



Action Network Human Rights- Philippines

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Procedure Number: (2012-2681(RSP))

European Parliament resolution of 14 June 2012 on the cases of impunity in the Philippines

The text of this resolution is available in several languages on the website of the European Parliament at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP/TEXT+TA+P7-TA-2012-0264+0+DOC+XML+V0//EN>

The European Parliament,

- having regard to the International Covenant on Civil and Political Rights and the Additional Protocol thereto, to which the Philippines is a signatory,
- having regard to the Commission's Country Strategy Paper 2007-2013 for the Philippines,
- having regard to the Financing Agreement for the EU-Philippines Justice Support Programme, signed in October 2009 and intended to speed up judicial proceedings against the perpetrators of extrajudicial killings, and to the new 'Justice for All' programme,
- having regard to the recent ratification by the Philippines of the Rome Statute of the ICC and of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (OPCAT),
- having regard to the report of the UN Working Group on the Universal Periodic Review (UPR) on the Philippines of 31 May 2012,
- having regard to the statement by VP/HR Catherine Ashton of 24 April 2012,
- having regard to its previous resolutions on the Philippines, notably that of 21 January 2010(1),
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

A. whereas Esmail Amil Enog, an employee of the Ampatuan family of Maguindanao, went missing in March 2012 after having testified in court that he had driven armed militia members to the site where 57 victims were killed in 2009; whereas his dismembered body bearing traces of torture was found on 31 May 2012;

B. whereas, in an unprecedented move, the leading members of the Ampatuan family accused of masterminding the Maguindanao massacre were arrested after the events of 23 November 2009, while the assets and bank accounts of 28 clan members and associates were frozen;

C. whereas the trial of the persons accused of committing the Maguindanao massacre began on 8 September 2010 in Manila; whereas Andal Ampatuan and several of his sons are on trial for the massacre, while about 100 other suspects are still at large;

D. whereas Esmail Enog was the third witness to have been killed since the trial began in 2010, while the relatives of other witnesses have reported being attacked, threatened, offered bribes or harassed;

E. whereas Mr Enog's brutal death is a clear indicator of the fact that the climate of impunity that fostered the Maguindanao massacre is still alive in the country;

F. whereas, according to international press reports, four journalists have been killed in 2012 and the Philippines is deemed a dangerous country for the media by human rights monitoring organisations;

G. whereas extrajudicial killings and enforced disappearances have significantly declined since President Aquino assumed power; whereas, however the government's ability to effectively combat the widespread impunity of the perpetrators of such acts and tackle the politically motivated violence in the country remains insufficient;

H. whereas, according to human rights organisations, of the many hundreds of cases of extrajudicial killings in the last decade, only seven, involving 11 defendants, have been successfully prosecuted, and none since President Aquino took power;

I. whereas after the Maguindanao massacre the government established an Independent Commission Against Private Armies to dismantle private militias, but with no concrete results so far;

J. whereas according to the May 2011 report of the Independent Commission Against Private Armies there are at least 72 active private armed groups in the country;

K. whereas the most recent UPR of the Philippines reiterated the recommendations of 2008, i.e.: end impunity for extrajudicial killings, enforced disappearances and torture, and bring those responsible to justice; step up efforts for the total prohibition of torture, extrajudicial killings and enforced disappearances; end impunity by bringing the perpetrators to justice; and ensure the adequate protection of journalists and human rights defenders;

L. whereas the Enforced or Involuntary Disappearance Act was adopted by the Senate of the Philippines in June 2011 and by the country's House of Representatives in May 2012;

1. Strongly condemns the murder of the third witness of the Maguindanao massacre and the assassination of four journalists, and expresses its solidarity with the families of the deceased;

2. Expresses its serious concern over judicial independence and slow convictions for human rights violations in the country, and calls for an immediate independent investigation into the recent murder cases;

3. Calls on the Government of the Philippines to take further measures in order to end impunity for extrajudicial killings, enforced disappearances and torture and bring those responsible to justice, including the perpetrators of the Maguindanao massacre who are still at large; further calls for the release of all disappeared persons still in captivity and for light to be shed on all other unresolved cases;

4. Welcomes the indictment of 196 people over the Maguindanao massacre, but deplores the fact that no real progress has been made so far in the trial;

5. Urges the Government of the Philippines to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to enact the Enforced or Involuntary Disappearance Act;

6. Calls on the Government of the Philippines to ensure the adequate protection of human rights defenders, trade unionists and journalists, effectively investigate and prosecute attacks against journalists, and introduce into domestic law strong legislation prohibiting such acts and imposing criminal penalties;

7. Urges the state authorities to establish, under the Commission on Human Rights, a specialised programme for witness and victim protection, including the protection of the families of victims, in cases involving serious human rights violations, particularly when the perpetrators are believed to be soldiers, police or state officials;

8. Expresses its concern that the use of torture and the ill-treatment of suspects in police custody continue to be widespread, and urges the Philippine authorities to increase their efforts to rigorously combat violations of the national Anti-Terror Act of 2009;

9. Urges the government to immediately prohibit and disband paramilitary forces (including where paramilitary activity is supervised by military command) and local militias, and to establish full military and police control over the armed civilian units, notably the Civilian Armed Forces Geographical Units and Civilian Volunteer Organisations;

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10. Calls on the government to take concrete steps to implement the recommendations made to the Philippines during the recent UPR; urges it to revoke, without further delay, Executive Order 546, in order to ban private armies;

11. Welcomes the ratification by the Philippines of the Rome Statute of the International Criminal Court on 30 August 2011 and of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 17 April 2012;

12. Welcomes the important steps taken by the Government of the Philippines in its attempts to prevent killings and bring their perpetrators to justice, as well as the launch of a new Task Force of dedicated prosecutors to address extrajudicial killings and enforced disappearances;

13. Welcomes the successful implementation of the EPJUST

programme and the new EU-Philippines justice support programme 'Justice for All', which will be launched soon and will allocate EUR 10 million over the period 2012-2015 in order to promote equitable access to justice and its efficient enforcement for all citizens in general, and in particular for poor and disadvantaged people, especially women, children, minorities and indigenous peoples, as well as human rights and social activists;

14. Calls on the Government of the Philippines to enable a visit by the UN Special Rapporteur to investigate the human rights situation in the country;

15. Instructs its President to forward this resolution to the EU High Representative for Foreign Affairs and Security Policy, the President and Government of the Philippines, the UN High Commissioner for Human Rights, and the governments of the ASEAN member states.

Bulatlat.com, 01.06.2012

Philippines urged to stop killings, other rights abuses

By RONALYN V. OLEA

"They [the international community] know that the Philippine government has not lived up to its commitment to completely eliminate extrajudicial killings, enforced disappearances and torture." - Fr. Jonash Joyohoy of the National Council of Churches in the Philippines (NCCP) and co-head of delegation of the Philippine UPR Watch

MANILA - Several countries expressed alarm, during the Universal Periodic Review (UPR) of the Philippines in Geneva, Switzerland May 29, over the unabated extrajudicial killings and other human rights violations in the Philippines.

The UPR is a mechanism of the United Nations Human Rights Council to review compliance of all 192 UN member states to international human rights agreements. The first UPR in the Philippines was in 2008.

Justice Secretary Leila de Lima, head of the 29-member Philippine delegation, presented the country's national report stating the Philippine government's efforts in addressing concerns on human rights such as the creation of a task force to address extrajudicial killings, enactment and amendment of several laws, human rights education among state security forces, among others.

Sixty-seven countries participated in the discussion on the Philippines. While some countries noted some positive achievements by the Philippine government, many raised the issue of continuing human rights violations under the Aquino administration.

The representative of France said it is "alarmed by extrajudicial killings and enforced disappearances and continuing violations against journalists and human rights defenders."

The delegate of Japan said "extrajudicial killings continue as a significant political issue."

The delegates of the United Kingdom, Spain and the Holy See called on the Philippine government to "completely eradicate extrajudicial killings."

Citing the report of Task Force Usig from 2008 to 2011, the Philippine government claims that there were only 27 activists and media practitioners killed during the period. The Task Force Usig of the Philippine National Police (PNP) was created during the Arroyo administration purportedly to investigate cases of extrajudicial killings of activists and journalists. Recently, Col. Domingo Tutaan, head of the Armed Forces of the Philippines (AFP) Human Rights Office said they recorded zero human rights violations during the first quarter of the year.

Reports from independent human rights group Karapatan, however, show that there have been 76 victims of extrajudicial killings and nine victims of enforced disappearances since

Aquino took office. Karapatan, and other Church and people's organizations filed separate submissions to the Council.

A number of countries urged the Philippines to step up efforts to fully prohibit and address cases of torture, extrajudicial killings and enforced disappearances and ensure that there are mechanisms in place to address such cases.

De Lima said that the "wheels of justice are moving" in the Philippines.

The delegate from the United States, however, said "impunity in human rights violations continues," citing institutional barriers to the attainment of justice for victims of rights abuses.

Several countries urged the Philippines to end impunity in extrajudicial killings, enforced disappearances and torture and bring those responsible to justice, including Major General Jovito Palparan Jr, former Governor Joel Reyes and the perpetrators of the Maguindanao massacre.

Palparan is charged with kidnapping and serious illegal detention in relation to the enforced disappearance of University of the Philippines (UP) students Karen Empeño and Sherlyn Cadapan while Reyes is a suspect in the murder of environmentalist and broadcaster Gerry Ortega.

Others recommended that the Philippine government enhances human rights-based training for all law enforcement personnel.

The Canadian delegate said that despite training programs on human rights for security forces, human rights violations are "still serious and all too widespread."

The German delegate urged the strengthening of accountability mechanisms and the conduct of impartial investigations in cases involving state forces, reminding the Philippine government of the recommendations of Prof. Philip Alston, former Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions.

The representative of The Netherlands called on the Philippines to address the issue of impunity by prosecuting perpetrators. Denmark called for the full implementation of the anti-torture law, saying that state forces are still involved in abuses.

The delegates of Spain and Canada called for the dismantling of all paramilitary groups and militias.

At least six countries asked the Philippines to consider extending official invitations to UN special procedures. There are 13 pending requests for visits, including that of the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Independence of Judges and Lawyers and the UN Working Group on Enforced and Involuntary Disappearances. Special rapporteurs could not conduct a visit without the consent of the



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government under review. De Lima said they are still studying the requests and said the Philippine government cannot act on all requests because of shortage in resources.

Another recommendation raised to the Philippines is to ensure adequate protection of human rights defenders and journalists and effectively investigate and prosecute attacks against journalists and to introduce into domestic law strong legislation prohibiting these acts and imposing criminal penalties.

"We view the questions and statements of continuing concern by the different foreign missions as very telling. It shows even greater interest by the international community on the human rights situation. They know that the Philippine government has not lived up to its commitment to completely eliminate extrajudicial killings, enforced disappearances and torture. The language used may have been diplomatic, but clearly the international community wants the Philippine government to do more," Fr. Jonash Joyohoy of the National Council of Churches in the Philippines (NCCP) and co-head of delegation of the Philippine UPR Watch, said in a statement.

The Philippine UPR Watch is a network of human rights groups that also sent a delegation to Geneva to "expose the real human rights situation in the country."

Its members include Fil-Am activist and torture and disappearance survivor Melissa Roxas and Aklan municipal councilor Ernán Baldomero, son of slain councilor Fernando Baldomero, the first victim of extrajudicial killing under the Aquino administration.

Leaders from Karapatan, Tanggol Bayi, National Union of Peo-

ples' Lawyers, Bagong Alyansang Makabayan, Kalipunan ng Katutubong Mamamayan ng Pilipinas (Kamp), Moro Christian People's Alliance-Kawagib, Children's Rehabilitation Center, Defend Job Philippines, Migrante, Cordillera People's Alliance, Promotion of Church People's Response, IFI-Ramento Project for Rights Defenders, Migrante International, International Coordinating Committee on Human Rights in the Philippines (IC-CHRP) and Campaign for Human Rights in the Philippines-United Kingdom and CHRP-Switzerland also attended the session.

"It is not enough for the Philippines to merely acknowledge concerns about continuing abuses and impunity raised by UN member states," Elaine Pearson, deputy Asia director at Human Rights Watch, said in a separate statement. "The Aquino administration needs to implement enforceable and time-bound measures to end abuses and ensure that those who commit them are prosecuted."

"President Benigno Aquino III should make a public commitment that breaking impunity in the Philippines is a top priority," Pearson said. "He can do that by adopting measures that will ensure that military personnel and police who have so far gotten away with murder, torture and disappearances will be punished under his watch."

"The government needs to undertake a major and thorough reform of the country's broken criminal justice system, as many have states recommended," Pearson said. "It would be tragic to return to Geneva four years from now for the next UPR and see that nothing significant has changed."

Bworldonline.com, 27.06.2012

Writ of amparo clarified in Supreme Court ruling

By A. E. Barrameda

A COURT order that protects an individual against grave threats can only be issued in cases of enforced disappearances and extralegal killings involving the government, the Supreme Court (SC) said.

In a full court decision promulgated on June 19, the high court reversed a July 2008 Malolos City Regional Trial Court (RTC) order, which issued a writ of amparo in favor of Virginia Pardico whose husband Benhur went missing after allegedly being mauled by the security personnel of a subdivision in Malolos.

The SC's Rule on the Writ of Amparo defines the writ as "a remedy available to any person whose right to life, liberty and security is violated or threatened with violation by an unlawful act or omission of a public official or employee, or of a private individual or entity."

The Malolos RTC issued a writ of amparo against Ruben Dio and Andrew Buising, security guards of Grand Royale Subdivision, and Edgardo Navia, the security supervisor. The three allegedly illegally arrested and mauled Mr. Pardico for allegedly stealing parts of a lamp post in the subdivision.

Mr. Pardico has since been missing, prompting his wife to request the Malolos court for the writ's issuance.

The RTC then granted her petition, directing the three accused to "produce before the court the body of aggrieved party Benhur Pardico" on June 30, 2008. The issue was, however, appealed to the high court, with the claim that Ms. Pardico failed to establish that they threatened the life of her husband.

INQUIRER.net, 06.06.2012

Senate passes bills creating 70 regional courts on 2nd reading

By Kate Evangelista

MANILA, Philippines -Two Senate Bills and 21 House Bills seeking to create 70 additional regional trial courts (RTCs) and

nine municipal trial courts were passed on second reading on Wednesday evening.

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Approved were House Bills 4471, 4472, 4469, 4473, 4474, 4475, 4476, 4479, 4489, 4490, 4491, 4492, 4493, 4494, 4495, 4497, 4511, 4513, 4521, 4522, 4744 and Senate Bills. 2958 and 2539. The passing of the bills came on the last day of session before the Senate's sine die adjournment.

The bills which were sponsored by Senator Francis Escudero, chairman of the Senate committee on justice and human rights, seeks to amend section 14 of the "Judiciary Reorganization Act of 1980," and focuses on the establishment of RTCs.

Philippine Daily Inquirer, 04.06.2012

Bishop Pabillo commends Senate for moving FOI bill a step forward

A Catholic bishop on Sunday praised the Senate for moving the Freedom of Information (FOI) bill a step forward, and urged the House of Representatives to do the same.

Manila Auxiliary Bishop Broderick Pabillo noted that the Senate committee on public information had sponsored a committee report consolidating the FOI bill.

"This is commendable [because] it means that the issue of the FOI bill has improved in the Senate," Pabillo said at the general assembly of the Kilusang 99% Movement held at the Catholic Bishops' Conference of the Philippines (CBCP) compound in Intramuros, Manila, on Thursday.

"I hope that the House of Representatives will also initiate the approval of the FOI bill," said Pabillo, also the chair of the Catholic Bishops' National Secretariat for Social Action (Nassa).

"We are challenging the House to do their part. If we really want

If ratified, additional RTCs will be created in the provinces of Romblon, Cavite, Davao, Kalinga, Leyte, Iloilo, Surigao del Sur, Laguna, Negros Occidental, Palawan, Misamis Oriental, Zamboanga, Cebu, Compostela Valley, Batangas and Aurora, Escudero said.

There are also plans of creating RTCs in the cities of Navotas, Valenzuela and Muntinlupa in the future, Escudero said. He added that creating new RTCs will help ease the backlog of pending cases.

Bworldonline.com, 25.06.2012

Bill creating rights body up for funding

FUNDING FOR a proposal to strengthen the Commission on Human Rights (CHR) will be considered by the House committee on appropriations, according to a statement released yesterday.

The substitute bill as recommended by the committee on human rights in October last year, merges four proposals to define the rights body's duties as an independent entity under Article 13 of the Constitution.

"[The measure] [r]ecognizes the commission as an independent constitutional office which shall not be subjected to instructions or order from the President, Congress or Judiciary..." stated a fact sheet from the House of Representatives.

The bill also grants the CHR the power to suspend a limited range of public servants.

"[It] [a]llows the commission to preventively suspend any officer or employee with the exception of members of Congress, the Judiciary and impeachable officials, pending an investigation

transparency, approve the FOI bill," said the prelate.

Last week, the Senate committee on public information headed by Senator Gregorio Honasan submitted the FOI bill to the plenary for deliberations.

The prelate said he strongly believed the FOI bill would aid in resolving the lack of transparency among government officials such as in the case of Renato Corona who was ousted from his post as Chief Justice for misdeclaring his statement of assets, liabilities and net worth.

Pabillo lamented how the FOI bill failed to advance during the 14th Congress due to "lack of interest" among its members.

At the assembly, Pabillo and the movement called on Speaker Feliciano Belmonte Jr. to "stand on the side of the people" and include the passage of the measure in Congress.

and after summary hearing, if in its judgement, there exists valid legal grounds to effect the suspension."

The power to initiate court action was also given to the proposed CHR.

"[The bill] [e]mpowers the commission to exercise its concurrent prosecutorial powers and functions in the event of failure or refusal of the prosecuting arm of the government to either conduct the preliminary investigation within a specified period of time, or to act accordingly upon receipt of the commission's resolution finding probable cause."

It will also give the CHR fiscal autonomy to ensure its independence, said Deputy Speaker Lorenzo R. Tañada III (Quezon, 4th district), one of the authors of the bill.

Also, the measure will allow the proposed body to create human rights resource centers nationwide, which will handle human rights issues and concerns locally.

MindaNews, 17.06.2012

GPH, NDF meet to revive talks

DAVAO CITY - The Philippine government (GPH) and National Democratic Front of the Philippines (NDFP) peace panels are talking again.

The Office of the Presidential Adviser on the Peace Process (OPAPP) announced in a press statement on June 17 that GPH peace panel chair Alexander Padilla led a delegation to Oslo last week to meet with the NDF leadership, on invitation of the Royal Norwegian Government which is facilitating the talks.

Former Senator Wigberto Tanada was also invited by the Norwegian government to help restart the stalled peace process.

The parties met on June 14 and 15 in Oslo and issued a statement at the end of the talks that they have "agreed to continue meaningful discussions of concerns and issues raised by both

sides" during the two-day talks, "to pave the way for the resumption of the formal talks in the peace negotiations in order to resolve the armed conflict and attain a just and lasting peace."

The OPAPP statement said Padilla raised the GPH's issues and concerns, among them a ceasefire or at least the lowering of the levels of violence, especially against civilians and other non-combatants such as business establishments."

Padilla also cited the panel's continuing objection to the NPA's alleged use of landmines in violation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

The NDF in a statement posted on its website on June 16, responded to the issues raised by saying, "our two panels can



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discuss these in connection with an earlier proposal of the NDFP for a Concise Agreement for an Immediate Just Peace as well as with the later proposal for truce and alliance submitted directly to your President and considered as subject matter of the special track."

The OPAPP said the NDF, led by panel chair Luis Jalandoni and Jose Maria Sison, its chief political consultant, "pressed for the release of most if not all 14 political detainees who it claims to be consultants in the peace process" and the issue of "reconstructing its list of JASIG-protected members after the failure of the verification process in July last year rendered their original list of 85 alias-bearers inoperative."

The NDF also put on the table for further discussion a possible arrangement for "truce and alliance" which it has been floating since 2011.

Both the GPH and the NDF responded positively to a suggestion made by Senator Tanada to discuss the possible implementation of the Joint Agreement in Support of Socio-Economic Projects of Private Development Organizations and Institutes to bring

www.akbayan.org.ph, 05.06.2012

Communist Party of the Philippines Plots New Round of Killings against Akbayan and its Allies

Statement by Akbayan:

We strongly condemn the Communist Party of the Philippines' (CPP) statement tagging Akbayan Party as the "civilian component of the Armed Forces of the Philippines" in the area of Bondoc Peninsula, Quezon (<http://www.philippinerevolution.net/statements/akbayan-culpable-for-human-rights-violations-in-bondoc-peninsula-and-southern-quezon-cpp>). The absurd but deliberate statement is a prelude to the CPP's armed wing, the New People's Army (NPA), to continue vicious attacks against Akbayan members and agrarian reform movement leaders in the area.

We denounce the continuous intimidation of our members and the terrorizing of the broad agrarian reform movement in Southern Quezon and the Bondoc Peninsula. This latest statement is part of the continuing ploy of the CPP to instigate NPA attacks against Akbayan members and leaders. It widens the hit list released by the CPP in 2005, when it issued a "diagram" containing the names of individuals deemed as "counter-revolutionaries" and "class enemies."

Issued after a series of assassinations by the NPA of personalities branded by the CPP as "counter-revolutionaries," the 2005 hit list included Akbayan Representative Walden Bello, former Akbayan President Ricardo Reyes, Akbayan leaders Nathan Quimpo and Sixto Carlos, and current Commission on Human Rights Chairperson Loretta Ann Rosales. The CPP-NPA did not hesitate to murder Agusan Del Norte Akbayan leader Florente Ocmen and Bondoc Peninsula peasant leader Raymundo Tejeno in 2003, or Masbate Akbayan peasant leader Butchoy Vale in 2008. With this statement the CPP is once again laying the basis for the cold blooded murder of more Akbayan members.

The CPP has long held deep-seated hatred against organizations such as Akbayan, which have a different take on effecting meaningful change. The reason is plain and simple: the efforts being made by the Akbayan together with peasant groups like Katarungan in Southern Quezon and the Bondoc Peninsula have resulted in significant gains in the area of agrarian reform. The CPP has made no secret of its disdain of agrarian reform and its champions. To the CPP, key reform measures such as CARPER draw away the farmers and the people from its violent path of change. To the CPP any organization or movement that draws people away from its analysis and its own forces must be murdered. Anyone who disagrees with their egotistical leaders must be silenced. It is adept at finding ways to couch its self-serving

progress and prosperity to conflict areas, towards the attainment of a just and lasting peace.

This agreement was signed by the parties in 1998 but its implementation was held in abeyance pending the approval of their respective principals.

The NDF statement they are "ready to engage your government in mutual support for the initiatives under the Agreement"

Padilla was accompanied by panel members Efren Moncupa and Jurgette Honculada, consultant Paulyñ Sicam, and Maria Carla Villarta, director and secretariat head.

Jalandoni was accompanied by panel members Fidel Agcaoili and Julieta de lima, chief political consultant Jose Ma. Sison, and legal consultant Rachel Pastores.

The Royal Norwegian Government (RNG) as third party facilitator was represented by Amb. Ture N.L. Lundh, Ambassador of RNG to the Philippines Knut Solem and Sverre Johan Kvale, Senior Adviser, Section for Peace and Reconciliation, Foreign Ministry.

The original CCP Statement:

Akbayan culpable for human rights violations in Bondoc Peninsula and Southern Quezon

The Communist Party of the Philippines (CPP) castigated the pro-Aquino Akbayan Party for its culpability for the spate of military abuses and violations of human rights and the rights of children being perpetrated by the Armed Forces of the Philippines (AFP) in Southern Quezon and the Bondoc Peninsula in the past several months.

"The peasant masses and people of South Quezon and in the Bondoc Peninsula are suffering from grave military abuses as a result of the intensified military operations of the AFP," said the CPP. The Aquino government has deployed at least eight battalions of its armed forces, paramilitary troops and police personnel in the 22 towns of South Quezon, an equivalent of around 200 armed men in every town.

"State armed forces are wreaking havoc on the lives of the people of South Quezon," added the CPP. "Armed troops make use of people's houses for months on end, terrorizing people, committing grave abuses, traumatizing the youth and children, causing grave social hardships and economic dislocations, encouraging gambling, drinking, drug abuse and other antisocial activities and disrupting school classes and community peace and order."

"Even prior to the Aquino regime, the Akbayan Party has conspired with the AFP in its counterinsurgency operations, serving as the principal civilian arm in the psywar campaign to inveigle the people into submitting to the reactionary government's fake land reform program and pave the way for the military to bury deep its fascist fangs into the people's necks," said the CPP.

"Akbayan's collaboration with the AFP has intensified under the Aquino regime and its Oplan Bayanihan," added the CPP. "Members of Akbayan-affiliated organizations are being recruited and trained by the AFP as CAFGU elements and employed in the AFP's campaigns of suppression under its Oplan Bayanihan plan. It complements and completes the US-designed Oplan Bayanihan war of suppression of the AFP as the so-called civil society component to cover-up the brutalities of the military operations directed against civilians."

"Akbayan official Etta Rosales herself, who was appointed by Benigno Aquino III as chair of the Commission on Human Rights (CHR), even worked with the commander of the 74th IBPA in a publicity stunt to distribute so-called land titles in Quezon," added the CPP. "Rosales' serving as head of the CHR is a grave mockery of human rights as the Akbayan Party has been working hand in glove with the AFP in waging the Oplan Bayanihan war of suppression against the people."

The CPP said: "The Akbayan Party is a petty-bourgeois reformist group that is in coalition with the Aquino regime. Its officials have been appointed by Aquino in various top-level positions of the reactionary government. It serves as an apologist of the key antipeople programs of the Aquino government such as the Conditional Cash Transfer. It dresses itself as "Left" and "socialist" in a vain attempt to draw the people away from the path of militant resistance and revolutionary struggle."

www.philippinerevolution.net, 28.05.2012



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criminality in the rhetoric of revolution and change.

Akbayan does not see itself as the only genuine representative of the people unlike the CPP which has assigned itself as the sole and exclusive vanguard of the people's struggle. We believe that different progressive forces, sectors and social actors all have a role to play in the struggle for a better future. We stand for a democratic and non-violent revolutionary transformation of society which runs against the CPP's strategy of primarily using violence in order to grab power.

We therefore call on the public to condemn this latest statement from the CPP. The CPP's posturing is no different from the private armies which sow terror or from abusive military officials personified by fugitive ex-army General Jovito Palparan. The truth is that the CPP is seen by many in the countryside as much of a threat as abusive military and paramilitary forces. Small, medium and large business enterprises are sick of its extortion masquerading as "revolutionary taxes". The CPP's homicidal politics simply has no place in our democratic polity.

Bulatlat.com, 02.06.2012

Gov't urged to strengthen witness protection as another Ampatuan massacre witness killed

By Ronalyn V. Olea

MANILA - Another witness in the massacre that claimed the lives of 57 individuals was recently found dead.

Esmail Enog's body, cut into pieces, was found in Mamasapano, Maguindanao two months after he had gone missing, according to lawyer Nena Santos who represents the family of Maguindanao Governor Esmael Mangudadatu.

Enog testified in court that he drove 36 of the accused, four of whom he identified, to the massacre site in sitio Masalay, Barangay Salman, Ampatuan town, Maguindanao on November 23, 2009.

"The Philippine government should redouble its efforts to protect witnesses in the Maguindanao massacre case. As the reported killing of witness Esmail Amil Enog underscores, these witnesses are in extreme danger and it is appalling that they are being hunted down one after the other," Elaine Pearson, deputy Asia director at Human Rights Watch, said in a statement.

In the same vein, the International Federation of Journalists (IFJ) said that "to ensure a fair and just trial of those charged with the Ampatuan massacre, it is crucial that the Philippines government protect the safety of all witnesses and their families."

Enog is the second witness to be killed since the trial began. In June 2010, Suwaib Upham was also gunned down.

Pearson said Upham's killers have not been brought to justice. "Relatives of other witnesses have also been harmed and there

The CPP's brigandry towards individuals, institutions, businesses and communities is a threat to genuine development.

We also call on everyone concerned about human rights and democratic exchange to denounce the CPP's threat of violence and/or its continuing use of violence against progressive forces outside of its political circle. Even as different progressive forces contend with each other in winning the hearts and minds of the people, it must be done through the democratic exchange of ideas and platforms rather than by acts of violence.

Finally, we call on President Aquino to expedite the implementation of CARPER especially in the area of the Bondoc Peninsula in Quezon. The CPP's brazenness to use violence against its perceived ideological rivals in the countryside is partly the result of the bureaucratic ineptitude and landlord opposition that hinders the all-out distribution of farmlands in many parts of the country. Akbayan believes no less than a determined and sustained effort to implement CARPER will break landlord exploitation and the CPP's impunity.

have been efforts to bribe witnesses to stop them from testifying," she said. "Witnesses won't come forward if they and their families continue to be targeted. The government needs to act quickly to protect witnesses and their relatives, and to arrest and detain the remaining suspects," Pearson said. "Aquino should make witness protection a priority to fulfill his promise of justice for the massacre victims."

Andal Ampatuan Sr and sons Anwar Jr, Zaldy, Sajid and brother Kanor Ampatuan, are among the 196 individuals facing murder charges for the massacre.

Only 97, however, have been arrested and only 17 have been arraigned so far.

"It is incumbent on government, if it is sincere in giving justice to the victims of the gruesome mass murder, to ensure the safety of all witnesses and their families, as well as the victims' families, regardless of whether or not they are in the witness protection program," the National Union of Journalists of the Philippines (NUJP) said in a separate statement.

Reports say that Enog refused to be enrolled in the government's witness protection program and returned to Maguindanao after testifying.

The NUJP called on President Benigno Aquino III to order a full-blown investigation into Enog's murder and why the victim had not been accorded the full protection.

Action Network Human Rights- Philippines

Bulatlat.com, 13.06.2012

Youth activist tortured by soldiers in Quezon

By RONALYN V. OLEA

MANILA - An 18-year old youth activist was nabbed allegedly by soldiers in Lopez, Quezon and tortured into admitting he is a member of the New People's Army (NPA), according to human rights group Karapatan-Southern Tagalog.

Franklin Barrera, district coordinator of Kabataan partylist, was taken by armed men at around 1 p.m. on June 7. Based on Barrera's handwritten account, a copy of which was sent to Bulatlat.com, somebody hit Barrera's head from behind while he was walking on his way home on Yumul street, barangay Gomez in Lopez, Quezon. When he regained consciousness, he found himself inside a red van. The armed men immediately blindfolded him. He was taken to a house in barangay San Isidro near the Army's 85th Infantry Battalion detachment.

In a report by Inquirer.net, Colonel Eduardo Año, commander of the 201st Brigade, of the Philippine Army said that Barrera is an NPA guerrilla. He also claimed, however, that it was the NPA, not the military who abducted and tortured the young activist.

In the same report, Año said Barrera is ready to face the media to reveal "how he was abducted and tortured by his NPA comrades before turning him over to Karapatan in a hospital." "He was used to serve as 'props' on their vilification campaign against the military," Año was quoted as saying.

Karapatan-Southern Tagalog belied the military's statement. The group said Barrera, in a handwritten statement, related that he was tortured and subjected to intense interrogation by alleged soldiers.

"They put a rope around my neck and they tied my feet. They asked me about persons I did not know of. When I could not answer them, they made me eat a large quantity of salt. They searched my body and I threw my cellphone. They took it, removed the SIM card and inserted the card in a laptop," Barrera said in his statement written in Filipino.

Barrera said the men hit his lower limbs and his back and he pretended to lose consciousness. Not long, Barrera managed to untie the rope around his neck and feet. He then kicked the door of the house where he was taken and ran away. When he reached the highway, he took the bus going to Lucena and got off in Atimonan. He was confined in a local hospital until members of Karapatan fetched him there on June 8. Karapatan-Southern Tagalog said they were also able to interview Barrera on camera. The following is Barrera's account of what happened in the video.

"They made me take three tablespoons of salt and lots of water. When I started vomiting, they showed me pictures and asked me to identify some persons. When I could not, they hit my nape with a rifle," Barrera said in Filipino in the video interview.

On June 10, Barrera left the Kabataan partylist office in Lucena City, Quezon without informing any of his colleagues.

Glendhyl Malabanan, secretary general of Karapatan-Southern Tagalog said "it is highly possible that Barrera would recant his earlier written statement. "Such dirty tactic of the military is not new," Malabanan said. Malabanan said the AFP has no credibility in claiming that the human rights organization is lying. She said Barrera is a convener of the Save Bondoc Peninsula Movement, a campaign network calling for the pullout of military troops operating in South Quezon. Malabanan said many would

testify to Barrera's identity.

Orly Marcellana, spokesman of Save Bondoc Peninsula Move-

Quezon activist flees from Karapatan, points to comrades as abductors - Army exec

LUCENA CITY, Philippines - The military has turned the tables on its enemy and accused the New People's Army and leftist groups of abducting an activist and concocting tales to discredit Army soldiers in Quezon.

Colonel Eduardo Año, commander of the Army's 201st Brigade operating in Quezon, claimed that contrary to reports by militant groups, Franklin Barrera was not abducted and tortured by the military but by the communist rebels.

Año said Barrera, whom he identified as an NPA rebel, escaped from Karapatan's headquarters here Sunday evening.

"Through the help of some civilian friends, he was able to contact an Army officer, who rescued him after his escape. He was afraid for his life that's why he escaped from Karapatan," Año said in an interview Monday morning.

He said Barrera will meet the media on Monday.

"He will reveal how he was abducted and tortured by his NPA comrades before turning him over to Karapatan in a hospital. He was used to serve as 'props' on their vilification campaign against the military," Año said.

The Philippine Daily Inquirer tried to contact a Karapatan official in Quezon by cellphone to no avail.

Over the weekend, militant groups reported that Barrera, whom they claimed was an anti-mining and human rights activist, was abducted by military men in Lopez town, Quezon.

Karapatan, in their press statement, alleged that Barrera was knocked unconscious from behind with a hard object by one of his abductors and taken away in a red van.

Barrera later found himself in a house in Barangay San Isidro near the Army's 85th Infantry Battalion detachment where he was able to escape and sought help from the human rights group, according to Karapatan.

"Karapatan's report was a tall tale as part of their continuous propaganda to demonize the military," Año said.

Militant party-list representatives cited Barrera's abduction report in their call for Congress to conduct an investigation on the alleged ongoing militarization in Quezon province. Año said he welcomed the planned Congress investigation.

"We're in a democratic country. They are free to investigate and we welcome that. At least, we will be given the opportunity to refute these baseless accusations against us," Año said.

[Inquirer Southern Luzon](#), 11.06.2012

ment said Barrera's case proves that the military "wants to silence them for exposing the real motives of the Armed Forces of the Philippines's Oplan Bayanihan."

The group said the military poses as "private armies of big landlords" in Quezon and "protectors of the mining companies." "Franklin [Barrera] is an active anti-mining activist," Marcellana said.

Data gathered from Mine Geoscience Bureau of the Department of Environment and Natural Resources shows that more than 240,000 hectares of land, or around 27 percent of Quezon's total land area, is under application for mining activities in the province.

Malabanan called on Barrera to stand up for the truth.

Año, then with the Intelligence Service Group of the Philippine Army, is among those charged. Burgos, son of press freedom icon Jose Burgos Jr., remains to this day.

Action Network Human Rights- Philippines

Observatory for the Protection of Human Rights Defenders, 20.06.2012

Philippines: Assassination, death threats and intimidation of environmental activists

Urgent Action

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in The Philippines.

Brief description of the situation:

The Observatory has been informed by Task Force Detainees of the Philippines (TFDP) of the intimidation of, and threats against, Ms. Carolyn R. Borja and Ms. Nenita Lacasa, respectively President of Carapdapan Movement for Development Association (CAMADA INC.), and staff member.

According to the information received, on June 19, 2012, Ms Lacasa was at home at 2pm on May 6, 2012, when Mr. Teros Lopido, Trustee of the President of the Terrestrial Mining Corporation, got off a pick up and aimed one shot at the upper storey before leaving the scene. Ms. Lacasa also reported that unknown individuals had been monitoring her home on several occasions in May, at times standing guard in a pick up with the same number plate. In addition, on May 23, 2012, individuals riding two motorcycles fired shots at 11 pm on Ms. Borja's home before fleeing the scene.

These violent acts of intimidation come in the wake of the stabbing to death, on May 1, 2012, of Mr. Franciso P. Canayong, President of Integrated Upland Farmers Association of Salcedo (BIUFAS), and member of Carapdapan Land Owners Association (CLOA), an organisation registered with the department of Labor and Employment (DOLE). Mr. Canayong was also a member of CAMADA INC., and of Samar island partnership for peace and development. Mr. Canayong, a community leader, had led the people's organization in actively supporting and advocating for peace and development issues, and particularly for the protection of the environment. He was active in the local campaign against the mining operation in Salcedo and in other parts of Eastern Samar, in the Eastern Visayas archipelago.

A few weeks before his killing, on March 19, 2012, Mr. Canayong, along with Ms Borja and Mr. Antonio M. Norte, barangay [1] councilor, had filed an affidavit in relation to verbal threats they had overheard on March 17, 2012, during a conversation between Mr. Lopido, and some of his colleagues. The affidavit stated that Mr. Lopido had mentioned the names of Mr. Canayong, Mr. Norte and Ms. Borja, and the names of their

associations. According to the affidavit, Mr. Lopido had threatened that "if the mining operation [is] stopped, they must leave their home and never show up again" otherwise he would kill them. According to the affidavit, Mr. Lopido had said that he would "enter each of their houses and kill them" if Mr. Canayong and his companions "interfered with their incoming chromite ore shipment."

Mr. Canayong had consistently opposed mining activities because of its detrimental health and environmental impact on the community. On March 14 and 15, 2011, he had joined a barricade in barangay Carapdapan to stop the illegal transport of chromite ore by Terrestrial Mining Corporation on its way to China. Due to the group's actions, the mining company had filed a civil case for damages against Mr. Canayong, Ms. Borja and 3 other members of their group at the Regional trial Court (RTC) branch 139 in Makati City, Manila.

In September 2011, Mr. Canayong, along with Ms. Borja and members of their group, had filed complaints with the office of the Ombudsman for the failure of the local government to intervene and stop the illegal mining activities in the area.

Actions requested:

Please write to the Philippines authorities urging them to:

- i. Guarantee, in all circumstances, the physical and psychological integrity of Ms. Borja, Ms. Lacasa and Mr. Norte, and of all human rights defenders in general in the Philippines;
- ii. Order an immediate, thorough, effective and impartial investigation into the assassination of Mr. Canayong, and the death threats against Ms. Borja and Mr. Norte, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply the penal sanctions provided by the law;
- iii. Provide adequate reparation to Mr. Canayong's family;
- iv. Comply with all the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;
- v. Guarantee the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other international human rights instruments ratified by the Philippines.

Task Force Detainees of the Philippines, 05.06.2012

TFDP Urgent Action: Arrest and Torture of 3 Job Hunters

Dear Friends,

Task Force Detainees of the Philippines (TFDP), writes to inform you about the arrest and alleged torture of three (3) job hunters suspected of being members of New People's Army (NPA), in San Andres, Quezon on March 22, 2012 at about 5:00 in the afternoon by alleged members of 74th Infantry Battalion of Philippine Air Force.

VICTIMS :

1. Elmer Ehorango Desoyo, 20 years old
2. Reynaldo De los Santos, 17 years old
3. Rey Rodrigo, 16 years old

CASE DETAILS:

According to Elmer Desoyo and Reynaldo Delos Santos, they were looking for a job together with Rey Rodrigo, and were on their way home at Sitio Tagbakan, San Andres, Quezon, when they met two (2) men in civilian clothes with high powered guns (armalite) who arrested them. The victims were blindfolded and

their hands tied. They were instructed to lie down and crawl to the ground while they were being kick.

Elmer was hit with an armalite butt twice on his right side. He was also shot near the ear with a long firearm by one of the men. He tried to beg for their release but to no avail.

At around 7 PM, the military brought them to the camp at Sitio Malamig, Quezon. Inside the camp, still in blindfolds and half naked, they were interrogated by the perpetrators. They were asked if they were members of the NPA and if they were asked if they knew members of NPA. They were threatened to be killed if they will not mention any name. Elmer told them that he was even afraid of gun. According to Reynaldo, the military even began to drop names of alleged members of the NPA to them but could no longer recall the names mentioned due to fear.

The next day, the victims were brought to San Andres Police Station. It was only here did their assailants took their blindfolds



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off. Later, they brought to the fiscal for inquest and were charged with Illegal Possession of Firearms. This is the only time when the military informed their parents that they have been arrested. Elmer's dad has even went to the camp earlier to look for them but they were not seen.

Elmer and Reynaldo are presently detained at Quezon Provincial Jail in Lucena. During the arrest, Reynaldo was only 17 but he turned 18 years old last May 2, 2012 in detention. Rey Rodrigo, the younger victim was turned over at the National Training Center for the Boys in Tanay, Rizal on April 30, 2012 according to the guards.

Action Requested

Please write to the authorities in the Philippines urging them to:

1. Call upon competent authorities to carry out a prompt, effective, thorough, independent and impartial investigation into the

arrest and alleged torture of the victims Elmer Desoyo, Reynaldo Delos Santos and Rey Rodrigo and ensure that adequate, effective and prompt rehabilitation and assistance is granted to the victim's family;

2. To strictly observe and comply with the International Humanitarian Law (IHL) which recognizes and establishes protection of civilians not belonging to armed forces or armed groups. The military should ensure that civilians under the power of enemy forces must be treated humanely in all circumstances, without any adverse distinction. They must be protected against all forms of violence and degrading treatment;

3. Guarantee the respect of human rights and the fundamental freedoms in accordance with international human rights standards.

MindaNews, 22.06.2012

Fresh violence hits Tampakan mine: 2 dead, 2 wounded

By Bong S. Sarmiento

GENERAL SANTOS CITY – The peace and order situation has worsened in the mines development site of foreign-backed Sagittarius Mines, Inc., with a policeman and a mining consultant killed and two other militiamen wounded in the latest atrocity instigated by tribal members on Wednesday, military and mining company officials confirmed on Thursday.

The ambush came three days after a security guard was also killed within the Tampakan copper-gold project area.

1Lt. Bethuel N. Barber, civil military officer of the 27th Infantry Battalion, said two members of the Civilian Armed Forces Geographical Unit (CAFGU) were wounded in an ensuing clash with the tribal members.

He identified the group that ambushed the victims and later clashed with responding government troops as allegedly headed by Daguil Capion, who is staunchly opposing the Tampakan project.

Last year, Capion admitted responsibility to the ambush that killed three workers of a construction company hired by Sagittarius Mines for a road project.

The suspect, who has since remained in hiding, had blamed the mining company for the atrocities in the mines site, saying bloodshed could have been avoided if only Sagittarius Mines heeded their demand to abandon the project.

Lt. Col. Alexis Noel C. Bravo, 27IB commander, ordered a continued manhunt operations against the suspects, Barber said.

The junior officer identified the victims as PO1 Roy Tunsoy and Villarmino Hectin, a security consultant of Sagittarius Mines.

Hectin was brought to a hospital in Digos City but didn't make it alive, Barber said.

Meanwhile, the two CAFGU members have been brought to the Camp Panacan military hospital in Davao City for treatment, he added.

Due to the fresh violence, which occurred at 1 p.m. Wednesday in Sitio Maklak in Barangay Kimlawis, Davao del Sur, Sagittarius Mines has suspended work in the mines development site.

John B. Arnaldo, Sagittarius mines external communications and media relations manager, said that unidentified armed individuals ambushed a police vehicle escorting a water truck traveling in the mine site. Arnaldo declined to give further details, saying the police and the military have secured the area.

"As a precautionary measure all our activities within the project area have been temporarily suspended until further notice," he said.

Last Sunday, a security guard of the mining company was also shot dead in the mines site, less than a month after another shooting that injured the victim.

MindaNews, 18.06.12

Security guard killed in Tampakan mines site

By Bong S. Sarmiento

KORONADAL CITY – A security guard for the Tampakan copper-gold project of foreign-backed Sagittarius Mines, Inc. was killed in a gun attack, a company official confirmed on Monday. The security guard's killing came less than a month after the shooting of another security guard within the mines development site that resulted to his injury last May 22.

John Arnaldo, Sagittarius Mines external communications and media relations manager, did not identify the security guard killed at around 10 a.m. last Sunday in Sitio Lafla in Barangay Kimlawis, Kiblawan, Davao del Sur.

"I confirm that a security guard employed by our security service provider Catena was fatally shot by an unidentified individual," he said in an e-mailed statement. [...]

Arnaldo gave no further details, saying the Kiblawan police have been advised of the incident and their investigation is underway. A source said a disgruntled resident killed the victim

allegedly due to Sagittarius Mines' continued conduct of a survey or consultation in their community.

In January, the Department of Environment and Natural Resources rejected the application of Sagittarius Mines to secure an environmental compliance certificate for the Tampakan copper-gold project. The mining company has appealed the decision but the DENR maintained its position.

The Environment department thrashed the ECC due to the open-pit ban imposed by the South Cotabato provincial government.

Juan Miguel Cuna, national director of the Environmental Management Bureau, an attached DENR agency, had advised Sagittarius Mines to "refrain from undertaking any development activity in the areas mentioned in the application for ECC until the same is issued in your favor, including permits from concerned government agencies."

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Arnaldo insisted the mining company is not violating the ECC order, given their activity that apparently led to the tragic incident involving the dead security guard.

"The ECC denial [order] only prevents construction-related activities. It does not include consultation-related activities," he said in a text message.

Datu Tungko Saikol, EMB Region 12 director, also said the ECC denial issued to Sagittarius Mines covers only construction-related activities.

ABS-CBNnews.com, 06.06.2012

Misamis village chief shot dead

By Fred Dellava

MANILA, Philippines – A barangay chairman in Misamis Oriental was killed in an ambush.

Opol town barangay chairman Sadrak Langdon was shot by one of two men on board a motorcycle while he was inside his car.

Langdon was declared dead on arrival at the Northern Mindanao Medical Center in Cagayan de Oro City.

MindaNews, 21.06.2012

CDO, Butuan journalists receive death threats after illegal logging story

By Cong B. Corrales and Erwin Mascariñas

CAGAYAN DE ORO CITY – Two editorial staff and a publisher of a local daily newspaper here and two broadcasters in Butuan City received death threats after bringing out a story on illegal logging in Northern Mindanao and in the Caraga Region.

A text message to RMN host Sassie Babar partially reads "You two prepare your coffins." Butuan broadcasters Babar and Gerry Campos, as well as Gold Star editor-in-chief Herby Gomez of Cagayan de Oro and Gold Star Gingoog correspondent Edwin Iyo, received the threats coming from the same mobile number last Tuesday (19 June 2012) morning.

Last Tuesday morning, Mindanao Gold Star Daily editor-in-chief Herbie Gomez received a text message from mobile number 0933-5352774. Also threatened in the text message is the paper's Gingoog City correspondent Edwin Iyo and publisher Ernesto "Toto" Chu.

"Apil apil ka Herbie sa tarantado nimo nga tao ninyo sa Gingoog. I apil ka namo ibahog ka namo kang Lolong. Nagtuo ka na d mi kakuha inyo number tanan. I apil pa namo si Mr. Chu. Otrohon namo inyo bday. Taga Cabantian ni," the text message reads. (Translation: "You, Herbie, are just like your panicky man in Gingoog. We will feed you, too, to Lolong [referring to the big crocodile found and being held captive in Agusan del Sur]. You believe we can't get all your numbers. We will also include Mr. Chu. We will change your birthdays. We are from Cabantian.")

The threat came after the paper published a banner story entitled "Robredo: Probe CENRO in Gingoog" on June 15. The article discussed Interior and Local Government Secretary Jesse Robredo's order to file appropriate charges against businessman Roger Edma, who allegedly moved the questionable lumber to Butuan City from Barangay Cabanti-an, Magsaysay town in Misamis Oriental last June 15.

The article quoted local officials of Butuan City as saying that some 10,067.5 board feet of hot logs seized in Butuan City last June 2 belonged to Edma.

In the same banner story, Robredo ordered the investigation and suspension of several officials of the City Environment and Natural Resources Office (CENRO) of Gingoog City after reports of illegally-cut logs being transported to Butuan City from Agusan del Sur though the Agusan River.

Sagittarius Mines has identified security as a key issue in the Tampakan project, touted as the largest known undeveloped copper-gold deposit in Southeast Asia.

In the 77-page 2011 Sustainability Report launched here late last month, Peter Forrestal, Sagittarius Mines president, noted that the company faced significant security challenges last year.

He cited the deadly ambush of three employees of a supplier company in March and the killing of SMI superintendent Cris Bual in September.

Opol Mayor Victor Yasay said Langdon once survived a similar ambush last year.

Police have launched an investigation to determine the motive for the shooting, but they suspect Langdon's mining business had something to do with his killing.

Gomez said that their Gingoog City correspondent, Edwin Iyo, told him that he has been receiving "similarly-worded death threats" after the Robredo story came out.

In Butuan City, Radio Mindanao Network broadcasters Sassie Babar and Gerry Campos also received death threats through text messages. The messages read, "Get your coffins ready, this is from Cabantian. If you intervene with Edma, your birthday will really change."

The other text said, "Mr. Campos, you are so evident in the tip of my caliber .45. I will change your birthday." The message came from the same mobile phone number used in texting the threat to Gold Star's Gomez.

Babar and Campos are radio anchors of the program "Straight to the Point." Both tackled illegal logging issues in Caraga.

Babar vowed not to stop discussing illegal logging on air, noting that in Caraga, logging may grab the limelight over radio, but immediately fizzles out. "Since we have started talking about this, we will not stop until we finish it," he stressed.

In a local television phone interview, Edma, a local logger, said the death threats did not come from him nor from any of his subordinates. He said there have been a lot of accusations against him, and stressed that he is not the only logger in the area.

In an emailed reply, Gomez said that although he is not taking the threat lightly, he remains unfazed and vowed to continue publishing illegal logging issues in the region.

"I haven't seen 'Lolong' yet and I'm looking forward to seeing this crocodile – and feeding it if its captors would allow. If and when the time comes, I will make sure that the enemy of the environment, not a journalist, would end up as its meal," said Gomez.

The Cagayan de Oro chapter of the National Union of Journalists of the Philippines (NUJP) condemned the death threats, saying "journalists should not be figured in the cross-hairs of the illegal loggers as they are only doing their job."

"We reiterate our role in reporting issues, which are inimical to public interest. Especially after the Sendong tragedy last year, it is imperative for journalists to cover issues regarding the environment. We will not be cowed but instead we will further our resolve to cover environmental issues even deeper," its 15



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statement said.

The NUJP chapter in Butuan and Agusan del Norte likewise issued its own statement, saying the threats against the media.

BicolToday.com, 22.06.2012

Radio journalist Olea killing remains unsolved

By Joey Natividad

NAGA CITY – The killing of radio journalist Romy Olea last year in Camarines Sur remains unsolved. No arrests were made and no suspects were identified.

Several members of the media led by Mark Rodriguez of NUJP (National Union of Journalists of the Philippines) Camarines Sur chapter, and Olea's family sponsored a special mass in Nabua town to mark the first death anniversary of Olea, who was slain on June 13, 2011.

Olea, 49, radio reporter of DWEB FM, was on his way to work early morning when he was gunned down in front of the Holy Child Learning Center at the boundary of Iriga City and Nabua town. Since then, authorities have drawn out nothing, but blanks in identifying the gunmen, and the mastermind. According to NUJP chapter in Albay, the police had seemed to lose interest in solving the case.

Olea was the eighth (8) Bicol journalist murdered since 1986.

The others were John Villanueva, Joy Militante and Ruel Endrial of Albay; Nelson Nadura and Tony Castillo of Masbate;

Philstar.com, 07.06.2012

6 of 'Morong 43' rejoin NPA - military

CAMP NAKAR, Lucena City – Six of the so-called Morong 43 have rejoined the armed struggle and have linked up with their Southern Tagalog-based comrades, a senior military commander said Thursday.

Col. Ivan Samarita, commander of the Philippine Army's 202nd Infantry Brigade, said the six members of the so-called Morong 43 are now the subject of an ongoing military operation in Southern Tagalog. Samarita identified them as Janice Javier, Franco Remoroso, Yolanda Macaraig, Myrna Olarte, Romeo dela Cruz and Pearl Irene Martines.

"They are saying they are not NPAs, so this proves they are NPAs." Samarita said, adding the military is determined to account the six to prove once and for all that government authorities are right all along in its findings that the "Morong 43" are active NPA members. Citing intelligence monitoring reports, Samarita said that the six are now armed and are serving as medical staff member of the New People's Army (NPA) in Southern Tagalog.

He said that Javier, Remoroso and Macaraeg are now active NPA members based in Batangas province while Olarte, Dela Cruz and Martinez are regular paramedics for an NPA unit based in Rizal province.

The six were among the 43 people arrested in a joint military and police operation in Morong town, Rizal province in February 2010. The military claimed that its operatives seized several pieces of explosive devices during the operation.

The military also claimed that the 43 were engaged in a bomb-making training in a resort house in Morong town when the operation was conducted. There were reports that several heavily armed men were able to slip at the back of the resort when Army and police troops stormed the place.

Authorities monitored the area based on reports that medical

"We condemn the personalities behind this atrocious and evil plan and decry this move as a means to undermine the freedom of the press," the group said.

Ricardo Ding Uy of Sorsogon, and Olea's colleague at dwEB FM, Mike Belen. None of the cases has been solved.

The NUJP lamented on the countless tragedies that claimed the lives of journalists, asking on "how many more anniversaries of our fallen colleagues must we, and those they left behind, commemorate in anger and sorrow for the justice that continues to be denied them?"

"Once again we say that government inaction and apathy towards media killings and other extrajudicial murders make the state complicit to these most heinous of human rights violations," said NUJP in the statement. "Every case that remains unsolved is a case the state should rightly be held accountable for".

"Allowing the loss of so many lives, many at the hands of state agents, and allowing these cases to remain unsolved can only mean one thing – this government supposedly sworn to protect us actually approves of the bloodshed," added NUJP.

teams of the NPA in the entire Luzon will be gathering in Rizal province for a training in line with their pre-planned operations during the May 2010 national elections.

During detention, five of the so-called Morong 43 later confessed and executed affidavits that they are active NPA members at the time of their arrest. The five are now under the protective custody of the military.

Minus the five, the rest of the 38 suspected rebels were charged before the Department of Justice (DOJ).

Cause-oriented groups including the entire leadership of the Communist of the Philippines (CPP) denounced the arrest and demanded their immediate release, while saying the five now under government custody were only forced to confess.

In line with the government peace initiatives with the communist, the DOJ ordered the dropping of charges against the detained suspected NPA paramedics in December of 2010. This was followed by their release.

"It's really a political decision that all of us in the Armed Forces will have to abide because we are also sincere in talking peace with them," Samarita said.

Insofar as the counter-charges filed by the suspected NPA rebels against the police and Army troops behind the Morong operations, Samarita said the military welcomes this move. "It's a good move on our part because with this we can prove before the court that they are indeed NPA rebels," Samarita said.

Lt. Gen. Roland Detabali, Southern Luzon Command (Solcom) commander, said he doubts that the so-called Morong 43 will pursue the case. He believes that the filing of the case is only part of the group's propaganda against the police and the military. "They are using this as a propaganda against the government," Detabali said.

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Bulatlat.com, 08.06.2012

Disband paramilitary groups now, rights groups say

By Ronalyn V. Olea

MANILA - Human rights groups called for the immediate dismantling of paramilitary forces after a high-ranking military official announced that the government would do so by 2016.

In a report by online news site Interaskyon.com [2], Lt. Gen. Emmanuel Bautista, commanding general of the Philippine Army, said he sees the dismantling of 60,000 paramilitary forces in the country by 2016, within the end of the implementation of the Internal Peace and Security Plan (IPSP) Bayanihan of the Armed Forces of the Philippines (AFP). Bautista said that one premise is the abandonment of armed struggle by the Communist Party of the Philippines (CPP) and the New People's Army (NPA).

The Aquino administration failed to disband the Civilian Armed Forces Geographical Unit (CAFGU) and the Special Civilian Armed Forces Geographical Unit Active Auxiliary (SCAA) despite overwhelming clamor from local and international human rights groups.

"Disbanding the paramilitary forces [Citizen Armed Forces Geographical Unit (Cafgu) and Special Citizens Active Auxiliaries (SCAA)] is a welcome move but the armed forces need not wait for 2016 to do this. It should dismantle them now," said Carlos Conde, Asia researcher at Human Rights Watch.

Cristina Palabay, spokeswoman of Karapatan, said there should be no ifs and buts. "The Armed Forces of the Philippines and President Benigno Aquino III should disband all Cafgu, SCAA and CVOs [civilian volunteer organizations] now lest another Maguindanao massacre and other human rights violations happen again."

The massacre on November 16, 2009, allegedly participated in

Philippine Star, 06.06.2012

Akbars, Hatamans sign peace pact

By Roel Pareño

ISABELA CITY, Basilan, Philippines - Two top political clans yesterday ended their bitter and bloody war in this strife-torn and impoverished province with the signing of a peace covenant.

Basilan Gov. Jum Akbar and Autonomous Region in Muslim Mindanao (ARMM) officer-in-charge Gov. Mujiv Hataman led more than 5,000 Basileños in the signing of the "covenant of solidarity for peace and development" at the Basilan State College.

The signing was witnessed by Interior and Local Government Secretary Jesse Robredo, Presidential Adviser on the Peace Process Teresita Deles, the governors of Lanao del Sur, Sulu and Tawi-Tawi, and members of the Hataman and Akbar clans.

"From this day and onwards no more supporters will be called for the Hatamans and the Akbars, instead supporters for peace and development of Basilan. Indeed, politics of guns, goons and gold must end today," Hataman said in his speech after the signing.

Hataman called on local political leaders to sacrifice their interest in the name of service for the peace, solidarity and development of Basilan.

Hataman called on ARMM folk not to allow "outsiders" to

VeraFiles.org, 22.04.2012

2 Manila cops caught in torture video yield

By MYLAH REYES-ROQUE

Two of seven Manila cops implicated in the torture of a theft

by paramilitary groups linked with the powerful Ampatuan clan, claimed the lives of 56 individuals, including 32 journalists. One journalist remains missing to this day.

Conde said the Cafgus and the SCAA have a long history of human-rights abuses with impunity. The government should hold accountable paramilitary members implicated in abuses immediately." Palabay said all executive orders regarding the creation of these groups should be revoked and all funds appropriated for these purposes should be realigned for education, health and other social services. Palabay said the AFP's preconditions are "nothing but veiled attempts to justify the existence of these paramilitary groups.

In the same vein, Conde said: "It's not realistic to disband paramilitaries only once the communist New People's Army abandon their armed struggle as Bautista claims. The government has a duty to protect human rights and punish state forces who violate these rights. This obligation is not contingent on the behavior of insurgent groups."

Both groups urged the Philippine government to heed recommendations by several countries during the recently-concluded Universal Periodic Review at the United Nations Human Rights Council, one of which was the dismantling of paramilitary forces. The US, during the session in Geneva, urged the Philippines to "take new additional measures to ensure that the military exercises full control over Civilian Armed Forces Geographical Units and the police over Civilian Volunteer Organizations, holding these units accountable for the Philippines' obligations under international human rights law."

develop perceptions that Muslims do not know how to lead and serve just because of political greed.

For his part, Akbar said it was not an easy decision for his family, but in the interest of the people of Basilan, they eventually supported the unification and reconciliation of the two warring clans.

Robredo said he believes that efforts of the two powerful clans would bring more benefits to the province, which has lagged behind due to political squabbles.

He said he is also looking forward to reconcile warring political clans in other provinces like Masbate where the situation, he said, is worse than in Basilan.

The Akbars and Hatamans used to be political allies, until the 2004 elections when they parted ways, fielding their own candidates in the subsequent polls.

The rivalry came to a head when the Akbars' patriarch, then congressman Wahab Akbar, was killed in a bomb explosion on Nov. 13, 2007 at Batasan Pambansa in Quezon City.

Formal charges were subsequently filed against Hataman and his brother Jim, the incumbent Basilan congressman, and former House deputy speaker Gerry Salapuddin.

suspect through a video leaked online have surrendered and are

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detained at the Manila City jail.

Senior Police Officer 1 Rodolfo Ong Jr. and Police Officer 1 Rex Binayug pleaded not guilty on April 18 before Manila Judge Tita Bughao Alisuag. Their co-accused, including Senior Inspector Joselito Binayug, the principal accused, are at large.

Following reports that Joselito Binayug is missing, the Philippine College of Criminology-Manila Law College confirmed that the senior inspector is no longer teaching in their school.

The four other policemen accused of violating Republic Act 9745 or the Anti-Torture Act of 2009 are Superintendent Rogelio Rosales Jr., SPO3 Joaquin de Guzman, SPO1 Dante Bautista and PO1 Nonito Binayug. Rex Binayug is a cousin of Joselito and Nonito Binayug, who are brothers.

Margie Evangelista, wife of Darius who is presumed to be the man being tortured in the video, expressed shock that she saw two of the accused policemen being arraigned. "Akala ko imposibleng mangyari (I thought it would never happen)," she said.

State Prosecutor Philip Kimpo and private prosecutor Gilbert Andres described the development as a moral victory for one of the first test cases for the new torture law.

In open court, Alisuag was overheard telling the group of lawyers led by Norman Versoza to produce the rest of the accused before the court, adding "baka hindi naman kayo sigurado na may evidence si fiscal (you can't be certain that the prosecutor has the evidence)."

She was also overheard noting that both Joselito and his lawyer were absent.

Kimpo said Ong and Rex Binayug did the right thing by facing the charges in court.

"Torture is nonbailable, but I challenge them and those who are missing, to prove that the prosecution's evidence is weak. It is not unheard of that the accused can get bail if the evidence is not strong enough," he said. The police's Task Force Asuncion has identified Joselito Binayug as the man in the torture video. Its

Philippine Star, 03.06.2012

No more private armies in N. Ecija – PNP

By Manny Galvez

CABANATUAN CITY, Philippines – The Philippine National Police (PNP) said yesterday there are no more private armed groups (PAGs) that can threaten the holding of honest, orderly and peaceful elections in this province next year.

Senior Superintendent Manuel Lukban, acting provincial police director, said the latest validation of the PNP showed that no single PAG identified with politicians is operating in the province.

Lukban said the validation was completed two weeks ago with the help of the Philippine Army and the intelligence community. President Aquino earlier ordered the PNP to step up its efforts to dismantle PAGs to ensure the holding of orderly and peaceful mid-term elections next year. [...]

Records show that 28 PAGs had been dismantled with 106 suspects arrested. Eighty-six groups remain active. Nueva Ecija has

VERAfiles.org, 11.06.2012

VERA Files Series Part 1: JBC partly to blame for problems in judiciary

This is a three-part series by VERA Files which we hope you will find useful as it monitors the selection of the next Chief Justice of the Supreme Court. Due to its considerable length, we will present Part 2 and 3 in the upcoming issues of our HR News. Should you not want to wait, you can find the complete article here: [Part 2](#) [Part 3](#)

THE Judicial and Bar Council is now the focus of national attention as it begins the process of recommending a replacement for ousted Supreme Court Chief Justice Renato Corona. The process,

recommendation was adopted by the Justice Department and the Philippine National Police, with then NCR Police Director Nicanor Bartolome, affirming that the footage speaks for itself.

"The unnamed police official seen on the video footage aired by the ABS-CBN on August 17, 2010, where an unidentified naked male person was lying on the cement floor of a Police Community Precinct (PCP) with a string attached to his private organ being pulled and whipped simultaneously by another male person, was respondent PSINSP Binayug," he said.

According to Ramil G. Gabao, dean of the Philippine College of Criminology-Manila Law College, the school's Board of Trustees "decided not to renew Binayug's appointment as a part-time instructor due to the controversy attached to his employment."

Binayug taught Crime Detection Investigation in the privately run school last year. Human Rights Commissioner Loretta Ann Rosales, who was assisting Evangelista's wife Margie, looked further into the matter and sought clarification from the Professional Regulation Commission.

According to the PRC, it appears that Binayug should not have been allowed to teach the course at all.

An Aug. 3 certification issued by Perla D. Sayana, chief of the PRC's Registration Division, said, "The name Joselito Binayug does not appear in the database of Criminologist which contains the names of those duly authorized to practice criminology in the Philippines."

During the arraignment, it became apparent that aside from being a test case for the torture law, the case foreshadows the conflict between the National Bureau of Investigation and the Manila Police District, the cops' home agency.

Kimpo asked the judge to direct the NBI to serve the warrant on the five missing policemen. He said the judge told him to put the request in writing.

Alisuag is one of several candidates who have been interviewed by the Judicial and Bar Council for three upcoming vacancies at the Court of Appeals.

been traditionally tagged as an election "hot spot" because of alleged warlordism and heated political rivalries, which led to the death of 100 politicians and their armed supporters.

In 2009, the Department of National Defense said there were at least 132 PAGs connected to political clans in the country. These PAGs – composed of some 10,000 men – were reportedly used to intimidate their political rivals in past elections.

Gov. Aurelio Umali had called on the Commission on Elections to remove the province from its list of its so-called election hot spots, saying election-related violence was considerably reduced in the 2007 and 2010 local polls.

Senior Superintendent Oscar Albayalde, chief of the regional intelligence division of the PNP Regional Office 3, however, said up to two PAGs have been monitored to be still operating in the province, part of the total of six PAGs in the entire region.

if done right, is expected to help restore public confidence in the High Tribunal.

Yet many in the legal profession, the judiciary and civil society

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say the JBC needs reforming, because it is partly responsible for the problems in the judiciary. These problems are exemplified by the rise and fall of Corona, a “midnight appointee” who was eventually impeached and convicted for violating the Constitution and betraying public trust.

The 1987 Constitution vests in the JBC the responsibility of nominating qualified candidates to the judiciary, including the Chief Justice, to the appointing power, the President. It was supposed to remove politics from the appointment processes of the past. From 1972 to 1986, judicial appointments rested solely in the hands of then President Ferdinand Marcos. In the pre-martial law era, appointments to the judiciary made by the President passed through the Commission on Appointments, a body composed of members of the Senate and the House of Representatives.

But several lawyers, judges and members of civil society interviewed over a four-month research questioned the independence of the JBC, whose members are often alter egos of the President appointed to supposedly make sure his choices end up in the council’s list. Nominees, meanwhile, have resorted to lobbying with not only Malacanang but with the JBC to get into the coveted shortlist, relying on backers that include politicians, presidential friends and relatives, and even religious leaders, including bishops.

JBC composition

The JBC is composed of eight members, four of them ex officio, which means they sit by reason of their office. These are the Chief Justice as ex officio chairman, the Secretary of Justice, and one representative each from both houses of Congress, traditionally the chairperson of the Justice and Human Rights Committee in the Senate and the Justice Committee in the House.

The other four are regular members appointed by the President and confirmed by the Commission on Appointments. They represent the Integrated Bar of the Philippines, the law schools, retired justices of the Supreme Court and the private sector.

Over the years, the interpretation of the constitutional provision on Congress’ representation in the JBC has changed. The Constitution created a seven-member council and gave Congress one seat. For more than a decade, representatives of the Senate and the House of Representatives alternately represented Congress in the council and shared one vote. But the setup changed in 2001 when they were given one vote each.

The concession given to Congress, critics point out, has made the JBC more politicized as the legislative branch ended up having a bigger say than the executive and judicial branches, each of which continues to have only one vote.

Sources say the two members of Congress and the justice secretary have been known to vote according to the President’s preferences on numerous occasions, with the Corona experience just one of many examples.

In September 2001 when Corona was nominated associate justice, Sen. Francis Pangilinan and then Taguig Rep. Alan Peter Cayetano represented Congress in the JBC. During the deliberations in 2001, these two, along with the other JBC members, apparently ignored the warnings of Jose Ma. Basa III who had gone to the JBC and accused Corona of “condoning the unfair and unlawful actions of his wife” in the Basa-Guidote family land dispute. Corona ranked first in the JBC shortlist in 2002, and was appointed April 9, 2002.

In his centennial lecture at the University of the Philippines College of Law last year, retired Chief Justice Reynato Puno singled out the three ex officio members as “carriers of the virus” of “partisan politics,” who, he said, could turn into the “swing votes” in determining who makes it to the shortlist to be submitted to Malacanang.

Regular members

Some lawyers also question whether the regular members exercise independence and whether they truly represent their sectors, when it is the President who appoints them.

“There is no genuine representation from the different sectors. It’s the fault also of the stakeholders. They did not organize. They failed to insist that the JBC representative come from their ranks,” one source said.

Rolando Inting, executive director for administration of the IBP, cites the IBP as example.

In the initial years, whoever was IBP president was automatically its representative to the JBC. Later, the President appointed the representative endorsed by the IBP board.

In 1997, however, then President Fidel Ramos reversed the process when he appointed his personal choice, Amado Dimayuga, who did not have the prior recommendation of the IBP board. “(Dimayuga) was first appointed by Ramos without the prior conformity (of the IBP board). He got the conformity later,” Inting said

Only recently, under President Benigno Aquino III, was the IBP again able to nominate its own choice: Milagros Fernan-Cayosa.

But Aquino’s appointment of the current representative of academe to the JBC, lawyer Jose Mejia, has rankled people in and out of the court. Reportedly a classmate of Executive Secretary Paquito Ochoa, who helps vet nominees for the judiciary in behalf of Aquino, Mejia is not a law school professor, but a faculty member of the De La Salle University College of Business and Economics, teaching commercial law to business and economics undergraduates.

JBC REGULAR MEMBERS

Member	Sector	Inclusive Date of Service	Years Served
Regino C. Hermosisma, Jr. (Current member)	Retired SC Justices	Nov 24 1997–July 9, 2001 Sept 10, 2001–July 9, 2005 Oct 4, 2005–July 9, 2009 July 10, 2009–July 9, 2013*	15 years, 2 months* (When term ends)
Teresita Cruz Sison	Private Sector	Dec 10, 1988–July 9, 1992 Sept 30 1992–July 9, 1996 July 10, 1997–July 9, 2000 Aug 18 2000–July 9, 2004	14 years, 2 months
Amado L. Dimayuga	IBP IBP Academe Academe	July 8, 1997–July 9, 1999 July 9, 1999–8 July 2003 July 9, 2003–July 9, 2006 July 9, 2006–July 9, 2010	13 years
Conrado P. Castro	IBP	July 9, 2003–July 9, 2007 Oct 30 2007–July 9, 2011	7 years, 8 months
Rodolfo C. Palma	Academe	Dec 10, 1987–July 9, 1990 July 10, 1990–July 9, 1994	6 years, 7 months
Ofelia C. Santos	Private Sector	Dec 10, 1987–Dec 10, 1988 Dec 10, 1988–July 9, 1992	4 years, 7 months
Ma. Milagros Fernan-Cayosa (Current member)	IBP	May 2 2011–July 9, 2015*	4 years, 2 months* (When term ends)
Alfredo M. Marigomen	Academe	July 23, 1998–July 9, 2002	4 years
Jose C. Campos, Jr.	Retired SC Justices	Sept 22, 1993–July 9, 1997	3 years, 9 months
Aurora S. Lagman (Current member)	Private Sector	Oct 8, 2008–July 9, 2012	3 years, 9 months* (When term ends)
Lorenzo R. Relova	Retired SC Justices	Jan 8, 1990–July 9, 1993	3 years, 6 months
Cezar C. Peralejo	Academe	Feb 8, 1995–July 9, 1998	3 years, 5 months
Jose V. Mejia (Current member)	Academe	April 28, 2011–July 9, 2014*	3 years, 2 months* (When term ends)
Leon M. Garcia, Jr.	IBP	June 17, 1988–July 9, 1991	3 years
Raoul V. Victorino	Private Sector	July 12, 2005–July 9, 2008	3 years
Presbitero J. Velasco, Jr.	IBP	Jan 7, 1993–March 22, 1995	2 years, 2 months
Nestor B. Alampay	Retired SC Justices	Dec 10, 1987–Dec 10, 1989	2 years
Francisco B. Santiago	IBP	Aug 1, 1995–8 July 1996	11 months

The Constitution provides a four-year term for regular members but imposes no limit to their reappointment. Retired SC Associate Justice and now JBC executive committee chairman Regino Hermosisma, for example, has been appointed four times as the representative of retired justices. He has been on the council for 14 years.

Regular members may also be reappointed in varying capacities. Dimayuga was first appointed as IBP representative and later as a representative of the academe. A dean emeritus of the University of Santo Tomas where he teaches civil law, Dimayuga logged 13 years in the JBC.

Sources said the desire to stay on in the JBC may affect the independence of regular members. “If JBC members want to be reappointed, they have to do the President’s bidding,” said a

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member of the judiciary.

Interestingly, an occasion when regular members demonstrated their so-called lack of independence also had to do with Corona. In 1998, as his term was drawing to a close, Ramos wanted the JBC to fill up the position vacated by SC Associate Justice Ricardo Francisco who had retired that February. Palace insiders said Ramos wanted to appoint Corona, his chief legal adviser, to the high tribunal despite the election ban on appointments.

A few days before the elections in early May, in an exchange of letters with then Chief Justice Andres Narvasa, Ramos insisted that the council convene and submit nominees for the vacancy.

When Narvasa refused to do so, the four regular JBC members, all Ramos appointees, attempted to convene the council and asked then Justice Secretary and ex-officio member Silvestre Bello III to preside over the meeting in the absence of the Chief Justice. But Bello, in a bid to avert a crisis, decided to phone Narvasa who prevailed upon the other JBC members not to nominate anyone.

The high tribunal subsequently issued an en banc resolution supporting Narvasa's position to observe the restriction on the President's power to appoint during that election period, even if the Constitution provides that vacancies in the High Court must be filled within 90 days after they occur. The SC further stated that the ban includes appointments to the judiciary and not just executive appointees.

Ironically, the Supreme Court reversed itself in 2010, paving the way for Gloria Macapagal-Arroyo to appoint Corona as Chief Justice during the election ban. By then, the High Court was already packed with her appointees, many of whom had breezed through the JBC, and had earned the scathing moniker the "Arroyo Court."

Criteria for nomination

The JBC is empowered to accept and filter nominees for the posts of Chief Justice and the 14 associate justices of the Supreme Court, 69 justices of the Court of Appeals, 15 justices of the Sandiganbayan, nine justices of the Court of Tax Appeals and more than 2,200 judges in the regional trial courts and lower courts. It also nominates the Ombudsman and his or her deputies.

The Constitution requires appointees to be of proven competence, integrity, probity and independence. Candidates to the Supreme Court must also, at the minimum, be a natural-born citizen of the Philippines, at least 40 years of age, and must have been for 15 years or more a judge of a lower court or engaged in the practice of law in the country.

The whole process starts with the call for applications for vacancies posted in the JBC and the Supreme Court websites.

An applicant's competence is weighed based on his or her education, experience, performance and other accomplishments like authorship of law books, treatises, articles and other legal writings, whether published or not; and leadership in professional, civic or other organizations. Completion of the prejudicature program of the Philippine Judicial Academy is required, but may be waived in places where there are not enough applicants.

The JBC enlists the National Bureau of Investigation to do background checks on applicants. But JBC Executive Officer Annaliza Ty-Capacite said the NBI does not always submit its findings on time. There have been instances when the applicant was already appointed but the NBI had yet to get back to the council with the outcome of its investigation.

Written opposition and even testimonies of oppositors at a hearing conducted for the purpose are entertained. Anonymous complaints, however, are not, unless there is probable cause that the accusations against the applicant are true.

In 2009, the council started to implement the Survey System on

applicants to the appellate courts to supplement the NBI background check. Survey forms, formulated by the research institution Social Weather Stations, are given to the applicant's colleagues to fill out. The results of the survey are given persuasive weight.

The council also makes sure that the applicant possesses none of the disqualifications for the position: no pending criminal or administrative cases in local or foreign courts, and no conviction in any criminal case or in an administrative case, where the penalty imposed is at least a fine of more than P10,000, unless he has been granted judicial clemency.

Bending the rules

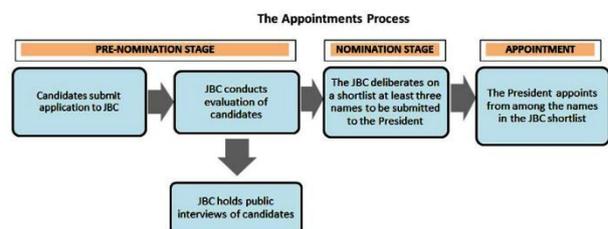
The JBC, however, has in the past bended the rules to accommodate the President. In 2009, it voted to relax the rules on age limits for Supreme Court nominees. That rule stated: "The Council shall not consider for nomination non-career and career applicants who may no longer be able to serve the court for at least five years or for at least one and one-half years, respectively, before reaching the compulsory age of retirement," which was 70.

The moved benefited Rodolfo Robles, a private practitioner and a friend of then President Arroyo who was being considered a candidate for associate justice. Robles was 65 years and four months old at the time, and would have served less than the required five years.

Robles made it to the shortlist submitted to the President, to the chagrin of civil society groups then monitoring Supreme Court appointments, but he was not appointed.

Meanwhile, ex officio member and Iloilo Rep. Niel Tupas once proposed to relax the JBC rules on qualifications for nomination and allow those who have been fined by up to P20,000 to be considered for appointment or promotion to the judiciary. He was roundly criticized by former Chief Justices Hilario Davide, Artemio Panganiban and Reynato Puno, and by the Supreme Courts Appointments Watch (SCAW), a judicial watchdog.

And the JBC has still to live down its mistake of nominating Chinese-born Gregory Ong to the vacancy in the Supreme Court in 2007. Ong actually got appointed by Arroyo who was, however, forced to withdraw his appointment the day after she announced it when civil society groups Kilosbayan Foundation and Bantay Katarungan raised the citizenship issue before the Supreme Court and eventually won the case. (Ong heads the Sandiganbayan's Fourth Division which is trying the graft cases against Arroyo, including those stemming from the controversial \$329 million national broadband network contract with China's ZTE Corp.)



Shortlist

Based on the deliberation and evaluation, the JBC comes up with a shorter list of applicants to be interviewed. The dates of the interviews of candidates in the shorter list must be published in two newspapers of general circulation, and in both the Supreme Court and the JBC websites.

The council en banc, or any panel of members authorized by the council, then conducts a personal interview of candidates to observe their personality, demeanor, deportment and physical condition, and to assess applicants' ability to express them-



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selves, especially in the language of the law in court trials and proceedings and in their decisions or rulings.

A 2002 resolution mandated that interviews be made public, but cameras and tape recorders are not allowed inside the room. Television and radio coverage are also prohibited. Only the members of the JBC can ask questions of the candidate. In 2011, however, Vincent Lazardin of SCAW was allowed to broadcast in real time his observations of the public interviews of candidates for the position of Ombudsman using the social media network Twitter.

After the interviews are completed, the JBC meets in executive session for the final deliberation on the shortlist of candidates. Under its own rules promulgated in 2000, the council must give "due weight and regard" to the recommendees of the Supreme Court when the slot at stake is in the highest court of the land.

For the Supreme Court and lower appellate courts, a list of at least three nominees for every vacancy has to be transmitted to the President. Candidates are ranked according to the number of votes they garner in the shortlist sent to the Office of the President. In 2008, the JBC approved the open voting system, in which the tally sheets of the JBC members' votes during their closed-door deliberations are to be released to the public. (Names of candidates to lower courts are not ranked.)

But, citing anecdotal evidence where the JBC had failed to muster a majority vote of all members and demonstrated inconsistencies in voting patterns, among others, the SCAW said the council's selection process is hardly a filtering system for the best and the brightest. According to SCAW, there had been cases where the JBC went through two rounds of voting because the first round failed to come up with at least three names that garnered the required majority vote of council members. A JBC member once admitted that the shortlist submitted to the President was expanded, including candidates not previously qualified, at the request of the appointing power.

In at least two instances in 2009, SCAW said the JBC twice "forced itself to come up with six names even if there were not six qualified candidates among the pool of applicants" for two vacant SC positions, just to satisfy the single search and shortlist process.

(To be continued)

(This series is adapted from VERA Files' study on the post-Marcos judicial appointments process.)