

Action Network Human Rights- Philippines

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Bulatlat, 01.03.12

Hold Arroyo liable for human rights violations, Aquino told

By RONALYN V. OLEA

Like any widow, Emma Lapuz, 45, has been struggling to raise her two children. When her husband Edison Lapuz, pastor of the United Church of Christ of the Philippines (UCCP), was killed, her son was only seven years old and her daughter was 13.

Pastor Edison, conference minister of the North East Leyte Conference of the UCCP and chairman of Katungod, the Eastern Visayas chapter of the human rights group Karapatan, was assassinated on May 12, 2005 by two alleged soldiers. Pastor Edison had just come from his father-in-law's burial in San Isidro, Leyte.

In June last year, Emma, emboldened by the initiative of her Church, decided to take on another battle. She joined the relatives of other UCCP members who were also victims of extrajudicial killings in filing a damage suit against former president Gloria Macapagal-Arroyo.

The UCCP sued Arroyo under the principle of command responsibility. During the implementation of Arroyo's counterinsurgency program Oplan Bantay Laya, more than 18 UCCP members were killed, one disappeared, three ambushed and wounded and four arrested, detained and tortured.

Investigation by the UCCP on Pastor Edison's murder revealed that the pastor was one of 30 Eastern Visayas personalities in the military's order of battle at the time he was killed. The report said that a few months before the incident, soldiers had been frequenting the house of Pastor Edison's father, introducing themselves as UCCP members, and fishing for information on his activities and whereabouts.

"Our move was, in a way, to prod the Aquino government to do something about the cases of gross human rights violations committed during Arroyo's term. Yet, even up to now, there are no efforts to run after the perpetrators of extrajudicial killings," said Bishop Reuel Norman Marigza, UCCP general secretary, in an interview.

The Protestant bishop said that with the impeachment trial of Supreme Court Chief Justice Renato Corona, "the issue of holding Arroyo culpable has been sidetracked."

So far, the Aquino administration has filed charges of electoral sabotage against Arroyo who is being held in hospital detention. Recently, the local court granted Arroyo's petition to stay longer in the hospital and to attend the wake of her brother-in-law Ignacio Arroyo.

Marigza said the doctrine of Arroyo's Oplan Bantay Laya accused legal organizations of being linked to the underground. The UCCP, along with other Church and people's organizations, was branded as front of the Communist Party of the Philippines (CPP).

The UCCP complaint stated: "The extrajudicial killings, disappearances, illegal arrests, arbitrary detentions, and the physical and psychological tortures inflicted by the military establishment were all carried out pursuant to the policies, framework and ideology laid down in Oplan Bantay Laya, conceived and implemented by Defendant Arroyo in her administration's counterinsurgency campaign."

Arroyo filed separate motions to dismiss both cases, citing fail-

ure to cite any cause of action against Arroyo.

In a recent decision, the local court handling the UCCP damage suit junked Arroyo's motion to dismiss, citing sufficient cause of action.

Judge Tita Marilyn Payoyo-Villordon of the Quezon City Regional Trial Court Branch 224 said that "a judicious scrutiny of the entire complaint as well as the annexes only reveals that there appears to have been a violation of the complainants' constitutional rights which may or may not sustain Arroyo's civil liability after the proper determination of the veracity of said defendant's acts or omission in this regard."

"We thank God for the court order of Honorable Judge Tita Marilyn Payoyo-Villordon that compels Gloria Arroyo to answer our complaint that she played a role in human rights violations. We want the opportunity to present our case in court. Victims of human rights violations and their families have endured immeasurable pain, hardship and loss. Our faith compels us to stand with them in this fight for justice and accountability," Marigza said in a statement.

Meanwhile, Oliva said Arroyo filed a reply to their comment on Arroyo's motion to dismiss the Morong 43 suit. Oliva said the motion is deemed for resolution and expressed confidence that Arroyo's motion would be dismissed.

"The culture of impunity in the Philippines must end. Extrajudicial killings of respected pastors and church leaders, most of whom were speaking against injustice in our country, show how horrible and unacceptable the human rights situation in our nation has been. The UCCP filed this case in pursuit of justice for the families of human rights violations. We intend to do our part to end impunity by holding Gloria Arroyo accountable," Marigza said.

Karapatan chairwoman Marie Hilao-Enriquez has repeatedly criticized Aquino for not filing any charges against Arroyo in relation to human rights violations. She said that Aquino's inaction compelled the victims themselves to file the cases.

"They could have investigated the cases, with more than 1,000 victims of extrajudicial killings and more than 200 disappeared. Talk about the Truth Commission. After it was blocked by the Supreme Court, they stopped there. There are other mechanisms to ferret out the truth," Marigza said.

Marigza said Aquino is treating Arroyo with a kid's gloves. "They [Arroyo and Aquino] belong to the same elite class. The tendency is to run after your political enemies but you don't hit them too far because if you get back in power, they would not hit strongly at you."

As extrajudicial killings continue under the Aquino administration's Oplan Bayanihan, with already 67 victims, according to Karapatan, Emma strives to live a life without Pastor Edison. She now works at a hospital in their province.

"Until now, when I think about it, it is as though the world would shatter," Emma said. "Even if it takes long, I will fight for justice."

She has but one message to Aquino, "I hope he gives time to stop extrajudicial killings than to busy himself with the impeachment of Corona."

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Phil. Star, 29.02.2012

Dismissal of plunder case vs GMA affirmed

By Michael Punongbayan

The Office of the Ombudsman has affirmed the dismissal of a plunder case filed against former President Gloria Macapagal Arroyo in connection with the alleged questionable sale of a 54.5-hectare property near the Iloilo Airport in 2007.

In a 19-page resolution, Ombudsman Conchita Carpio Morales approved the resolution of the Office of the Prosecutor General on Jan. 20, 2011 dismissing the plunder case against the former President, former foreign affairs secretary Alberto Romulo, former executive secretary Eduardo Ermita, former finance secretary Margarito Teves, former Finance Privatization Council head John Philip Sevilla and Andrew Tan of Megaworld Corp. for "utter lack of merit."

The ruling was issued after reviewing the findings of the Department of Justice, which also recommended the junking of the complaint filed by one Danilo Lihaylihay for the sale of the property to Megaworld Corp.

Phil. Star, 20.02.2012

DND to end internal security combat operations in 2 years

Alexis Romero

The Department of National Defense (DND) plans to conclude internal security combat operations within two years and has ordered military units to enhance preparedness in conducting joint operations.

The DND ordered the Armed Forces chief to come up with a readiness reporting system that would establish a uniform policy for assessing the readiness of troops.

"The objective is to achieve at least 95 percent readiness rating for personnel, equipment, maintenance and training readiness in these forces as rapidly as practicable so we can successfully conclude internal security combat operations no later than 2014," DND said.

Units involved in internal security operations in priority regions shall be prioritized in terms of logistics support, training, fund-

ing, and filling up of resources.

DND, however, said the territorial defense requirements shall be satisfied using forces involved in internal security campaigns.

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"Our territorial defense needs for this planning period (2013 to 2018) will essentially be met by our forces that are engaged in internal security operations in priority regions and our units in non-priority regions," the DND guidance read.

DND said the defense of the country's territorial integrity and sovereignty "poses the foremost security challenge."

The DND listed territorial defense and maritime security as the top two core security concerns followed by natural disasters and internal security.

The agency, nevertheless, said the military should continue reducing the capabilities of armed groups that threaten national security.

Bulatlat, 27.02.12

'Rape by soldiers exposes deceitful Oplan Bayanihan'

By JANESE ANN J. ELLAO

CAMP AGUINALDO, Quezon City - Trusting, innocent women are becoming fair game to some members of the Armed Forces of the Philippines who use their uniforms, their guns, even their camps, to commit date-rape and then try to shut up the victims. This is the alarming finding of the women's group Gabriela as they grapple this week with the horrifying implications of two different cases of rapes allegedly committed by soldiers brought to their attention from two different places. Families of the victims approached Gabriela for help, as the cases they filed in their respective towns against the offending AFP soldiers were hardly acted upon.

On October 17, 2011, Mutya, not her real name, got invited to a party inside the camp of the 16th Infantry Battalion of the Armed Forces of the Philippines (AFP). But the small get-together turned into a nightmare from which she still has to hack her way through by demanding justice for what was done to her that night.

Mutya, only 17 years old, was raped allegedly by members of the 16th Infantry Battalion of the Armed Forces of the Philippines. Tagged as her rapists were Private First Class Alexander Barsaga, and Privates Rocky Domingo and Ronnie Castro.

Mutya's long journey for justice, reliving the nightmare

Mutya's cousin accompanied her to the Department of Social Welfare and Development (DSWD) in the municipality of Baras in Rizal, where she managed to narrate to a social worker how the soldier "touched" and pinned her down with his body. She said that she and her cousin became sleepy after eating the cake and drinking the water given them during the party.

Her family then brought Mutya to the National Center for Mental Health in Mandaluyong, where the doctor said it is possible that the drug used on Mutya that might have affected her sanity. The doctors refused to send her home, saying she needs immediate treatment.

Lilia

Another woman suffered badly from members, this time, of the 9th Infantry Battalion of the Philippine Army, who are assigned in the village of Puro in Aroroy, Masbate. Twenty-one year-old Lilia, not her real name, was a "textmate" of Archie Vasquez. Gabriela wrote in their factsheet that Vasquez had asked Lilia to meet in person, but the latter refused.

On January 21, 2012, Lilia begun receiving text messages from another soldier named Gilbert Guinito, known as Jerrick. Without seeing each other in person they officially had a relationship

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on January 26, 2012. In the process of getting to know each other via text messages, Lilia learned that Guinito is a member of the Philippine Army, and so is Vasquez.

On January 30, 2012, Guinito asked Lilia for a meeting. When she refused, Guinito threatened to send a virus to her phone. Lilia was threatened enough to decide to meet with Guinito in the latter's military camp.

Two men in military uniform met Lilia at the gate of the camp. They introduced themselves as Vasquez and Guinito. Lilia was then forcibly brought inside the camp, to Guinito's nipa hut. She said she resisted Guinito's attempt to rape her but in the end he managed to rape her.

Lilia was then brought to another soldier's hut, to Alex Briones', where a certain Llagas arrived. Briones asked her to take a bath. He then forced her to drink two bottles of beer. When she became tipsy, the two soldiers raped her, too. As told to Gabriela, Lilia reportedly fell asleep but was awakened at 2:00 AM, when Briones raped her again till 4:00. She was then asked to take a bath again and go home. The soldiers reportedly warned her not to mention what happened to anyone, especially to her parents. Guinito even sent her a text message saying that if he were implicated, he would kill her.

On February 2, 2012 Lilia received a text message around 2:00 p.m. from Vasquez asking her to meet with him because he would tell her something very important. He asked Lilia to meet him in Milagros crossing but when she arrived he was not there. She then received another text message from the soldier asking her to meet him at the Milagros proper.

Lilia was brought to Carenderia Lazaro, a lodging house. Vasquez bought four bottles of beer and told her to drink two of them, then he raped her. She was at the lodging house the entire night, attempting to break free but she was repeatedly abused. Vasquez took Lilia back to Milagros proper, where he told her she could not expect anything from him since he already has a family.

Lilia went to the military camp in hopes she could talk to the AFP's commanding officer there. But she was made to wait the whole night outside the military camp. On February 3, she finally plucked up the courage to tell her parents what happened. They went to the police to report the incident. Her medico legal proved that she was indeed raped.

The victim filed a case on February 9, 2012. The case is currently in the hands of the Provincial Prosecution Office in Masbate and still waiting for preliminary investigation.

Impunity on abuses against women

Mindanews, 11.02.12

Malaybalay bishop asks soldiers, rebels to leave Upper Pulangi

By Walter I. Balane

Malaybalay Bishop Jose A. Cabantan has called for the demilitarization of city's Upper Pulangi district noting the increased military presence in the area since January last year after the reported sightings of New People's Army.

Cabantan told the 42nd Diocesan Pastoral Assembly this week the presence of the NPA and the military in the area has become "a case of concern for the whole Diocese."

He said the NPA and the military should leave the area and keep it as a "peace zone."

He said classes in the school for Lumads or indigenous peoples were stopped in January over reports of rebel presence.

Cabantan said that aside from the disruption of classes "the lives of the people were affected."

He cited the importance of the Upper Pulangi area, in Bukidnon's boundary with Agusan del Sur, as the headwater of the

For Jun, father of Mutya, their waiting have been too long to bear. They have filed the rape case before the Morong Regional Trial Court but until now, they have not received a single subpoena even for a preliminary investigation. They were told the soldiers who raped her daughter were already sent to Camp Capinpin but he learned from a member of the CAFGU that they are still on call for operations.

In the case of Mutya, Jun disclosed that their witness has backed off from further giving statements. "She was probably harassed or threatened," he said. His mother-in-law has also been getting offers to settle the case, amounting to \$2326 for each of the accused or a total of \$6978.

"We will not accept it," Jun said.

Institutionalized 'rape'

In an interview with Linaban she said that Gabriela is probing if there is an increase in number of women being abused by members of the military. In 2011, they monitored and received reports of abuses on women and children of which 14 cases were perpetrated by members of the Philippine National Police and nine by members of the Armed Forces of the Philippines.

"None of these cases ever pushed through. Justice was not served to the victims," Linaban said. The abuses she was talking about include rape and domestic violence, among others.

Linaban noted that it has become common practice among soldiers to court women and get some of them pregnant wherever they got assigned in this country. She said there were even cases when prostituted women who invited inside military camps.

"The abuse against women is institutionalized," Linaban said. She warned the public to not be "deceived by Oplan Bayanihan," Aquino's supposedly rights-based counterinsurgency plan. She said it "is essentially the same as Oplan Bantay Laya that perpetuated impunity in sexual abuses and human rights violations."

She added that the so-called people-centered approach "renders women and children more vulnerable to military abuses. Like a spider luring flies to its web, the military's use of deception and violence — being 'bantay-salakay' is a norm under Oplan Bayanihan."

In one of Jun's visits to his daughter Mutya at the mental hospital, he noticed that his daughter could recognize him already. "We are hoping to get her out of there soon. She can recuperate faster outside.

Pulangi River, Mindanao's biggest river system.

Cabantan further noted the military's alleged involvement in discussions on mining in the area.

He also questioned the efforts of the military in pursuing development work which he said is the function of the civil bureaucracy.

Capt. Eduardo Meclat, brigade spokesperson, told MindaNews Thursday the military has conducted "continuous monitoring" in the area and some development activities to help the community such as forums and free haircut. He said it is the barangay governments who helped them set up their detachment.

But Meclat admitted that the 8th Infantry Battalion has set up a base in Barangay St. Peter composed of Citizen Armed Force Geographical Unit members, aside from the detachments of the Special Cagwu Active Auxiliary (SCAA) in Barangays Caburacanan and Zamboanguita.

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The city government has funded the SCAA.

Philippine Daily Inquirer, 16.02.2012

Parliament eyed for Moro self-rule

The Aquino administration has given its nod to a parliamentary form of government for Moros demanding self-rule in Mindanao, a Moro guerrilla peace negotiator said.

Officials who would run the autonomous government, however, should be elected directly by the people, according to Mohagher Iqbal, head of the negotiating panel of the Moro Islamic Liberation Front.

"No less than his excellency, President Benigno Aquino III, agreed to the MILF proposal," said Iqbal in an opening statement at the resumption of talks with government peace negotiators in Kuala Lumpur on Monday.

The MILF had proposed a set of laws to govern the operation of a new autonomous setup designed to replace the Autonomous Region in Muslim Mindanao, which the Aquino administration has described as a failure.

According to Iqbal, among the features of the set of laws proposed by MILF was the head of government would be a chief minister, similar to the heads of governments of Malaysia's

federal states.

The MILF has dropped a demand for independence and agreed to discuss broader autonomy.

The negotiations, Iqbal said, are moving forward although there are still disagreements on several issues, among them wealth-sharing, territory and power-sharing.

Members of the government peace panel expressed optimism over the progress of the talks.

During the recent talks, peace negotiators of both panels also extended by another year the operation of the joint law enforcement mechanism they created to pursue suspected criminals in rebel strongholds.

A joint statement issued Wednesday said the parties "renewed the mandate of the Ad Hoc Joint Action Group (Ahjag) for a period of 12 months beginning February 2012."

The next round of talks is scheduled next month.

Mindanews, 11.02.12

EU wants early Mindanao peace deal

By Bong S. Sarmiento

Ambassadors from member-countries of the European Union have reiterated their support to the Mindanao peace process, and urged at the same time for a speedy forging of a final peace agreement.

EU Head of Delegation Guy Ledoux and ambassadors Wilhelm Donko of Austria, Jorge Domecq of Spain and Stephen Lillie of the United Kingdom came to Cotabato City to voice anew the bloc's support to the peace talks.

The EU is currently providing P180 million in grants under its Instrument for Stability which supports the International Monitoring Team (IMT), as well as local and international NGOs involved in both the civilian protection component of the IMT and the International Contact Group.

This grant funding is a reiteration of the European Union's commitment to peace-making and peace-building through mediation, dialogue and reconciliation, to improve the response to conflict-affected populations' humanitarian needs and enhance the respect for their humanitarian and human rights, the statement said.

Overall, the EU and its member states are among the largest

contributors to the peace-building efforts in Mindanao and the single largest donor to the Mindanao Trust Fund with a contribution of P490 million.

The EU is aware that once a peace agreement is signed many challenges will still remain to ensure that peace in Mindanao is lasting, the statement said.

"Issues such as the rule of law and governance will become central in the post-agreement period. Addressing them will require strong and capable leadership from all those concerned," it added.

The visiting EU team urged the parties to intensify their negotiations to reach a settlement at the earliest possible moment.

The EU delegates reminded the parties that the conflict has an enormous cost on the region and that economic development will only be possible with peace.

According to a recent World Bank and World Food Programme survey, 41% of the households surveyed in mainland Mindanao experienced displacement in the last ten years, almost a third of them for more than a year.

Such displacements have considerable costs and represent a major barrier to effective development efforts, the group said.

Philippine Daily Inquirer, 28.02.12

343 police investigators from NCRPO to undergo re-training

By Nathaniel R. Melican

In line with its aim to continually raise the investigative skills of policemen, the National Capital Region Police Office (NCRPO) has opened another series of criminal investigation courses for cops.

A total of 343 police investigators, divided into six classes, have been picked to take the course, NCRPO Director Alan Purisima said. Out of the number, 55 students are from the NCRPO headquarters, 58 from the Northern Police District, 55 from the Eastern Police District, 54 from the Manila Police District, 63 from the Southern Police District, and 58 from the Quezon City Police District.

In a statement, Purisima said the course was developed to help investigators of the Philippine National Police update their probing skills in accordance with advances in the law and technology.

"Over the years of review and evaluation, we have noticed that there have been deficiency and other shortcomings in the previous investigation training that we conducted," he said.

"The CIC will fill the gap and develop competent and effective field investigators who possess the skills to handle proper crime/incident investigation, resulting in its immediate resolution," Purisima added.

The course is mandatory for investigators, and they will go

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through 240 hours of training at the NCRPO headquarters in Camp Bagong Diwa, Bicutan, Taguig.

They will be taught subjects such as laws and jurisprudence, investigation procedures and court practices to develop and enhance their investigative skills. Instructors for the program

come from the University of the Philippines Law School and top-notch prosecutors, judges and investigators.

"We are confident that the course will develop knowledgeable and result-oriented investigators among our ranks so cases will be resolved immediately," Purisima said.

Mindanews, 11.02.12

R-12 police office launches e-blotter

By Allen V. Estabillo

The Police Regional Office (PRO) 12 has launched this week the region-wide rollout of the Philippine National Police's (PNP) computerized crime incident reporting system or the e-blotter.

Chief Supt. Benjardi Mantele, Region 12 police director, said Friday they are currently deploying the e-blotter software in various police stations and offices as part of the full implementation of the new system in the region.

Region 12 covers the provinces of South Cotabato, Sultan Kudarat, Sarangani, North Cotabato and the cities of General Santos, Koronadal, Tacurong, Kidapawan and Cotabato.

Mantele said the implementation of the e-blotter system will mainly improve the administrative and management operations of local police stations in the area.

He cited that the e-blotter system would help make reporting and response to crime incidents in the region faster and more efficient.

He said it would also assist local police units in drawing up more efficient security and public safety strategies, especially on the deployment of police personnel.

The e-blotter system, which was developed by the PNP's DIDM and the Information Technology Management Service, was designed as a stand-alone system that would be installed in all police stations as a means of reporting and monitoring all crime incidents as well as the results and records of investigation.

"It does not only facilitate crime documentation and modernize data storage but also presents quick, fast and reliable transmission of crime information from police stations to the PNP headquarters at Camp Crame," a project briefer said.

It said the main goal of the project, which was adopted as a priority by PNP Director General Nicanor Bartolome, is to generate a daily update of events or happenings on the ground, particularly in every police station in the country.

Philippine Daily Inquirer, 24.02.2012

31,000 more houses being built for cops and soldiers

By Norman Bordadora

TRECE MARTIRES CITY, Philippines—More than 31,000 housing units are under construction in the second phase of the government's housing program for soldiers and policemen but it will also now include jail guards and firemen, President Benigno Aquino III said Friday.

He said the program would now also involve sites in the Visayas and Mindanao.

The President reported that the government has already finished 21,400 housing units out of the planned 21,800 homes under the program's first phase.

"If you assign work to someone but do not provide for his needs, it's as if you are ensuring his failure," the President said in his speech, delivered in Filipino. "On the other hand, if you focus on his needs and express your support, he will surely fulfill his responsibilities well."

"That is the spirit we want to bring to life for our policemen and soldiers. As with other sectors, you should be given the capability to bring about your own advancement to be able to serve the country effectively," he added.

Mindanews, 24.02.12

Suspects in Fr. Tentorio slay charged

By Malu Cadelina-Manar

Authorities filed this week murder complaints against Jimmy Ato, who was arrested almost two months ago in Arakan town in North Cotabato, and three others, after they were tagged as behind the killing in October 2011 of Italian missionary Fr. Fausto Tentorio.

Also charged, reports said, were Roberto Ato, Jimmy's younger brother who allegedly served as the driver of the motorcycle used as get-away vehicle after the killing; Jose Sultan Sampulna; and Dima Maligudan Sampulna.

The murder complaints were filed at the Office of the Provincial Prosecutor, this city, by operatives of the National Bureau of Investigation (NBI) and Special Investigating Task Group Fausto led by Chief Supt. Lester Camba of the Police Regional Office in Region 12.

Lawyer Virgilio Mendez, deputy director for regional operations services of the NBI in Northern Mindanao (Region 10), said that after piecing together the evidences and testimonies, the names

of the Ato brothers and the Sampulnas came out as primary suspects in the priest's killing.

"We already have enough evidences as proof these people were involved in the crime," said Mendez.

The Ato brothers live in Barangay Kulaman Valley in Arakan, North Cotabato, while the Sampulnas reside somewhere in Maguindanao.

Of those charged, only Jimmy Ato has been placed under the NBI-10 custody in Cagayan de Oro City after his arrest last Dec 29 in his village in Arakan town.

Jimmy's younger brother, Roberto, is still under the custody of Cotabato 2nd district Rep. Nancy Catamco.

The Sampulnas, reports said, are now objects of a manhunt.

Tentorio was killed while he was about to board his pickup truck outside the convent in Arakan town on Oct 17, 2011.

He sustained multiple gunshot wounds from a .9mm pistol, reports said.

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Phil. Star, 28.02.2012

Maguindanao vice gov, town mayor cleared in 2010 slay

By John Unson

SULTAN KUDARAT, Maguindanao, Philippines - The Department of Justice (DOJ) has cleared this province's vice governor and a town mayor of any culpability in the 2010 killing of a mayor who was a potential gubernatorial candidate in next year's local elections.

Sultan Kudarat Mayor Tucao Mastura and his nephew, Vice Gov. Dustin Mastura, told reporters yesterday in the presence of their lawyer that the DOJ, through Prosecutor General Claro Arellano, has dismissed charges that they masterminded the killing of Alex Tomawis, mayor of Barira town, in Davao City on Nov. 28, 2010.

Mayor Mastura, the provincial chairman of the Liberal Party, was touted as the "key engineer" of the election in 2010 of Maguindanao Gov. Esmel Mangudadatu, who defeated a rival whose candidacy was allegedly bankrolled by the Ampatuan clan in the second district of the province.

The DOJ resolution also exonerated 11 other suspects, including Mayor Mastura's younger brother Armando, the mayor of nearby Sultan Mastura town, and Talib Abo, former mayor of Parang, a coastal municipality in the first district of Maguindanao.

Tomawis' widow Fatima, the mayor of Buldon town, accused

the Masturas as having hired two men to kill her husband. The Masturas' legal counsel, John Rangal Nadua, said he presented enough evidence to the DOJ to show that his clients were innocent.

The DOJ panel, composed of prosecution attorney Ria Niña Sususco, assistant state prosecutor Grace Ruiz, and senior state prosecutor Roberto Lao, recommended the dismissal of the charges against the Masturas for lack of evidence.

"In the first place there was no reason for us to kill Mayor Tomawis because there was no animosity between our clans," Mayor Mastura said.

Tomawis was known as an "adopted son" of former Maguindanao governor Andal Ampatuan Sr., who is detained along with other family members for the 2009 Maguindanao massacre.

The Ampatuans were reported to have started grooming Tomawis as their candidate for provincial governor in the 2013 elections before he was shot dead in front of his rented house in Buhangin district in Davao City.

Also cleared by the DOJ were Raul Tomawis, a cousin of the slain mayor, and Rosalim Bangon, who were both killed in an ambush in Barangay Nituan, Parang town last month.

Philippine Daily Inquirer, 29.02.2012

Ombudsman Morales threatened with impeachment

By Jamie Marie Elona

Ombudsman Conchita Carpio-Morales may face an impeachment case for reversing a 2009 ruling by her predecessor dismissing the complaint against 10 Navy officers implicated in the alleged killing of Navy Ensign Philip Andrew Pestaño's death, the 10 officers' counsel said Wednesday.

Lawyer Ana Luz Cristal said that the murder complaint issued and signed by Morales was a "gross ignorance of the law" for the number of mistakes or errors it has committed, citing an Ombudsman law that says that "once an administrative case has been dismissed, the dismissal is final, executory and unappealable."

"There are so many lapses and errors. This is not just error but gross ignorance of the law. There was no murder. It was a clear case of suicide," Cristal said in a briefing at Camp Crame.

She also questioned the decision of the Office of the Ombudsman to forward the murder complaint to the anti-graft court Sandiganbayan, as the latter had no jurisdiction over accused persons with ranks lower than naval captain at the time of the commission of the offense.

Cristal said the Sandiganbayan had jurisdiction only on Navy captains and those with higher ranks and from full colonels in the Philippine Army. "In our case, the highest official was Captain Ricardo Ordoñez, who was, at the time of the incident, a lieutenant commander [the equivalent of a major in the Army and the Air Force.]" Cristal said, adding that Ordoñez only became a captain when he retired in 2005.

Cristal said that Morales' complaint stated that Ordoñez was a

naval captain at the time of Pestaño's death, but with a salary grade of only 26, which Sandiganbayan has no jurisdiction over.

"Salary grade 27 and above are under the jurisdiction of Sandiganbayan," she explained.

Cristal said that after the murder complaint was raffled off, their camp immediately filed a "motion to quash," but has still not received any response from the Office of the Ombudsman.

The order was dated November 22, 2011, but the information only came out January 12, she said.

Cristal said that criminal cases must be tried in a Regional Trial Court or in a military tribunal, which has jurisdiction over it.

Pestaño, who was 24 then, was found dead in his cabin aboard the *BRP Bacolod City* on Sept. 27, 1995, before the ship docked at the Philippine Navy headquarters in Manila. He was found with bullet wounds in his head.

Cristal said that several investigating teams, including the Criminal Investigation and Detection Group, had concluded from their investigations that Pestaño committed suicide, but the family of the victim has insisted that he was murdered.

Along with Ordoñez, others accused were Commander Reynaldo Lopez, Hospital Man 2 Welmenio Aquino, Lieutenant Commander Lui-degar Casis, Lieutenant Commander Alfrederick Alba, Machinery Repairman 2 Sandy Miranda, Lieutenant Commander Joselito Colico, Lt. Commander Ruben Roque, Petty Officer 1st Class Carlito Amoroso (retired) and Petty Officer 2nd Class Leonor Igcasan (retired).

Phil. Star, 28.02.12

Gatdula goes to court

Former National Bureau of Investigation (NBI) director Magtanggol Gatdula yesterday filed a petition with the Manila Regional Trial Court (RTC) to stop Justice Secretary Leila de Lima, NBI officer-in-charge (OIC) Nonnatus Rojas and Deputy Direc-

tor Reynaldo Esmeralda from further threatening his and his family's "life, liberty and security."

His wife Aurora and lawyer Abraham Espejo accompanied Gatdula when he filed a 14-page petition for a writ of amparo

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against De Lima, Rojas and Esmeralda.

"This is also to restrain respondents from framing up petitioner for the fake ambush incident by filing bogus charges of frustrated murder against him," Gatdula's petition stated.

The case was raffled to Judge Silvino Pampilo Jr. of Manila RTC Branch 26.

Gatdula stated in his petition that he had been receiving information that he will be made the mastermind of the alleged "ambush me" incident.

"Because of respondent's prejudgment, a danger that petitioner will be framed up for the ambush and subsequently be the subject of an extralegal killing, which will be committed in the guise of effecting a lawful arrest, now exists," said Gatdula in his petition.

"This is an inevitable conclusion because respondents De Lima and Esmeralda have access to men and means to carry out an

extralegal killing while petitioner stands alone with no one to help except this court," the petition added.

Two unidentified men riding on a motorcycle ambushed Esmeralda and his brother last Feb. 21. Esmeralda suffered minor scratches and shrapnel wounds in the head. His brother was hit in the right shoulder.

Espejo said the statements of Esmeralda and De Lima "implicitly pointed to Gatdula as the person responsible."

De Lima and Esmeralda had stated that the ambush is connected with the alleged kidnapping by NBI agents of Noriyo Ohara, an undocumented Japanese woman, which resulted in the dismissal of Gatdula. Gatdula earlier denied involvement in the ambush, adding that the respondents wanted to pin him down.

"I was shocked to learn that they were linking my name to the ambush incident," he said.

Philippine Daily Inquirer, 18.02.2012

Alleged priest killer nabbed in Davao del Sur

By Orlando Dinoy

DIGOS CITY, Philippines—One of the suspected killers of the Rev. Cecilio Lucero of the Catubig parish in Northern Samar in 2009 might have thought he could run forever from justice by hiding in the sleepy town of Sta. Cruz in Davao del Sur.

But Jerry Espera, a former soldier who hails from Mondragon in Northern Samar, made the biggest mistake of his life by applying for a job as bodyguard of Sta. Cruz Mayor Joel Ray Lopez.

Lopez said it was his practice to thoroughly verify the backgrounds of individuals applying for jobs in the government and most of all of people wanting to be part of his bodyguard.

Lopez said about two weeks ago, while on an official trip to Manila, he received a call from a man who identified himself as a member of the Lopez clan too.

"He wanted to be my bodyguard and told me about his background as a soldier," the mayor told the Inquirer.

Lopez said he had misgivings about accepting the call because he did not know the man in the first place and he wondered how the former soldier got his number.

Lopez said he told the man to wait for his return so they could meet in person.

After Lopez returned from Manila, he said, the man showed up at his office in Sta. Cruz.

The name Jerry Domasig Espera of Mondragon, Northern Samar, was clearly written on the application, Lopez said.

He said he told Espera to wait to be contacted by the mayor's office.

After the man left, Lopez said, he had the man's picture scanned and e-mailed to the police in Northern Samar.

When the feedback came, it turned out that Espera was one of the suspects in the killing of Father Lucero.

Lopez also learned that Espera had a pending warrant for kidnapping with rape.

Lopez had Espera arrested on February 12 on the strength of the pending warrant and he has since been returned to Northern Samar, according to Sta. Cruz police chief Senior Inspector Alfredo Santillana.

The priest, a younger brother of former Northern Samar Rep. Wilmar Lucero, was driving his car in the morning of September 6, 2009 when he ambushed by some 30 masked men in Barangay Layuhan in San Jose, Northern Samar.

One of the priest's companions, Isidro Miras, was wounded but his police escort was unscathed.

The former congressman said that prior to the ambush, the priest had called him to say he had had an argument with the commander of an Army detachment in Catubig, also in Northern Samar, over alleged abuses by soldiers.

The Lucero family and the Catholic Bishops Conference of the Philippines asked then President Gloria Macapagal-Arroyo to act swiftly on the priest's killing.

Phil. Star, 17.02.12

SC defers ruling on activist's petition

By Edu Punay

The Supreme Court (SC) has deferred its ruling on a petition seeking to hold several military officials liable for the alleged kidnapping and torture of Filipina-American activist Melissa Roxas in 2009 despite adverse findings by the Commission on Human Rights (CHR).

In an 11-page resolution, the SC opted to first wait for the results of the parallel investigation by the Philippine National Police (PNP) before ruling on Roxas' petition for the issuance of a writ of amparo.

While the CHR investigation failed to sufficiently establish the identities of those behind the alleged kidnapping and torture, the SC said Roxas' petition for a writ of amparo and habeas data against key military officials should not be dismissed outright

pending the PNP probe.

"Dismissing the case right now may send the wrong message that any further inquiries as to the abduction and torture of petitioner must ipso facto (by the fact itself) be considered closed or terminated. It must be emphasized that the respondents, or their successors, remain accountable, even though still not found to be responsible," the SC said.

Roxas named former President Gloria Macapagal-Arroyo, former Defense secretary Gilbert Teodoro, former Armed Forces chief Victor Ibrado, former PNP chief Jesus Versoza, former Army chief Lt. Gen. Delfin Bangit, and Superintendent Rudy Gamido Lacadin, Tarlac police director, as respondents in her petition.

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Phil. Star, 17.02.2012

Bulacan lawyer gunned down

By Ric Sapnu

CAMP OLIVAS, Pampanga, Philippines – Six armed men shot dead a prominent lawyer in his office in San Jose del Monte City, Bulacan Wednesday, police said.

In a report, Senior Superintendent Fernando Mendez, Bulacan police director, said lawyer Cornelio Cruz, 55, an active member of the Integrated Bar of the Philippines Gat Marcelo H. del Pilar

(Bulacan) chapter, was in his office in Barangay Sampol when the ski mask-wearing men barged in and shot him successively with an M-16 rifle and short firearms. The gunmen escaped onboard a motorcycle and a van.

Police said the killing could be work-related as Cruz was handling some controversial cases.

Mindanews, 27.02.12

Colleagues fear slay of tree marker in Agusan Sur is work-related

By Erwin Mascariñas

BUTUAN CITY – Workers at the Department of Environment and Natural Resources (DENR) in Agusan del Sur have expressed fears the killing last week of Jaime Diyes, a tree marker, is work-related. Diyes, 46, was shot dead inside his house in Purok 14, Barangay Poblacion, Bayugan City at around 5:30 p.m. on February 23. Diyes expired at the Bayugan Medical Hospital.

An employee of the forest management office of the DENR who requested not to be named said the incident has raised concern among themselves.

“We cannot deny the fact that his death might be work-related and that the people behind the killing would do the same thing again,” the employee said.

The Bayugan City Police said there is an ongoing manhunt for the perpetrator.

Several incidents of harassment have been reported by DENR employees during fieldwork in 2011, the employee said. On January 15, 2011, Forest Guard Jacinto Dragas was gunned down by three unidentified men in his house in Bislig City.

Bulatlat, 09.02.12

2 activists nabbed in Laguna, charged with common crimes

By RONALYN V. OLEA

Two members of the urban poor group Kalipunan ng Damayang Mahihirap- Southern Tagalog (Kadamay-ST) were arrested by joint operatives of the police and military.

At around 5:30 p.m. of February 7, Evelyn Legaspi, 53, Kadamay regional council member, and Pastora Latagan, 33, staff of the group’s regional chapter, were apprehended by some 50 elements of the local police, 1st Infantry Battalion and 202nd Brigade of the Philippine Army in Barangay Maitim, Bay, Laguna.

The two were earlier reported missing by Karapatan-Southern Tagalog. Both were found by relatives and colleagues the next day at the Camp Vicente Lim in Canlubang, Laguna, according to Glen Malabanan, secretary general of Karapatan regional chapter.

In a news release issued February 8, the Philippine National Police-Criminal Investigation and Detection Group (PNP-CIDG) claimed that the two are leaders of the New People’s Army

(NPA) in the region. The CIDG said the two are facing charges of multiple attempted murder, multiple frustrated murder in connection with separate NPA raids in Quezon and Mindoro provinces.

Karapatan’s Malabanan decried the charges as trumped up.

The CIDG said a warrant of arrest was issued by a court in Infanta, Quezon. The CIDG further said that its operatives have confiscated several subversive documents, 14 sticks of explosives, four blasting caps, and assorted medicines.

In a text message to Bulatlat.com, Malabanan said the arresting team did not present any warrant of arrest. Malabanan joined the relatives in the search for the two activists. Malabanan said these are all planted evidence.

“Instead of tracking down political leaders and activists, government efforts must focus on finding Jovito Palparan Jr., the mastermind behind the numerous cases of human rights violations in the country,” Malabanan said.

Mindanews, 22.02.2012

Journalists cry harassment in mining area; mining firm says story fabricated

A group of media from Pagadian City cried harassment by the Special Caggu Active Auxiliary of TVI Resource Development (Phils.) Inc. in Sitio Balabag, Baragay Depore in Bayog town, Zamboanga del Sur on Monday but the mining firm on Tuesday denounced in a statement what it called a “fabricated story and imagined scenarios.” “It is unfortunate that these reporters used the good name of the National Union of Journalists of the Philippines (NUJP) in their unfounded stories,” TVIRD said in a statement released by Ron Jabal, Public Affairs Director.

TVIRD is the Philippine affiliate of TVI Pacific, Inc., a publicly listed Canadian firm focused on the exploration and production of precious and base metals

The NUJP sent out two alerts Monday, about the alleged harassment in the mining area covered by the Balabag Project Mineral Production Sharing Agreement (MPSA) between TVIRD

and the government.

It quoted Hirohito “Jong” Cadion, Frontline Mindanao Balita publisher and Philippine Star correspondent, as saying he, “together with 11 journalists and two others” went to the sitio Sunday night “to verify reports of an impending demolition of houses owned by civilians, mostly small-scale miners” residing near TVIRD’s exploration site.

According to the NUJP Alerts, Cadion, chair of NUJP Pagadian/Zamboanga del Sur, reported to the NUJP Mindanao Media Safety Office that they were about to leave when SCAA members who wore no nameplates and who refused to identify their unit or their superiors, tried to block their way, allegedly on orders of TVIRD.

According to the NUJP’s first alert, TVIRD’s Jabal called NUJP to deny the allegations. It also mentioned Bayog mayor Leonardo

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Babasa Jr. as saying Cadiong's group did not coordinate with them before going to the village. The next alert at 6:03 p.m. Monday said the journalists were on their way home.

TVIRD denied Cadion's allegations. "There is no truth to the reporters' claim that they were held overnight nor was there any truth to their claim that the company blocked the road leading to the TVIRD project site," the mining firm's statement read.

The statement noted that the Philippine National Police in the area and the commander of the 53rd Infantry Battalion reported no such incident happened.

"The truth is that the reporters didn't reach the project site because of a landslide that had occurred due to illegal scale mining activities. The truth is that they did not witness any demolition of houses as there was none. The truth is that the reporters unfortunately did not get TVIRD's comment on their allegations because the incidents they were describing were pure fabrication," TVIRD said.

Jabal told MindaNews the landslide happened on February 18, a day before Cadion's group arrived in the area.

"The truth is that the press was being used in the black propaganda of a few large financiers and operators of small-scale mining to discredit TVIRD, which is the legitimate partner of government in minerals development in the area," the statement read.

"Using the press by providing them deliberate lies is a desperate attempt by financiers and operators of small-scale mining to continue operating illegally," it added.

Cadion sent photographs showing "excavation made by the TVI intentionally to cut the road in order to paralyze the people in the mining site."

Jabal said TVIRD was in the area "to clear the portion of the road that was blocked by huge pile of mud and soil due to landslide. TVI did not excavate but was clearing the area." He said the landslide on the 18th damaged the road. There were no photographs of the demolition.

Cadion claimed the demolition did not push through because of their presence. "But a few weeks ago," he told MindaNews in a text message, "mayron nangyaring paggiba at pagsunog ng mga bahay," (there was demolition and burning of houses), an allegation Jabal denied.

Phil. Star, 24.02.2012

SC alarmed over P-Noy's impounding of budget

By Edu Punay

The Supreme Court (SC) expressed alarm yesterday over President Aquino's move to impound a portion of this year's P2-billion judiciary budget, which could have adverse effect on all its employees and personnel.

SC spokesman and Court Administrator Midas Marquez official lamented why the President insisted on imposing the Miscellaneous Personnel Benefits Fund (MPBF) condition for the judiciary despite the decision of Congress to allow the high court to continue freely using such fund. MPBF is a new item in the national budget that impounds funds for unfilled positions in the legislative, judiciary and other constitutional bodies, and which can only be accessed via presidential approval. Thus, these agencies will be barred from realigning the budget for other purposes.

In the 2012 General Appropriations Act (GAA) passed by Congress, the "Chief Justice of the Supreme Court (has the authority) to augment any item of the appropriations herein authorized for the SC of the Philippines and the lower courts from savings in other items of its appropriations."

"There was no demolition. TVI negotiates peacefully with small scale miners and a lot of small-scale miners can attest to this," he said.

Cadion, also anchor of a daily radio program aired over RPN-DXKP, was with eight others from the media, not "11 others" that he earlier reported to the NUJP Mindanao Media Safety Office.

He identified his companions as Gretchin Mondoy, Vira Angei Modesto, Emay Flor Intig — all from Frontline Mindanao; Tony Bayamban, Mindanao Biznews publisher and Judys Cogo, also of Mindanao Biznews; Efrén Superal, co-anchor of Radio Frontline Mindanao Balita DXKP, Lito Pedrano of DXWO FM and Jojo Besandre of DXKV FM.

Also with them, Cadiong said, were Lito Navaro, whom he described as "Human rights defender under Atty Harry Roque" and Edgar Baling, whom he described as "Human Rights Advocate." Baling, consultant to the Monte de Oro Small Scale Miners Association (MOSSMA) said in late January last year that they wrote President Aquino, asking him to intervene and exempt the 20 hectares from the MPSA of TVIRD. "Our refined gold products are sold at Central Bank and therefore the government is earning from our labor. If we are supported by the local government, we can be at par with the foreign companies," he added in MindaNews report dated January 31 last year. At that time, it was reported that about 250 small-scale miners and some 5,000 residents of the barangay were facing displacement once TVIRD starts open-pit mining operations under an MPSA covering 4,779 hectares. Mario Abaster, corporate community relations officer then said the MPSA includes the 20 hectares operated by small-scale miners belonging to the MOSSMA. He said they would finish the exploration of 10 drilling sites before doing actual mining operations. Small-scale miners, on the other hand, said they have been in the area since the late 1980s and have been constantly asking the Department of Environment and Natural Resources and Mines and Geosciences Bureau (MGB) of Region 9 to "legalize" their status. Here were no photographs of the SCAA personnel who allegedly held Carion's group as they were about to leave between 8 and 9 a.m. Monday. Cadion claimed the situation was tense so they hid their equipment to be safe. He said they finally left the area at 2 p.m. Monday.

The GAA had also stated, "the amount herein appropriated shall be automatically and regularly released. Provided that a quarterly report on the utilization of funds shall be submitted to the Office of the President and Congress."

But under the "general observation" included in his veto message dated Dec. 15, 2011, Aquino said the personal services in the 2012 GAA "shall be valid for release and obligation only until the end of (fiscal year 2012). On the other hand, maintenance and other operating expenditures (MOOE) and capital outlays authorized in this Act shall be available for release and obligation until the end of fiscal year 2013."

This is contrary to the Congress-passed provision.

In his veto message, Aquino justified such move: "[to] promote the efficient use of public funds, as well as achieve focus and optimum impact in the implementation of the various priorities of the government, allow me to restate the rules on the availability of appropriations for personal services, MOOE, and capital outlays for all government offices..."

Marquez believes the move is an obvious attempt to pressure the judiciary following its constant clashes with the executive

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department highlighted by the impeachment of Chief Justice Renato Corona.

It was learned, however, that the SC is not the only institution limited to use funds for filling unfilled positions.

The others are the Senate, Senate Electoral Tribunal, Commission on Appointments, House of Representatives, House Electoral Tribunal, Presidential Electoral Tribunal, Sandiganbayan, Court of Appeals, Court of Tax Appeals, Civil Service Commission, Commission on Audit, Commission on Elections, and the Office of the Ombudsman.

Asked if the impounding of the funds had anything to do with the impeachment of Corona, Marquez said: "Maybe not."

The President issued his veto message in the GAA last Dec. 15, or just three days after his allies in the House of Representatives filed the impeachment complaint against Corona before the

Senate.

While the Palace said that the MPBF condition is to efficiently facilitate the use of funds, the SC believes that it is an attack on the separation of powers.

The SC official reiterated that the MPBF is a violation of the constitutional provisions on fiscal autonomy, which provides the above agencies with "full flexibility to allocate and utilize their resources (as the) need require."

He said this flexibility is hinged on the concepts of independence and the separation of powers exercised by a democratic nation.

Marquez said the SC and other constitutional commissions have only made constant reminders on the matter. This time, "we now agree that this grant of autonomy should cease to be a meaningless provision."

Mindanews, 08.02.2012

Cotabato City political scene heats up over Sema ambush, murder charges

By Ferdinand B. Cabrera

It's 15 months before the May 13, 2013 elections but the political scene here has heated up with the filing Monday of charges of frustrated murder and attempted murder against Mayor Japal Guiani, his sister Atty. Frances Guiani-Sayadi who is the City Administrator, and five others for the January 10 ambush that injured Vice Mayor Muslimin Sema.

Investigators said the ambush was politically motivated. The accused said the charges were politically motivated.

Speaking on behalf of her brother who is out of the city on official travel, Sayadi denied the allegations but told a press conference that they will face the charges filed against them. She said the charges were "politically motivated."

The charges were filed before the Department of Justice by the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police.

CIDG chief Director Samuel Pagdilao Jr. said the motive of the failed assassination was to prevent Sema from running for mayor in 2013.

Sema was mayor for three terms with Guiani was his vice

mayor. In 2010, Sema, who had completed a third term and was disqualified for running again for mayor, opted to run for vice mayor, while Guiani ran for mayor.

Sema was ambushed near his residence on Don Gonzalo Javier St., Rosary Heights-7 village shortly before noon of January 10.

He was returning home when shots were fired, prompting his escorts to fire back, killing the alleged gunman, Jermin Abdullah.

But in a February 7 letter to Nonnatus Caesar Roja, OIC National Director of the National Bureau of Investigation through Acting ARMM Regional Director Sixto Burgos, Baigan Salik Abdullah, the wife of the alleged gunman, said the death of Abdullah should be investigated "deeply and thoroughly," claiming "my husband is a victim and a fall guy."

"Recent events seem to be deviating from the real issue and is not leaving towards unearthing the truth. Even the findings of the PNP SOCO (Philippine National Police Scene of the Crime Operation) that my late husband was negative of powder burns were not being considered by the investigating team," she said.