before:

Alexander Numankade 1, Utrecht, 3572KN

Netherlands

Bank Name: BUNQ B.V.

Account Name: S.Z. Shah

IBAN: NL34BUNQ204835

Bic/SWIFT: BUNQNL2AXXX

KVK Number: 83047832

(8 digit KVK number is proof of your registration at the Netherlands

Chamber of Commerce)

BTW Number: NL003529591B90

(The BTW-nummer is the VAT, or turnover tax number)

t Name: Syed Zamary Shah

ione Number: +31 623 668 314

October 20, 1993

Jumber: GZ5146673

o Number: 54400-3798667-1

Pakistani

h: Quetta Pak

er's Name: Zarak Shah

zarak.shah@hotmail.com

Syed Amjad Hussain Shah

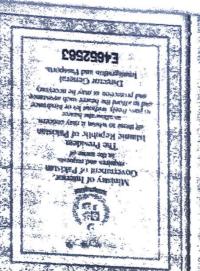
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Copy of Syed Zamary Shahis Passport

E-48625663

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Page 1 of 1, 1 Copy

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Bregoy .

LL MAKE SURE GREG, I WILL RAPE YOUR WIFE AND CHILDREN AND DUMP THEM IN SEVERAGE FOR WHAT YOU HAVE DONE TO ME, WHAT YOU HAVE DONE ON MY FACE, REPUTATION, CAI JE HERE, I WILL RAPE YOUR FAMILY APART

EXHIBIT " C-1 "

EXHIBIT "C-2 "

Sent from Xink as Plain Text -----Original Message-----

From: Zamary Shah < Zamary Shah@hotmail.com>

Sent: Friday, 1 April 2022 2:39 am

To:

Subject: You destoyed my face gregory, I will rape Lean

I will rape Leah and then put my shit in her mouth, and then throw her on same underwear one shirt where she came from

Get Outlook for iOS < https://aka.ms/o0ukef>

NONATO NONATO-LUCIANO & LUCIANO

Law Offices

4th Floor, Tulips Center, A. S. Fortuna St., MandaueCity Tel. Nos. 344726; 3447727, 3439394; Fax No. 4223892

March 17, 2022

Office of the Commissioner BUREAU OF IMMIGRATION Magallanes Drive, Intramuros, Manila 1002

EXHIBIT "_D "

Re:

SUPPLEMENT to the Request for a Black List Order against SYED ZAMARY SHAH, Deportation Order, if necessary, and to have him declared as an

Undesirable Alien

Gentlemen:

In behalf of our client, GREGORY we most respectfully file this SUPPLEMENT to the request dated March 16, 2022 for a Deportation Order, for the issuance of a Black List Order against SYED ZAMARY SHAH and to have him declared as an Undesirable

Further to the statements of our client in the request letter dated March 16, 2022, we attach as Annex "1" in this Supplemental Letter emails, which are alarming as it involves SYED ZAMARY SHAH threatening to kill and rape our client's Filipina wife.

Moreover, attached as Annex "2" is the Affidavit previously executed by no less than SYED ZAMARY SHAH on his admission that he has committed a crime on the year 2018 against our

We thank you and we hope the foregoing is sufficient for your purposes.

Thank you very much.

Very truly yours.

ATTY, RESTER JOHN L. NONATO

Copy Furnished:

Office of the NBI Director National Bureau of Investigation NBI Building, Taft Avenue, Ermita, Manila, Philippines 1000

Office of the PNP Chief Philippine National Police National Headquarters Camp Rafael T Crame.

Philippine National Police

INCIDENT RECORD FORM

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PMSC HENRY ABATAYO

04-07-2022

CHIEF CLERK/INVESTIGATOR

A CONTRACTOR OF THE STREET OF TYPE OF INCIDENT PLACE OF INCIDENT WITH THE PLACE OF INCIDENT CYBERTHREAT ENTER IN DETAIL THE NARRATIVE OF THE INCIDENT OR EVENT, ANSWERING THE WHO, WHAT, WHEN, WHERE, WHY AND FLOW OF REPORTING. Through electronic mail, suspect vent the following: (March 15,2022) 11:34 PM - " I WILL PAPE YOUR LEAD GREGORY & " HER IN VEVERAGE , AND I WILL DUMP 11:34 PM - " 3 VILL DUMP HER IN THE VEVERACE WHEN YOU ARE DEADIL REMEMBER 2 15 TAKE THUS LOW & I WILL RAPE YOU YOU TAMILY AND YOUR CAREER APART & I WIL RATE YOUR CHILDREN THE WAR A SECTION OF THE PROPERTY OF (Mortch 14, 2022) 1 - 6 12:35 AM _" T WICHRADE IYOUR WIFE 19 CHILDREN YOU HAVE DONE MO ME XXX I WILL PARE YOUR FAMILY ADART" (APRIL 1, 2022) - "I WILLRAPE LEAH AND THEN PUT MY 2:59 AM IN HER MOUTH AND THEN THROW HER O JAME UNDERMEAR CAME FROM PHE THIRT WHERE ME (DETAILS OF THIS NARRATIVE SHALL BE THE BASIS IN THE ENTRY OF RECORD IN THE POLICE BLOTTER) THEREST CHICATO THE CONNECTIVESS OF THE FOREGOING TO THE BEST OF MY MICHIES CE AND CENTR LEA
NAME OF ADMINISTERING OFFICER (DUTY OFFICER) CHECCHISED WIN CHICAN AND BELOOK WEE SIGNATURE OF ADMINISTERING OFFICER (JUTY OFFICER) RANK, NAME AND DESIGNATION OF POLICE OFFICER (WHETVEN HE/SHE IS THE DUTY INVESTIGATOR). INVESTIGATOR ON CASE OR THE ASSISTING POLICE OFFICER) SIGNATURE OF CRITY INVESTIGATION IGATOR ON CASE/AS INCIDENT RECORDED IN THE BLOTTER BY RANK/NAME OF DESK OFFICER: SIGNATURE OF DESK OFFICER: PAT JAY WILL P BALOGROD BLOTTER ENTRY NR:

Keep the copy of this incident Record Form (IRF). An update of the progress of the investigation of the crime or incident that you re will be given to you upon presentation of this IRF. For your reference, the data below is the

Name of Police Station	1	s the contact details of this police station.			
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Office .		Mobile Phone			